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House of Representatives

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

PRAYER

Bishop Jerry Hutchins, Timothy Baptist Church, Athens, Georgia, offered the following prayer:

Our Father in Heaven, we humbly approach Your throne today.

Your servant Solomon prayed, ''Give me an understanding mind so that I can govern Your people well and know the difference between right and wrong; for who, by himself, is able to govern this great nation of Yours?''

You responded to Solomon, ''Because you have asked for wisdom in governing My people and have not asked for a long life or riches for yourself or for the death of your enemies, I will give you what you have asked for. I will give you a wise and understanding mind such as no one else has ever had or ever will have.''

Our prayer today, O God, is that You grant these men and women wisdom to govern this great Nation. May Your wisdom guide every decision and You be glorified. Send Your Holy Spirit to guide us in Your wisdom.

In His name we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING BISHOP JERRY HUTCHINS

The SPEAKER. Without objection, the gentleman from Georgia (Mr. BROUN) is recognized for 1 minute.

There was no objection.

Mr. BROUN of Georgia. All of us are influenced by the people around us, people who come into our lives. Our guest pastor today, Bishop Jerry Hutchins, is one of those warriors who has tremendously influenced me and the people of Athens, Georgia. He is a warrior for righteousness, a warrior to establish the Kingdom here on Earth as our Lord Jesus Christ has charged us to do. He is a great friend; he is a great pastor, and I'm honored to have him here today as our guest pastor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. JACKSON of Illinois).

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

DEATH OF U.S. CONSULATE STAFF

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

Ms. CHU. Mr. Speaker, last weekend a tragedy sent shock waves through the U.S. and Mexico when three U.S. consulate employees and their family were brutally murdered in Mexico by the drug cartels. They were all headed home from a birthday party when gunmen opened fire on the car of Lesley Enriquez, an employee of the U.S. consulate and her husband. Their 7-month-old infant, crying in the back seat, was miraculously unharmed. Minutes later, Jorge Salcido, husband of a consulate employee, was shot to death. His two young children suffered serious injuries in the back seat of the car.

This is the latest in the string of attacks on innocent American and Mexican citizens, including Bobby Salcedo, an elected official and rising star from my district in El Monte, California, who was recently murdered in a shocking execution in Durango, Mexico.

The murderers of these employees and of Bobby Salcedo must be brought to justice and the U.S. must renew and increase efforts to help Mexico bring an end to the terror of the drug cartels. This violence must be stopped.

THE MONOPOLY OF GOVERNMENT

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

Mr. POE of Texas. Mr. Speaker, when I traveled to the old Soviet Union in the 1980s, nobody walked around smiling or joking or laughing. It was all gloom, doom, and despair.

Living under government tyranny destroys the human spirit, the mind, the soul, and the body. The monopoly of government kills off the notion of individuality. Bureaucracies have an insensitive cookie-cutter solution for everything. It's the same with government-run health care.

Thomas Jefferson was a visionary. He talked about government-run health care. He said, ''If the government decides what foods people eat and what medicines they take, their bodies will soon be in as sorry a state as are the souls of those who live under tyranny.''

Government-run health care pushes us down the road to ''we the subjects'' instead of ''we the people.'' Instead of us controlling government, government controls us. That's what tyranny is.

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The monopoly of government-run health care will have the efficiency of the post office, the competency of FEMA, and the compassion of the good old IRS.

And that's just the way it is.

HEALTH CARE REFORM

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

Mr. SIRES. Mr. Speaker, we must not let this historic opportunity slip away. If we do not act, rising health care costs will continue to crush families and businesses, forcing small business owners to choose between health care and jobs. If we do nothing, in 30 years, $1 out of every $3 in our economy will be tied up in the health care system. If we fail to pass reform, premiums for both single and family policies could more than double by 2020, continuing to pad the bottom line of insurance companies at the expense of the American workers.

If we can pass health reform, consumers will be able to select their insurance plan and doctors, and they would no longer be denied coverage because of preexisting conditions and they can keep their coverage when they change jobs.

Finally, reforming our health care system will allow us to free up more money for jobs and for economic activity while assisting small businesses to add an estimated 80,000 new jobs.

Mr. Speaker, how long are 46 million uninsured Americans supposed to wait? The American people deserve to take back control over their health care system.

HEALTH CARE REFORM

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

Mr. INGLIS. Mr. Speaker, the government draws its legitimacy from the consent of the governed. I have here over 3,000 letters from the constituents in the Fourth District saying this: I write this letter to emphatically say I do not want this massive health care bill. I believe it costs too much, it taxes too much, and it will kill jobs. Reconciliation is the utmost of partisan maneuvers on such a bill and would be ill-advised. Health care reform needs to be addressed. Getting the economy going and restoring jobs should come first. I'm among those who favor a step-by-step commonsense approach that focuses on lowering costs for families and small business.

Mr. Speaker, reject this bill. Give us the consent of the governed, allow us to pass a bill that has the consent of the governed, and then we restore the legitimacy of this body. Stop the cramdown of health care reform.

HEALTH CARE REFORM

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

Mr. BACA. Mr. Speaker, we must pass health care reform now. A step-by-step approach is not the answer. If we do nothing, Americans will continue to pay higher premiums and higher out-of-pocket costs now and in the future. There are too many Americans that are without health coverage.

In my district in San Bernardino County, California, there are over 220,000 without coverage. We also face a 15 percent unemployment rate and the fourth highest foreclosure rate in the Nation.

Health care reform will lower the costs and hold health insurance companies accountable; end discrimination based on preexisting conditions; cut and eventually close the doughnut hole for thousands of seniors, including 5,200 seniors in my district; cut the national deficit by $100 billion over 10 years; and produce over 4 million new jobs in the coming decade.

Families, not insurance companies, deserve the right to make their own health care decisions. Congress must not kick the can down the road. We need health care reform now. I state, we need health care reform now. This is a historic moment.

I ask us to support health care reform now—not tomorrow, not in the future, but now.

HEALTH CARE REFORM

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, when you practice law, there is an old expression that goes something like this: If you have the facts, argue the facts; if you have the law, argue the law; if you have neither, attack your opponent. That appears to be what's happening.

There are those of us who have argued that the process that we are engaged in—that is that we will not vote on the Senate bill but we will kind of vote on the Senate bill; we will deem it passed—is unconstitutional. And in response to that, the Speaker of the House has said this: I think it's ridiculous and the people who are telling you it's unconstitutional know better, and you should be very outraged that people who know better would say things like that. They know when they talk they're not telling the truth.

I resent being called a liar by the Speaker of the House. I resent the fact because there are constitutional scholars who have said this is unconstitutional.

Now, I have only argued one case before the Supreme Court—which I won on behalf of the People of the State of California—so I am not considered one of the great practitioners before the Supreme Court, but we have spoken to one of them who will work with us in bringing this case to the Supreme Court if we try this outrage against the American people.

Let's stick to the facts, stick to the law, and stop attacking people personally.

□ 1015

NATIONAL AGRICULTURE WEEK

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

Mr. CHILDERS. Mr. Speaker, I rise today in honor of National Ag Week. This week we honor our farmers and the agriculture industry as a whole for their critical contributions to America's local economies, communities, and families. Agriculture is the backbone of the South and the number one industry in the State of Mississippi. Not only is it responsible for providing the necessities of everyday life, food, fiber, clothing, and fuel, to name a few, but it also plays a key role in spurring local economic development and strengthening American competitiveness in today's global economy.

I'm very honored to serve as the only member of Mississippi's delegation on the House Agriculture Committee. I'm also proud to co-chair the bipartisan Congressional Rural Caucus, which I joined Republican ADRIAN SMITH in reestablishing last year to address important challenges unique to rural America. Together we've reached across party lines to promote universal broadband access, economic development in rural communities, and the creation of a White House Office of Rural Policy.

I urge my colleagues to join the Congressional Rural Caucus in recognizing National Agriculture Week.

NO CLOSER FRIEND THAN ISRAEL

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

Mr. MORAN of Kansas. Despite the diplomatic inconsistencies of the Obama administration, one thing is certain: Support for the U.S.-Israeli alliance remains strong in Congress. Israel is America's closest friend in the most volatile region of the world. It is a democracy that shares our values and hopes for a more peaceful world. Regrettably, the administration's recent misstep undermines our shared goal of peace and distracts from more pressing issues.

Israel has a history of making peace with its neighbors and is prepared to make peace now. But peace is a two-way street, and the Palestinians' commitment to that peace is in doubt. Rather than make demands upon Israel for concession after concession, President Obama should work closely and privately with Israel, recognizing our two Nations' long and trusted alliance. Israeli peace agreements between Egypt and Jordan have been reached in the past when U.S. support for Israel was strong and consistent. The same level of commitment and closeness is now needed.

Make no mistake: Israel is our ally and friend. The administration needs to confirm that fact with its words and deeds.

HEALTH CARE REFORM

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

Ms. EDWARDS of Maryland. Mr. Speaker, Congress is on the brink of passing comprehensive health care reform to ensure that all Americans have access to affordable and high quality care, health care that protects consumers and not just insurance companies. We need reform to rein in these companies and to hold them accountable for discriminatory and inhumane practices, policies like gender rating that force women to pay higher premiums than men just because we are women, and denials for preexisting conditions that can even include a history of domestic violence.

We need reform to change the practice of insurance companies denying children with preexisting conditions or dropping someone's coverage if that person falls ill. We can't put it off. We can't wait. If we do nothing, in 30 years, one out of every $3 will be spent on health care. If we fail, families will see spending on premiums and out-of-pocket costs jump 34 percent in 5 years and 79 percent in 10.

The American people not only want reform, they need reform. They are asking for reform. We made a promise to the American people to pass health care reform. It's time to keep our promise. It's time to get this done, and it's time to pass health care reform.

NO TRUER FRIEND THAN ISRAEL

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

Mr. JORDAN of Ohio. Mr. Speaker, America has no truer friend than Israel. We stand together on freedom, on democracy, and on security. More importantly, America and Israel share the unique ability to trace our roots back to the hopes and dreams of our ancestors. Even before the days of King David and King Solomon, Israel has been the center of the Jewish tradition. Israel is a sovereign nation surrounded by sworn enemies determined to wipe it off the map. Yet Israel remains committed to freedom and democracy.

Mr. Speaker, I'm concerned about the recent counterproductive statements made by the administration that threaten to undermine America's 60-year relationship with Israel. Criticizing Israel for developing its land in Jerusalem is just plain wrong. Directing public demands and unilateral deadlines with Israel while Iran continues its pursuit of nuclear weapons is beyond wrong. It is dangerous.

Mr. Speaker, if America is to be a superpower, we must remain steadfast when the political winds blow. If America is to lead the world, we must act as a true friend to our ally, the nation of Israel.

HEALTH CARE REFORM

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

Mr. McDERMOTT. Mr. Speaker, I rise today as a physician out of concern for my Republican colleagues, many of whom seem to be suffering from chronic amnesia or chronic ignorance. When we started talking about the possibility of using this ''deem and pass'' procedure to finish the job on health care reform, Republicans couldn't run fast enough to find a television camera to complain. Fact check: This procedure has been widely used since the 1930s and was, in fact, used no fewer than 202 times under Speakers Gingrich and Hastert, amounting to 30 percent of the rules put forth by the committees under their leadership.

All this hypocrisy is kind of galling. I hope my Republicans can recover from this amnesia in time to watch the Congress pass a bill that the American people need and want. They do not like the health care system that is in this country. They want reform, and we are going to give it to them.

PATH TO CONFLICT

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

Mr. McCLINTOCK. Mr. Speaker, I rise to express my great concern over the recent statements by administration officials regarding Israeli housing construction in that nation's capital city. History warns us that appeasement of mutual enemies is the surest way to destroy alliances and to invite aggression. And yet the rhetoric of this administration is taking us down this dangerous road. Israel has every right to allow construction in its capital city and throughout the West Bank, over which it exercises rightful sovereignty.

The administration seems to have forgotten that Jordan attacked Israel in 1967, not the other way around, and the result was the Israeli acquisition of this land. The Israelis haven't forgotten that, nor have they forgotten the folly of unilaterally giving up the Gaza Strip from which rockets are now routinely launched against Israeli citizens. Imagine the danger to Israel's capital by repeating that mistake in east Jerusalem.

Mr. Speaker, appeasement all but guarantees an escalation of conflict.

AIDS/HIV

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

Ms. WATSON. Mr. Speaker, I rise today to speak out against the HIV–AIDS epidemic in African-American communities. While African Americans are 12 percent of the United States population, approximately 50 percent of HIV–AIDS patients nationwide are black. Just over the the last 6 months, 452 new cases of HIV were reported in Los Angeles County alone. Our prevention strategy is clearly not working for many of our constituents. That is why I support H.R. 1964, the National Black Clergy for the Elimination of HIV–AIDS Act. They sit up on our right in our gallery, and I welcome them here.

This bill seeks to expand and increase programs for HIV education, prevention, testing, care, and treatment in ways that are responsive to the needs of African-American communities. Moreover, this bill recognizes how important faith-based outreach is.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Speaker reminds Members that it is against the rules to refer to guests in the gallery.

HEALTH CARE REFORM

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

Mr. FLEMING. Mr. Speaker, over months of debate over the government takeover of health care, a growing list of terms created by the Democrats have been added to the American lexicon, terms such as ''Cornhusker kickback,'' ''Louisiana purchase,'' ''Gator aid,'' the ''doc fix,'' ''reconciliation,'' ''nuclear option,'' ''taxpayer-funded abortions,'' and now worst of all, ''deeming a bill passed,'' ''self-executing'' and the ''Slaughter solution.''

The Democrat House members carp that the American people don't care about the process. After speaking to thousands of Americans about this—not only do they absolutely hate this bill 3 to 1 and feel it will damage America forever, they feel the Democrat Party's arrogance of power is unprecedented in American history.

Mr. Speaker, process does matter, especially when Members of Congress and a President get themselves elected to power on the promise of transparency and ethics, and then stoop to a system of bribes and creative parliamentarian procedures to ram through a government takeover of one-sixth of the economy, health care, merely to advance their ideology of incremental socialism, which is strongly opposed by the American people.

HEALTH CARE REFORM

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

Mr. COHEN. Mr. Speaker, it's March. That means March madness. Normally it means hoops and basketball, but, no,

in this United States Congress it means more and more false statements made about health care. The other side of the aisle continues in March madness, talking about socialism, comparing our system to England and Canada. Nothing like it at all. What our system proposes is subsidizing people who don't have health care and small businesses to make sure they get health care and can live truly: life, health, liberty, and the pursuit of happiness.

They talk about abortion. It doesn't change the Hyde amendment, which has been on the books forever. They talk about procedure, procedure they used. They talk about creeping socialism. There is nothing about socialism. The fact is this country is the last industrialized country in the world to provide health care for its citizens. It's the right thing to do. We will be proud of this Congress when we pass it. I wish it was bipartisan.

SPECIAL DEALS STILL IN OBAMACARE

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

Mr. PITTS. Mr. Speaker, we have all heard about the Cornhusker kickback and the Louisiana purchase. But there are other special deals in the Senate health care bill that are on the verge of becoming law.

In Connecticut, there is $100 million for a university hospital inserted by Senator DODD. There is $500 million in Medicaid to bail out the health care program in Massachusetts. The small State of Vermont gets $600 million for their Medicaid program. This bill will subsidize New Jersey pharmaceutical companies and will give $5 billion to union health care plans in Massachusetts and Michigan. It will slash Medicare Advantage programs for every State except Florida. It will exempt Blue Cross-Blue Shield of Michigan and Nebraska from the new annual fee on health insurers. This bill will provide higher Medicare payments in North Dakota and exempt hospitals in Hawaii from cuts.

All of these will become law the moment this House arrogantly ''deems this bill passed'' to the President. Is it any wonder the American people don't like this bill being crammed through, forced through, and bribed through?

HEALTH CARE REFORM

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

Mr. TONKO. Mr. Speaker, this week we are closer than we have ever been to passing real, comprehensive health insurance reform for the American people.

Reform is simple. It gives consumers, working families, and small businesses more control and forces insurance companies to do what is right. With respect to Medicare, it extends the life of the Medicare trust fund and improves benefits for our seniors, including improving the prescription drug benefit.

My friends on the other side of the aisle are not interested in passing real reform for the American people. They want to maintain the status quo in which we see health care spending growing exponentially, more and more families losing coverage, and health insurance companies continuing to raise rates free of any restrictions. And they are okay with allowing tens of millions of taxpaying, hardworking Americans to go on without needed health insurance, the same coverage they enjoy as Members of Congress.

They also want to eliminate Medicare as we know it today. They want to privatize Medicare and give seniors a coupon to go out and shop for private insurance plans from the same companies that have been raising rates and dropping customers.

Health insurance reform is not just about insuring the uninsured. It's about also protecting and improving Medicare. Mr. Speaker, I encourage these reforms.

THE RELEASE OF FATHER LY

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

Mr. CAO. Mr. Speaker, I rise today to thank the State Department for finally securing the release of Father Nguyen van Ly. I have advocated and pushed hard for Father Ly's release in the past year, and I'm glad that my hard work has come to fruition.

Father Ly is one of the many Vietnamese citizens who have been harassed for religious and democracy advocacy. He was placed on trial without defense and was imprisoned for almost 17 years for promoting human rights and religious freedom. As a Roman Catholic priest and prominent Vietnamese dissident, Father Ly has become a powerful icon in the ongoing fight for democracy in Vietnam. He is a hero for many Vietnamese worldwide.

While the release of Father Ly is a good start, we still have a long way to go. We as a country must uphold our values and must continue to challenge countries like Vietnam and China on their human rights and religious freedom violations. One day, maybe, my dream then will come true: A free and democratic Vietnam.

□ 1030

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

HONORING SUPREME COURT JUSTICE SANDRA DAY O'CONNOR

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1141) honoring the accomplishments of Supreme Court Justice Sandra Day O'Connor, the first woman to serve on the United States Supreme Court.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1141

Whereas Sandra Day O'Connor was born on March 26, 1930, in El Paso, Texas and spent most of her childhood on her family's ranch, the Lazy B, located in the high deserts outside of Duncan, Arizona;

Whereas Sandra Day O'Connor graduated magna cum laude from Stanford University in 1950 with a Bachelor of Arts degree in economics, and graduated in the top three of her class at Stanford University Law School in 1952;

Whereas Sandra Day O'Connor married John J. O'Connor III, a fellow Stanford Law student, in December 1952 on the Lazy B Ranch and raised three children with him in Paradise Valley, Arizona;

Whereas after practicing law in Frankfurt, Germany, and Phoenix, Arizona, Sandra Day O'Connor began her career in public service as the Arizona Assistant Attorney General in 1965;

Whereas Sandra Day O'Connor was appointed to the Arizona State Senate in 1969 and was subsequently re-elected;

Whereas Sandra Day O'Connor rose to many leadership positions during her 6 years in the legislature, including as the first woman State Senate majority leader in the United States;

Whereas Sandra Day O'Connor was elected judge for Maricopa County Superior Court in 1975;

Whereas Sandra Day O'Connor was appointed to the Arizona Court of Appeals, the State's second-highest court, by Governor Bruce Babbitt in 1979;

Whereas Ronald Reagan nominated Sandra Day O'Connor in 1981 to serve as the first woman on the United States Supreme Court, which was swiftly approved by the Senate by unanimous consent, with the strong support of Arizona Senators Barry Goldwater and Dennis Deconcini;

Whereas Sandra Day O'Connor was sworn in as a United States Supreme Court Justice by Chief Justice Warren Burger on September 25, 1981, commencing her 24 terms on the Supreme Court, a career distinguished by her centrist role and commitment to uphold the law and the Constitution;

Whereas Sandra Day O'Connor's support for the proposed Equal Rights Amendment further strengthened her role as a mentor and leader for women of all generations;

Whereas, on August 12, 2009, President Barack Obama awarded Sandra Day O'Connor the Presidential Medal of Freedom, the highest honor given to a civilian;

Whereas Sandra Day O'Connor has become a nationally recognized leader in the effort to preserve judicial independence through her strong support of selecting judges by nonpartisan commissions;

Whereas Sandra Day O'Connor continues to honor her commitment to public service, most recently through her web-based education project, Our Courts, which strives to engage young people in civics and the democratic process; and

Whereas Sandra Day O'Connor will turn 80 years old on March 26, 2010: Now, therefore, be it

Resolved, That the House of Representatives honors the achievements and distinguished career of Justice Sandra Day O'Connor, and recognizes her impact as an American symbol of hard work and rugged individualism.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise to wish you and all of America a happy St. Patrick's Day, and in support of House Resolution 1141, to honor the accomplishments of Justice Sandra Day O'Connor.

Justice O'Connor blazed paths of history for women throughout her career. In 1969, she was appointed to the Arizona State Senate, and in 1972 she became the first woman to serve as the majority leader of any State senate in the United States.

Later, she became a trial judge for Maricopa County, Arizona, and only a few years later was appointed to the court of appeals. Then in 1981, she was nominated to the Supreme Court, the first woman to sit on the United States Supreme Court, and she did us proud.

Justice O'Connor retired in 2006, but she continues to be actively involved with promoting good government and civic education. For example, she spearheaded ''Our Courts,'' a Web-based education project designed to reinvigorate learning inside and outside the classroom.

There were so many opinions when she was a part of the majority and also when she was a part of the minority to where we know her voice is missed today. Although appointed by a Republican President, she was bipartisan and called them by the book and did a lot to see that this country's Supreme Court was highly respected and not politicized.

This resolution is a way to honor her for service to our country. I commend my colleague, GABBY GIFFORDS of Arizona, for introducing this resolution. I urge my colleagues to support it. I hope we have more Justices like her in the future.

I reserve the balance of my time.

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

Mr. Speaker, H.R. 1141 honors the accomplishments of the Honorable Sandra Day O'Connor, the first woman to serve on the United States Supreme Court.

Justice O'Connor was born in El Paso, Texas, in 1930, and grew up on a cattle ranch called the Lazy-B near Duncan, Arizona. She befriended cowboys who worked on the ranch, learned to drive a car and shoot a gun, and became an expert horseback rider.

Her parents decided that she needed an education, so O'Connor went to live with her maternal grandmother in El Paso. She later studied economics at Stanford University with an eye toward running the Lazy-B or another ranch. However, a legal dispute over the Lazy-B sparked her interest in the law. O'Connor enrolled in Stanford's law school, and graduated in only 2 years, third in her class, that included valedictorian and future Chief Justice of the United States William Rehnquist. One of her other classmates, John Jay O'Connor, became her husband.

This was the early 1950s, and despite her stellar law school record, O'Connor could not find work as a lawyer. But she was determined. She started out as a legal secretary before finding employment as the deputy county attorney for San Mateo, California. When her husband was drafted into the Judge Advocate General's Corps, she joined him in Frankfurt, Germany, where she served as a civilian attorney in the Quartermaster's Corps.

Returning to the United States in 1957, the couple settled in Phoenix and started a family. Three children arrived in the next 6 years. O'Connor eventually hung out a shingle with one partner and began a general law practice. But with the birth of her second child, she devoted herself to homemaker duties, charitable work, and local Republican politics.

Following 5 years as a full-time mother, O'Connor returned to work as an Arizona assistant attorney general. Later, the Governor appointed her to fill a vacant State senate seat, a position she successfully defended twice in two elections. In 1974, O'Connor became the first woman to serve as the majority leader in the State legislature. This achievement propelled her to the bench, first as a Maricopa County Superior Court judge and then in 1978 as a member of the Arizona Court of Appeals, the State's intermediate appellate court. Justice O'Connor distinguished herself as a smart, fair, even-tempered judge.

This compelling story intrigued President Ronald Reagan, who was searching for a successor to replace retiring Justice Potter Stewart at the United States Supreme Court. In Sandra Day O'Connor, he found his nominee.

Senate confirmations are not for the faint-hearted, but O'Connor came through like an experienced pro. She was confirmed by a vote of 99–0 and was sworn in as the 102nd member of the Court on September 21, 1981. Of obvious importance, then and now, she became the first woman to serve as an Associate Justice. So much for glass ceilings.

Justice O'Connor served on the Court for nearly a quarter of a century before retiring in 2006. Early in her tenure, she was known as a conservative jurist who preferred analyzing cases with a narrow fact-specific approach. Later, she acquired the reputation as a swing vote. Law Professor Steven Green once paid her perhaps the ultimate compliment when she ''seemed to look at each case with an open mind.''

Since retiring from the Court, Justice O'Connor really hasn't retired. She selflessly devoted herself to caring for her husband, John, who was diagnosed with Alzheimer's disease in 1990 and passed away last November.

In addition to travel and spending time with other family members, Justice O'Connor has worked on an American Bar Association project to educate Americans about the role of judges, served as the chancellor of the College of William and Mary, and performed trustee duties for the National Constitution Center.

In recognition of her life's work, President Obama awarded her the Presidential Medal of Freedom, the highest civilian honor of the United States, on August 12, 2009.

Mr. Speaker, Sandra Day O'Connor is a pioneer for women and an inspiration to all Americans. I urge my colleagues to support H. Res. 1141, which honors her many accomplishments.

I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, I would just like to reiterate my extreme commendations of Justice Sandra Day O'Connor's life and the appropriateness of the resolution.

When I was a member of the National Conference of State Legislators, I suggested we give an award each year to the State legislator who had done the most later in their lives, and Sandra Day O'Connor as well as Julian Bond were the two people I put up as examples of people who should be honored by the National Conference of State Legislators to encourage State legislatures to go on beyond that and to do extra in their lives.

And Sandra Day O'Connor was a State senator who did much. And, as Mr. SMITH said, she had an open mind, and that is something we need to commend. And in Arizona, where Representative GIFFORDS is from and sponsored this resolution, we had Barry Goldwater who, like her, came in at a certain posture. But as his career went on, he had an open mind, and he stood up for tolerance and he stood up for diversity.

I am proud to be here to speak in favor of this resolution, and I would

ask that my colleagues vote to support unanimously this resolution and to pass H. Res. 1141.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

H. Res. 1141 honors the accomplishments of the Honorable Sandra Day O'Connor, the first women to serve on the United States Supreme Court.

Justice O'Connor was born in El Paso, Texas, in 1930 and grew up on a cattle ranch called the "Lazy-B" near Duncan, Arizona. The ranch was isolated and she did not have a sibling to play with until she turned eight. To compensate, young Sandra demonstrated the initiative and drive that would later propel her to the Court.

She befriended cowboys who worked on the ranch, learned to drive a car and shoot a gun, and became an expert equestrian. She also kept many pets during her childhood, including a bobcat, which probably taught her how to deal with lawyers.

Her parents decided she needed an education, so O'Connor went to live with her maternal grandmother, Mamie Scott Wilkey, in El Paso. Although homesick, O'Connor became an outstanding student and graduated from the Radford School for Girls at age 16. O'Connor always credited Mrs. Wilkey for instilling confidence in her.

She later studied economics at Stanford with an eye toward running the Lazy-B or another ranch. However, a legal dispute over the Lazy-B sparked her interest in the law. O'Connor enrolled in Stanford's law school and graduated in only 2 years, third in her class that included valedictorian and future Chief Justice of the United States William Rehnquist. One of her other classmates, John Jay O'Connor, became her husband.

This was the early 1950s and, despite her stellar law school record, O'Connor could not find work as a lawyer. The legal profession was not an easy place for women at that time.

But O'Connor was determined. She started out as a legal secretary before finding employment as the deputy county attorney for San Mateo, California. When her husband was drafted into the Judge Advocate General's Corps, she joined him in Frankfurt, Germany, where she served as a civilian attorney in the Quartermaster's Corps.

Returning to the United States in 1957, the couple settled in Phoenix and started a family—three children arrived in the next six years. O'Connor eventually hung out a shingle with one partner and began a general law practice. But with the birth of her second child, she devoted herself to homemaker duties, charitable work, and local Republican politics.

Following five years as a full-time mother, O'Connor returned to work as an Arizona assistant attorney general. Later, the governor appointed her to fill a vacant state senate seat, a position she successfully defended twice in successive elections. By 1974, O'Connor had become the first woman to serve as the majority leader in a state legislature. This achievement propelled her to the bench—first as a Maricopa County Superior Court judge and then, in 1978, as a member of the Arizona Court of Appeals, the state's intermediate appellate court.

Justice O'Connor distinguished herself as a smart, fair, even-tempered judge. She had overcome de facto discrimination through persistence, hard work, and a devotion to institutions and causes bigger than herself.

This compelling story intrigued President Ronald Reagan, who was searching for a successor to replace retiring Justice Potter Stewart at the United States Supreme Court. In Sandra Day O'Connor, he found his nominee.

Senate confirmations are not for the faint-hearted, but O'Connor came through like an experienced pro. She was confirmed by a vote of 99–0 and was sworn as the 102nd member of the Court on September 21, 1981. Of obvious importance then and now, she became the first women to serve as an Associate Justice.

Justice O'Connor served on the Court for nearly a quarter of a century before retiring in 2006. Early in her tenure, she was known as a conservative jurist who preferred analyzing cases with a narrow, fact-specific approach. Later, she acquired the reputation as a "swing vote." Law Professor Steven Green once paid her perhaps the ultimate compliment when he observed that she "seemed to look at each case with an open mind."

Since retiring from the Court, Justice O'Connor really hasn't retired. She selflessly devoted herself to caring for her husband, John, who was diagnosed with Alzheimer's Disease in 1990 and passed away last November.

In addition to travel and spending time with other family members, Justice O'Connor has worked on an ABA project to educate Americans about the role of judges, served as a the Chancellor of The College of William & Mary, and performed trustee duties for the National Constitution Center.

In recognition of her life's work, she was awarded the Presidential Medal of Freedom—the highest civilian honor of the United States—on August 12, 2009.

Mr. Speaker, Justice Sandra Day O'Connor is a pioneer for women and an inspiration to all Americans. I urge my colleagues to support H. Res. 1141, which honors her many accomplishments.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 1141.

The question was taken.

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

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

The yeas and nays were ordered.

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

PREVENT ALL CIGARETTE TRAFFICKING ACT OF 2009

Mr. COHEN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1147) to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1147

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

SECTION 1. SHORT TITLE; FINDINGS; PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the "Prevent All Cigarette Trafficking Act of 2009" or "PACT Act".

(b) FINDINGS.—Congress finds that—

(1) the sale of illegal cigarettes and smokeless tobacco products significantly reduces Federal, State, and local government revenues, with Internet sales alone accounting for billions of dollars of lost Federal, State, and local tobacco tax revenue each year;

(2) Hezbollah, Hamas, al Qaeda, and other terrorist organizations have profited from trafficking in illegal cigarettes or counterfeit cigarette tax stamps;

(3) terrorist involvement in illicit cigarette trafficking will continue to grow because of the large profits such organizations can earn;

(4) the sale of illegal cigarettes and smokeless tobacco over the Internet, and through mail, fax, or phone orders, makes it cheaper and easier for children to obtain tobacco products;

(5) the majority of Internet and other remote sales of cigarettes and smokeless tobacco are being made without adequate precautions to protect against sales to children, without the payment of applicable taxes, and without complying with the nominal registration and reporting requirements in existing Federal law;

(6) unfair competition from illegal sales of cigarettes and smokeless tobacco is taking billions of dollars of sales away from law-abiding retailers throughout the United States;

(7) with rising State and local tobacco tax rates, the incentives for the illegal sale of cigarettes and smokeless tobacco have increased;

(8) the number of active tobacco investigations being conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives rose to 452 in 2005;

(9) the number of Internet vendors in the United States and in foreign countries that sell cigarettes and smokeless tobacco to buyers in the United States increased from only about 40 in 2000 to more than 500 in 2005; and

(10) the intrastate sale of illegal cigarettes and smokeless tobacco over the Internet has a substantial effect on interstate commerce.

(c) PURPOSES.—It is the purpose of this Act to—

(1) require Internet and other remote sellers of cigarettes and smokeless tobacco to comply with the same laws that apply to law-abiding tobacco retailers;

(2) create strong disincentives to illegal smuggling of tobacco products;

(3) provide government enforcement officials with more effective enforcement tools to combat tobacco smuggling;

(4) make it more difficult for cigarette and smokeless tobacco traffickers to engage in and profit from their illegal activities;

(5) increase collections of Federal, State, and local excise taxes on cigarettes and smokeless tobacco; and

(6) prevent and reduce youth access to inexpensive cigarettes and smokeless tobacco through illegal Internet or contraband sales.

SEC. 2. COLLECTION OF STATE CIGARETTE AND SMOKELESS TOBACCO TAXES.

(a) DEFINITIONS.—The Act of October 19, 1949 (15 U.S.C. 375 et seq.; commonly referred to as the "Jenkins Act") (referred to in this Act as the "Jenkins Act"), is amended by striking the first section and inserting the following:

"SECTION 1. DEFINITIONS.

"As used in this Act, the following definitions apply:

"(1) ATTORNEY GENERAL.—The term 'attorney general', with respect to a State, means the attorney general or other chief law enforcement officer of the State.

''(2) CIGARETTE.—

''(A) IN GENERAL.—The term 'cigarette'—

''(i) has the meaning given that term in section 2341 of title 18, United States Code; and

''(ii) includes roll-your-own tobacco (as defined in section 5702 of the Internal Revenue Code of 1986).

''(B) EXCEPTION.—The term 'cigarette' does not include a cigar (as defined in section 5702 of the Internal Revenue Code of 1986).

''(3) COMMON CARRIER.—The term 'common carrier' means any person (other than a local messenger service or the United States Postal Service) that holds itself out to the general public as a provider for hire of the transportation by water, land, or air of merchandise (regardless of whether the person actually operates the vessel, vehicle, or aircraft by which the transportation is provided) between a port or place and a port or place in the United States.

''(4) CONSUMER.—The term 'consumer'—

''(A) means any person that purchases cigarettes or smokeless tobacco; and

''(B) does not include any person lawfully operating as a manufacturer, distributor, wholesaler, or retailer of cigarettes or smokeless tobacco.

''(5) DELIVERY SALE.—The term 'delivery sale' means any sale of cigarettes or smokeless tobacco to a consumer if—

''(A) the consumer submits the order for the sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

''(B) the cigarettes or smokeless tobacco are delivered to the buyer by common carrier, private delivery service, or other method of remote delivery, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

''(6) DELIVERY SELLER.—The term 'delivery seller' means a person who makes a delivery sale.

''(7) INDIAN COUNTRY.—The term 'Indian country'—

''(A) has the meaning given that term in section 1151 of title 18, United States Code, except that within the State of Alaska that term applies only to the Metlakatla Indian Community, Annette Island Reserve; and

''(B) includes any other land held by the United States in trust or restricted status for one or more Indian tribes.

''(8) INDIAN TRIBE.—The term 'Indian tribe', 'tribe', or 'tribal' refers to an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) or as listed pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

''(9) INTERSTATE COMMERCE.—

''(A) IN GENERAL.—The term 'interstate commerce' means commerce between a State and any place outside the State, commerce between a State and any Indian country in the State, or commerce between points in the same State but through any place outside the State or through any Indian country.

''(B) INTO A STATE, PLACE, OR LOCALITY.—A sale, shipment, or transfer of cigarettes or smokeless tobacco that is made in interstate commerce, as defined in this paragraph, shall be deemed to have been made into the State, place, or locality in which such cigarettes or smokeless tobacco are delivered.

''(10) PERSON.—The term 'person' means an individual, corporation, company, association, firm, partnership, society, State government, local government, Indian tribal government, governmental organization of such a government, or joint stock company.

''(11) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

''(12) SMOKELESS TOBACCO.—The term 'smokeless tobacco' means any finely cut, ground, powdered, or leaf tobacco, or other product containing tobacco, that is intended to be placed in the oral or nasal cavity or otherwise consumed without being combusted.

''(13) TOBACCO TAX ADMINISTRATOR.—The term 'tobacco tax administrator' means the State, local, or tribal official duly authorized to collect the tobacco tax or administer the tax law of a State, locality, or tribe, respectively.

''(14) USE.—The term 'use' includes the consumption, storage, handling, or disposal of cigarettes or smokeless tobacco.''.

(b) REPORTS TO STATE TOBACCO TAX ADMINISTRATORS.—Section 2 of the Jenkins Act (15 U.S.C. 376) is amended—

(1) by striking ''cigarettes'' each place it appears and inserting ''cigarettes or smokeless tobacco'';

(2) in subsection (a)—

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

(i) by inserting ''CONTENTS.—'' after ''(a)'';

(ii) by striking ''or transfers'' and inserting '', transfers, or ships'';

(iii) by inserting '', locality, or Indian country of an Indian tribe'' after ''a State'';

(iv) by striking ''to other than a distributor licensed by or located in such State,''; and

(v) by striking ''or transfer and shipment'' and inserting '', transfer, or shipment'';

(B) in paragraph (1)—

(i) by striking ''with the tobacco tax administrator of the State'' and inserting ''with the Attorney General of the United States and with the tobacco tax administrators of the State and place''; and

(ii) by striking ''; and'' and inserting the following: '', as well as telephone numbers for each place of business, a principal electronic mail address, any website addresses, and the name, address, and telephone number of an agent in the State authorized to accept service on behalf of the person;'';

(C) in paragraph (2), by striking ''and the quantity thereof.'' and inserting ''the quantity thereof, and the name, address, and phone number of the person delivering the shipment to the recipient on behalf of the delivery seller, with all invoice or memoranda information relating to specific customers to be organized by city or town and by zip code; and''; and

(D) by adding at the end the following:

''(3) with respect to each memorandum or invoice filed with a State under paragraph (2), also file copies of the memorandum or invoice with the tobacco tax administrators and chief law enforcement officers of the local governments and Indian tribes operating within the borders of the State that apply their own local or tribal taxes on cigarettes or smokeless tobacco.'';

(3) in subsection (b)—

(A) by inserting ''PRESUMPTIVE EVIDENCE.—'' after ''(b)'';

(B) by striking ''(1) that'' and inserting ''that''; and

(C) by striking '', and (2)'' and all that follows and inserting a period; and

(4) by adding at the end the following:

''(c) USE OF INFORMATION.—A tobacco tax administrator or chief law enforcement officer who receives a memorandum or invoice under paragraph (2) or (3) of subsection (a) shall use the memorandum or invoice solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco, and shall keep confidential any personal information in the memorandum or invoice except as required for such purposes.''.

(c) REQUIREMENTS FOR DELIVERY SALES.—The Jenkins Act is amended by inserting after section 2 the following:

''SEC. 2A. DELIVERY SALES.

''(a) IN GENERAL.—With respect to delivery sales into a specific State and place, each delivery seller shall comply with—

''(1) the shipping requirements set forth in subsection (b);

''(2) the recordkeeping requirements set forth in subsection (c);

''(3) all State, local, tribal, and other laws generally applicable to sales of cigarettes or smokeless tobacco as if the delivery sales occurred entirely within the specific State and place, including laws imposing—

''(A) excise taxes;

''(B) licensing and tax-stamping requirements;

''(C) restrictions on sales to minors; and

''(D) other payment obligations or legal requirements relating to the sale, distribution, or delivery of cigarettes or smokeless tobacco; and

''(4) the tax collection requirements set forth in subsection (d).

''(b) SHIPPING AND PACKAGING.—

''(1) REQUIRED STATEMENT.—For any shipping package containing cigarettes or smokeless tobacco, the delivery seller shall include on the bill of lading, if any, and on the outside of the shipping package, on the same surface as the delivery address, a clear and conspicuous statement providing as follows: 'CIGARETTES/SMOKELESS TOBACCO: FEDERAL LAW REQUIRES THE PAYMENT OF ALL APPLICABLE EXCISE TAXES, AND COMPLIANCE WITH APPLICABLE LICENSING AND TAX-STAMPING OBLIGATIONS'.

''(2) FAILURE TO LABEL.—Any shipping package described in paragraph (1) that is not labeled in accordance with that paragraph shall be treated as nondeliverable matter by a common carrier or other delivery service, if the common carrier or other delivery service knows or should know the package contains cigarettes or smokeless tobacco. If a common carrier or other delivery service believes a package is being submitted for delivery in violation of paragraph (1), it may require the person submitting the package for delivery to establish that it is not being sent in violation of paragraph (1) before accepting the package for delivery. Nothing in this paragraph shall require the common carrier or other delivery service to open any package to determine its contents.

''(3) WEIGHT RESTRICTION.—A delivery seller shall not sell, offer for sale, deliver, or cause to be delivered in any single sale or single delivery any cigarettes or smokeless tobacco weighing more than 10 pounds.

''(4) AGE VERIFICATION.—

''(A) IN GENERAL.—A delivery seller who mails or ships tobacco products—

''(i) shall not sell, deliver, or cause to be delivered any tobacco products to a person under the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery;

''(ii) shall use a method of mailing or shipping that requires—

''(I) the purchaser placing the delivery sale order, or an adult who is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery, to sign to accept delivery of the shipping container at the delivery address; and

''(II) the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of

the individual, that the person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery; and

''(iii) shall not accept a delivery sale order from a person without—

''(I) obtaining the full name, birth date, and residential address of that person; and

''(II) verifying the information provided in subclause (I), through the use of a commercially available database or aggregate of databases, consisting primarily of data from government sources, that are regularly used by government and businesses for the purpose of age and identity verification and authentication, to ensure that the purchaser is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery.

''(B) LIMITATION.—No database being used for age and identity verification under subparagraph (A)(iii) shall be in the possession or under the control of the delivery seller, or be subject to any changes or supplementation by the delivery seller.

''(c) RECORDS.—

''(1) IN GENERAL.—Each delivery seller shall keep a record of any delivery sale, including all of the information described in section 2(a)(2), organized by the State, and within the State, by the city or town and by zip code, into which the delivery sale is so made.

''(2) RECORD RETENTION.—Records of a delivery sale shall be kept as described in paragraph (1) until the end of the 4th full calendar year that begins after the date of the delivery sale.

''(3) ACCESS FOR OFFICIALS.—Records kept under paragraph (1) shall be made available to tobacco tax administrators of the States, to local governments and Indian tribes that apply local or tribal taxes on cigarettes or smokeless tobacco, to the attorneys general of the States, to the chief law enforcement officers of the local governments and Indian tribes, and to the Attorney General of the United States in order to ensure the compliance of persons making delivery sales with the requirements of this Act.

''(d) DELIVERY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no delivery seller may sell or deliver to any consumer, or tender to any common carrier or other delivery service, any cigarettes or smokeless tobacco pursuant to a delivery sale unless, in advance of the sale, delivery, or tender—

''(A) any cigarette or smokeless tobacco excise tax that is imposed by the State in which the cigarettes or smokeless tobacco are to be delivered has been paid to the State;

''(B) any cigarette or smokeless tobacco excise tax that is imposed by the local government of the place in which the cigarettes or smokeless tobacco are to be delivered has been paid to the local government; and

''(C) any required stamps or other indicia that the excise tax has been paid are properly affixed or applied to the cigarettes or smokeless tobacco.

''(2) EXCEPTION.—Paragraph (1) does not apply to a delivery sale of smokeless tobacco if the law of the State or local government of the place where the smokeless tobacco is to be delivered requires or otherwise provides that delivery sellers collect the excise tax from the consumer and remit the excise tax to the State or local government, and the delivery seller complies with the requirement.

''(e) LIST OF UNREGISTERED OR NONCOMPLIANT DELIVERY SELLERS.—

''(1) IN GENERAL.—

''(A) INITIAL LIST.—Not later than 90 days after this subsection goes into effect under the Prevent All Cigarette Trafficking Act of 2009, the Attorney General of the United States shall compile a list of delivery sellers of cigarettes or smokeless tobacco that have not registered with the Attorney General of the United States pursuant to section 2(a), or that are otherwise not in compliance with this Act, and—

''(i) distribute the list to—

''(I) the attorney general and tax administrator of every State;

''(II) common carriers and other persons that deliver small packages to consumers in interstate commerce, including the United States Postal Service; and

''(III) any other person that the Attorney General of the United States determines can promote the effective enforcement of this Act; and

''(ii) publicize and make the list available to any other person engaged in the business of interstate deliveries or who delivers cigarettes or smokeless tobacco in or into any State.

''(B) LIST CONTENTS.—To the extent known, the Attorney General of the United States shall include, for each delivery seller on the list described in subparagraph (A)—

''(i) all names the delivery seller uses or has used in the transaction of its business or on packages delivered to customers;

''(ii) all addresses from which the delivery seller does or has done business, or ships or has shipped cigarettes or smokeless tobacco;

''(iii) the website addresses, primary e-mail address, and phone number of the delivery seller; and

''(iv) any other information that the Attorney General of the United States determines would facilitate compliance with this subsection by recipients of the list.

''(C) UPDATING.—The Attorney General of the United States shall update and distribute the list described in subparagraph (A) at least once every 4 months, and may distribute the list and any updates by regular mail, electronic mail, or any other reasonable means, or by providing recipients with access to the list through a nonpublic website that the Attorney General of the United States regularly updates.

''(D) STATE, LOCAL, OR TRIBAL ADDITIONS.—The Attorney General of the United States shall include in the list described in subparagraph (A) any noncomplying delivery sellers identified by any State, local, or tribal government under paragraph (6), and shall distribute the list to the attorney general or chief law enforcement official and the tax administrator of any government submitting any such information, and to any common carriers or other persons who deliver small packages to consumers identified by any government pursuant to paragraph (6).

''(E) ACCURACY AND COMPLETENESS OF LIST OF NONCOMPLYING DELIVERY SELLERS.—In preparing and revising the list described in subparagraph (A), the Attorney General of the United States shall—

''(i) use reasonable procedures to ensure maximum possible accuracy and completeness of the records and information relied on for the purpose of determining that a delivery seller is not in compliance with this Act;

''(ii) not later than 14 days before including a delivery seller on the list, make a reasonable attempt to send notice to the delivery seller by letter, electronic mail, or other means that the delivery seller is being placed on the list, which shall cite the relevant provisions of this Act and the specific reasons for which the delivery seller is being placed on the list;

''(iii) provide an opportunity to the delivery seller to challenge placement on the list;

''(iv) investigate each challenge described in clause (iii) by contacting the relevant Federal, State, tribal, and local law enforcement officials, and provide the specific findings and results of the investigation to the delivery seller not later than 30 days after the date on which the challenge is made; and

''(v) if the Attorney General of the United States determines that the basis for including a delivery seller on the list is inaccurate, based on incomplete information, or cannot be verified, promptly remove the delivery seller from the list as appropriate and notify each appropriate Federal, State, tribal, and local authority of the determination.

''(F) CONFIDENTIALITY.—The list described in subparagraph (A) shall be confidential, and any person receiving the list shall maintain the confidentiality of the list and may deliver the list, for enforcement purposes, to any government official or to any common carrier or other person that delivers tobacco products or small packages to consumers. Nothing in this section shall prohibit a common carrier, the United States Postal Service, or any other person receiving the list from discussing with a listed delivery seller the inclusion of the delivery seller on the list and the resulting effects on any services requested by the listed delivery seller.

''(2) PROHIBITION ON DELIVERY.—

''(A) IN GENERAL.—Commencing on the date that is 60 days after the date of the initial distribution or availability of the list described in paragraph (1)(A), no person who receives the list under paragraph (1), and no person who delivers cigarettes or smokeless tobacco to consumers, shall knowingly complete, cause to be completed, or complete its portion of a delivery of any package for any person whose name and address are on the list, unless—

''(i) the person making the delivery knows or believes in good faith that the item does not include cigarettes or smokeless tobacco;

''(ii) the delivery is made to a person lawfully engaged in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

''(iii) the package being delivered weighs more than 100 pounds and the person making the delivery does not know or have reasonable cause to believe that the package contains cigarettes or smokeless tobacco.

''(B) IMPLEMENTATION OF UPDATES.—Commencing on the date that is 30 days after the date of the distribution or availability of any updates or corrections to the list described in paragraph (1)(A), all recipients and all common carriers or other persons that deliver cigarettes or smokeless tobacco to consumers shall be subject to subparagraph (A) in regard to the corrections or updates.

''(3) EXEMPTIONS.—

''(A) IN GENERAL.—Subsection (b)(2) and any requirements or restrictions placed directly on common carriers under this subsection, including subparagraphs (A) and (B) of paragraph (2), shall not apply to a common carrier that—

''(i) is subject to a settlement agreement described in subparagraph (B); or

''(ii) if a settlement agreement described in subparagraph (B) to which the common carrier is a party is terminated or otherwise becomes inactive, is administering and enforcing policies and practices throughout the United States that are at least as stringent as the agreement.

''(B) SETTLEMENT AGREEMENT.—A settlement agreement described in this subparagraph—

''(i) is a settlement agreement relating to tobacco product deliveries to consumers; and

''(ii) includes—

''(I) the Assurance of Discontinuance entered into by the Attorney General of New York and DHL Holdings USA, Inc. and DHL Express (USA), Inc. on or about July 1, 2005, the Assurance of Discontinuance entered into by the Attorney General of New York

and United Parcel Service, Inc. on or about October 21, 2005, and the Assurance of Compliance entered into by the Attorney General of New York and Federal Express Corporation and FedEx Ground Package Systems, Inc. on or about February 3, 2006, if each of those agreements is honored throughout the United States to block illegal deliveries of cigarettes or smokeless tobacco to consumers; and

''(II) any other active agreement between a common carrier and a State that operates throughout the United States to ensure that no deliveries of cigarettes or smokeless tobacco shall be made to consumers or illegally operating Internet or mail-order sellers and that any such deliveries to consumers shall not be made to minors or without payment to the States and localities where the consumers are located of all taxes on the tobacco products.

''(4) SHIPMENTS FROM PERSONS ON LIST.—

''(A) IN GENERAL.—If a common carrier or other delivery service delays or interrupts the delivery of a package in the possession of the common carrier or delivery service because the common carrier or delivery service determines or has reason to believe that the person ordering the delivery is on a list described in paragraph (1)(A) and that clauses (i), (ii), and (iii) of paragraph (2)(A) do not apply—

''(i) the person ordering the delivery shall be obligated to pay—

''(I) the common carrier or other delivery service as if the delivery of the package had been timely completed; and

''(II) if the package is not deliverable, any reasonable additional fee or charge levied by the common carrier or other delivery service to cover any extra costs and inconvenience and to serve as a disincentive against such noncomplying delivery orders; and

''(ii) if the package is determined not to be deliverable, the common carrier or other delivery service shall offer to provide the package and its contents to a Federal, State, or local law enforcement agency.

''(B) RECORDS.—A common carrier or other delivery service shall maintain, for a period of 5 years, any records kept in the ordinary course of business relating to any delivery interrupted under this paragraph and provide that information, upon request, to the Attorney General of the United States or to the attorney general or chief law enforcement official or tax administrator of any State, local, or tribal government.

''(C) CONFIDENTIALITY.—Any person receiving records under subparagraph (B) shall—

''(i) use the records solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco; and

''(ii) keep confidential any personal information in the records not otherwise required for such purposes.

''(5) PREEMPTION.—

''(A) IN GENERAL.—No State, local, or tribal government, nor any political authority of 2 or more State, local, or tribal governments, may enact or enforce any law or regulation relating to delivery sales that restricts deliveries of cigarettes or smokeless tobacco to consumers by common carriers or other delivery services on behalf of delivery sellers by—

''(i) requiring that the common carrier or other delivery service verify the age or identity of the consumer accepting the delivery by requiring the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that the person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by either State or local law at the place of delivery;

''(ii) requiring that the common carrier or other delivery service obtain a signature from the consumer accepting the delivery;

''(iii) requiring that the common carrier or other delivery service verify that all applicable taxes have been paid;

''(iv) requiring that packages delivered by the common carrier or other delivery service contain any particular labels, notice, or markings; or

''(v) prohibiting common carriers or other delivery services from making deliveries on the basis of whether the delivery seller is or is not identified on any list of delivery sellers maintained and distributed by any entity other than the Federal Government.

''(B) RELATIONSHIP TO OTHER LAWS.—Except as provided in subparagraph (C), nothing in this paragraph shall be construed to nullify, expand, restrict, or otherwise amend or modify—

''(i) section 14501(c)(1) or 41713(b)(4) of title 49, United States Code;

''(ii) any other restrictions in Federal law on the ability of State, local, or tribal governments to regulate common carriers; or

''(iii) any provision of State, local, or tribal law regulating common carriers that is described in section 14501(c)(2) or 41713(b)(4)(B) of title 49 of the United States Code.

''(C) STATE LAWS PROHIBITING DELIVERY SALES.—

''(i) IN GENERAL.—Except as provided in clause (ii), nothing in the Prevent All Cigarette Trafficking Act of 2009, the amendments made by that Act, or in any other Federal statute shall be construed to preempt, supersede, or otherwise limit or restrict State laws prohibiting the delivery sale, or the shipment or delivery pursuant to a delivery sale, of cigarettes or other tobacco products to individual consumers or personal residences.

''(ii) EXEMPTIONS.—No State may enforce against a common carrier a law prohibiting the delivery of cigarettes or other tobacco products to individual consumers or personal residences without proof that the common carrier is not exempt under paragraph (3) of this subsection.

''(6) STATE, LOCAL, AND TRIBAL ADDITIONS.—

''(A) IN GENERAL.—Any State, local, or tribal government shall provide the Attorney General of the United States with—

''(i) all known names, addresses, website addresses, and other primary contact information of any delivery seller that—

''(I) offers for sale or makes sales of cigarettes or smokeless tobacco in or into the State, locality, or tribal land; and

''(II) has failed to register with or make reports to the respective tax administrator as required by this Act, or that has been found in a legal proceeding to have otherwise failed to comply with this Act; and

''(ii) a list of common carriers and other persons who make deliveries of cigarettes or smokeless tobacco in or into the State, locality, or tribal land.

''(B) UPDATES.—Any government providing a list to the Attorney General of the United States under subparagraph (A) shall also provide updates and corrections every 4 months until such time as the government notifies the Attorney General of the United States in writing that the government no longer desires to submit information to supplement the list described in paragraph (1)(A).

''(C) REMOVAL AFTER WITHDRAWAL.—Upon receiving written notice that a government no longer desires to submit information under subparagraph (A), the Attorney General of the United States shall remove from the list described in paragraph (1)(A) any persons that are on the list solely because of the prior submissions of the government of the list of the government of noncomplying delivery sellers of cigarettes or smokeless tobacco or a subsequent update or correction by the government.

''(7) DEADLINE TO INCORPORATE ADDITIONS.—The Attorney General of the United States shall—

''(A) include any delivery seller identified and submitted by a State, local, or tribal government under paragraph (6) in any list or update that is distributed or made available under paragraph (1) on or after the date that is 30 days after the date on which the information is received by the Attorney General of the United States; and

''(B) distribute any list or update described in subparagraph (A) to any common carrier or other person who makes deliveries of cigarettes or smokeless tobacco that has been identified and submitted by a government pursuant to paragraph (6).

''(8) NOTICE TO DELIVERY SELLERS.—Not later than 14 days before including any delivery seller on the initial list described in paragraph (1)(A), or on an update to the list for the first time, the Attorney General of the United States shall make a reasonable attempt to send notice to the delivery seller by letter, electronic mail, or other means that the delivery seller is being placed on the list or update, with that notice citing the relevant provisions of this Act.

''(9) LIMITATIONS.—

''(A) IN GENERAL.—Any common carrier or other person making a delivery subject to this subsection shall not be required or otherwise obligated to—

''(i) determine whether any list distributed or made available under paragraph (1) is complete, accurate, or up-to-date;

''(ii) determine whether a person ordering a delivery is in compliance with this Act; or

''(iii) open or inspect, pursuant to this Act, any package being delivered to determine its contents.

''(B) ALTERNATE NAMES.—Any common carrier or other person making a delivery subject to this subsection—

''(i) shall not be required to make any inquiries or otherwise determine whether a person ordering a delivery is a delivery seller on the list described in paragraph (1)(A) who is using a different name or address in order to evade the related delivery restrictions; and

''(ii) shall not knowingly deliver any packages to consumers for any delivery seller on the list described in paragraph (1)(A) who the common carrier or other delivery service knows is a delivery seller who is on the list and is using a different name or address to evade the delivery restrictions of paragraph (2).

''(C) PENALTIES.—Any common carrier or person in the business of delivering packages on behalf of other persons shall not be subject to any penalty under section 14101(a) of title 49, United States Code, or any other provision of law for—

''(i) not making any specific delivery, or any deliveries at all, on behalf of any person on the list described in paragraph (1)(A);

''(ii) refusing, as a matter of regular practice and procedure, to make any deliveries, or any deliveries in certain States, of any cigarettes or smokeless tobacco for any person or for any person not in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

''(iii) delaying or not making a delivery for any person because of reasonable efforts to comply with this Act.

''(D) OTHER LIMITS.—Section 2 and subsections (a), (b), (c), and (d) of this section shall not be interpreted to impose any responsibilities, requirements, or liability on common carriers.

''(f) PRESUMPTION.—For purposes of this Act, a delivery sale shall be deemed to have occurred in the State and place where the buyer obtains personal possession of the cigarettes or smokeless tobacco, and a delivery pursuant to a delivery sale is deemed to have been initiated or ordered by the delivery seller.''.

(d) PENALTIES.—The Jenkins Act is amended by striking section 3 and inserting the following:

''SEC. 3. PENALTIES.

''(a) CRIMINAL PENALTIES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), whoever knowingly violates this Act shall be imprisoned for not more than 3 years, fined under title 18, United States Code, or both.

''(2) EXCEPTIONS.—

''(A) GOVERNMENTS.—Paragraph (1) shall not apply to a State, local, or tribal government.

''(B) DELIVERY VIOLATIONS.—A common carrier or independent delivery service, or employee of a common carrier or independent delivery service, shall be subject to criminal penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed knowingly—

''(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

''(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

''(b) CIVIL PENALTIES.—

''(1) IN GENERAL.—Except as provided in paragraph (3), whoever violates this Act shall be subject to a civil penalty in an amount not to exceed—

''(A) in the case of a delivery seller, the greater of—

''(i) $5,000 in the case of the first violation, or $10,000 for any other violation; or

''(ii) for any violation, 2 percent of the gross sales of cigarettes or smokeless tobacco of the delivery seller during the 1-year period ending on the date of the violation.

''(B) in the case of a common carrier or other delivery service, $2,500 in the case of a first violation, or $5,000 for any violation within 1 year of a prior violation.

''(2) RELATION TO OTHER PENALTIES.—A civil penalty imposed under paragraph (1) for a violation of this Act shall be imposed in addition to any criminal penalty under subsection (a) and any other damages, equitable relief, or injunctive relief awarded by the court, including the payment of any unpaid taxes to the appropriate Federal, State, local, or tribal governments.

''(3) EXCEPTIONS.—

''(A) DELIVERY VIOLATIONS.—An employee of a common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed intentionally—

''(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

''(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

''(B) OTHER LIMITATIONS.—No common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) if—

''(i) the common carrier or independent delivery service has implemented and enforces effective policies and practices for complying with that section; or

''(ii) the violation consists of an employee of the common carrier or independent delivery service who physically receives and processes orders, picks up packages, processes packages, or makes deliveries, taking actions that are outside the scope of employment of the employee, or that violate the implemented and enforced policies of the common carrier or independent delivery service described in clause (i).''.

(e) ENFORCEMENT.—The Jenkins Act is amended by striking section 4 and inserting the following:

''SEC. 4. ENFORCEMENT.

''(a) IN GENERAL.—The United States district courts shall have jurisdiction to prevent and restrain violations of this Act and to provide other appropriate injunctive or equitable relief, including money damages, for the violations.

''(b) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General of the United States shall administer and enforce this Act.

''(c) STATE, LOCAL, AND TRIBAL ENFORCEMENT.—

''(1) IN GENERAL.—

''(A) STANDING.—A State, through its attorney general, or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement officer, may bring an action in a United States district court to prevent and restrain violations of this Act by any person or to obtain any other appropriate relief from any person for violations of this Act, including civil penalties, money damages, and injunctive or other equitable relief.

''(B) SOVEREIGN IMMUNITY.—Nothing in this Act shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government or Indian tribe against any unconsented lawsuit under this Act, or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government or Indian tribe.

''(2) PROVISION OF INFORMATION.—A State, through its attorney general, or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement officer, may provide evidence of a violation of this Act by any person not subject to State, local, or tribal government enforcement actions for violations of this Act to the Attorney General of the United States or a United States attorney, who shall take appropriate actions to enforce this Act.

''(3) USE OF PENALTIES COLLECTED.—

''(A) IN GENERAL.—There is established a separate account in the Treasury known as the 'PACT Anti-Trafficking Fund'. Notwithstanding any other provision of law and subject to subparagraph (B), an amount equal to 50 percent of any criminal and civil penalties collected by the Federal Government in enforcing this Act shall be transferred into the PACT Anti-Trafficking Fund and shall be available to the Attorney General of the United States for purposes of enforcing this Act and other laws relating to contraband tobacco products.

''(B) ALLOCATION OF FUNDS.—Of the amount available to the Attorney General of the United States under subparagraph (A), not less than 50 percent shall be made available only to the agencies and offices within the Department of Justice that were responsible for the enforcement actions in which the penalties concerned were imposed or for any underlying investigations.

''(4) NONEXCLUSIVITY OF REMEDY.—

''(A) IN GENERAL.—The remedies available under this section and section 3 are in addition to any other remedies available under Federal, State, local, tribal, or other law.

''(B) STATE COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized State official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of State or other law.

''(C) TRIBAL COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized Indian tribal government official to proceed in tribal court, or take other enforcement actions, on the basis of an alleged violation of tribal law.

''(D) LOCAL GOVERNMENT ENFORCEMENT.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized local government official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of local or other law.

''(d) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who holds a permit under section 5712 of the Internal Revenue Code of 1986 (regarding permitting of manufacturers and importers of tobacco products and export warehouse proprietors) may bring an action in an appropriate United States district court to prevent and restrain violations of this Act by any person other than a State, local, or tribal government.

''(e) NOTICE.—

''(1) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who commences a civil action under subsection (d) shall inform the Attorney General of the United States of the action.

''(2) STATE, LOCAL, AND TRIBAL ACTIONS.—It is the sense of Congress that the attorney general of any State, or chief law enforcement officer of any locality or tribe, that commences a civil action under this section should inform the Attorney General of the United States of the action.

''(f) PUBLIC NOTICE.—

''(1) IN GENERAL.—The Attorney General of the United States shall make available to the public, by posting information on the Internet and by other appropriate means, information regarding all enforcement actions brought by the United States, or reported to the Attorney General of the United States, under this section, including information regarding the resolution of the enforcement actions and how the Attorney General of the United States has responded to referrals of evidence of violations pursuant to subsection (c)(2).

''(2) REPORTS TO CONGRESS.—Not later than 1 year after the date of enactment of the Prevent All Cigarette Trafficking Act of 2009, and every year thereafter until the date that is 5 years after such date of enactment, the Attorney General of the United States shall submit to Congress a report containing the information described in paragraph (1).''.

SEC. 3. TREATMENT OF CIGARETTES AND SMOKELESS TOBACCO AS NONMAILABLE MATTER.

(a) IN GENERAL.—Chapter 83 of title 18, United States Code, is amended by inserting after section 1716D the following:

''§ 1716E. Tobacco products as nonmailable

''(a) PROHIBITION.—

''(1) IN GENERAL.—All cigarettes and smokeless tobacco (as those terms are defined in section 1 of the Act of October 19, 1949, commonly referred to as the Jenkins Act) are nonmailable and shall not be deposited in or carried through the mails. The United States Postal Service shall not accept for delivery or transmit through the mails any package that it knows or has reasonable cause to believe contains any cigarettes or smokeless tobacco made nonmailable by this paragraph.

''(2) REASONABLE CAUSE.—For the purposes of this subsection reasonable cause includes—

''(A) a statement on a publicly available website, or an advertisement, by any person that the person will mail matter which is nonmailable under this section in return for payment; or

''(B) the fact that the person is on the list created under section 2A(e) of the Jenkins Act.

''(b) EXCEPTIONS.—

''(1) CIGARS.—Subsection (a) shall not apply to cigars (as defined in section 5702(a) of the Internal Revenue Code of 1986).

''(2) GEOGRAPHIC EXCEPTION.—Subsection (a) shall not apply to mailings within the State of Alaska or within the State of Hawaii.

''(3) BUSINESS PURPOSES.—

''(A) IN GENERAL.—Subsection (a) shall not apply to tobacco products mailed only—

''(i) for business purposes between legally operating businesses that have all applicable State and Federal Government licenses or permits and are engaged in tobacco product manufacturing, distribution, wholesale, export, import, testing, investigation, or research; or

''(ii) for regulatory purposes between any business described in clause (i) and an agency of the Federal Government or a State government.

''(B) RULES.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Prevent All Cigarette Trafficking Act of 2009, the Postmaster General shall issue a final rule which shall establish the standards and requirements that apply to all mailings described in subparagraph (A).

''(ii) CONTENTS.—The final rule issued under clause (i) shall require—

''(I) the United States Postal Service to verify that any person submitting an otherwise nonmailable tobacco product into the mails as authorized under this paragraph is a business or government agency permitted to make a mailing under this paragraph;

''(II) the United States Postal Service to ensure that any recipient of an otherwise nonmailable tobacco product sent through the mails under this paragraph is a business or government agency that may lawfully receive the product;

''(III) that any mailing described in subparagraph (A) shall be sent through the systems of the United States Postal Service that provide for the tracking and confirmation of the delivery;

''(IV) that the identity of the business or government entity submitting the mailing containing otherwise nonmailable tobacco products for delivery and the identity of the business or government entity receiving the mailing are clearly set forth on the package;

''(V) the United States Postal Service to maintain identifying information described in subclause (IV) during the 3-year period beginning on the date of the mailing and make the information available to the Postal Service, the Attorney General of the United States, and to persons eligible to bring enforcement actions under section 3(d) of the Prevent All Cigarette Trafficking Act of 2009;

''(VI) that any mailing described in subparagraph (A) be marked with a United States Postal Service label or marking that makes it clear to employees of the United States Postal Service that it is a permitted mailing of otherwise nonmailable tobacco products that may be delivered only to a permitted government agency or business and may not be delivered to any residence or individual person; and

''(VII) that any mailing described in subparagraph (A) be delivered only to a verified employee of the recipient business or government agency, who is not a minor and who shall be required to sign for the mailing.

''(C) DEFINITION.—In this paragraph, the term 'minor' means an individual who is less than the minimum age required for the legal sale or purchase of tobacco products as determined by applicable law at the place the individual is located.

''(4) CERTAIN INDIVIDUALS.—

''(A) IN GENERAL.—Subsection (a) shall not apply to tobacco products mailed by individuals who are not minors for noncommercial purposes, including the return of a damaged or unacceptable tobacco product to the manufacturer.

''(B) RULES.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Prevent All Cigarette Trafficking Act of 2009, the Postmaster General shall issue a final rule which shall establish the standards and requirements that apply to all mailings described in subparagraph (A).

''(ii) CONTENTS.—The final rule issued under clause (i) shall require—

''(I) the United States Postal Service to verify that any person submitting an otherwise nonmailable tobacco product into the mails as authorized under this paragraph is the individual identified on the return address label of the package and is not a minor;

''(II) for a mailing to an individual, the United States Postal Service to require the person submitting the otherwise nonmailable tobacco product into the mails as authorized by this paragraph to affirm that the recipient is not a minor;

''(III) that any package mailed under this paragraph shall weigh not more than 10 ounces;

''(IV) that any mailing described in subparagraph (A) shall be sent through the systems of the United States Postal Service that provide for the tracking and confirmation of the delivery;

''(V) that a mailing described in subparagraph (A) shall not be delivered or placed in the possession of any individual who has not been verified as not being a minor;

''(VI) for a mailing described in subparagraph (A) to an individual, that the United States Postal Service shall deliver the package only to a recipient who is verified not to be a minor at the recipient address or transfer it for delivery to an Air/Army Postal Office or Fleet Postal Office number designated in the recipient address; and

''(VII) that no person may initiate more than 10 mailings described in subparagraph (A) during any 30-day period.

''(C) DEFINITION.—In this paragraph, the term 'minor' means an individual who is less than the minimum age required for the legal sale or purchase of tobacco products as determined by applicable law at the place the individual is located.

''(5) EXCEPTION FOR MAILINGS FOR CONSUMER TESTING BY MANUFACTURERS.—

''(A) IN GENERAL.—Subject to subparagraph (B), subsection (a) shall not preclude a legally operating cigarette manufacturer or a legally authorized agent of a legally operating cigarette manufacturer from using the United States Postal Service to mail cigarettes to verified adult smoker solely for consumer testing purposes, if—

''(i) the cigarette manufacturer has a permit, in good standing, issued under section 5713 of the Internal Revenue Code of 1986;

''(ii) the package of cigarettes mailed under this paragraph contains not more than 12 packs of cigarettes (240 cigarettes);

''(iii) the recipient does not receive more than 1 package of cigarettes from any 1 cigarette manufacturer under this paragraph during any 30-day period;

''(iv) all taxes on the cigarettes mailed under this paragraph levied by the State and locality of delivery are paid to the State and locality before delivery, and tax stamps or other tax-payment indicia are affixed to the cigarettes as required by law; and

''(v)(I) the recipient has not made any payments of any kind in exchange for receiving the cigarettes;

''(II) the recipient is paid a fee by the manufacturer or agent of the manufacturer for participation in consumer product tests; and

''(III) the recipient, in connection with the tests, evaluates the cigarettes and provides feedback to the manufacturer or agent.

''(B) LIMITATIONS.—Subparagraph (A) shall not—

''(i) permit a mailing of cigarettes to an individual located in any State that prohibits the delivery or shipment of cigarettes to individuals in the State, or preempt, limit, or otherwise affect any related State laws; or

''(ii) permit a manufacturer, directly or through a legally authorized agent, to mail cigarettes in any calendar year in a total amount greater than 1 percent of the total cigarette sales of the manufacturer in the United States during the calendar year before the date of the mailing.

''(C) RULES.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Prevent All Cigarette Trafficking Act of 2009, the Postmaster General shall issue a final rule which shall establish the standards and requirements that apply to all mailings described in subparagraph (A).

''(ii) CONTENTS.—The final rule issued under clause (i) shall require—

''(I) the United States Postal Service to verify that any person submitting a tobacco product into the mails under this paragraph is a legally operating cigarette manufacturer permitted to make a mailing under this paragraph, or an agent legally authorized by the legally operating cigarette manufacturer to submit the tobacco product into the mails on behalf of the manufacturer;

''(II) the legally operating cigarette manufacturer submitting the cigarettes into the mails under this paragraph to affirm that—

''(aa) the manufacturer or the legally authorized agent of the manufacturer has verified that the recipient is an adult established smoker;

''(bb) the recipient has not made any payment for the cigarettes;

''(cc) the recipient has signed a written statement that is in effect indicating that the recipient wishes to receive the mailings; and

''(dd) the manufacturer or the legally authorized agent of the manufacturer has offered the opportunity for the recipient to withdraw the written statement described in item (cc) not less frequently than once in every 3-month period;

''(III) the legally operating cigarette manufacturer or the legally authorized agent of the manufacturer submitting the cigarettes into the mails under this paragraph to affirm that any package mailed under this paragraph contains not more than 12 packs of cigarettes (240 cigarettes) on which all taxes levied on the cigarettes by the State and locality of delivery have been paid and all related State tax stamps or other tax-payment indicia have been applied;

''(IV) that any mailing described in subparagraph (A) shall be sent through the systems of the United States Postal Service that provide for the tracking and confirmation of the delivery;

''(V) the United States Postal Service to maintain records relating to a mailing described in subparagraph (A) during the 3-year period beginning on the date of the mailing and make the information available to persons enforcing this section;

''(VI) that any mailing described in subparagraph (A) be marked with a United States Postal Service label or marking that makes it clear to employees of the United States Postal Service that it is a permitted

mailing of otherwise nonmailable tobacco products that may be delivered only to the named recipient after verifying that the recipient is an adult; and

''(VII) the United States Postal Service shall deliver a mailing described in subparagraph (A) only to the named recipient and only after verifying that the recipient is an adult.

''(D) DEFINITIONS.—In this paragraph—

''(i) the term 'adult' means an individual who is not less than 21 years of age; and

''(ii) the term 'consumer testing' means testing limited to formal data collection and analysis for the specific purpose of evaluating the product for quality assurance and benchmarking purposes of cigarette brands or sub-brands among existing adult smokers.

''(6) FEDERAL GOVERNMENT AGENCIES.—An agency of the Federal Government involved in the consumer testing of tobacco products solely for public health purposes may mail cigarettes under the same requirements, restrictions, and rules and procedures that apply to consumer testing mailings of cigarettes by manufacturers under paragraph (5), except that the agency shall not be required to pay the recipients for participating in the consumer testing.

''(c) SEIZURE AND FORFEITURE.—Any cigarettes or smokeless tobacco made nonmailable by this subsection that are deposited in the mails shall be subject to seizure and forfeiture, pursuant to the procedures set forth in chapter 46 of this title. Any tobacco products seized and forfeited under this subsection shall be destroyed or retained by the Federal Government for the detection or prosecution of crimes or related investigations and then destroyed.

''(d) ADDITIONAL PENALTIES.—In addition to any other fines and penalties under this title for violations of this section, any person violating this section shall be subject to an additional civil penalty in the amount equal to 10 times the retail value of the nonmailable cigarettes or smokeless tobacco, including all Federal, State, and local taxes.

''(e) CRIMINAL PENALTY.—Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything that is nonmailable matter under this section shall be fined under this title, imprisoned not more than 1 year, or both.

''(f) USE OF PENALTIES.—There is established a separate account in the Treasury, to be known as the 'PACT Postal Service Fund'. Notwithstanding any other provision of law, an amount equal to 50 percent of any criminal fines, civil penalties, or other monetary penalties collected by the Federal Government in enforcing this section shall be transferred into the PACT Postal Service Fund and shall be available to the Postmaster General for the purpose of enforcing this subsection.

''(g) COORDINATION OF EFFORTS.—The Postmaster General shall cooperate and coordinate efforts to enforce this section with related enforcement activities of any other Federal agency or agency of any State, local, or tribal government, whenever appropriate.

''(h) ACTIONS BY STATE, LOCAL, OR TRIBAL GOVERNMENTS RELATING TO CERTAIN TOBACCO PRODUCTS.—

''(1) IN GENERAL.—A State, through its attorney general, or a local government or Indian tribe that levies an excise tax on tobacco products, through its chief law enforcement officer, may in a civil action in a United States district court obtain appropriate relief with respect to a violation of this section. Appropriate relief includes injunctive and equitable relief and damages equal to the amount of unpaid taxes on tobacco products mailed in violation of this section to addressees in that State, locality, or tribal land.

''(2) SOVEREIGN IMMUNITY.—Nothing in this subsection shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government or Indian tribe against any unconsented lawsuit under paragraph (1), or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government or Indian tribe.

''(3) ATTORNEY GENERAL REFERRAL.—A State, through its attorney general, or a local government or Indian tribe that levies an excise tax on tobacco products, through its chief law enforcement officer, may provide evidence of a violation of this section for commercial purposes by any person not subject to State, local, or tribal government enforcement actions for violations of this section to the Attorney General of the United States, who shall take appropriate actions to enforce this section.

''(4) NONEXCLUSIVITY OF REMEDIES.—The remedies available under this subsection are in addition to any other remedies available under Federal, State, local, tribal, or other law. Nothing in this subsection shall be construed to expand, restrict, or otherwise modify any right of an authorized State, local, or tribal government official to proceed in a State, tribal, or other appropriate court, or take other enforcement actions, on the basis of an alleged violation of State, local, tribal, or other law.

''(5) OTHER ENFORCEMENT ACTIONS.—Nothing in this subsection shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of the State.

''(i) DEFINITION.—In this section, the term 'State' has the meaning given that term in section 1716(k).''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 83 of title 18 is amended by inserting after the item relating to section 1716D the following:

''1716E. Tobacco products as nonmailable.''.

SEC. 4. INSPECTION BY BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES OF RECORDS OF CERTAIN CIGARETTE AND SMOKELESS TOBACCO SELLERS; CIVIL PENALTY.

Section 2343(c) of title 18, United States Code, is amended to read as follows:

''(c)(1) Any officer of the Bureau of Alcohol, Tobacco, Firearms, and Explosives may, during normal business hours, enter the premises of any person described in subsection (a) or (b) for the purposes of inspecting—

''(A) any records or information required to be maintained by the person under this chapter; or

''(B) any cigarettes or smokeless tobacco kept or stored by the person at the premises.

''(2) The district courts of the United States shall have the authority in a civil action under this subsection to compel inspections authorized by paragraph (1).

''(3) Whoever denies access to an officer under paragraph (1), or who fails to comply with an order issued under paragraph (2), shall be subject to a civil penalty in an amount not to exceed $10,000.''.

SEC. 5. EXCLUSIONS REGARDING INDIAN TRIBES AND TRIBAL MATTERS.

(a) IN GENERAL.—Nothing in this Act or the amendments made by this Act shall be construed to amend, modify, or otherwise affect—

(1) any agreements, compacts, or other intergovernmental arrangements between any State or local government and any government of an Indian tribe (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) relating to the collection of taxes on cigarettes or smokeless tobacco sold in Indian country;

(2) any State laws that authorize or otherwise pertain to any such intergovernmental arrangements or create special rules or procedures for the collection of State, local, or tribal taxes on cigarettes or smokeless tobacco sold in Indian country;

(3) any limitations under Federal or State law, including Federal common law and treaties, on State, local, and tribal tax and regulatory authority with respect to the sale, use, or distribution of cigarettes and smokeless tobacco by or to Indian tribes, tribal members, tribal enterprises, or in Indian country;

(4) any Federal law, including Federal common law and treaties, regarding State jurisdiction, or lack thereof, over any tribe, tribal members, tribal enterprises, tribal reservations, or other lands held by the United States in trust for one or more Indian tribes; or

(5) any State or local government authority to bring enforcement actions against persons located in Indian country.

(b) COORDINATION OF LAW ENFORCEMENT.—Nothing in this Act or the amendments made by this Act shall be construed to inhibit or otherwise affect any coordinated law enforcement effort by 1 or more States or other jurisdictions, including Indian tribes, through interstate compact or otherwise, that—

(1) provides for the administration of tobacco product laws or laws pertaining to interstate sales or other sales of tobacco products;

(2) provides for the seizure of tobacco products or other property related to a violation of such laws; or

(3) establishes cooperative programs for the administration of such laws.

(c) TREATMENT OF STATE AND LOCAL GOVERNMENTS.—Nothing in this Act or the amendments made by this Act shall be construed to authorize, deputize, or commission States or local governments as instrumentalities of the United States.

(d) ENFORCEMENT WITHIN INDIAN COUNTRY.—Nothing in this Act or the amendments made by this Act shall prohibit, limit, or restrict enforcement by the Attorney General of the United States of this Act or an amendment made by this Act within Indian country.

(e) AMBIGUITY.—Any ambiguity between the language of this section or its application and any other provision of this Act shall be resolved in favor of this section.

(f) DEFINITIONS.—In this section—

(1) the term ''Indian country'' has the meaning given that term in section 1 of the Jenkins Act, as amended by this Act; and

(2) the term ''tribal enterprise'' means any business enterprise, regardless of whether incorporated or unincorporated under Federal or tribal law, of an Indian tribe or group of Indian tribes.

SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall take effect on the date that is 90 days after the date of enactment of this Act.

(b) BATFE AUTHORITY.—The amendments made by section 4 shall take effect on the date of enactment of this Act.

SEC. 7. SEVERABILITY.

If any provision of this Act, or any amendment made by this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of the Act to any other person or circumstance shall not be affected thereby.

SEC. 8. SENSE OF CONGRESS CONCERNING THE PRECEDENTIAL EFFECT OF THIS ACT.

It is the sense of Congress that unique harms are associated with online cigarette sales, including problems with verifying the ages of consumers in the digital market and the long-term health problems associated with the use of certain tobacco products. This Act was enacted recognizing the longstanding interest of Congress in urging compliance with States' laws regulating remote sales of certain tobacco products to citizens of those States, including the passage of the Jenkins Act over 50 years ago, which established reporting requirements for out-of-State companies that sell certain tobacco products to citizens of the taxing States, and which gave authority to the Department of Justice and the Bureau of Alcohol, Tobacco, Firearms, and Explosives to enforce the Jenkins Act. In light of the unique harms and circumstances surrounding the online sale of certain tobacco products, this Act is intended to help collect cigarette excise taxes, to stop tobacco sales to underage youth, and to help the States enforce their laws that target the online sales of certain tobacco products only. This Act is in no way meant to create a precedent regarding the collection of State sales or use taxes by, or the validity of efforts to impose other types of taxes on, out-of-State entities that do not have a physical presence within the taxing State.

The SPEAKER pro tempore: Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and provide extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, S. 1147, the Prevent All Cigarette Trafficking Act of 2009, or PACT Act, will allow law enforcement to strengthen their efforts to combat illegal smuggling of tobacco products. Every year, tens of billions of cigarettes are illegally smuggled across State lines and across borders, cheating State and local governments out of much-needed tax revenues. In fact, tax evasion is the chief motivator for cigarette smuggling. Buying in a State where the cigarette tax is low and selling illegally in a State with a higher tax, the smuggler can sell at a discount and still turn a nice profit.

Cigarette smuggling costs States $1 billion in uncollected tax revenue each year. The size of this illicit revenue stream has attracted organized crime and even terrorist groups. Because of the interstate scope of this criminal activity, as well as its sheer magnitude, States cannot adequately address it on their own. It has long been recognized as a Federal matter.

And there are Federal statutes. The Jenkins Act requires reporting interstate cigarette sales to tax officials in the buyer's State. And the Contraband Cigarette Trafficking Act prohibits knowingly dealing in contraband cigarettes or smokeless tobacco.

But these statutes in their current form are no match for the Internet. The Internet is being used to shepherd tobacco products across State lines in massive amounts, and the existing Federal statutes are unable to effectively stop them.

Internet-based smuggling operations are so mobile, in fact, that even when the smugglers can be identified and pursued, they can act quickly to shut down and simply reappear under a new name on a new Web site.

The PACT Act addresses the shortcomings in current law by targeting the delivery systems for illegal Internet tobacco sales, the postal system, and commercial delivery services.

First, the bill permanently prohibits, with limited exceptions, sending tobacco products through the U.S. mail.

Second, vendors using commercial delivery services for retail sales are required to notify the tax authorities in the receiving State, conspicuously label all tobacco products, verify the purchasers are of legal age, and keep careful records of all sales.

Third, the bill raises the offense of cigarette trafficking from a misdemeanor to a felony.

Finally, the bill also authorizes the Bureau of Alcohol, Tobacco, Firearms, and Explosives to inspect the premises and files of sellers of significant quantities of cigarettes or smokeless tobacco.

S. 1147 passed the Senate on March 11 and is substantially similar to H.R. 1676, which passed the House under suspension of the rules on May 21, 2009 by a 397–11 roll call vote.

I would like to thank Mr. WEINER for his leadership in sponsoring the House version of this legislation. I also commend our ranking member, LAMAR SMITH of Texas, for his leadership in making this a bipartisan effort.

I urge my colleagues to support this important legislation.

I reserve the balance of my time.

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

Mr. Speaker, S. 1147, the Prevent All Cigarette Trafficking, or PACT, Act of 2009, is bipartisan legislation that will help Federal, State, and local law enforcement officials combat cigarette smuggling and trafficking.

Today, the House considers the Senate version of this legislation. The House passed similar bipartisan legislation last May, which I cosponsored with my colleague from New York (Mr. WEINER).

□ 1045

Tobacco smuggling has become one of the most prevalent forms of smuggling in recent years, and its effects are felt not only in America but around the world. The World Health Organization estimates that illegal cigarettes account for over 10 percent, or approximately 600 billion cigarettes, of the almost 6 trillion cigarettes sold globally each year. According to a study by the World Bank, cigarettes are appealing to smugglers because taxes typically account for a large portion of the sale price for cigarettes. Smugglers are, therefore, able to sell contraband cigarettes at a significantly lower price, making it highly profitable to traffic them for resale.

Tobacco smuggling traditionally involves the diversion of large quantities of cigarettes from wholesale distribution into the market. This usually occurs during shipment of the cigarettes, thus allowing the traffickers to avoid most, if not all, of the taxes that will be imposed at retail. The profits from tobacco trafficking can be used to finance illegal activities, such as organized crime and drug trafficking syndicates. In addition, the sale of smuggled tobacco on the market deprives States of significant amounts of tax revenue each year.

California officials estimate that taxes are unpaid on about 15 percent of all tobacco sold in its markets at a cost of $276 million a year. In a recently released study, the State of New York, for example, put its losses at more than $576 million per year. Recently, my home State of Texas raised its cigarette taxes. This increase is supposed to generate an additional $800 million in revenue for the State. This revenue could be lost if smugglers continue to divert cigarettes for resale on the underground market.

The PACT Act will help to ensure that States like California, New York, and Texas receive or recover tax revenue that is due to them. This bipartisan legislation closes loopholes in current tobacco trafficking laws and provides law enforcement officials with ways to combat the innovative methods being used by cigarette traffickers to distribute their products.

Mr. Speaker, S. 1147 is supported by the Lung Cancer Alliance, the Campaign for Tobacco-Free Kids, and more than 20 public health advocacy organizations. A number of tobacco manufacturers and a majority of State attorneys general also support passage of this bill. I urge my colleagues to support this legislation.

I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, I yield as much time as he may consume to the silver-throated Representative from New York's Ninth Congressional District (Mr. WEINER).

Mr. WEINER. I thank you very much, and I thank the ranking member for his informed remarks about this bill. I want to thank also the chairman of our full committee for reaching it to this point.

You know, the fact is that the various States have different levels of tax on their tobacco products. Some States are very high. My State of New York is among the highest. Our city puts an

additional tax. It is one of the prerogatives of the different States—some have chosen to tax more; some have chosen to tax less.

But the fact is that there is an enormous economy around avoiding that tax, essentially violating the law. There are Internet tobacco sites that exist with their sole purpose apparently being to deliver tobacco to people outside the realm of taxation. That's a problem. It's a problem not just because it makes it impossible for States to collect taxes that they've levied, but it's also a problem because the sale of Internet tobacco encourages underage smoking. It also makes it very easy for anyone who wants to commit illicit acts.

When the Government Accounting Office took a look at a smuggling ring that they discovered in the early part of this century, they found that Hezbollah, the international terrorist organization, was using this difference in taxes to fund their illicit activities. Here's how it worked: They would purchase tobacco at a low tax rate in North Carolina; they would ship it to a higher tax State in Michigan; and the difference that they'd save by selling the cheaper tobacco in Michigan would produce millions of dollars.

But it is not just international terrorist organizations and not just underage smokers that are using this gap in the laws to undermine our interstate commerce. It is also just everyday citizens who have become scofflaws by using Internet tobacco sales.

So how does this PACT Act, which was sponsored by Senator KOHL and is sponsored by my Republican friends in the House and passed by a broad margin when we earlier considered this, how does this solve the problem? Well, it does it in a couple of ways.

One, it is already by agreement that UPS, FedEx, DHL, the major common carriers have said, You know what? We think it's wrong to be facilitating this by making deliveries for Internet tobacco companies, so we're not going to do it. They've agreed to it. It's in place in all 50 States. There's only one common carrier that today still delivers tobacco through the mail—the United States Postal Service. They came to us and said, Congress, if you really want us not to mail this, you've got to define what a nonmailable material is, and you've got to add that to the list. That's what the PACT Act does. It says that you can no longer mail tobacco through the mail once this becomes law. So it's going to make it very, very difficult, if not impossible, for Internet tobacco sales to continue.

A second thing that it does is that transaction that I described, where you buy something cheaply and don't pay taxes on it or pay a lower tax than you're supposed to in your State, is already a violation of the law. But effectively, those violations are never prosecuted because under the Jenkins Act, which is the structure of the law that enforces this, it's only a misdemeanor. Well, that's going to change. In this bill, it's going to become a felony. If you think you're going to skirt the law by driving to your neighborhood Indian reservation, buying boxes and boxes or cases and cases of cigarettes, not paying taxes on it, well, now that's a violation of the Jenkins Act that rises to a felony. So it might make sense for the U.S. Attorney or for an attorney general to say, You know what? We're going to do a stakeout here, and if we find untaxed tobacco is being sold or undertaxed tobacco is being sold, we're going to crack down on it.

A third thing that it does is it increases the enforcement of the act that is supposed to happen. When you buy something in a low tax State, you're supposed to pay the taxes in your home State. So this is going to increase the reporting requirements. Anyone that sells these products is going to have to report back to your home State on the taxes that are owed.

Now, what is this going to mean? In addition to cutting down on underage smoking, this is going to mean that States and localities are going to find that they're going to start collecting the taxes they're supposed to. And again, we have people who support lower tobacco taxes on this bill, people who support higher tobacco taxes on this bill. This is not an issue of whether you think there should or should not be tobacco taxes. I think there is bipartisan agreement that there is, within the right of the 50 States, the ability to levy this taxes, and the sovereignty of those 50 States depend on them being able to collect it. What this is going to be able to do now is we are going to make sure that, in the context of this debate, that these tobacco taxes get collected.

No one knows exactly what was being evaded here, but there was one estimate that said as much as $1 billion in New York State alone is being evaded, and we are finally going to be able to get control of this problem. All 51 State attorneys general have supported the PACT Act, the National Association of Convenience Stores, the American Wholesalers Association. Even the major tobacco companies who understand that there is a regime that has been set up in the 50 States, they want it to be followed, too. So companies like Altria and Lorillard are saying, You know what? While there are a lot of hot debates about tobacco use in this country, there should not be a hot debate about whether or not we enforce the laws of the 50 States.

I also want to thank my Republican colleagues here. Mr. SMITH and his colleagues and a bipartisan coalition said, You know what? You're going to be tough on crime; we're going to be tough on this crime as well, and have every step of the way made suggestions that have improved this legislation.

And also—this is the part that is the toughest to say—I want to thank my colleagues in the Senate. There have been 290 times that we have sent legislation in their direction, and while I think it was Benjamin Franklin who called the Senate ''the cooling saucer of our democracy,'' they've been more akin to a meat locker in recent months. And I want to commend Senator KOHL for figuring out a way to extract something from that frigid environment. Hopefully, we'll be getting this to the President's desk.

This is an important thing, what we're doing here. This is going to allow States to collect the revenue they're supposed to have. Every antismoking organization that's concerned about underage smoking has been active in making this happen—27 public health groups, the Campaign for Tobacco-Free Kids, the American Heart Association, American Cancer Society, the American Lung Association. I think all of us who are concerned about keeping tobacco out of the hands of children recognize that this giant gap in our law that allows them to get it on the Internet without any age verification, which is another element of this bill that's going to become law, has a stake in making this bill a reality.

I want to thank Mr. COHEN for so deftly managing this bill.

I would like to thank members of the Democratic and Republican staff of the Judiciary Committee and my staff, who worked tirelessly on this legislation. In particular, I would like to thank Perry Apelbaum, Ted Kalo and Danielle Brown on the House Judiciary Committee, Jesselyn McCurdy, Kimani Little and Caroline Lynch with the Judiciary Subcommittee on Crime, Terrorism and Homeland Security, Marni Karlin on the Senate Judiciary Committee, John Mautz with Congressman Coble's staff and Joe Dunn on my staff.

I would also like to thank Artie Katz, Lenny Schwartz and Steve Rosenthal with the New York Association of Wholesale Marketers, John Hoel and Sarah Knakmuhs with Altria, Eric Lindblom and Brian Hickey with the Campaign for Tobacco Free Kids, Anne Holloway with the American Wholesale Marketers Association, Blair Tinkle with the National Association of Attorneys General, Lyle Beckwith with the National Association of Convenience Stores and Laurie McKay with Dickstein Shapiro.

I urge my colleagues to support this important legislation.

Mr. COHEN. Mr. Speaker, I just want to commend both Ranking Member SMITH and Mr. WEINER. This is bipartisan, bicameral, and bilegally. And since it's tri-bi, I encourage everybody to vote ''aye'' on S. 1147.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and pass the bill, S. 1147.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 1089, by the yeas and nays;

H. Res. 1167, by the yeas and nays;

H. Res. 1184, by the yeas and nays.

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

RECOGNIZING 150TH ANNIVERSARY OF AUGUSTANA COLLEGE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1089, as amended, 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 gentlewoman from New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and agree to the resolution, H. Res. 1089, as amended.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 9, as follows:

[Roll No. 120]

YEAS—421

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

NOT VOTING—9

Barrett (SC)
Brown (SC)
Cuellar
Deal (GA)
Engel
Perriello
Schrader
Stark
Young (FL)

□ 1127

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

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: ''Recognizing the 150th anniversary of Augustana College in Rock Island, Illinois.''.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

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

H. Con. Res. 249. Concurrent resolution commemorating the 45th anniversary of Bloody Sunday and the role that it played in ensuring the passage of the Voting Rights Act of 1965.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1782. An act to provide improvements for the operations of the Federal courts, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 2847) ''An Act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.''.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WEINER). Without objection, 5-minute voting will continue.

There was no objection.

SUPPORTING SOCIAL WORK MONTH AND WORLD SOCIAL WORK DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1167, 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 gentlewoman from New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and agree to the resolution, H. Res. 1167.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 11, as follows:

[Roll No. 121]

YEAS—419

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

NOT VOTING—11

Barrett (SC)
Bright
Brown (SC)
Cuellar
Deal (GA)
Engel
Gohmert
Markey (CO)
Schrader
Stark
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1135

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BRIGHT. Madam Speaker, on rollcall No. 121, had I been present, I would have voted "yea."

CONGRATULATING UNIVERSITY OF MARYLAND MEN'S BASKETBALL TEAM

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1184, 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 gentlewoman from New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and agree to the resolution, H. Res. 1184.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 279, nays 132, answered "present" 6, not voting 13, as follows:

[Roll No. 122]

YEAS—279

Ackerman
Adler (NJ)
Alexander
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Butterfield
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Radanovich
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Wilson (OH)

Wilson (SC)	Wolf	Wu
Wittman	Woolsey	Yarmuth

NAYS—132

Aderholt	Gohmert	Moran (KS)
Akin	Granger	Neugebauer
Altmire	Griffith	Nunes
Austria	Guthrie	Olson
Bachmann	Harper	Paul
Biggert	Hastings (WA)	Paulsen
Bilbray	Heller	Petri
Bishop (UT)	Hensarling	Poe (TX)
Blackburn	Herger	Posey
Boehner	Hoekstra	Price (GA)
Bono Mack	Hunter	Putnam
Boozman	Inglis	Rahall
Boustany	Issa	Roe (TN)
Brady (TX)	Jenkins	Rogers (AL)
Broun (GA)	Johnson (IL)	Rogers (KY)
Brown-Waite, Ginny	Johnson, Sam	Rogers (MI)
	Jordan (OH)	Rohrabacher
Burgess	King (IA)	Rooney
Burton (IN)	King (NY)	Ros-Lehtinen
Buyer	Kingston	Roskam
Calvert	Kline (MN)	Royce
Camp	Lance	Ryan (WI)
Campbell	Latta	Scalise
Carter	Lee (NY)	Schock
Cassidy	Lewis (CA)	Sensenbrenner
Chaffetz	Linder	Sessions
Coffman (CO)	Lucas	Shadegg
Cole	Luetkemeyer	Shimkus
Conaway	Lummis	Shuster
Davis (KY)	Lungren, Daniel E.	Simpson
Diaz-Balart, L.		Smith (NE)
Diaz-Balart, M.	Mack	Smith (TX)
Dreier	Manzullo	Souder
Duncan	Marchant	Stearns
Ehlers	McCarthy (CA)	Sullivan
Fallin	McClintock	Thornberry
Flake	McCotter	Tiahrt
Fleming	McHenry	Tiberi
Forbes	McKeon	Turner
Fortenberry	McMorris Rodgers	Upton
Foxx		Walden
Franks (AZ)	Mica	Wamp
Frelinghuysen	Miller (FL)	Westmoreland
Gallegly	Miller (MI)	Whitfield
Gingrey (GA)	Miller, Gary	Young (AK)

ANSWERED ''PRESENT''—6

Chandler	Green, Gene	Marshall
DeFazio	Kagen	Oberstar

NOT VOTING—13

Barrett (SC)	Doyle	Stark
Brown (SC)	Engel	Waxman
Cantor	Grijalva	Young (FL)
Cuellar	Pence	
Deal (GA)	Schrader	

□ 1143

Messrs. ROGERS of Michigan, LANCE, and SMITH of Texas changed their vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECESS

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

Accordingly (at 11 o'clock and 44 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1347

AFTER RECESS

The recess having expired, the House was called to order by the SPEAKER pro tempore (Ms. MCCOLLUM) at 1 o'clock and 47 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

ROY WILSON POST OFFICE

Mr. CLAY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4214) to designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the ''Roy Wilson Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4214

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

SECTION 1. ROY WILSON POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, shall be known and designated as the ''Roy Wilson Post Office''.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, I rise in support of H.R. 4214, a bill to designate the facility of the U.S. Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the ''Roy Wilson Post Office.'' The late Roy Wilson devoted his career to public service, serving as county supervisor for Riverside County, California, for 15 years. This followed 17 years of service on the Palm Desert City Council.

His passing last August brought a great deal of sadness to his colleagues, his staff, and his community. He is remembered for working with his colleagues to find common ground and to seek compromise. His hard work earned the respect and trust of his colleagues and constituents, and today, with this measure, we honor his life and service.

This bill was introduced by the gentlewoman from California, Representative MARY BONO MACK, on December 7, 2009. It was referred to the Committee on Oversight and Government Reform, which ordered it reported by unanimous consent on March 4, 2010.

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

I reserve the balance of my time.

Mr. BILBRAY. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise today in support of H.R. 4214, designating the facility of the United States Post Office located at 45300 Portola Avenue in Palm Desert, California, as the ''Roy Wilson Post Office.''

I think my illustrious colleague from Missouri said it very well. I think there is no reason to repeat more. Mr. Wilson served his community in many ways. As a former county supervisor myself, I think it is very appropriate to recognize how important that level of government, the county government, especially in California, is, and the many years of service that Mr. Wilson gave his community, not just as a county supervisor but in many other forms that are quite appropriate.

I am proud to join the gentleman from Missouri and the gentlelady, MARY BONO MACK, from California, in supporting this resolution.

I reserve my time.

Mr. CLAY. Madam Speaker, I have no speakers, so I will continue to reserve.

Mrs. BONO MACK. Madam Speaker, I rise today to honor the memory and legacy of a dear friend and selfless public leader. Serving one of our State's fastest growing regions, Riverside County Supervisor Roy Wilson passed away in August after many years of service to our community. I consider it a great privilege to honor this remarkable and humble man by naming a post office located in Supervisor Wilson's home town of Palm Desert, CA, as the Roy Wilson Post Office.

Some of my colleagues representing nearby Districts in southern California may remember Roy Wilson and his many years of outstanding work on behalf of residents of our region. His integrity and steady leadership was invaluable and he has been missed by all who knew and loved him. Our thoughts and prayers continue to be with his loving wife, Aurora, and the rest of his family.

Roy Wilson represented the 4th District of Riverside County for 15 years, following 17 years of service on the Palm Desert City Council. Roy worked on many issues important to members of our community such as improving air quality, providing valuable education, and reducing spending to help strengthen the county's budget.

For many years, Roy Wilson taught at our local community college, College of the Desert, in Palm Desert, California. This campus has for decades been an important educational resource to local residents wishing to pursue higher education. Roy was instrumental in helping the campus grow and excel.

In addition, Roy Wilson worked to help protect the environment in our region through his

service of 22 years on the governing board of the South Coast Air Quality Management District. Our desert community attracts residents and visitors through its natural beauty, hiking trails and mountainous views. Through Roy Wilson's leadership, he truly helped preserve the health and well-being of our unique environment.

In recent years, as our County faced significant financial challenges, Roy moved to rein in spending in order to help improve the budget—difficult, but necessary in these financially troubling times.

The many capacities in which Roy worked to the betterment of our community are clear, but his humble leadership is what truly made him so unique and effective. Roy was able to engage in both sides of any discussion and truly earned the trust and respect of many local residents and leaders.

As a cherished member of our community, where many residents called him a friend and neighbor, this postal naming would be a special tribute to the late Supervisor Roy Wilson.

I ask that my colleagues join me in honoring this exceptional man and helping me and residents living in our community honor his life and legacy.

I'd like to thank Subcommittee Chairman LYNCH and Ranking Member CHAFFETZ for their help in moving this bill forward.

Mr. BILBRAY. Madam Speaker, in the spirit of cooperation with the leadership, I will at this time yield back my time, and I ask for support of the bill.

Mr. CLAY. I thank my friend from California (Mr. BILBRAY) for joining me in urging our colleagues to recognize the life and work of Roy Wilson by supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 4214.

The question was taken.

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

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

The yeas and nays were ordered.

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

PLAIN WRITING ACT OF 2010

Mr. CLAY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 946) to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 946

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Plain Writing Act of 2010''.

SEC. 2. PURPOSE.

The purpose of this Act is to improve the effectiveness and accountability of Federal agencies to the public by promoting clear Government communication that the public can understand and use.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGENCY.—The term ''agency'' means an Executive agency, as defined under section 105 of title 5, United States Code.

(2) COVERED DOCUMENT.—The term ''covered document''—

(A) means any document that—

(i) is relevant to obtaining any Federal Government benefit or service or filing taxes;

(ii) provides information about any Federal Government benefit or service; or

(iii) explains to the public how to comply with a requirement the Federal Government administers or enforces;

(B) includes (whether in paper or electronic form) a letter, publication, form, notice, or instruction; and

(C) does not include a regulation.

(3) PLAIN WRITING.—The term ''plain writing'' means writing that the intended audience can readily understand and use because that writing is clear, concise, well-organized, and follows other best practices of plain writing.

SEC. 4. RESPONSIBILITIES OF FEDERAL AGENCIES.

(a) PREPARATION FOR IMPLEMENTATION OF PLAIN WRITING REQUIREMENTS.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the head of each agency shall—

(A) designate 1 or more senior officials within the agency to oversee the agency implementation of this Act;

(B) communicate the requirements of this Act to the employees of the agency;

(C) train employees of the agency in plain writing;

(D) establish a process for overseeing the ongoing compliance of the agency with the requirements of this Act;

(E) create and maintain a plain writing section of the agency's website that is accessible from the homepage of the agency's website; and

(F) designate 1 or more agency points-of-contact to receive and respond to public input on—

(i) agency implementation of this Act; and

(ii) the agency reports required under section 5.

(2) WEBSITE.—The plain writing section described under paragraph (1)(E) shall—

(A) inform the public of agency compliance with the requirements of this Act; and

(B) provide a mechanism for the agency to receive and respond to public input on—

(i) agency implementation of this Act; and

(ii) the agency reports required under section 5.

(b) REQUIREMENT TO USE PLAIN WRITING IN NEW DOCUMENTS.—Beginning not later than 1 year after the date of enactment of this Act, each agency shall use plain writing in every covered document of the agency that the agency issues or substantially revises.

(c) GUIDANCE.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director of the Office of Management and Budget shall develop and issue guidance on implementing the requirements of this section. The Director may designate a lead agency, and may use interagency working groups to assist in developing and issuing the guidance.

(2) INTERIM GUIDANCE.—Before the issuance of guidance under paragraph (1), agencies may follow the guidance of—

(A) the writing guidelines developed by the Plain Language Action and Information Network; or

(B) guidance provided by the head of the agency that is consistent with the guidelines referred to in subparagraph (A).

SEC. 5. REPORTS TO CONGRESS.

(a) INITIAL REPORT.—Not later than 9 months after the date of enactment of this Act, the head of each agency shall publish on the plain writing section of the agency's website a report that describes the agency plan for compliance with the requirements of this Act.

(b) ANNUAL COMPLIANCE REPORT.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the head of each agency shall publish on the plain writing section of the agency's website a report on agency compliance with the requirements of this Act.

SEC. 6. JUDICIAL REVIEW AND ENFORCEABILITY.

(a) JUDICIAL REVIEW.—There shall be no judicial review of compliance or noncompliance with any provision of this Act.

(b) ENFORCEABILITY.—No provision of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any administrative or judicial action.

SEC. 7. BUDGETARY EFFECTS OF PAYGO LEGISLATION FOR THIS ACT.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

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

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

There was no objection.

Mr. CLAY. In recognition of Sunshine Week, today we are considering H.R. 946, legislation aimed at making the government more open and accessible. H.R. 946, the Plain Language Act, was introduced by Representative BRUCE BRALEY of Iowa. This bill requires agencies to use plain writing in government documents.

The administration recently issued a directive on open government. One of the simple principles of the directive is that information should be accessible. This is the aim of this bill. This bill will make information more accessible by requiring agencies to write documents in a way that is clear and easily understood. We often focus on the need to make information available, but even if the information is available, it isn't useful unless it can be understood.

AARP wrote a letter supporting this bill. And it says, ''the use of plain language in documents issued to the public will save the Federal Government

an enormous amount of time now spent helping citizens understand the correspondence they receive. It will also reduce errors in the public's response to the information the government sends out, as well as minimize complaints from frustrated citizens trying to decipher overly dense and nontransparent communications.''

Madam Speaker, I urge my colleagues to support this worthy bill.

I reserve the balance of my time.

Mr. BILBRAY. Madam Speaker, I rise in support of the bill. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I want to join with my colleague from Missouri in supporting this bill. I really think that we need to see more bills like this. Plain language sounds so simple, but for so long the American people have been asking for Washington to do what it tells everyone else to do, and that is reform itself. You shouldn't have to hire a lawyer to be able to understand what the government is telling you or doing, and sadly that has been historically the fact. And I want to thank the author of this bill for bringing this forward.

I hope that this is the beginning of the melting of the gridlock of always trying to not change the way Washington operates. I hope this is the beginning of saying, before we ask the private citizens to change the way they live their lifestyle, the way they act, before we start asking the private sector to reform their way of operation, we should lead through example by changing the way Washington operates and the way the Federal Government relates not just to its services but to its constituency. And I think this bill does that.

I think one of the greatest frustrations that we find in the American people today is the fact that they feel that Washington is disconnected. And a bill like this points out how disconnected, that when we can't even send out notices to inform our citizens of what is going on, what they need to do, or what is possible—we can't even do it in plain language. We have to do it in a legalese that may sound good here in Washington, but it is not understood out in the real streets of America.

So I ask my colleagues, again, to use this as an example of just the first of many. And so we can look at not just reforming how we communicate, but how we govern, how we represent, and how we tell the American people we really do finally care enough to change the way we are operating, and that for once, Washington is going to lead through example rather than edict.

I would again compliment the author and the Representative of the majority for bringing this forward.

I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I yield to the chief sponsor of this legislation, my friend from Iowa, Representative BRALEY, as much time as he may consume.

Mr. BRALEY of Iowa. I thank my friend from Missouri for giving me time to speak on this bill. I thank my colleague from California for his impassioned support of this bill, because I believe this is the little-engine-that-could in terms of how we change the way that the Federal Government communicates with American citizens. And I think the people would find it surprising to know that somebody who spent his life practicing law would be introducing this bill. But the amazing thing is I was introduced to the concept of plain language in the Iowa Supreme Court's 1983 decision requiring all jury instructions to be written in plain language so that people could understand how their laws impact things.

That's why this bill is so important, because it gives the government the responsibility to communicate effectively with the citizens that we serve.

One of the things that is so amazing is that when you look at most government publications, you would think they were not written for their intended audience. And that is the basic premise of the plain language movement. It's when you write, you think about your intended audience and how you communicate effectively with them in words they can understand.

□ 1400

This bill requires the Federal Government to write documents, such as letters from the Social Security Administration, notices from the Department of Veterans Affairs, in simple, easy-to-understand language.

When I first introduced this bill in the 110th Congress, I was pleased when it passed the House floor by a vote of 376–1. Unfortunately, it was never taken up by the Senate. I am hopeful and confident that this time around it will be considered by the Senate and signed into law so that the public will get the kind of government service they deserve.

As my colleague has pointed out, a large array of organizations who deal with our constituents that are impacted by Federal policies support this movement. And I want to thank the Oversight and Government Reform chairman, my colleague, ED TOWNS, and Ranking Member DARRELL ISSA for their support of this important bill and also thank Oversight Government Reform staffer Krista Boyd for all of her help in making this happen.

Anyone who has done their own taxes knows the headache of trying to understand pages and pages of confusing forms and instructions. There is no reason why this bill can't eliminate Federal gobbledygook. And we can honor our friend and former colleague, Maury Maverick, Sr., who coined the phrased ''gobbledygook'' in describing bureaucratic language that is as hard to understand as the call of wild turkeys in his native Texas.

I would also remind my colleagues that this plain language in government communications has been incorporated into the Senate-passed health care bill, it was incorporated into the House-passed health care bill, and it is important that we move forward from this point in changing the way that government speaks to its citizens.

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

Again, I would like to thank the author. And let me clarify: there are many of us who could explain what the turkeys are talking about in Texas, but I don't think it is appropriate on this floor.

But I have to say that you are right, so much of this documentation is written where the public can't understand it. And, to be blunt about it, as somebody who has worked in government since I was 24, they don't want the public to understand. They purposely think that legalese and elite discussion and text is some way to be able to safeguard traditional government structures; and I think that this breaks down that, and I think you would agree.

I will say this as a former mayor. If a city manager sent out a letter to a constituent of a mayor or city council member in the manner that the Federal Government sends it out, that city manager wouldn't be employed for very long. I think that is the same standard that we should hold for the Federal Government. If it isn't appropriate for our council members or mayors or our school district representatives to send out those kinds of information, to have that kind of relationship between the constituency and the taxpayer and the government, then, doggone it, it shouldn't be appropriate for the Federal Government to think that somehow we are so high and mighty that we can't break down and finally start using plain speech and straight talk. And I think that is what your bill starts with, and I think it is a step in the right direction. I just hope to see us follow through.

And I will say this personally: my wife is a tax consultant, and I would love to see the day that we make the IRS and tax consultants obsolete so I can see more of my wife during certain times, put them both out of business. And maybe this is one step there.

I yield to the gentleman from Iowa.

Mr. BRALEY of Iowa. I think you have hit on a very important point and, that is, we don't realize how much time and money are wasted by people trying to figure out forms that they can't understand. They call Federal agencies, they go into phone trees where they go on hold and they wait and wait and wait. This can be small business owners. It can be elected officials at the level that you are talking about, because a lot of the policy we set intersects with local and State government agencies. And, because of that, by improving the quality of information we are providing at the outset, it is going to greatly reduce the demands on many Federal employees.

And that is another side effect of this legislation.

I can't agree more with you that it is important to take this step now so that we can start to send a message that we are serious about improved transparency in our communications with our constituents, and I think that it is great that we are moving forward in a bipartisan step to do that.

Mr. BILBRAY. Reclaiming my time, I would actually even ask the gentleman to take a look at the fact that it is sad that in the United States, that if you go to the translated interpretations of our government regs, they tend to be much more simply put and much easier to understand than the so-called English legalese that is being put out there. So I think the challenge is really one that is long and weighty, and so I thank you very much for it.

I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. DEGETTE). Members are gently reminded to address their remarks to the Chair.

Mr. CLAY. Madam Speaker, I would like to now yield 3 minutes to the distinguished chairman of the House Oversight and Government Reform Committee, the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. Madam Speaker, I would like to first thank the chair of the subcommittee, and of course the ranking member of the full committee, Congressman ISSA, and of course Congressman CLAY who chairs the subcommittee, and Congressman BILBRAY who is the ranking member of the subcommittee, and Congressman BRALEY who was really responsible for us being here today to move this legislation forward.

This is Sunshine Week, and this is sunshine legislation. This bill requires government documents to be in plain writing. The bill defines plain writing as writing that the intended audience can readily understand and use because it is clear, concise, well-organized, and follows other best practices of plain writing.

Requiring government documents to be written clearly will make it easier for Americans to understand government communications, and it will make the Federal Government more accountable.

President Clinton issued a memo in 1998 directing the agencies to write documents in plain language. Twelve years have passed since that memo was written, and most agencies are still not taking the issue very seriously. But I think this legislation will let them know that this is something that we are not going to walk away from. It is important that they follow through.

In a letter supporting this bill, the American College of Physicians Foundation wrote: ''We frequently hear from our members that they have trouble understanding some government letters and forms. Our intent is to ensure that government documents created for consumers are clearly and plainly written.''

H.R. 946 was amended during committee consideration to focus the scope of the bill on the type of documents that are most in need of attention. As amended, the bill requires agencies to use plain writing in documents that deal with the Federal benefits or services. This means, for example, that the Department of Health and Human Services will have to use plain writing when it issues instructions under the Medicare prescription drug program; and I think that is so important.

The bill also requires the IRS to write tax documents in plain writing, and it requires agencies to use plain writing in documents that explain how to comply with the Federal requirements. This will make it easier for Americans, especially small businesses, to comply with the law.

In a letter supporting H.R. 946, a group of small business organizations wrote: ''Small business owners strive to adhere to a vast array of Federal obligations but often have difficulty deciphering what is being required of them.''

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

Mr. CLAY. Madam Speaker, I yield an additional 30 seconds.

Mr. TOWNS. The use of plain language is a commonsense approach to saving the Federal Government money, and small business owners time, effort, and money. This legislation makes good sense, it is good government, and I encourage my colleagues to support it.

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

I just want to use this instance to thank Chairman TOWNS. At a time when the American people are crying out for bipartisan effort, I think his leadership on a very critical committee, the Oversight Committee, has been stellar in a manner that the rest of America I think would love to see the rest of this town operate as well as your committee does, Mr. Chairman. And thank you very much for that bipartisan effort, including everyone in the process.

I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I am prepared to close.

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

Again, I call on all of us to vote together to support this bill and to use it as a marker for more progress at clarifying and opening up the government process and allowing the average citizen to participate. And the only way to do that is for Washington to change the way we do business.

I yield back the balance of my time.

Mr. CLAY. Madam Speaker, in closing, let me first thank the gentleman from California for his comments and remarks about common sense and disclosure.

The bill requires each agency to train its employees in plain writing and to report annually on the agency's efforts to comply with this act.

Under this bill, each agency must devote a section of its Web site to its plain writing efforts. Agencies also must provide a way for members of the public to provide input. This will allow small businesses or other members of the public to highlight particular documents that are complex or confusing. This bill will make the government more transparent and efficient, and I urge my colleagues to support it.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 946, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

ELECTRONIC MESSAGE PRESERVATION ACT

Mr. CLAY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1387) to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1387

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Electronic Message Preservation Act''.

SEC. 2. PRESERVATION OF ELECTRONIC MESSAGES.

(a) REQUIREMENT FOR PRESERVATION OF ELECTRONIC MESSAGES.—

(1) IN GENERAL.—Chapter 29 of title 44, United States Code, is amended by adding at the end the following new section:

''§ 2911. Electronic messages

''(a) REGULATIONS REQUIRED.—Not later than 18 months after the date of the enactment of this section, the Archivist shall promulgate regulations governing agency preservation of electronic messages that are records. Such regulations shall, at a minimum—

''(1) require the electronic capture, management, and preservation of such electronic records in accordance with the records disposition requirements of chapter 33 of this title;

''(2) require that such electronic records are readily accessible for retrieval through electronic searches;

''(3) establish mandatory minimum functional requirements for electronic records

management systems to ensure compliance with the requirements in paragraphs (1) and (2);

''(4) establish a process to certify that Federal agencies' electronic records management systems meet the functional requirements established under paragraph (3); and

''(5) include timelines for agency compliance with the regulations that ensure compliance as expeditiously as practicable but not later than four years after the date of the enactment of this section.

''(b) COVERAGE OF OTHER ELECTRONIC RECORDS.—To the extent practicable, the regulations promulgated under subsection (a) shall also include requirements for the capture, management, and preservation of other electronic records.

''(c) COMPLIANCE BY FEDERAL AGENCIES.—Each Federal agency shall comply with the regulations promulgated under subsection (a).

''(d) REVIEW OF REGULATIONS REQUIRED.—The Archivist shall periodically review and, as necessary, amend the regulations promulgated under this section.

''(e) REPORTS ON IMPLEMENTATION OF REGULATIONS.—

''(1) AGENCY REPORT TO ARCHIVIST.—Not later than four years after the date of the enactment of this section, the head of each Federal agency shall submit to the Archivist a report on the agency's compliance with the regulations promulgated under this section.

''(2) ARCHIVIST REPORT TO CONGRESS.—Not later than 90 days after receipt of all reports required by paragraph (1), the Archivist shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on Federal agency compliance with the regulations promulgated under this section.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 29 of title 44, United States Code, is amended by adding after the item relating to section 2910 the following new item:

''2911. Electronic messages.''.

(b) DEFINITIONS.—Section 2901 of title 44, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (14);

(2) by striking the period at the end of paragraph (15) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(16) the term 'electronic messages' means electronic mail and other electronic messaging systems that are used for purposes of communicating between individuals; and

''(17) the term 'electronic records management system' means software designed to manage electronic records, including by—

''(A) categorizing and locating records;

''(B) ensuring that records are retained as long as necessary;

''(C) identifying records that are due for disposition; and

''(D) ensuring the storage, retrieval, and disposition of records.''.

SEC. 3. PRESIDENTIAL RECORDS.

(a) ADDITIONAL REGULATIONS RELATING TO PRESIDENTIAL RECORDS.—

(1) IN GENERAL.—Section 2206 of title 44, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (3);

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

(C) by adding at the end the following:

''(5) provisions for establishing standards necessary for the economical and efficient management of electronic Presidential records during the President's term of office, including—

''(A) records management controls necessary for the capture, management, and preservation of electronic messages;

''(B) records management controls necessary to ensure that electronic messages are readily accessible for retrieval through electronic searches; and

''(C) a process to certify the electronic records management system to be used by the President for the purposes of complying with the requirements in subparagraphs (A) and (B).''.

(2) DEFINITION.—Section 2201 of title 44, United States Code, is amended by adding at the end the following new paragraphs:

''(5) The term 'electronic messages' has the meaning provided in section 2901(16) of this title.

''(6) The term 'electronic records management system' has the meaning provided in section 2901(17) of this title.''.

(b) CERTIFICATION OF PRESIDENT'S MANAGEMENT OF PRESIDENTIAL RECORDS.—

(1) CERTIFICATION REQUIRED.—Chapter 22 of title 44, United States Code, is amended by adding at the end the following new section:

''§ 2208. Certification of the President's management of Presidential records

''(a) ANNUAL CERTIFICATION.—The Archivist shall annually certify whether the electronic records management controls established by the President meet requirements under sections 2203(a) and 2206(5) of this title.

''(b) REPORT TO CONGRESS.—The Archivist shall report annually to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on the status of the certification.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 22 of title 44, United States Code, is amended by adding at the end the following new item:

''2208. Certification of the President's management of Presidential records.''.

(c) REPORT TO CONGRESS.—Section 2203(f) of title 44, United States Code, is amended by adding at the end the following:

''(4) One year following the conclusion of a President's term of office, or if a President serves consecutive terms one year following the conclusion of the last term, the Archivist shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on—

''(A) the volume and format of electronic Presidential records deposited into that President's Presidential archival depository; and

''(B) whether the electronic records management controls of that President met the requirements under sections 2203(a) and 2206(5) of this title.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of the enactment of this Act.

SEC. 4. PROCEDURES TO PREVENT UNAUTHORIZED REMOVAL OF CLASSIFIED RECORDS FROM NATIONAL ARCHIVES.

(a) IN GENERAL.—The Archivist of the United States shall prescribe internal procedures to prevent the unauthorized removal of classified records from the National Archives and Records Administration or the destruction or damage of such records, including when such records are accessed or searched electronically. The procedures shall apply to all National Archives and Records Administration facilities authorized to store classified records and include the following prohibitions:

(1) No person, other than covered personnel, shall view classified records in any room that is not secure except in the presence of National Archives and Records Administration personnel or under video surveillance.

(2) No person, other than covered personnel, shall at any time be left alone with classified records, unless that person is under video surveillance.

(3) No person, other than covered personnel, shall conduct any review of classified records while in the possession of any cell phone or other personal communication device.

(4) All persons seeking access to review classified records, as a precondition to such access, must consent to a search of their belongings upon conclusion of their records review.

(5) All notes and other writings prepared by persons other than covered personnel during the course of a review of classified records shall be retained by the National Archives and Records Administration in a secure facility until such notes and other writings are determined to be unclassified, are declassified, or are securely transferred to another secure facility.

(b) DEFINITIONS.—In this section:

(1) The term ''records'' has the meaning provided in section 3301 of title 44, United States Code.

(2) The term ''covered personnel'' means any individual—

(A) who has an appropriate and necessary reason for accessing classified records, as determined by the Archivist; and

(B) who is either—

(i) an officer or employee of the Federal Government with appropriate security clearances; or

(ii) any personnel with appropriate security clearances of a Federal contractor authorized in writing to act for purposes of this section by an officer or employee of the Federal Government.

SEC. 5. RESTRICTIONS ON ACCESS TO PRESIDENTIAL RECORDS.

Section 2204 of title 44, United States Code (relating to restrictions on access to presidential records) is amended by adding at the end the following new subsection:

''(f) The Archivist shall not make available any original presidential records to any individual claiming access to any presidential record as a designated representative under section 2205(3) of this title if that individual has been convicted of a crime relating to the review, retention, removal, or destruction of records of the Archives.''.

SEC. 6. BUDGETARY EFFECTS OF PAYGO LEGISLATION FOR THIS ACT.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

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

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

There was no objection.

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

H.R. 1387, the Electronic Message Preservation Act, is another open-government bill that we are considering in celebration of Sunshine Week. This bill modernizes the requirements of the Federal Records Act and the Presidential Records Act to ensure that Federal agencies and the White House preserve emails and other electronic messages. H.R. 1387 was introduced by Representative HOLT, and it is substantially similar to H.R. 5811, a bill that passed the House last year with bipartisan support.

This bill requires agencies and the White House to adopt and maintain records management and retention policies that are consistent with modern technology. Under current law, Federal agencies have broad discretion to determine how electronic messages are preserved.

In a 2008 report, the Government Accountability Office found that many agencies rely on unreliable ''print and file'' systems for preserving electronic records, including email. GAO reviewed the practices of senior agency officials and determined that emails were not retained in adequate recordkeeping systems, making the email records easier to lose or delete and harder to find and use.

Last week, the National Security Archive awarded its sixth annual Rosemary Award for worst open-government performance to the Chief Information Officers Council. The council was chosen because it has never addressed the failure of the government to save its email electronically.

H.R. 1387 directs the Archivist of the United States to issue regulations requiring agencies to preserve emails in an electronic format. These regulations must cover, at a minimum, the capture, management, preservation, and electronic retrieval of electronic messages.

□ 1415

The bill requires the Archivist to establish a process to certify the electronic records management systems used by the agencies.

At this time, Madam Speaker, I would urge my colleagues to join in passage of this bill, and I reserve the balance of my time.

Mr. BILBRAY. Madam Speaker, I rise in support of the bill. I yield myself such time as I may consume.

Madam Speaker, this is a classic example of trying to work together to open up the system, allow the transparency that the American people are demanding, and I strongly support its intention and its execution.

Madam Speaker, you may remember, when we got here in 1995, that there were Members of Congress who could not understand the concept of sending electronic emails between offices or outside. It was alien to Washington to be so technologically plugged in. It just shows you how times have changed. Now we're finally starting to address the technology. I think the gentleman from Missouri even recognized that we need to really push harder at opening up the system, embracing the new technologies that allow not only the public to know better, but also the representatives of the public to be able to function in a much more efficient manner.

This bill is truly one that we have been trying to work on for years. It's one that was controversial in certain circles, but I think it's one that we need to move forward with. I hope, again, that this is another one of those steps that the Government Oversight Committee is looking to to set an example for the rest the Congress and the rest of Washington to find reasons to get to ''yes,'' to find reasons to work together, and to find reasons to do it better. I think that that is one thing we can do here.

Madam Speaker, I have to say while speaking on this item that it's sad that, on the down side, we have been trying for over a decade to do something the new President has talked a lot about, and that's using e-technology for electronic medical records. And the fact is, the Federal Government has been trying to develop that for our veterans and our active duty military for over a decade and still has not been able to implement it. So I hope this is one step towards becoming comfortable with reviving, restoring, and really redesigning the way we approach e-technology and new technology and that we will embrace it rather than being terrified by it, like some people were in the nineties when we showed up.

I reserve the balance of my time.

Mr. CLAY. I couldn't agree more with my friend from California. We hope this is the impetus to spur the development—the successful development of electronic medical records, because we know what the savings would mean to our health care system and we know that it can possibly save lives by reducing errors.

So at this time, Madam Speaker, I'd like to yield 2 minutes to the distinguished chairman of the Oversight and Government Reform Committee, the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. I thank the chair of the subcommittee for yielding and thank Congressman BILBRAY from California for his work on this committee, and Congressman HODES, and of course the ranking member of the full committee, Congressman ISSA. I think that when you work together, you can come up with strong legislation that can truly make a difference. I also would like to thank the staff who worked on this legislation as well.

I think that when we look at electronic records, when we look at information that needs to be preserved, I really feel that this legislation gets us to where we need to go. I think now, more than ever, we have to make certain that this information is held at least for a certain period of time so people can make an assessment to see in terms of where we might have made mistakes, they can now correct them.

So I want to salute you for the work you have done, Chairman CLAY, and of course Ranking Member BILBRAY, and of course all the staff members who worked so hard to bring us to where we are today.

Mr. BILBRAY. Madam Speaker, I would like to close by thanking the ranking member and full committee chairman for allowing the minority to participate in the formation of this bill. There are so many committees that aren't allowing the minority to participate. I think this is really a nice example of the cooperation that I think the American people want to see and don't see enough of. I want to thank the chairman and ranking member for allowing us to participate in the process.

I yield back the balance of my time.

Mr. CLAY. Let me also thank the ranking member for his participation. As we have stated earlier, this is Sunshine Week. It's time for openness and accountability. I appreciate participating with you in these series of bills.

In closing, let me also mention that in this bill we are also considering an amendment that makes a number of drafting corrections suggested by the National Archives. For example, the amendment clarifies that the bill addresses electronic Presidential records rather than all Presidential records. H.R. 1387 will make the government more accountable by protecting an important part of the historical record, and I urge every Member to join me in supporting this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 1387, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SENSIBLE STEPS TOWARD A BALANCED BUDGET ACT

Mr. BRADY of Pennsylvania. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4825) to require any amounts remaining in a Member's Representational Allowance at the end of a fiscal year to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4825

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

SECTION 1. REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.

(a) IN GENERAL.—Notwithstanding any other provision of law, any amounts appropriated for Members' Representational Allowances for the House of Representatives for a fiscal year which remain after all payments are made under such Allowances for the year shall be deposited in the Treasury and used for deficit reduction, except that in the case of a fiscal year for which there is no Federal budget deficit, such amounts shall be used to reduce the Federal debt (in such manner as the Secretary of the Treasury considers appropriate).

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2011 and each succeeding fiscal year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Mississippi (Mr. HARPER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

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

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

There was no objection.

Mr. BRADY of Pennsylvania. I'm delighted now to bring to the floor this worthy bill offered by my colleague, and yield 3 minutes to the gentlewoman from Arizona (Mrs. KIRKPATRICK).

Mrs. KIRKPATRICK of Arizona. I'm pleased to have the opportunity to discuss the bill I introduced with Mr. PETERS, the Sensible Steps Toward a Balanced Budget Act, legislation that requires that money left over in a Member's Representational Allowance, or MRA, at the end of the fiscal year be deposited in the Treasury and used to reduce the budget deficit or national debt.

As a lifelong resident of greater Arizona, I grew up around hardworking families who knew that, when times get tough, you tighten up your belt and make every dollar count. I brought this sort of thinking with me when I came to Washington last year to represent those same hardworking families. By emphasizing efficiency in my office and focusing on the most critical items, I managed to spend over $100,000 less than what was authorized of my MRA. I was proud to save the taxpayers money and looked forward to seeing that money used to lower the national debt in this year and for years to come.

Every year, the Legislative Branch Appropriations Subcommittee includes language in its appropriations bill to require that unspent allowances are used toward the national debt. Given these times, it is important that we make this requirement permanent.

The Sensible Steps Toward a Balanced Budget Act would do three important things. First, it would make the requirement to use unspent MRA funds toward the national debt automatic so that congressional action would no longer be necessary for this important provision to be put into place. Second, it would make the requirement permanent so that Congress does not have to pass another provision year after year. Finally, it would put the power of Federal statute behind this requirement rather than depending upon appropriations language.

In these tough times, we must get on a path of finding every opportunity, big and small, to put our fiscal house in order, and I believe that this bill is a concrete first step the Congress can take in that direction.

Thank you again, Chairman BRADY, for the opportunity to discuss the Sensible Steps Toward a Balanced Budget, and I urge its passage.

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

Today, I rise in support of this bill, which will require unspent funds in a Member's Representational Allowance to be used for deficit reduction, or in the case that no deficit exists, to be used for reduction of an ever-growing Federal debt.

Just as we expect households to manage their budgets well and reduce personal debt, the Federal Government must be prudent in the use of taxpayer dollars and make diligent efforts to reduce the annual deficit and, ultimately, the Federal debt. This bill is one small step toward achieving that purpose; however, I hope, Madam Speaker, that this legislation is only the first step in an effort by this Congress to get our government's fiscal house back in order.

We all know that it is imperative for us to take a serious look at entitlement spending. We cannot wait for another generation to take up this mantle. We were elected to make wise and sometimes difficult decisions, and I hope that the difficulty of the task will not prevent wisdom from prevailing in this matter.

I would like to recognize the tireless efforts of my colleague from Michigan (Mr. CAMP), upon whose leadership we have relied for more than 14 years to carry this issue in the House. Last year, it was Mr. CAMP's provision in the Legislative Branch appropriations bill that required the return of unspent funds to the Treasury for deficit reduction, and I know that his efforts paved the way for this measure to come before the House today.

I am pleased to support this bill and encourage the support of my colleagues.

I reserve the balance of my time.

Mr. BRADY of Pennsylvania. I'd now like to yield 2 minutes to the gentleman from Michigan (Mr. PETERS).

Mr. PETERS. I rise today in strong support of H.R. 4825, and I am proud to have worked closely with Representative KIRKPATRICK on this important issue. We share the belief that government needs to do more with less.

The Sensible Steps Toward a Balanced Budget Act simply requires that all unused funds from each congressional office account, known as the Members Representational Allowance, or MRA, be given back to taxpayers to help reduce the Federal deficit. As our Nation faces a significant budget deficit and a growing national debt, we must look for commonsense solutions to cut spending. As Members of Congress, we must—and can—lead by example.

As a State senator in Michigan, I ran my office so efficiently during my 8 years that I was able to return the equivalent of a full year's operating budget back to Michigan taxpayers. When I came to Congress at the beginning of 2009, I made it a priority to run my office here efficiently, as well, and came in under budget in order to return the difference to taxpayers. Last year, my office came in $135,000 under budget, and I'm continuing my efforts to save taxpayer dollars at every opportunity.

I was surprised to learn, however, that the money I saved each year would not necessarily be returned to the Treasury to help offset the deficit. This legislation would fix that, so that funding from more frugal Members of Congress can be saved and put back into the Treasury to reduce the deficit.

I believe that fiscal restraint should not be a partisan issue and that we must work together to find every opportunity to slash spending and forge a path toward a balanced budget and a shrinking national debt. This legislation is an important step towards our goal of a balanced budget.

I would, again, like to thank my colleague Representative KIRKPATRICK for her hard work and leadership on this issue, and thank you, Chairman BRADY, for the opportunity to speak about the Sensible Steps Toward a Balanced Budget Act.

I urge its passage.

□ 1430

Mr. HARPER. Madam Speaker, I yield 3 minutes to Representative FLAKE, the distinguished gentleman from Arizona.

Mr. FLAKE. I thank the gentleman for yielding. I want to commend my colleague from Arizona (Mrs. KIRKPATRICK) for introducing this legislation. This would simply turn over to the Treasury for deficit reduction anything left over in our account that is used to run our offices. This is good legislation. It should move forward. I must say, however, that we should go much further than this.

Part of the reason there is money in a lot of people's accounts to turn back is that we are given more than we need, typically because most Members

choose to send out thinly veiled campaign mail, I would assert, under the frank, or using taxpayer dollars. If I were to hold up in an election year—now there are blackout dates, so you can't send too close to an election. But still, spending goes up considerably in Member offices during a campaign year or an election year. If I were to hold up one of my campaign pieces of mail that I pay for with my campaign and something that's sent out that has the little words on there, Paid for at taxpayer expense, they're both four color, they're both colorful, nice pieces, lauding the Member of Congress for what he or she is doing, I defy anybody to tell the difference between regular campaign mail paid by campaign funds and somebody's taxpayer mailings. We shouldn't be doing this. And it seems that we get in our offices just an increased amount that is used because nearly every office does it.

We ought to lower that amount that every office receives or in some way ban the use of these colorful four-color mailings that go out. I am certainly not asserting that Members of Congress shouldn't be able to use the frank, and a lot of the mass mailings that go out are simply to inform constituents of town hall meetings or other events that are coming up. That is proper and right. But when Members of Congress are able to send out what is basically campaign mail at taxpayer expense, that's simply not right, and it's a practice that we ought to get away from.

I should note that over the past several years, it seems to be more blatant and more blatant and more blatant. There are certain words you cannot use describing yourself. There are things that are supposedly in there to prevent this from being blatant campaign mail. But again, if I held up two pieces, one piece of campaign literature and one piece mailed at taxpayer expense, I think the average constituent would have a hard time telling the difference. And that money that we save from getting rid of that practice should be applied against the deficit as well. Again, I thank the gentlelady for introducing this legislation. I hope that in the future we can go further.

Mr. BRADY of Pennsylvania. Madam Speaker, I reserve the balance of my time.

Mr. HARPER. Madam Speaker, I yield 3 minutes to Representative HELLER, the distinguished gentleman from Nevada.

Mr. HELLER. I thank my friend for yielding. Madam Speaker, I rise in support of H.R. 4825. I commend my colleague from Arizona for bringing this legislation to the floor. Our $12 trillion debt will burden future generations, and this legislation before us today is a good start. But I think Congress must and can do more.

You don't have to go any further than the unemployment rates in this country. As you well know, Madam Speaker, the unemployment rate nationwide is around 10 percent. In my State, it's closer to 13 percent. In fact, in some counties in my district, it exceeds 17 percent. Foreclosure rates are high. Families in my district and throughout my State are losing their homes. Foreclosure rates in Nevada were four times higher than the national average. Families are making tough, tough decisions in the State of Nevada, and they're asking the question, Why aren't we making these same tough decisions here in Washington? And the reason is is that Washington feels no pain. We are in a recession-proof zone here in Washington, D.C. As we have in the last year hired more than 120,000 new Federal employees across this country, States and local governments are cutting their budgets, families are cutting their budgets, small businessmen are cutting their budgets, medium-sized businessmen are cutting their budgets. And yet here in Washington, D.C., we feel no pain. I think sending the unused congressional budget account funds to pay down the debt is one thing, but stopping the growth of this account is another.

The MRA account has grown nearly 50 percent since 2000. I introduced the reduction of irresponsible MRA, or the TRIM Growth Act, to prevent the MRA from increasing during times of high unemployment or public debt. My legislation would prevent the MRA from increasing unless national unemployment is under 6 percent or less for at least 6 months, consistent with the unemployment levels of the 1990s, or unless Congress reduces the national debt to less than $5.5 trillion, which was a reduction of 50 percent at the time this bill was drafted.

Congress ultimately needs to feel the same pain as the American people. Financial challenges facing our Nation cannot be solved in one day. And as public servants, Members of Congress must lead by example. In addition to passing this legislation today, I urge my colleagues to join me in supporting the TRIM Growth Act. Let's show the Americans who are figuring out their family budgets at the kitchen table today that they are not alone.

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

Mr. BRADY of Pennsylvania. Madam Speaker, I yield myself the remaining time.

I strongly support this bill, and I thank my colleagues from Arizona and Michigan for offering it. Not only is it an excellent proposal, but the timing is perfect, as the 2011 appropriations process begins. The annual bill that funds the House usually includes this language, but only if offered in the Appropriations Committee or on the floor, and even then, as legislation, the language is technically subject to a point of order that could block it. Our two colleagues rightly asked, Why should Congress have to enact this provision every year, and why not make it permanent?

So with that, I urge an ''aye'' vote.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 4825.

The question was taken.

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

Mr. BRADY of Pennsylvania. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

STATE ADMISSION DAY RECOGNITION ACT OF 2009

Mr. BRADY of Pennsylvania. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3542) to direct the Architect of the Capitol to fly the flag of a State over the Capitol each year on the anniversary of the date of the State's admission to the Union, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3542

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''State Admission Day Recognition Act of 2009''.

SEC. 2. FLYING STATE FLAG OVER CAPITOL ON ANNIVERSARY OF STATE'S ADMISSION TO UNION.

(a) IN GENERAL.—To honor the anniversary of each State's admission to the Union, the Architect of the Capitol shall fly the flag of the State over the Capitol each year on the anniversary of the date of the State's admission to the Union.

(b) EFFECTIVE DATE.—The Architect of the Capitol shall fly the first flag of a State over the Capitol under this section on the first December 7 which occurs after the date of the enactment of this Act, in honor of the anniversary of the admission of Delaware, the first State admitted to the Union.

SEC. 3. REGULATIONS.

The Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate may promulgate jointly such regulations as may be appropriate to carry out this Act, including regulations permitting the Architect of the Capitol to honor the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Northern Mariana Islands by flying the flag of each such jurisdiction over the Capitol each year on an appropriate date for that jurisdiction.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Mississippi (Mr. HARPER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Madam Speaker, I ask unanimous consent that

all Members have 5 legislative days to revise and extend their remarks in the RECORD on H.R. 3542.

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

There was no objection.

Mr. BRADY of Pennsylvania. Madam Speaker, I yield myself such time as I may consume.

This bill, introduced by my colleague and ranking member Mr. LUNGREN of California, would commemorate each State's admission to the Union. The bill directs the Architect of the Capitol to fly each State's flag annually on the anniversary date of the State's admission to the Union over the Capitol, beginning with the first State admitted, the State of Delaware.

During markup, the committee by voice vote adopted a perfecting amendment that I offered so that the committee may issue a regulation to provide recognition of the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Northern Mariana Islands by flying the flag of each of these jurisdictions over the Capitol annually on the appropriate date. This amended bill passed through committee by unanimous vote voice and was reported favorably.

I urge its passage.

I reserve the balance of my time.

Mr. HARPER. Madam Speaker, I yield myself as much time as I may consume.

Today I rise in support of this bill, commemorating each of the unique States in our Union. This bill directs the Architect of the Capitol to fly the flag of a State over the Capitol each year on the anniversary of that State's admission into the Union. Madam Speaker, the United States of America truly lives up to the motto found on our Great Seal, ''e pluribus unum''—out of many, one.

We are a people of many backgrounds, of many ethnicities, and of many characteristics. We are spread out over 50 unique, diverse, and special entities we call States. States allow us to organize ourselves and also give us identities that relate to our geographic and cultural tendencies. Communal bonds are formed over time through just such means. We now have 50 States in this wonderful Union. The first, Delaware, was admitted as a State on December 7, 1787. The last, Hawaii, was admitted August 21, 1959. There were 16 States admitted in the 18th century, 29 States in the 19th century, and five were admitted in the 20th century.

Each flag tells a unique story of its State's history, culture, and inhabitants, which is why my colleague, Representative LUNGREN, the author of this legislation who was unfortunately unable to be here this afternoon, thought we should honor our States in this special way, enumerated in this legislation. I urge my colleagues to support this bill.

I reserve the balance of my time.

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

Mr. BRADY of Pennsylvania. I thank the gentleman from Mississippi. I thank him for his participation on the committee, and I thank the ranking member, Mr. LUNGREN, for his participation in the committee on this bill. I urge a ''yes'' vote on this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 3542, as amended.

The question was taken.

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

Mr. BRADY of Pennsylvania. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

AGRICULTURAL CREDIT ACT OF 2009

Mr. BACA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3509) to reauthorize State agricultural mediation programs under title V of the Agricultural Credit Act of 1987.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3509

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Agricultural Credit Act of 2009''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 506 of the Agricultural Credit Act of 1987 (7 U.S.C. 5106) is amended by striking ''2010'' and inserting ''2015''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BACA) and the gentleman from Oklahoma (Mr. LUCAS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BACA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill H.R. 3509.

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

There was no objection.

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

I rise today in support of H.R. 3509, the Agricultural Credit Act of 2009. This bill would reauthorize funding for the State agricultural mediation grant program, which operates under title V of the Agricultural Credit Act of 1987. The grant program for the agricultural mediation program was established more than 20 years ago to respond to the agricultural crisis of the 1980s. Mediation helped agricultural producers, their creditors, and USDA agencies address disputes through a confidential and nonadversarial process that takes place outside the traditional legal system of foreclosure, appeals or litigation. This bypasses a lot of the bureaucratic red tape that usually comes with resolving these conflicts, saving taxpayers money in the process.

Earlier in the month, the House Agriculture Committee approved this bipartisan legislation by unanimous voice vote. I urge my colleagues to support the extension of this successful initiative.

I reserve the balance of my time.

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

I rise today in support of H.R. 3509, the Agricultural Credit Act of 2009. I'm an original cosponsor of this bill, and I ask my colleagues to join me in voting for this legislation to reauthorize the State agricultural mediation program. The State mediation program provides our farmers and ranchers with a voluntary and low-cost service to mediate disputes that may arise between their creditors and themselves and to address adverse decisions with the USDA. The State programs do this in a confidential and nonadversarial setting outside of the traditional legal process of foreclosure, bankruptcy, appeals, and litigation.

Like most of the country, the agricultural sector is currently experiencing increased financial stress, which has created a greater need for the services of the agricultural mediator program. The Agriculture Committee favorably considered this bill with no opposition, and I ask my colleagues to join me today in supporting the continuation of the USDA agricultural mediation program.

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

Mr. BACA. Madam Speaker, I want to thank the gentleman from Oklahoma for carrying this legislation. I think it's good bipartisan legislation. I urge my colleagues to support it.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and pass the bill, H.R. 3509.

The question was taken.

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

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

The yeas and nays were ordered.

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

□ 1445

FLORIDA NATIONAL FOREST LAND ADJUSTMENT ACT OF 2009

Mr. BACA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3954) to release Federal reversionary interests retained on certain lands acquired in the State of Florida under the Bankhead-Jones Farm Tenant Act, to authorize the interchange of National Forest System land and State land in Florida, to authorize an additional conveyance under the Florida National Forest Land Management Act of 2003, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3954

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Florida National Forest Land Adjustment Act of 2009''.

SEC. 2. RELEASE OF DEED RESTRICTIONS ON CERTAIN LANDS ACQUIRED UNDER THE BANKHEAD-JONES FARM TENANT ACT IN FLORIDA.

(a) FINDINGS.—Congress finds the following:

(1) Certain lands in the State of Florida were conveyed by the United States to the State under the authority of section 32(c) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(c)), and now are part of the Blackwater River and Withlacoochee State Forests.

(2) The lands were conveyed to the State subject to deed restrictions that the lands could be only used for public purposes.

(3) The deed restrictions impede the ability of the State to remedy boundary and encroachment problems involving the lands.

(4) The release of the deed restrictions by the Secretary of Agriculture (hereafter referred to as the ''Secretary'') will further the purposes for which the lands are being managed as State forests and will alleviate future Federal responsibilities with respect to the lands.

(b) RELEASE REQUIRED.—Subject to valid existing rights, and such reservations as the Secretary considers to be in the public interest, the Secretary shall release, convey, and quitclaim to the State of Florida, without monetary consideration, all rights, title, and remaining interest of the United States in and to those lands within or adjacent to the Blackwater River and Withlacoochee State Forests that were conveyed to the State under the authority of section 32(c) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(c)) or under any other law authorizing conveyance subject to restrictions or reversionary interests retained by the United States.

(c) TERMS AND CONDITIONS.—The conveyances authorized by subjection (b) are subject to the following terms and conditions.

(1) The State shall cover or reimburse the Secretary for reasonable costs incurred by the Secretary to make the conveyances, including title searches, surveys, deed preparation, attorneys' fees, and similar expenses. The Secretary may not seek reimbursement for administrative overhead costs.

(2) By accepting the conveyances authorized by this section, the State agrees—

(A) that all net proceeds from any sale, exchange, or other disposition of the real property subject to deed restrictions shall be used by the State for the acquisition of lands or interests in lands within or adjacent to units of the state forest and park systems;

(B) to affirmatively address and resolve boundary encroachments in accordance with State law for the affected State forests; and

(C) to indemnify and hold the United States harmless with regard to any boundary disputes related to any parcel released under this section.

SEC. 3. INTERCHANGE INVOLVING NATIONAL FOREST SYSTEM LAND AND STATE LAND IN FLORIDA.

(a) FINDINGS.—The Congress finds the following:

(1) There are intermingled Federal and State lands within units of the National Forest System in Florida that are of comparable quantity and quality and of approximately equal value.

(2) Interchanging these lands would be in the public interest by facilitating more efficient public land management.

(b) APPROXIMATELY EQUAL VALUE DEFINED.—In this section, the term ''approximately equal value'' means a comparative estimate of the value between lands to be interchanged, regarding which, without the necessity of an appraisal, the elements of value, such as physical characteristics and other amenities, are readily apparent and substantially similar.

(c) LAND INTERCHANGE AUTHORIZED.—

(1) AUTHORIZATION.—Subject to valid existing rights, if the State of Florida offers to convey to the United States those State lands designated for interchange on the two maps entitled ''State of Florida—U.S. Forest Service Interchange—January, 2009'' and title to such lands is otherwise acceptable to the Secretary of Agriculture, the Secretary shall convey and quitclaim to the State those National Forest System lands in the Ocala National Forest and the Apalachicola National Forest designated for interchange on the maps.

(2) MAPS.—The maps referenced in paragraph (1) shall be available for public inspection in the office of the Chief of the Forest Service and in the office of the Supervisor of the National Forests in Florida for a period of at least five years after completion of the land interchanges authorized by this section.

(d) TERMS AND CONDITIONS.—Any land interchange under this section shall be subject to such reservations and rights-of-way as may be mutually acceptable to the Secretary and the authorized officer of the State.

(e) REPLACEMENT LAND.—In the event that any of the designated lands are in whole or part found to be unacceptable for interchange under this section due to title deficiencies, survey problems, the existence of hazardous materials, or for any other reason, the Secretary and the authorized officer of the State may substitute or modify the lands to be interchanged insofar as it is mutually agreed that the lands are of comparable quality and approximately equal value.

SEC. 4. ADDITIONAL LAND DISPOSAL UNDER FLORIDA NATIONAL FOREST LAND MANAGEMENT ACT OF 2003.

(a) DISPOSAL AUTHORIZED.—In accordance with the provisions of the Florida National Forest Land Management Act of 2003 (Public Law 108–152; 117 Stat. 1919), the Secretary of Agriculture may convey, by means of sale or exchange, all right, title, and interest of the United States in and to a parcel of land comprising approximately 114 acres, located within Township 1 South, Range 1 West, section 25, Leon County, Florida, and designated as tract W–1979.

(b) USE OF PROCEEDS.—

(1) TRACT W–1979.—The Secretary shall use the proceeds derived from any sale of tract W–1979, as authorized by subsection (a), only—

(A) to acquire lands and interests in land for inclusion in the Apalachicola National Forest; and

(B) to cover the disposal costs incurred by the Secretary to carry out the sale of such tract.

(2) CERTAIN OTHER TRACTS.—With respect to tract A–943, tract A–944, and tract C–2210, as described in paragraphs (5), (6), and (16) of subsection (b) of section 3 of the Florida National Forest Land Management Act of 2003 and authorized for sale by subsection (a) of such section, being lands having permanent improvements and infrastructure, the Secretary may use the net proceeds derived from any sale of such tracts to acquire, construct, or maintain administrative improvements for units of the National Forest System in Florida.

SEC. 5. REQUIRED DESIGNATION IN PAYGO ACTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010 (Public Law 111–39; 124 Stat. 8), shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BACA) and the gentleman from Oklahoma (Mr. LUCAS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BACA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on this bill, H.R. 3954.

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

There was no objection.

Mr. BACA. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise today in support of H.R. 3954, the Florida National Forest Land Adjustment Act. This bill would authorize the conveyance of 114 acres in Leon County, Florida, that would allow the U.S. Forestry to make equivalent land exchange within the Ocala and the Apalachicola National Forests to better and more efficiently manage the land. The bill would also clarify some boundary issues by allowing a survey to be conducted on certain areas of Florida State forest land.

This bill has the support of the Democratic and Republican members of the Florida delegation; I state, members of the Florida delegation, bipartisan, as well as the U.S. Forestry. The Congressional Budget Office has indicated that this bill has no significant impact on the Federal budget; and it was passed by the House Agriculture Committee by a voice vote earlier. I urge my colleagues to support its passage.

I reserve the balance of my time.

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

Madam Speaker, I rise in support of H.R. 3954, a bill to address several public land issues in the great State of Florida. This legislation helps resolve

significant title and boundary issues on State and Federal lands in the State of Florida. The bill promotes better efficiency in public land management by allowing the State and Federal governments to exchange land that is better managed by each other.

This bill also allows the proceeds from the sale of certain tracts of land in the Apalachicola National Forest to be used to build a much needed administrative facility to manage the land.

This bill has the support of the Forestry Service. It has no budgetary impact. And I urge my colleagues to support this bill.

I reserve the balance of my time, Madam Speaker.

Mr. BACA. Madam Speaker, I yield 3 minutes to the gentleman from Florida (Mr. BOYD) who has vision and outstanding leadership in this area, and cares very much about this issue.

Mr. BOYD. Madam Speaker, I thank my friend, Mr. BACA, and also Mr. LUCAS for their help and support of this bill. I also want to thank Chairman COLIN PETERSON and members and staff of the Agriculture Committee, and particularly my friends JEFF MILLER and ANDER CRENSHAW for all the work they've put into moving this legislation.

Madam Speaker, I introduced this legislation to help the State of Florida make some much needed land exchanges between State and Federal governments. In many parts of Florida, State and Federal lands are intermingled. This patchwork of ownership adds much expense and confusion in the management of public lands. This legislation will help both Federal and State agencies take better care of several lands throughout the State, including the Apalachicola National Forest, which is in Florida's Second Congressional District.

This exchange will also help protect the environment as well. I am very fortunate to represent a place called Wakulla Springs, which is one of Florida's cleanest and most beautiful spring locations. Wakulla Springs is also a popular outdoor recreation site for many in north Florida and others who come to visit.

Believe it or not, glass bottom boat rides are still very popular at this spring and offer families a chance to enjoy the outdoors and see how beautiful north Florida is.

Most recently, the springs have been under the threat of pollution. By exchanging these lands, we will have a better ability to keep the springs clean. This legislation will help the Forest Service better protect lands around the springs, which impact water flow to the springs and will help keep them crystal clear.

Protecting Florida's natural environment is very important to me. This exchange will protect pristine forest land in the State of Florida for future generations. And I am very proud to support this legislation, and would urge a ''yes'' vote.

Mr. LUCAS. Madam Speaker, I yield to the gentleman from Florida (Mr. CRENSHAW) such time as he may consume.

Mr. CRENSHAW. Madam Speaker, the National Forest Service does a fantastic job of managing our Nation's natural resources. They manage them in Florida as well as all across the Nation, and they deserve to have the tools that they need to give them the flexibility to efficiently accomplish this job.

So that's why I've joined with my fellow colleagues from Florida, ALLEN BOYD and JEFF MILLER, to introduce the bipartisan Florida National Forest Land Adjustment Act, and I strongly urge its passage. Each of us has focused on a portion of this bill to ensure this comprehensive measure represents a strong public policy which will enable the Forest Service to embolden its mission.

Now, in Leon County, that's the capital of Florida, there's a 114-acre parcel known as W–1979. And it's evolved—it's a tract of land that has evolved into a kind of unmanageable problem for the Apalachicola National Forest, which is right outside Tallahassee. Because of its configuration and because of the commercial development around it, the vegetation can't be managed very well. They can't use prescribed fire, and so although it's very important from a commercial standpoint and a developmental standpoint, it has really lost its national forest character.

And so in an effort to provide the Forest Service with a method to manage this land, my provision of our joint bill would simply add this tract of land to the list that the Secretary of Agriculture is empowered to sell. And any proceeds from that prospective sale would allow the Forest Service to purchase other lands within the forest; and they'd be more manageable, and that would enhance the national forest.

So, Madam Speaker, this is the kind of flexibility that we think the National Forest Service ought to have. They can manage our Nation's precious resources, not only for us, but for generations to come. And so I am grateful for the work that my colleagues have put in on this and urge its adoption.

Mr. BACA. Madam Speaker, I submit the following exchange of letters between the Committee on Agriculture and the Committee on Natural Resources for inclusion in the CONGRESSIONAL RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, March 17, 2010.

Hon. COLLIN C. PETERSON,
Chairman, Committee on Agriculture, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to review the text of H.R. 3954, the Florida National Forest Land Adjustment Act of 2009, for provisions regarding public domain national forests which are within the jurisdiction of the Committee on Natural Resources.

Because of the continued cooperation and consideration that you have afforded me and my staff in developing these provisions, I will not seek a sequential referral of H.R. 3954 based on their inclusion in the bill. Of course, this waiver is not intended to prejudice any future jurisdictional claims over these provisions or similar language. I also reserve the right to seek to have conferees named from the Committee on Natural Resources on these provisions, and request your support if such a request is made.

Please place this letter into the Congressional Record during consideration of H.R. 3954 on the House floor.

Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am,

Sincerely,

NICK J. RAHALL II,
Chairman, Committee on Natural Resources.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, March 17, 2010.

Hon. NICK J. RAHALL II,
Chairman, Committee on Natural Resources, Washington, DC.

DEAR CHAIRMAN RAHALL: Thank you for your letter regarding H.R. 3954, the ''Florida National Forest Land Adjustment Act of 2009.

H.R. 3954 was favorably reported by the House Agriculture Committee on March 3. The legislation contains provisions that are of jurisdictional interest to the Committee on Natural Resources.

I appreciate the willingness of your committee to discharge the bill without further consideration and understand that this action will in no way waive your committee's jurisdictional interests in the subject matter of the legislation or serve as a precedent for future referrals. In the event that a conference with the Senate is requested on this matter, I would support naming House Natural Resources Committee members to the conference committee.

A copy of our letters regarding this bill will be inserted into the Congressional Record during floor consideration of the legislation.

Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,

COLLIN C. PETERSON,
Chairman.

Madam Speaker, I reserve the balance of my time.

Mr. LUCAS. Madam Speaker, I have one additional speaker, and I wish to yield such time as he may consume to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Madam Speaker, this bill does, in fact, make important and much-needed adjustments to the Federal land provisions to allow for better management of both Federal and State lands.

This bill provides for the interchange of Federal and State land to make land management more contiguous for both the State of Florida and the U.S. Department of Forestry because, within our national forest system, adjacent land has become intermingled over the years, and allowing Florida to interchange land with Federal land would make land management much more efficient for both sides.

The Florida National Forest Land Adjustment Act permits both the U.S.

Department of Forestry and the State of Florida to, in fact, better manage their forest systems.

As the vice chair of the Congressional Sportsmen's Caucus, I do know how vital Federal and State land management is in the protection of wildlife and resource conservation. So H.R. 3954 is a significant step toward better forest management, and I do urge my colleagues to vote in support of this bill.

Mr. LUCAS. Madam Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. BACA. Madam Speaker, I want to thank the ranking member, minority ranking member, Mr. LUCAS, for his bipartisan support. I also want to thank Chairman Collins, along with Congressmen CRENSHAW and MILLER, on this bipartisan legislation that's important to a lot of us as we look at moving forward.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and pass the bill, H.R. 3954, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

CONTINUING EXTENSION ACT OF 2010

Mr. MCDERMOTT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4851) to provide a temporary extension of certain programs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4851

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Continuing Extension Act of 2010''.

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''April 5, 2010'' each place it appears and inserting ''May 5, 2010'';

(B) in the heading for subsection (b)(2), by striking ''APRIL 5, 2010'' and inserting ''MAY 5, 2010''; and

(C) in subsection (b)(3), by striking ''September 4, 2010'' and inserting ''October 2, 2010''.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking ''April 5, 2010'' and inserting ''May 5, 2010'';

(B) in the heading for paragraph (2), by striking ''APRIL 5, 2010'' and inserting ''MAY 5, 2010''; and

(C) in paragraph (3), by striking ''October 5, 2010'' and inserting ''November 5, 2010''.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking ''April 5, 2010'' each place it appears and inserting ''May 5, 2010''; and

(B) in subsection (c), by striking ''September 4, 2010'' and inserting ''October 2, 2010''.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''September 4, 2010'' and inserting ''October 2, 2010''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

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

(2) by inserting after subparagraph (D) the following new subparagraph:

''(E) the amendments made by section 2(a)(1) of the Continuing Extension Act of 2010; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 2 of the Temporary Extension Act of 2010 (Public Law 111–144).

SEC. 3. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), as amended by section 3(a) of the Temporary Extension Act of 2010 (Public Law 111–144), is amended by striking ''March 31, 2010'' and inserting ''April 30, 2010''.

SEC. 4. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111–118) and as amended by section 5 of the Temporary Extension Act of 2010 (Public Law 111–144), is amended—

(1) in subparagraph (A), by striking ''March 31, 2010'' and inserting ''April 30, 2010''; and

(2) in subparagraph (B), by striking ''April 1, 2010'' and inserting ''May 1, 2010''.

SEC. 5. EXTENSION OF MEDICARE THERAPY CAPS EXCEPTIONS PROCESS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)), as amended by section 6 of the Temporary Extension Act of 2010 (Public Law 111–144), is amended by striking ''March 31, 2009'' and inserting ''April 30, 2010''.

SEC. 6. EHR CLARIFICATION.

(a) QUALIFICATION FOR CLINIC-BASED PHYSICIANS.—

(1) MEDICARE.—Section 1848(o)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–4(o)(1)(C)(ii)) is amended by striking ''setting (whether inpatient or outpatient)'' and inserting ''inpatient or emergency room setting''.

(2) MEDICAID.—Section 1903(t)(3)(D) of the Social Security Act (42 U.S.C. 1396b(t)(3)(D)) is amended by striking ''setting (whether inpatient or outpatient)'' and inserting ''inpatient or emergency room setting''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of the HITECH Act (included in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5)).

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the amendments made by this section by program instruction or otherwise.

SEC. 7. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), as amended by section 7 of the Temporary Extension Act of 2010 (Public Law 111–144), is amended by striking ''March 31, 2010'' and inserting ''April 30, 2010''.

SEC. 8. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) EXTENSION.—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68), as amended by section 8 of Public Law 111–144, is amended by striking ''by substituting'' and all that follows through the period at the end and inserting ''by substituting April 30, 2010, for the date specified in each such section.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be considered to have taken effect on February 28, 2010.

SEC. 9. SATELLITE TELEVISION EXTENSION.

(a) AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.—

(1) IN GENERAL.—Section 119 of title 17, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking ''March 28, 2010'' and inserting ''April 30, 2010''; and

(B) in subsection (e), by striking ''March 28, 2010'' and inserting ''April 30, 2010''.

(2) TERMINATION OF LICENSE.—Section 1003(a)(2)(A) of Public Law 111–118 is amended by striking ''March 28, 2010'', and inserting ''April 30, 2010''.

(b) AMENDMENTS TO COMMUNICATIONS ACT OF 1934.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking ''March 28, 2010'' and inserting ''April 30, 2010''; and

(2) in paragraph (3)(C), by striking ''March 29, 2010'' each place it appears in clauses (ii) and (iii) and inserting ''May 1, 2010''.

SEC. 10. COMPENSATION AND RATIFICATION OF AUTHORITY RELATED TO LAPSE IN HIGHWAY PROGRAMS.

(a) COMPENSATION FOR FEDERAL EMPLOYEES.—Any Federal employees furloughed as a result of the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, shall be compensated for the period of that lapse at their standard rates of compensation, as determined under policies established by the Secretary of Transportation.

(b) RATIFICATION OF ESSENTIAL ACTIONS.—All actions taken by Federal employees, contractors, and grantees for the purposes of maintaining the essential level of Government operations, services, and activities to protect life and property and to bring about orderly termination of Government functions during the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, are hereby ratified and approved if otherwise in accord with the provisions of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111–68).

(c) FUNDING.—Funds used by the Secretary to compensate employees described in subsection (a) shall be derived from funds previously authorized out of the Highway Trust Fund and made available or limited to the Department of Transportation by the Consolidated Appropriations Act, 2010 (Public Law 111–117) and shall be subject to the obligation limitations established in such Act.

(d) EXPENDITURES FROM HIGHWAY TRUST FUND.—To permit expenditures from the Highway Trust Fund to effectuate the purposes of this section, this section shall be

deemed to be a section of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111–68), as in effect on the date of the enactment of the last amendment to such Resolution.

SEC. 11. DETERMINATION OF BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—This Act, with the exception of section 4, is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) EMERGENCY DESIGNATION FOR STATUTORY PAYGO.—This Act, with the exception of section 4, is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Kentucky (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. MCDERMOTT. Madam Speaker, I ask unanimous consent that Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. MCDERMOTT. Madam Speaker, I ask unanimous consent that Mrs. CAPPS be allowed to control 10 minutes of the time allocated to me and be allowed to yield time.

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

There was no objection.

Mr. MCDERMOTT. Madam Speaker, I yield myself as much time as I may consume.

This bill, Madam Speaker, provides another short-term extension for a number of programs that are expiring at the end of the month. If we fail to act on this bill, Americans around the country will begin running out of unemployment benefits by the beginning of the next month. We've been here before. By the end of April, over 1 million Americans will exhaust their unemployment benefits.

This bill would merely continue the existing Federal unemployment programs for 1 month, as Congress works toward a longer extension. It does not increase the number of weeks of benefits provided by these programs.

Now, I know many of my colleagues are as frustrated as I am that we have to keep extending these programs every month, as opposed to continuing them to the end of the year.

Jobless Americans shouldn't have to wait until the last minute to know whether their economic lifeline will continue. We need a long-term extension of these programs, a goal I very much hope we will achieve before the end of the next month.

In the meantime, I'm urging my colleagues to join me in supporting this critical stopgap legislation to extend unemployment benefits, as well as other critical assistance, including help for paying for continuing health coverage under COBRA.

Before I close, let me say that I hope we don't see a repeat performance from last month when a single Republican Senator blocked these vital benefits for so many Americans. He complained about the cost of these benefits for unemployed workers. Where were those concerns when we embarked on two wars without paying for one cent of them?

Where were the cries of outrage about the budget deficit when two tax cuts for our wealthiest citizens were enacted with no offsets whatsoever?

Where were my colleagues on the other side of the aisle when President Bush turned the biggest budget surplus in our Nation's history into the biggest deficit in our history and brought on the unemployment which is now facing us?

When Republicans complain about the deficit, it's like an arsonist complaining about a fire. He lit the match, but takes no responsibility for the resulting blaze.

The truth is, there is no better use of Federal resources than helping Americans who are struggling to find work. Workers today are facing a situation where there are six people looking for every available job in this country. It is a bad situation. So I hope my friends on the other side of the aisle will join me in supporting this bill.

I reserve the balance of my time.

□ 1500

Mr. DAVIS of Kentucky. Madam Speaker, before I begin my remarks, I would like to thank the gentleman from Washington for his magnanimous comments and the bipartisan spirit of this bill as we come to the floor right now. At least it is not as much animus as we find in the United States Senate.

I rise today in support of this legislation to extend important benefits that help long-term unemployed workers, including unemployment insurance and health coverage assistance through COBRA. In addition, H.R. 4851 postpones the drastic cuts to Medicare physician payment rates, a critical factor for our health care providers, as well as a number of other important provisions that expire at the end of the month or sooner.

While I support this assistance, the American people should be under no illusion that this will create jobs. It does no such thing. In spite of claims last year that the Democrats' stimulus package would keep unemployment from rising above 8 percent, it has risen from 5.5 to 9.7 percent nationwide and 10.7 percent in Kentucky. Just yesterday, senior administration officials testified they don't expect to see much improvement in the job market this year. We have already spent almost $100 billion on unemployment benefits, with another $50 billion in the pipeline through 2010.

I am disappointed that the majority has again chosen to subvert their so-called PAYGO rules by not paying for this short-term extension. Again, 83 percent of the Federal budget is exempt from the PAYGO legislation that was supposed to pay-as-you-go. While the bill before us today is necessary, it is not a long-term solution. It is inefficient, and it buys us time to actually fix the root causes.

Instead of creating 3.7 million jobs as promised, the Democrats' stimulus bill was followed by more than 3 million additional job losses. A record 16 million are now unemployed. A significant number are underemployed. And all Americans are asking one simple question that I hear all the time at home, and all of my colleagues do, Where are the jobs? Record numbers are collecting unemployment benefits instead of paychecks.

The need to pass this bill today reflects the failure of the Democrats' stimulus bill and subsequent efforts to create the jobs they promised. For this failure we will spend another $6 billion next month on Federal unemployment benefits, borrowing that money from our children and our grandchildren. Millions will soon exhaust these benefits and wonder what comes next.

What Americans want are jobs, not handouts. To really help unemployed workers, we need to craft policies that will actually create jobs so unemployed workers can get back to work, so capital will be invested, so companies will invest in machines and development and growth, so the market will come back and they will hire people who will in fact become taxpayers to contribute to the economy and to meet their own needs.

Doing so requires ending the massive tax, spend, and borrow plans of the Democrat Congress and administration. These policies have created severe uncertainty among American workers and businesses that leads to economic stagnation and discourages hiring.

If you want to look at the full fruit of such policies, all we need to do is look at Eastern Europe in the 1960s, the 1970s, and the 1980s that led to the collapse of the Soviet empire. We could eliminate all of the uncertainty that we have today economically and get the private sector American job creation engine humming again by immediately providing real tax relief to businesses and families across the Nation. In addition, we should scrap plans for a government takeover of health care and focus on reform that actually

reduces cost; reengineer the government system that wastes almost $200 billion a year on overhead that never sees the way to senior citizen health benefits; and do the private market reforms and bring about meaningful medical liability reform that will end defensive medicine costs that cost almost one-third of all medical costs.

We should rescind unspent funds from the failed stimulus bill and the Troubled Asset Relief Program, the so-called TARP bill, and apply all of these funds to one thing, which is reducing our deficit, which I believe the gentleman from Kentucky, the United States Senator, tried to do 2 weeks ago and was disparaged by people in the Democratic Party in the House and the Senate and in the administration for simply saying let's pay for something with money that we already have available.

Businesses can't thrive in an economy falsely buoyed by temporary stimulus funds and taxpayer-funded bailouts. In order to create jobs, we have got to empower the people to make their own choices. We need to craft legislation in Congress that won't cause additional harm to our economy but will instead give Americans the flexibility they need to grow their businesses.

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

Mr. MCDERMOTT. Madam Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Madam Speaker, I thank the gentleman from Washington for yielding time.

There is a very important provision of this bill that we are hoping to pass for a second time to send back to the other body, and that is to correct the lapse in payment to 1,913 employees of the Federal Highway Administration, the Federal Motor Carrier Safety Administration, and the Research and Innovative Technology Administration because the authority for the Federal highway program lapsed due to the objections of the Senator, the Representative in the other body, who held up the bill and then delayed the whole process, and through no fault of their own, these hardworking career employees were shortchanged.

A long-term secretary of the Federal Highway Administration office in Seattle, who would normally net $1,548, lost $390 because of that furlough. That is unreasonable. An entry-level program analyst in Chicago of the Federal Highway Administration normally would take home $1,200, but would take a $300 cut for doing his job. Well, that is unreasonable. The bill we have before us will reinstate these funds.

And I just want to restate what I said just a couple weeks ago, the Congressional Budget Office, nonpartisan arbiter of the cost of legislation, determined that H.R. 4786 will not require any new Federal funding and will not increase outlays. It will draw on administrative funding that has already been authorized and appropriated for the department. It will not cost the Federal Government a single dollar beyond amounts already provided. The Secretary of Transportation has already moved, is prepared to move these dollars as soon as we give him that authority. We ought to do that now.

Mr. DAVIS of Kentucky. Madam Speaker, I yield 10 minutes to the distinguished ranking member of the Energy and Commerce Committee, the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. I recognize myself for 1 minute, Madam Speaker.

The SPEAKER pro tempore. The gentleman has been yielded time, but he does not control that time.

Mr. DAVIS of Kentucky. Madam Speaker, I ask unanimous consent that the distinguished gentleman from Texas control his 10 minutes.

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

There was no objection.

Mr. BARTON of Texas. I appreciate the Chair insisting on regular order. It's nice that we have that. That's a good thing, not a bad thing.

I am going to yield myself, Madam Speaker, 1 minute.

We are here today because sometime this morning the majority decided, or at least they decided to inform the minority, to extend a number of bills, several of which are primary jurisdictional to the Energy and Commerce Committee, of which I am the ranking member. Probably the most important of the bills in terms of economic impact in the short term is the physician reimbursement fix, the DRG fix. If I understand this bill correctly, it has been extended for another month.

We also have the Satellite Home Viewer Reauthorization Act, which is totally within the jurisdiction of the Energy and Commerce Committee. And it is also being extended for 1 month.

Madam Speaker, we don't have to do this kind of thing. If we could really get to regular order, we could bring these bills up, we could work in a bipartisan fashion, and we could find permanent or at least annual solutions to these bills. We don't have to hully gully this type of thing.

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

Mr. BARTON. I yield myself an additional 15 seconds.

And to be told at 10 o'clock this morning about this bill, which is a compilation of several bills, is just a disservice to the American people.

With that, I would like to yield 2 minutes to the distinguished ranking member of the Energy and Commerce Subcommittee on Telecommunications and the Internet, Mr. CLIFF STEARNS of Florida.

Mr. STEARNS. I thank the distinguished ranking member, and I have to say I like his term ''hully gully.'' That is probably a good description of what has happened here. I am sure a lot of Members don't even know about this extension. So I think it is a credit to the majority that they brought this up, because I think all of us want to see this important medical correction for doctors.

Under the current SGR formula, doctors face a 21 percent cut in their Medicare reimbursement. This fix would delay those cuts until April 30. Because the majority has not properly addressed real Medicare reform, we continue in the House to apply these short-term patches rather than provide doctors with a permanent solution to the reimbursement formula. We have known about this for a long time. There is no reason we have to bring this up, as the ranking member says, hully gully.

Although this correction, fix, extension is important, also important in this bill is the Satellite Home Viewers Act, which is extended through April 30. I am glad that this extension is included, but I am hoping we can move the 5-year extension that passed this body overwhelmingly, bipartisan support, by a large margin, but now my colleagues have bogged down in the United States Senate. This temporary extension that we are voting on today includes the section 119 licenses which actually govern the transmission of distant and local television signals by cable and satellite television operators as well as provisions of the Communications Act of 1934 concerning the retransmission of broadcast station signals. As you can see, this is very important to get this full 5-year extension.

My colleagues, in December 2009 the House passed the Satellite Home Viewer Reauthorization Act by 394–11. And yet here we are, we can't seem to shake the bill loose in the Senate, although the Senate Commerce, Science and Transportation and the Senate Judiciary Committees have all reported this measure out of their committees.

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

Mr. BARTON of Texas. Madam Speaker, I yield the gentleman an additional 15 seconds.

Mr. STEARNS. I am glad we are extending this important law temporarily, but I am hopeful it will move forward on a permanent basis, a 5-year extension. And obviously, I am very glad the current SGR formula is being fixed, corrected today, and at least we have a 30-day hiatus.

Mrs. CAPPS. Madam Speaker, I rise in support of H.R. 4851.

This bill takes the necessary steps to extend crucial health care provisions in law that would otherwise expire soon. Although there is a sense of deja vu in voting to prevent an impending 21 percent cut to Medicare and TRICARE reimbursements, we must take action to prevent those cuts from going into effect. I am sure all of my colleagues are well aware of what such cuts would mean to the health providers in their own districts and the restricted access to patients if the cuts happen.

The House can be proud of passing H.R. 3961 this last fall to permanently solve the annual Sustainable Growth Rate, or the SGR, program. But our friends in the other Chamber have failed thus far to act. And until they do, we must ensure that the cuts do not go into effect.

H.R. 4851 also provides a crucial extension to the current arbitrary Medicare beneficiary therapy caps. When outpatient therapy is considered medically necessary for a patient, we should never put an arbitrary limit on the dollar amount that can be spent to provide this important care. And I support the provisions of this bill to allow Medicare beneficiaries to continue receiving the outpatient therapy care that they need.

Finally, I applaud the inclusion of a provision in this bill to correct an inadvertent error regarding electronic health records and incentive payments for physicians who implement them. Through our technical correction in this legislation, we will ensure that physicians who work in outpatient clinics that are owned by hospitals will be eligible for these important incentive payments. Encouraging the adoption of health information technology in all health care settings is a priority shared by my colleagues on both sides of the aisle. I am pleased that we will further improve adoption of electronic health records with this fix.

I urge my colleagues to support H.R. 4851 and the important health care provisions included in this bill.

I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I yield myself 5 minutes.

It may have been explained before I got on the floor, so if I am repeating something that has already been said, I want to apologize in advance. But I do want the American people to know what this bill does. It is a bill that takes eight existing laws, and as I understand it, extends them for 1 month. It takes the unemployment insurance fund, extends it for a month; the COBRA premium assistance fund, extends it for a month; the Medicare physician freeze, it prohibits that for another month—or the cut to physician reimbursement under Medicare. An extension of Medicare therapy caps, extension for a month. A very unusual situation where we are going to use 2009 poverty numbers instead of 2010 poverty numbers, because apparently in 2010 the poverty level in the United States went down, so the majority wants to use 2009 numbers so that there will be larger payments for some of the poverty programs, which is interesting given that the deficit is over a trillion dollars this year.

□ 1515

An extension of the National Flood Insurance Program, extension of the Satellite Television Home Viewer Act, a program out of the transportation committee to repay furloughed workers on highway projects, those are the eight current laws that are being extended. There is also a technical fix on health IT in terms of the definition of doctors that worked for hospitals or worked for clinics.

None of these issues, Madam Speaker, needs to be addressed in the type of an omnibus extension on such a short term. Every one of these on its own has merit. Every one of these on its own could come to the floor in a bipartisan fashion and be debated and probably pass for longer than 1 month.

I am trying to understand why the three bills that are in the committee of jurisdiction that I am the ranking member of, the Energy and Commerce Committee, that's the Medicare Physician Freeze, the Medicare Therapy Caps Extension, and the Satellite Television Home Viewers Act, why those three bills have to come to the floor for 1 month in this fashion.

I don't know when the majority decided to do this. I know that the minority staff was informed of it at approximately 10 o'clock this morning. We're now on the floor at 3:15 in the afternoon.

Take aside the merits of the programs on policy and process alone, we should vote these down on suspension. In a week in which the American public is expressing legitimate outrage because the majority is contemplating bringing the biggest domestic policy bill of this Congress, i.e., the health care reform package, to the floor under a rule that would have a self-executing feature to it where we would deem something passed if we pass the rule, it would seem to me that the Speaker and the majority leader and the committee chairman would not want to pile insult onto insult and bring these bills to the floor under a process where you combine bills from numerous committees of jurisdiction with no notice, for all intents and purposes, and bring them to the floor. At least in this case we are going to get an up-or-down vote on the bill, which is a good thing. But it's not a vote on the rule that self-executes. So I want to commend Chairwoman SLAUGHTER of the Rules Committee for that and Speaker PELOSI.

But again, we don't have to operate, the United States of America, like we're a third-world country that doesn't know how to run a democracy.

Again, on the merits, Republicans have said for physician reimbursement we believe there should be a fix. We believe that the physicians need to be reimbursed in a fair fashion in the current Medicare reimbursement system. We support some of these therapy cap reforms. We certainly support the Satellite Television Home Viewer Act. So this isn't something that the only way to do it is to put it together in a big package and put it on the floor 1 month at a time. The only advantage I can see is that this just kind of treads water; it provides some sort of a vote this afternoon.

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

Mr. BARTON of Texas. I would yield myself 30 additional seconds.

So I guess the other thing that I need to point out to Members of the body and to the American public is, because of the procedure, this is all deemed, apparently—and I hate to use that word. This is all defined to be emergency, and so it's not paid for.

The rule that brought these bills to the floor waives PAYGO, and my recollection is not too many months ago my friends in the majority were beating themselves and congratulating themselves because they had instituted these tough PAYGO rules. But if I am correct, I believe that none of this is paid for and the rule does not require PAYGO.

With that, I reserve the balance of my time.

Mrs. CAPPS. Madam Speaker, I continue to reserve.

Mr. BARTON of Texas. How much time do I still have?

The SPEAKER pro tempore. The gentleman from Texas has 1 minute. The gentleman from Kentucky has 6 minutes.

Mr. BARTON of Texas. I would yield 1 minute to a distinguished member of the Energy and Commerce Committee from Flower Mound and Denton, Texas, Dr. MICHAEL BURGESS.

Mr. BURGESS. I thank the gentleman for the recognition.

One minute is not much time to deal with what is a very complicated process. It is unfortunate we didn't have more time to actually look at this bill before it came to the floor on the concept of expanding the definition of a hospital-based physician for the use and purposes of electronic medical records in the stimulus bill that was passed last year. That's a good provision. That was language that we had asked for in the letter that was signed by 293 Members of this body that went to the acting director for the Center for Medicare and Medicaid Services.

I do have to point out, Ranking Member BARTON is exactly right. This SGR problem is not an emergency. Everyone in this body knew this was going to happen. What this signals us is perhaps the Democrats don't have the votes to pass their health care bill because, otherwise, the fix would be included in their health care bill. The fact that we are having to provide yet another month signals to me that they don't have the votes to pass their larger underlying bill.

There is no other Member in this body that wants this SGR fixed more intensely than I do, but this is not the way to go about it. It is not an emergency. It should not come to us at the 11th hour. That is an insult to the Nation's physicians. They can't run their businesses when we always do it in this fashion.

Mrs. CAPPS. I continue to reserve.

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

Mr. DAVIS of Kentucky. Madam Speaker, as I said in my opening statement, I urge support for H.R. 4851 to

continue unemployment and health insurance benefits for long-term unemployed workers, along with extensions of other important expiring provisions like the Medicare reimbursement provisions that my colleague from Texas just mentioned.

But as we, as a Congress, redouble our efforts on the task of empowering Americans to create jobs, we need to remember the four causes of this. Even as we help in those places where jobs are hardest to find, promoting job growth ultimately needs to be the broader goal.

One thing that we could do as a Congress to promote job growth and help our economy stand up and restore confidence in investing would be to stop the ramming of this health care bill through the House of Representatives presumably without even taking a vote on it. I think there is a small detail in the Constitution that would suggest my colleagues on the other side of the aisle have a small problem explaining that to their constituents.

But let's look at the base principles in this bill. There are good elements in it, small individual elements. But the framework, the foundation on which it is built is not only flawed, it would be destructive to the American economy and make it into the equivalent of an Eastern European health care system within 10 years.

First of all, it's based on huge tax increases. We still don't know what the reconciliation numbers are, but we know by commentary off the floor that the score from the Congressional Budget Office was far more than anything that's been presented in public thus far. Taxing health insurance is going to do one thing. It's going to reduce access to health insurance because less benefits will be provided by employers. It's very simple. Those of us who have run businesses understand this. We go without payroll to make sure our employees are covered. But we need to keep in mind the reality of what is happening. Taking money out of our pockets to fuel the growth of Federal bureaucracy is not right.

The second thing that's done on the opposite end of the pipeline is a half a trillion dollar cut in Medicare benefits. In my going on 6 years in Congress, I have never seen $1 taken out of waste of the Center of Medicare Services. We hire more people, we put more rules in place, but we don't take the overhead out to simplify the processes.

Indeed, in the Ways and Means Committee, a simple amendment offered by the gentleman from Illinois to study point of sale and credit card architecture technology that's used in every convenience store in America was rejected; as one gentleman from Texas called it, a pumpkin designed to enrich insurance executives. We use that every day. We use that in our identification cards here to vote. We don't have that integrated in our government. That's why citizens complain all the time about dealing with Washington, D.C.

The final thing that's done on top of all of this is the only job creation program that's coming out of the legislation being considered this week is the hiring of over a hundred thousand new Federal workers who have to be paid for by taxpayers. That means that many jobs have to be created for every one of those.

When I stop and think about this, I'm amazed, because we're not fixing the waste, the excess, the broken processes, the unintegrated database, and the contradictory regulations between the agencies. All we're doing is making the problem bigger and, in the end, it will result—as your own bill says with its waiting list language—in rationed care.

Finally, let's talk about the overwhelming majority of the American people. It is astounding to me the awareness level at all levels of our society of this bill and, frankly, the fear that is out there; not fear from things I say back home, but when people read the bill and see what it means. I'm not talking about cable television fear mongers. I'm talking simply about good Americans who are doing their civics homework like some of my colleagues in both bodies have failed to do and don't remember the basis of why we're sent here. And then when we can't get that popular vote because of fear of Members of retribution in the fall—which I guarantee you is going to come and all of us will be held accountable for our vote—to deem a bill that takes over nearly one-fifth of the economy—let's think what ''deeming'' means for my fellow Americans watching.

I could deem each of my children a Ph.D. I could deem them a good house. I could deem them a great future. In fact, while we're here deeming things, let's deem world peace, then we would do away with lots of expenditures. You all know the absurdity of that statement on the false premise that is raised with deeming. Why are we doing it? Because it creates a subterfuge that is wrong and violates Article 1 of the Constitution.

At the end of the day, there will be an accounting to the American people. We agree on good things that can get done. Let's do those good things. Let's fix the government waste, fix the private market, and provide real medical liability reform.

I yield back the balance of my time.

Mrs. CAPPS. Madam Speaker, I yield back any remaining time that I might have.

Mr. McDERMOTT. Madam Speaker, I listened to my colleagues. I think they wanted the 20 minutes to talk about the health care bill. They didn't really want to talk about this piece of legislation that's out here in front of us.

This bill is here because the Republicans in the Senate continue to use the filibuster to stop any orderly process over there of dealing with the problems of this country.

And I don't know whether it's ignorance or amnesia, but ''deeming'' is a process that comes out of something that some of the senior Members know about, maybe the junior Members don't know about. This is called the Jefferson's Manual, and it provides the rules for the House, and it's where ''deeming'' comes from and all of the rest of the things that happen in the House.

In fact, just to remind you, Speaker Hastert, Speaker Gingrich used deeming on 202 occasions. Now, this is no big surprise. This is no surprise that fell out of the sky.

And no, I won't yield. I think I've listened to you talk about deeming enough. I want to talk about deeming for a second.

Deeming is rules of the House, and the reason you're doing that is so that we can get something done because people in the Senate are requiring, through the filibuster, that 60 votes be in the way of anything that happens. Now, if you insist on that when 50 votes is a majority, then you're going to get things like using arcane rules in this thousand-page rule book. And we will use it just like Speaker Gingrich used it, just like Speaker Hastert used it, to get around obstructionists.

And now I would yield to the gentleman from Kentucky.

□ 1530

Mr. DAVIS of Kentucky. I thank the gentleman for yielding. My question is when you, as a party, deemed the debt increase of nearly $2 trillion, I would say that it makes any deeming of budgetary issues, even the Deficit Reduction Act reconciliation process, seem almost as a grain of sand. We might as well deem all votes and not even come here and answer mail in our offices if we are going to continue to deem one-fifth of the economy under government control.

Mr. McDERMOTT. Ultimately, we have to go out and face this. And when we pass this health care bill, you are free to campaign against a bill that gives health coverage to 30 million Americans and that closes the doughnut hole. If you want, you can go home and argue with the seniors and say, I didn't want a bill that closed the doughnut hole. That was a stupid bill. I voted against it. What you are free to do after this bill passes is to go home and argue against the things that are in the bill. The people back home have no understanding what ''deeming'' is. It's inside baseball in this place. You wait, when you go and try, on the campaign trail, to sell the idea that you were against doing anything for 30 million people.

Mr. DAVIS of Kentucky. Would the gentleman yield?

Mr. McDERMOTT. I yield.

Mr. DAVIS of Kentucky. When the cashier at our local supermarket asked me about the reconciliation process and deeming and how can you pass something you don't vote on, I think the message is already at the grassroots.

Mr. McDERMOTT. I would suggest that the gentleman has tried to create

an issue, but it won't last. Nobody remembers any of the debate before Social Security. Nobody remembers any of the debate before Medicare. Of course, there were people saying all kinds of things out here. But when the bill is in, the people will take the benefits and be grateful for the Congress that acted on their behalf. I urge everyone to vote for this bill. The unemployed should not suffer again because of Senate filibusters.

Mr. LINDER. Madam Speaker, drip, drip, drip.

Here we are for yet another extension of unemployment benefits and various related programs. These programs have been repeatedly extended, even as Democrats claim their economic stimulus plan has worked and is creating jobs. Well, it's not, and our presence on this floor today is yet another affirmation of that obvious fact. If stimulus was working, more people would have paychecks. But it's not, so we are here to hand out more unemployment checks instead.

Let's review the history of just the unemployment benefit extensions we are continuing today.

In June 2008, Congress created a new Federal "temporary" unemployment benefit program paying 13 weeks of unemployment benefits, on top of 26 weeks of State benefits. CBO said the UI portion of that bill would cost $14 billion. Unemployment was 5.5 percent.

In November 2008, that temporary program was expanded by 20 weeks of benefits—for a new total of 59 weeks of UI per person. CBO said that would cost just under $6 billion. Unemployment was 6.9 percent.

In February 2009, Democrats' stimulus plan extended the temporary program through 2009 and nationalized the Federal/State extended benefits program, among other changes. That added another 20 weeks of Federal benefits, for a total of up to 79 weeks per person. CBO said that would cost $40 billion. Unemployment was 8.2 percent.

In November 2009, Congress added another 20 weeks of temporary extended benefits, for a record total of 99 weeks of UI per person. CBO estimated that would cost $2 billion just in the last few weeks of 2009. Unemployment was 10 percent.

In December 2009, the temporary program was extended for two months. CBO said that would cost $14 billion. Unemployment was 10 percent.

Last month the program was extended through March, at a cost of $8 billion. Unemployment was 9.7 percent.

And here we are again today, pondering yet another extension or expansion—the sixth of the program created in the summer of 2008—costing yet another $6 billion. Since this program began, CBO estimates would suggest we will have spent a total of $90 billion on Federal UI benefits through the end of next month. And that's not counting another $50-plus billion it would cost to extend these programs for the rest of this year, as the Senate approved last week.

Unemployment has soared from 5.5 percent to 10 percent. Yet our colleagues on the other side of the aisle press on with their claims that this is somehow creating jobs. It's not.

What it is creating is more unemployment taxes, to cover the costs of the record unemployment benefits States are paying out. Those are taxes on jobs, which are rising in 35 States this year, by a total of 44 percent.

Madam Speaker, we have tried extending unemployment benefits again and again. And we have only gotten more unemployment. Yet what unemployed workers really want are jobs and paychecks. We need to start over and do the things that really help create jobs for unemployed workers. That means eliminating uncertainty by scrapping Democrats' government health care takeover and cap and tax energy plans, extending expiring tax cuts on businesses and individuals, repealing wasteful stimulus spending, and committing to not increasing any tax until the economy has fully recovered.

Until we do that, additional extensions of unemployment benefits will simply spend even more money we don't have without truly helping unemployed workers find jobs, which must be our real goal.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. MCDERMOTT) that the House suspend the rules and pass the bill, H.R. 4851, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010

Mr. COSTELLO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4853

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Aviation Administration Extension Act of 2010".

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking "March 31, 2010" and inserting "July 3, 2010".

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "March 31, 2010" and inserting "July 3, 2010".

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "March 31, 2010" and inserting "July 3, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2010.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking "April 1, 2010" and inserting "July 4, 2010"; and

(2) by inserting "or the Federal Aviation Administration Extension Act of 2010" before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking "April 1, 2010" and inserting "July 4, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2010.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103(7) of title 49, United States Code, is amended to read as follows:

"(7) $3,024,657,534 for the period beginning on October 1, 2009, and ending on July 3, 2010.".

(2) OBLIGATION OF AMOUNTS.—Sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2010, and shall remain available until expended.

(3) PROGRAM IMPLEMENTATION.—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the period beginning on October 1, 2009, and ending on July 3, 2010, the Administrator of the Federal Aviation Administration shall—

(A) first calculate funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2010 were $4,000,000,000; and

(B) then reduce by 89/365—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking "March 31, 2010," and inserting "July 3, 2010,".

SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking "April 1, 2010." and inserting "July 4, 2010.".

(b) Section 44302(f)(1) of such title is amended—

(1) by striking "March 31, 2010," and inserting "July 3, 2010,"; and

(2) by striking "June 30, 2010," and inserting "September 30, 2010,".

(c) Section 44303(b) of such title is amended by striking "June 30, 2010," and inserting "September 30, 2010,".

(d) Section 47107(s)(3) of such title is amended by striking "April 1, 2010." and inserting "July 4, 2010.".

(e) Section 47115(j) of such title is amended by striking "April 1, 2010," and inserting "July 4, 2010,".

(f) Section 47141(f) of such title is amended by striking "March 31, 2010." and inserting "July 3, 2010.".

(g) Section 49108 of such title is amended by striking "March 31, 2010," and inserting "July 3, 2010,".

(h) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking "April 1, 2010," and inserting "July 4, 2010,".

(i) Section 186(d) of such Act (117 Stat. 2518) is amended by striking "April 1, 2010," and inserting "July 4, 2010,".

(j) The amendments made by this section shall take effect on April 1, 2010.

SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1)(F) of title 49, United States Code, is amended to read as follows:

"(F) $7,070,158,159 for the period beginning on October 1, 2009, and ending on July 3, 2010.".

SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a)(6) of title 49, United States Code, is amended to read as follows:

''(6) $2,220,252,132 for the period beginning on October 1, 2009, and ending on July 3, 2010.''.

SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a)(14) of title 49, United States Code, is amended to read as follows:

''(14) $144,049,315 for the period beginning on October 1, 2009, and ending on July 3, 2010.''.

SEC. 9. EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED SURFACE TRANSPORTATION PROGRAMS.

(a) SHORT TITLE.—This section may be cited as the ''Surface Transportation Extension Modification Act of 2010''.

(b) MODIFICATION OF ALLOCATION RULES.—Section 411(d) of the Surface Transportation Extension Act of 2010 is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''1301, 1302,''; and

(ii) by striking ''1198, 1204,''; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking ''apportioned under sections 104(b) and 144 of title 23, United States Code,'' and inserting ''specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program),''; and

(ii) in clause (ii) by striking ''apportioned under such sections of such Code'' and inserting ''specified in such section 105(a)(2) (except the high priority projects program)''; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''1301, 1302,''; and

(ii) by striking ''1198, 1204,''; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking ''apportioned under sections 104(b) and 144 of title 23, United States Code,'' and inserting ''specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program),''; and

(ii) in clause (ii) by striking ''apportioned under such sections of such Code'' and inserting ''specified in such section 105(a)(2) (except the high priority projects program)''; and

(3) by adding at the end the following:

''(5) PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE AND NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAMS.—

''(A) REDISTRIBUTION AMONG STATES.—Notwithstanding sections 1301(m) and 1302(e) of SAFETEA–LU (119 Stat. 1202 and 1205), the Secretary shall apportion funds authorized to be appropriated under subsection (b) for the projects of national and regional significance program and the national corridor infrastructure improvement program among all States such that each State's share of the funds so apportioned is equal to the State's share for fiscal year 2009 of funds apportioned or allocated for the programs specified in section 105(a)(2) of title 23, United States Code.

''(B) DISTRIBUTION AMONG PROGRAMS.—Funds apportioned to a State pursuant to subparagraph (A) shall be—

''(i) made available to the State for the programs specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program), and in the same proportion for each such program that—

''(I) the amount apportioned to the State for that program for fiscal year 2009; bears to

''(II) the amount apportioned to the State for fiscal year 2009 for all such programs; and

''(ii) administered in the same manner and with the same period of availability as funding is administered under programs identified in clause (i).''.

(c) EXPENDITURE AUTHORITY FROM HIGHWAY TRUST FUND.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986, as amended by the Surface Transportation Extension Act of 2010, is amended by striking ''in effect on the date of the enactment of such Act)'' and inserting ''in effect on the later of the date of the enactment of such Act or the date of the enactment of the Surface Transportation Extension Modification Act of 2010)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the enactment of the Surface Transportation Extension Act of 2010 and shall be treated as being included in that Act at the time of the enactment of that Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. COSTELLO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on H.R. 4853.

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

There was no objection.

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

Madam Speaker, I rise in support of H.R. 4853, the Federal Aviation Administration Extension Act of 2010. I want to thank Chairman LEVIN and Ranking Member CAMP, as well as Chairman OBERSTAR and Ranking Members MICA and PETRI for bringing this to the floor today.

The FAA has been operating under a series of short-term extensions for 2½ years since the last FAA reauthorization bill expired. Short-term extensions and uncertain funding levels can be disruptive to the aviation industry, airports, and local communities because they do not allow them to plan for long-term growth. Frankly, every month that goes by without a long-term FAA authorization is a lost opportunity to improve aviation safety and security and to create and maintain jobs around the country.

Madam Speaker, the House did its job and passed H.R. 915, the FAA Reauthorization Act of 2009, a 3-year authorization of FAA programs. For 8 months, we have been waiting on the other body to bring a bill to the floor and pass it. The Senate bill is now being debated in the other body, and we look forward to passage of that bill so that we can complete our work and begin with the reauthorization of the FAA bill.

However, the Airport and Airways Trust Fund will expire on March 31, 2010, and the bill before us today, H.R. 4853, extends aviation taxes and expenditure authority, and the Airport Improvement Program contract authority, until July 3, 2010.

H.R. 4853 also provides for a total of $3 billion in AIP contract authority through early July, which translates to an annualized amount of $4 billion for fiscal year 2010. This level of funding is consistent with the annual levels provided by the House and the Senate reauthorization bills, as well as the fiscal year 2010 concurrent budget resolution. These additional funds will allow airports to continue critical safety and capacity enhancement projects.

Additionally, the bill provides $7 billion for FAA operations, $2.2 billion for facility and equipment programs, and $144 million for research, engineering, and development programs. When translated to yearly amounts, these figures equal the funding levels passed for these programs by the fiscal year 2010 Consolidated Appropriations Act.

In addition, the 3-month bill extends aviation excise taxes through July 3, 2010. These taxes are necessary to support the Airport and Airways Trust Fund, which funds a large portion of the FAA's budget. Any lapse in these taxes could drain the trust fund's balance, so it is important that we act now, pending the passage of a longer-term reauthorization bill.

Aviation is too important to our Nation's economy, contributing $1.2 trillion in output and approximately 11.4 million jobs, to allow the taxes or the funding for critical aviation programs to expire. Congress must ensure that this extension passes today to reduce delays and congestion, improve safety and efficiency, stimulate the economy, and create jobs.

I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. PETRI. Madam Speaker, in the 110th Congress, the House passed the FAA Reauthorization Act of 2007, H.R. 2881. That bill reauthorized the FAA for 4 years. In May of last year, the House voted again to pass a comprehensive reauthorization bill, H.R. 915, the FAA Reauthorization Act of 2009.

In just the last week, the Senate has begun consideration of their FAA reauthorization bill, and it looks quite possible that the two Chambers will soon begin negotiations to reconcile each of their bills. However, this reconciliation process will take time. Given that the current FAA extension expires at the end of this month, we need to again extend the FAA's taxes and authorities to allow time to get a final, conferenced FAA bill.

H.R. 4853 would extend the taxes, programs, and funding of the FAA through July 3 of this year. This bill extends FAA funding and contract authority for just over 3 months, provides $3 billion in Airport Improvement Program funding, extends the War Risk Insurance program, and extends other authorities related to Small Community Air Service, airport, and safety programs.

H.R. 4853 will ensure that our National Airspace System continues to

operate until a full FAA reauthorization can be enacted.

So as I have indicated many times since the passage of the House FAA reauthorization bill back in 2007, we need to pass a long-term bill so that we can meet the growing demands placed on our Nation's aviation infrastructure. Modernizing our antiquated air traffic control system and repairing our crumbling infrastructure need to be at the top of our priorities.

While I'm disappointed that the FAA has gone so long without a comprehensive reauthorization, I support this extension as the best alternative to keep the FAA and the National Airspace System running safely and efficiently until we can take up and pass a bipartisan and bicameral bill. It seems that we are closer to this goal than ever before, at least in recent Congresses.

H.R. 4853 also includes a provision that will change the way funding is distributed for the Projects of National and Regional Significance program and the National Corridor Infrastructure program in the surface transportation extension that the Senate passed this morning.

In its current form, this surface extension bill would prevent 22 States from receiving any funding and would direct 56 percent of the funding to just four States: California, Louisiana, Illinois, and Washington. This fix ensures that the funding for those two programs is distributed to all States through the existing Federal-aid highway formula. And I commend the people who are responsible for that fix.

With that, I urge my colleagues to support the bill, H.R. 4853.

I reserve the balance of my time.

Mr. COSTELLO. At this time, Madam Speaker, I recognize our friend who is a member of the subcommittee, the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Madam Speaker, I'm going to fly home hopefully later this weekend, and it is surely important to me that the FAA continues to do what it must do to keep the air safe. And I want to commend the minority as well as the Chair for this extension.

But beyond the extension, there is another extremely important element in this bill, and that is straightening out the funding for transportation. Mr. OBERSTAR worked a miracle and actually managed to give California less of more, which took a while for me to understand. But the reality is that by being able to work out a compromise with the Senate, we are going to be able to move the transportation programs forward. It's a great example of what can be done with some good leadership working both sides of the aisle.

I want to commend the bill to all of us and move this thing along so that we can fly home safely when we get the health care bill done and go home and tell our constituents about a good highway transportation program that's been put together.

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

Mr. COSTELLO. At this time, Madam Speaker, I would yield 2 minutes to a member of the full committee, Mr. SIRES from New Jersey.

Mr. SIRES. Madam Speaker, I rise today in strong support of H.R. 4853, the Federal Aviation Administration Extension Act of 2010. This legislation would extend the FAA's aviation programs and taxes for 3 more months, through July 3, 2010.

Funding authorization for aviation programs expired at the end of fiscal year 2007, and since then, 11 extensions have been passed.

Although the House passed Chairman OBERSTAR's bill, H.R. 915, the FAA Reauthorization Act of 2009, on May 21, 2009, the Senate has not acted on this legislation. Passage of a comprehensive reauthorization bill is necessary, but for the time being, we must once again pass an extension reauthorizing the FAA's aviation programs.

Included in this bill are also two very important surface transportation provisions. These provisions would alleviate concerns raised by Members of the House earlier this month when we passed the House amendments to the Senate amendments of the HIRE Act. Specifically, section 9 of this bill will amend the HIRE Act and resolve House concerns with the formula of distributing highway funding in the HIRE Act.

This bill would share among all States the $932 million for projects of national and regional significance and the national corridor programs.

Under the Senate's bill, four States would automatically receive 58 percent of this funding and 22 States would receive no funding at all. Under this bill, all States will be allowed to compete for these programs.

This bill also distributes additional bonus formula funds to 13 current State highway formula programs, as opposed to only six of the highway formula programs. While the Senate Surface Transportation Act Extension Act skewed highway formula funding to certain States, this bill acts as a remedy. Additionally, these two surface transportation provisions would put into law Majority Leader REID's commitment to rectify the two differences between the House and the Senate transportation extension bills.

Madam Speaker, I urge my colleagues to join me in passing the FAA Extension Act, which includes several important provisions.

□ 1545

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

Mr. COSTELLO. Madam Speaker, at this time I recognize for such time as he may consume the chairman of the full Transportation Committee, Chairman OBERSTAR.

Mr. OBERSTAR. Madam Speaker, I thank the chair of the Aviation Subcommittee, Mr. COSTELLO. He has already well and duly explained the FAA authorization extension that is before us at this moment. I want to address, as Mr. PETRI has done, as Mr. GARAMENDI and Mr. SIRES have done, the other provision in this bill.

When we passed the Hiring Incentives to Restore Employment Act a time ago, the legislation then was sent back by the Senate with some changes in the highway funding formula that I felt were unfair, unjust, unnecessary; and I held up House consideration of the bill until we could reach an agreement with the other body.

As I went on to explain in meetings of the caucus, meetings with our committee members on both sides of the aisle, the Senate version of this bill directed major highway discretionary program funding to a select group of States: four would get 58 percent of the funding; 22 States get nothing; the other 20 got dribbles.

That formulation would provide a permanent windfall for those four States. And not just a one-time shot but a long-term windfall, because it would skew underlying highway formulas, changing the baseline for those four States that got the lion's share of the money.

After a good deal of discussion and consideration, I had a conversation with my very good friend from the time he served in the House. Senate Majority Leader HARRY REID pointed out that there was $932 million in discretionary highway funds that we had formulated one way in the bill we passed in December. The Senate has now taken that language and skewed it in a different direction, and that is the wrong thing to do and will change from our provision in the December bill that distributed that $932 million in discretionary funding to the Secretary to fold it into the regular highway formula for all of the States on a proportional basis, rather than just the 29 States that had programs and projects of national and regional significance and national corridor infrastructure improvement programs. That included my State of Minnesota, which would have benefited from the windfall of the Senate formula.

I could have just said nothing, sat on my hands, let it go. It is a very arcane, very complex formula. Few people would have understood it. But it was the wrong thing to do. It was the wrong way to hijack the House bill and hijack these funds and just simply allocate them to few States.

Furthermore, the language, the provision in the other body's legislation designated seven programs as second-tier programs and further rated those funds—the Appalachia Development Highway System, the Rail Highway Grade Crossing, the Equity Bonus Program, Recreational Trail, Safe Routes to School, Coordinated Border Infrastructure, and the Metropolitan Planning programs—relegated them to a second-tier status, and denies them the opportunity to receive additional funding during the extension period and weakens their standing during the

long-term authorization. That is wrong.

I explained it to Senator REID. He fully understood it. I proposed an exchange of letters, which he did, and he said, ''We will agree to the adjustment,'' as proposed in the formula that I set forth and which I will include in the RECORD at this point, including the exchange of letters with Senator REID in our committee summary explanation of this provision.

HIGHWAY AND BRIDGE FORMULA FUNDING BY STATE UNDER SURFACE TRANSPORTATION EXTENSION ACTS, HIRE ACT VS. SURFACE TRANSPORTATION MODIFICATION ACT OF 2010, MARCH 17, 2010

[37 States Fare Better under the Surface Transportation Modification Act of 2010; 14 States Fare Better under the HIRE Act]

State	HIRE Act [1]	Surface Transportation Modification Act [2]	Increase (decrease) under Surface Transportation Modification Act
Alabama	$1,160,135,018	$1,178,768,813	$18,633,795
Alaska	698,820,601	702,234,406	3,413,805
Arizona	1,119,833,846	1,137,317,569	17,483,723
Arkansas	780,938,283	757,601,098	(23,337,185)
California	5,540,834,984	5,348,478,144	(192,356,840)
Colorado	808,562,089	808,216,244	(345,845)
Connecticut	771,124,583	774,468,106	3,343,523
Delaware	254,115,413	258,166,183	4,050,770
Dist. of Col.	241,637,283	226,506,326	(15,130,958)
Florida	2,901,459,068	2,948,516,502	47,057,434
Georgia	1,990,475,595	2,022,248,870	31,773,275
Hawaii	258,011,916	262,133,940	4,122,024
Idaho	436,473,412	443,558,991	7,085,579
Illinois	2,133,468,322	2,014,527,598	(118,940,724)
Indiana	1,454,478,215	1,473,826,863	19,348,649
Iowa	721,928,309	731,252,426	9,324,118
Kansas	582,189,917	591,518,358	9,328,441
Kentucky	1,012,890,986	1,027,305,950	14,414,964
Louisiana	1,045,633,419	1,002,664,600	(42,968,819)
Maine	280,240,625	284,757,226	4,516,601
Maryland	918,077,359	930,393,685	12,316,326
Massachusetts	935,232,711	950,187,222	14,954,511
Michigan	1,628,896,250	1,649,577,451	20,681,201
Minnesota	969,838,993	960,370,670	(9,468,323)
Mississippi	730,280,701	740,066,612	9,785,911
Missouri	1,422,349,455	1,444,428,478	22,079,023
Montana	595,326,967	604,421,087	9,094,120
Nebraska	439,714,255	446,827,117	7,112,863
Nevada	509,981,437	517,716,094	7,734,658
New Hampshire	255,499,273	259,619,857	4,120,584
New Jersey	1,522,180,325	1,521,313,478	(866,848)
New Mexico	558,845,157	564,388,783	5,543,626
New York	2,585,021,983	2,601,114,874	16,092,891
North Carolina	1,597,585,980	1,623,405,549	25,819,569
North Dakota	376,542,187	382,541,944	5,999,758
Ohio	2,046,630,272	2,071,931,711	25,301,439
Oklahoma	958,778,621	936,700,103	(22,078,518)
Oregon	745,775,067	717,111,735	(28,663,333)
Pennsylvania	2,533,737,942	2,561,421,751	27,683,809
Rhode Island	328,209,791	333,303,797	5,094,006
South Carolina	960,038,143	962,956,224	2,918,081
South Dakota	423,697,858	430,371,013	6,673,155
Tennessee	1,286,665,098	1,280,356,104	(6,308,994)
Texas	4,835,326,374	4,912,212,474	76,886,100
Utah	482,941,887	490,736,905	7,795,018
Vermont	299,846,556	304,031,221	4,184,665
Virginia	1,550,364,905	1,538,365,476	(11,999,429)
Washington	1,021,098,782	981,828,852	(39,269,930)
West Virginia	660,653,936	651,000,745	(9,653,191)
Wisconsin	1,135,046,618	1,138,278,090	3,231,471
Wyoming	389,303,475	395,692,926	6,389,451
Total	58,896,740,240	58,896,740,240	0

[1] The Surface Transportation Extension Act of 2010, title IV of H.R. 2847, the ''Hiring Incentives to Restore Employment Act'' (HIRE Act).

[2] The Surface Transportation Modification Act of 2010, section 9 of H.R. 4853, the ''Federal Aviation Administration Extension Act of 2010'', implementing the February 26, 2010 written agreement among Senate Majority Leader Harry Reid, Speaker Nancy Pelosi, and Chairman James L. Oberstar.

This table was prepared by the Committee on Transportation and Infrastructure Majority staff based on technical assistance provided by the Federal Highway Administration.

U.S. SENATE,
Washington, DC, February 26, 2010.

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

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR MADAM SPEAKER AND MR. CHAIRMAN: Thank you for your cooperation in facilitating the House passage of the H.R. 2847, the ''Hiring Incentives to Restore Employment Act'', passed by the Senate on February 24, 2010. I appreciate your concern that the urgency of passage of the legislation did not allow time for a Conference Committee or other discussions to reconcile surface transportation extension act differences between the Senate-passed amendment (Title IV) and the House-passed bill, the ''Jobs for Main Street Act'' (Title II of H.R. 2847).

To accommodate House concerns with Title IV, the ''Surface Transportation Extension Act of 2010'', of the Senate-passed amendment, we have reached agreement on the following changes to H.R. 2847:

1. Distribute the Projects of National and Regional Significance (PNRS) and National Corridor Infrastructure Improvement (Corridor) program funding among all States based on each State's share of fiscal year 2009 highway apportioned funds rather than to only 29 States that had PNRS and Corridor projects under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU).

2. Distribute ''additional'' highway formula funds (which the bill makes available in lieu of additional Congressionally-designated projects) among all of the highway formula programs rather than among just six formula programs.

I pledge to you that I will make every effort to include these provisions in the next Jobs bill passed by the Senate, which we hope to accomplish in the next few weeks. I have attached legislative language to accomplish these changes.

I will also join you in requesting that the Federal Highway Administration not apportion the PNRS and Corridor funding to States until Congress has passed this corrective legislation.

Thank you for your consideration.

Sincerely,

HARRY REID,
Majority Leader.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, SUMMARY OF H.R. 4853, THE ''FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010'', MARCH 17, 2010

BACKGROUND

The most recent long-term Federal Aviation Administration (FAA) reauthorization act, Vision 100—Century of Aviation Reauthorization Act (P.L. 108–176), expired September 30, 2007. Work in the House to reauthorize the FAA culminated most recently with the passage of H.R. 915, the ''FAA Reauthorization Act of 2009'', on May 21, 2009. To date, the Senate has not completed action on a long-term FAA reauthorization bill.

In the meantime, pending completion of a long-term reauthorization bill, Congress has passed a series of short-term acts extending the FAA's authority. The current FAA extension act expires on March 31, 2010.

Separately, on February 25, 2010, the Senate passed H.R. 2847, the ''Hiring Incentives to Restore Employment Act'' (HIRE Act), with an amendment. The HIRE Act includes an extension of highway, highway and motor carrier safety, and public transit programs through December 31, 2010. It also includes a number of provisions that raised concerns for Members of the House. The House was able to address some of these provisions (e.g., PAYGO costs) through amendments at that time. However, the urgent need to pass the legislation did not allow sufficient time to resolve two major differences between the surface transportation extension title of the HIRE Act and the surface transportation extension passed by the House on December 16, 2009, as part of H.R. 2847, the ''Jobs for Main Street Act'':

1. the treatment of Projects of National and Regional Significance and the National Corridor Infrastructure Improvement programs; and

2. the programmatic distribution of additional formula funds provided to States in lieu of additional Congressionally-designated project funding.

First, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (P.L. 109–59) established two major discretionary programs: the Projects of National and Regional Significance (PNRS) and National Corridor Infrastructure Improvement (National Corridor) programs. Although the programs were designed as competitive, discretionary programs, during deliberations on the bill in 2005, the Conference Committee decided to designate individual projects under each program. The HIRE Act extends funding for these two programs, providing a total of $932 million for the PNRS and National Corridor programs over a 15-month period (October 1, 2009 through December 31, 2010). This approach distributes these funds only to States that had earmarks under these programs in SAFETEA–LU—with four States receiving 58 percent of the funding and 22 States receiving nothing. This provision would create a permanent windfall for these four States, and would unfairly skew the highway formulas.

Second, in fiscal years (FY) 2005 through 2009, SAFETEA–LU included Congressionally-designated projects under several discretionary programs (e.g., House and Senate Congressionally-designated projects under the High Priority Projects and Transportation Improvements programs). The HIRE Act extends funding for these programs, but does not include any earmarks during the extension period. Instead, it provides each State with an amount equal to its FY 2009 Congressionally-designated projects under these discretionary programs and distributes those additional funds through six existing State highway formula programs.

H.R. 2847, the ''Jobs for Main Street Act'', as passed by the House, would have distributed the additional funding through all of the 13 current State highway formula programs: Interstate Maintenance, National Highway System, Highway Bridge, Surface Transportation Program, Highway Safety Improvement Program, Congestion Mitigation and Air Quality Improvement, Metropolitan Planning, Equity Bonus, Appalachian Development Highway System, Recreational Trails, Safe Routes to School, Rail-Highway Grade Crossing, and Coordinated Border Infrastructure programs. By limiting the distribution of the additional funding through only six highway formula programs, the HIRE Act essentially designates seven programs—the Appalachian Development Highway System, Rail-Highway Grade Crossing, Equity Bonus, Recreational Trails, Safe Routes to School, Coordinated Border Infrastructure, and Metropolitan Planning programs—as ''second-tier'' programs, denying them the opportunity to receive additional funding during the extension period and weakening their standing during the ongoing authorization process.

On February 26, 2010, to accommodate House concerns with Title IV, the ''Surface Transportation Extension Act of 2010'', Senate Majority Leader Harry Reid, Speaker Nancy Pelosi, and Chairman James L. Oberstar reached agreement on the following changes to the HIRE Act in future legislation:

1. Distribute the PNRS and National Corridor program funding among all States based on each State's share of FY 2009 highway apportioned funds rather than to only 29 States that had PNRS and National Corridor projects under SAFETEA–LU.

2. Distribute ''additional'' highway formula funds (which the bill makes available in lieu of additional Congressionally-designated projects) among all of the highway

formula programs rather than among just six formula programs.

On the strength of this commitment, on March 4, 2010, the House passed the HIRE Act. The Senate is expected to vote on final passage of the HIRE Act on March 17, 2010.

H.R.4853, THE ''FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010''

H.R. 4853, the ''Federal Aviation Administration Extension Act of 2010'', extends FAA programs for three months and modifies the previously-described surface transportation provisions of the HIRE Act.

AVIATION PROVISIONS

H.R. 4853 extends the FAA's aviation programs and taxes for three months, through July 3, 2010. Aside from covering the FAA's funding needs through July 3 and making appropriate adjustments to amounts, the FAA provisions do not differ substantially from prior three-month extension bills.

H.R. 4853 provides $3 billion in contract authority for the Airport Improvement Program (AIP) from October 1, 2009, until July 3, 2010. These funds will enable airports to move forward with important safety and capacity projects. This level of AIP funding, when annualized, is $4 billion, which is consistent with AIP funding authorizations in both H.R. 915 and the pending Senate FAA reauthorization bill, as well as the FY 2010 Concurrent Budget Resolution.

The bill also authorizes appropriations for FAA Operations, Facilities and Equipment (F&E), and Research, Engineering, and Development (RE&D) programs. Specifically, H.R. 4853 authorizes, for the period between October 1, 2009, and July 3, 2010, $7 billion for FAA Operations, $2.2 billion for F&E, and $144 million for RE&D. When annualized, these authorized funding levels equal the FY 2010 enacted funding levels that have already been provided for these programs by the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010 (division A of P.L. 111–117)

In addition, the bill extends aviation excise taxes until July 3, 2010. These taxes are necessary to support the Airport and Airways Trust Fund, which funds a substantial portion of the FAA's budget. The Trust Fund's uncommitted cash balance was only $299 million at the end of FY 2009, and any lapse in aviation taxes could put the solvency of the Trust Fund at risk.

SURFACE TRANSPORTATION PROVISIONS

Section 9 of H.R. 4853 amends the HIRE Act in keeping with Majority Leader Reid's February 26, 2010 commitment, resolving House concerns with the HIRE Act's distribution of highway funding.

Regarding the treatment of PNRS and National Corridor programs, section 9 of H.R. 4853 amends the HIRE Act to achieve a compromise between the initial House and Senate positions. Under this compromise, the $932 million will be distributed among all States, rather than just the 29 States that had PNRS and National Corridor projects under SAFETEA–LU. The funds will be distributed based on each State's share of FY 2009 highway apportioned funds.

Regarding the programmatic distribution of additional formula funds provided to States in lieu of additional Congressionally-designated funding, section 9 amends the HIRE Act to distribute the additional formula funds through all 13 current State highway formula programs.

Today's action keeps faith with the House, permits Senator REID to keep his commitment, which he has done. He has cleared this language with the relevant Members of the other body, and I am confident we will correct this invasive mistake and raid on the highway trust fund with passage of this legislation we will move today through the House and I expect, very quickly, similarly, through the other body.

I very much appreciate the cooperation Majority Leader REID, Speaker PELOSI, the members of our committee, including my good friend Mr. MICA who has been a partner in shaping this language as we moved along, and Mr. COSTELLO for adding this to the very important extension of the aviation authorization.

Mr. PETRI. I yield such time as he may consume to the ranking minority member of the full committee, my colleague from Florida, Representative JOHN MICA.

Mr. MICA. I thank the gentleman for yielding.

I am pleased to rise in support of this legislation, which would provide a 3-month extension for the operations of the Federal Aviation Administration.

This is kind of interesting. I think just for the record, Madam Speaker, and also for the benefit of our colleagues who may be listening or their staff trying to figure out what is going on, Madam Speaker, this is in fact the 12th extension of the FAA reauthorization.

I was the chairman back in 2001 and through the next 6 years, and my leadership I think is looking better and better every week and every month now.

I introduced the current bill that has been extended—today will be the 12th time—May 15 in 2003. It actually was agreed to in conference on November 21, 2003, and it was signed by the President on December 12, 2003. So I got it done in 6 months. Not record speed, but pretty good speed.

My bill has been in effect for about 7 years, I think the longest FAA authorization in history. I am quite proud of it, but in fact even my legislation does need improvement. We do need an update in policy for running the FAA. We need definition and delineation of projects which are authorized, including the important next generation getting the best technical equipment, going from a ground-based system to satellites, and getting better utilization out of our air space, and also using less fuel and more efficient utilization of our important airports. But, again, I think it is incredible that we are on the 12th extension with the passage of this, but it must be done.

The other body continues to belabor this particular bill. We are hoping for the best and that it does come out, and that we do have new language for the country and for the operation of our Federal Aviation Administration.

What is sad, too, is, again, I think if you look at the 3 years that the other side has controlled this Chamber, and this was pointed out again in a meeting that we had with some of the former TSA administrators, the turnover in personnel, not only in TSA and failure to replace the Transportation Security Administration leader, but also in the FAA. We had seen turnover in the FAA administrator's position when I came to Congress some 18 years ago. We reached a bipartisan accord and agreement to have a 5-year appointment of an FAA administrator, and that would transcend a Presidential term.

We had two great administrators. One appointed by President Clinton, served for 5 years, Jane Garvey; and then we had one appointed by President Bush for 5 years, Marion Blakey, and she did an outstanding job.

And then what did we have? We had a period for an acting administrator, and the other side held him up, demeaned him. While he served in the position, we had a vacancy with an FAA administrator for over 1 year, and we didn't adhere to the bipartisan agreement to keep FAA out of politics and keep it with sound continuous administration. So I am disappointed in that fact.

Then, again, Madam Speaker, and for those Members that are listening, people are wondering what we are doing here on adjusting the jobs bill that just passed the Senate, I am told, today.

In that bill, as you may recall, and I offer this particular exhibit to the RECORD, it showed that with the extension through the end of December, the other body in fact denied 22 States payment and gave 58 percent of payment for one of our largest portions and designations of funding to four States. One was, of course, California; another one was Illinois, surprise; the State of Washington, another surprise; and then the Louisiana Purchase at the end.

But, Mr. OBERSTAR, I will say I have to compliment him. He did get an agreement, and he got the correction in this legislation so it is something we can all vote for. We can now equitably distribute the money to all 50 States.

There was a proposal to give it to the Secretary of Transportation. Now, I have been there and done that with the Secretary. I didn't like that proposal, because just several weeks before this fiasco took place, we distributed $1.5 billion worth of stimulus funds to our economically job-disadvantaged States. And my State of Florida, seventh in the Nation with now 11.8 percent unemployment, they ended up getting zero, with discretionary money being distributed to again supposedly States that were hurting, and Florida is number seven of the top 10 in unemployment. So I wasn't a big fan of having the Secretary distribute that money.

I think what we have done here, which I suggested to the chairman and to the other side, was a fair distribution. Everyone knows what the distribution formula is; everyone will be treated equitably and fairly. So I am pleased to support both the FAA extension and then the correction and proper distribution of highway trust funds.

Now, this takes us only, folks, through December of this year. I know it is confusing because we are on a 30-

day highway extension because we haven't done a highway and transportation major rewrite of the TEA-legislation, but it will take us through the end of the year.

That is somewhat good news, but it is also bad news because States cannot plan beyond the end of the year. That means that we can't get people working beyond the end of the year. That means that we can't make commitments for improving our Nation's infrastructure and probably the biggest programs that we could do as far as this Congress in employing people.

So I am disappointed that the administration failed to support Mr. OBERSTAR, my chairman, on a 6-year authorization. At a time we needed to do it, they recommended an 18-month. And what have we got here? We have got until December, and leaving everyone at bay, people without work, States not knowing what to do after the end of this year.

So we have to do this. We have to get the extension as long as we can get it. Right now the other side is saying until December. I am disappointed in that. We have to straighten out the formula. And then we have to extend the FAA bill, and I am so pleased that we are extending my FAA bill, which, wasn't, I must say in closing, a bad piece of work.

□ 1600

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

Mr. COSTELLO. Madam Speaker, I have no further requests for time. I ask my colleagues to support the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and pass the bill, H.R. 4853.

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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 1141, by the yeas and nays;

S. 1147, by the yeas and nays;

H.R. 3954, by the yeas and nays;

H.R. 946, by the yeas and nays;

H.R. 4825, by the yeas and nays.

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

HONORING SUPREME COURT JUSTICE SANDRA DAY O'CONNOR

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1141, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 1141.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 14, as follows:

[Roll No. 123]

YEAS—416

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

NOT VOTING—14

Barrett (SC)
Brown (SC)
Capito
Deal (GA)
Delahunt
DeLauro
Fortenberry
Grayson
Larsen (WA)
Lewis (CA)
McCarthy (NY)
Space
Stark
Young (FL)

□ 1628

Mr. HENSARLING changed his vote from ''nay'' 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.

PREVENT ALL CIGARETTE TRAFFICKING ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the

bill, S. 1147, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and pass the bill, S. 1147.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 387, nays 25, not voting 18, as follows:

[Roll No. 124]

YEAS—387

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

NAYS—25

Boren
Broun (GA)
Campbell
Carter
Dicks
Duncan
Ellsworth
Flake
Garrett (NJ)
Halvorson
Herseth Sandlin
Kingston
Lummis
McClintock
Miller (FL)
Miller, Gary
Paul
Petri
Rohrabacher
Rooney
Sensenbrenner
Shadegg
Westmoreland
Whitfield
Young (AK)

NOT VOTING—18

Barrett (SC)
Berkley
Blackburn
Brown (SC)
Capito
Deal (GA)
Delahunt
Grayson
Issa
Johnson (GA)
Larsen (WA)
Larson (CT)
Moore (WI)
Schmidt
Slaughter
Space
Stark
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1637

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Madam Speaker, on rollcall No. 124, had I been present, I would have voted ''yea.''

FLORIDA NATIONAL FOREST LAND ADJUSTMENT ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3954, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and pass the bill, H.R. 3954, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 1, not voting 11, as follows:

[Roll No. 125]

YEAS—418

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)

Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—1

Whitfield

NOT VOTING—11

Barrett (SC)
Blackburn
Brown (SC)
Capito
Deal (GA)
Delahunt
Dingell
Slaughter
Space
Stark
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1646

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PLAIN WRITING ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 946, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 946, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 386, nays 33, not voting 11, as follows:

[Roll No. 126]

YEAS—386

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

NAYS—33

Akin
Bartlett
Blackburn
Burgess
Burton (IN)
Calvert
Campbell
Chaffetz
Dreier
Flake
Garrett (NJ)
Gohmert
Jenkins
Jordan (OH)
Kingston
Lamborn
Lewis (CA)
Lummis
Manzullo
Marchant
McClintock
Miller, Gary
Nunes
Paul
Petri
Poe (TX)
Rooney
Royce
Sensenbrenner
Smith (NE)
Tiahrt
Whitfield
Young (AK)

NOT VOTING—11

Barrett (SC)
Brown (SC)
Capito
Deal (GA)
Delahunt
Dingell
Pence
Slaughter
Space
Stark
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1654

Messrs. CHAFFETZ and BURTON of Indiana changed their vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SENSIBLE STEPS TOWARD A BALANCED BUDGET ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4825, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 4825.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 1, not voting 16, as follows:

[Roll No. 127]

YEAS—413

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

NAYS—1

Nadler (NY)

NOT VOTING—16

Barrett (SC)
Brown (SC)
Buyer
Capito
Deal (GA)
Delahunt
Dingell
Garamendi
Larsen (WA)
Owens
Posey
Slaughter
Space
Stark
Tierney
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1702

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

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to direct unused appropriations for Members' Representational Allowances to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt.''.

A motion to reconsider was laid on the table.

□ 1700

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111–441) on the resolution (H. Res. 1190) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

WOMEN WILL BENEFIT FROM HEALTH CARE REFORM

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

Ms. ZOE LOFGREN of California. Mr. Speaker, soon health care insurance reform will be on this floor, and I believe that the women of America have the most to gain from the bill.

In the individual insurance market, women are charged up to 48 percent more than men for the same coverage. The health bill will prohibit that discrimination. Women are denied coverage for preexisting conditions like domestic violence or C-sections or pregnancy. The health care bill will prevent that.

We know as mothers that we are worried about our young adult children. They can't get insurance, but the health care bill will allow us to keep our young adult sons and daughters on our own health care insurance plans.

Preventative services are sometimes unaffordable for women, but the health care bill will require preventative services to be provided without a copay.

Health insurance reform is just what the doctor ordered for the women of America.

PERMISSION TO ADDRESS THE HOUSE

The SPEAKER pro tempore (Mr. PERRIELLO). For what purpose does the gentleman from Kansas rise?

Mr. MORAN of Kansas. To address the House for 1 minute.

The SPEAKER pro tempore. The gentleman gave a 1-minute speech earlier today. He may not be recognized for a second 1-minute speech.

NATIONAL AGRICULTURE WEEK

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

Mr. TIAHRT. Mr. Speaker, this is National Ag Week, and I want to express my support and appreciation for our Nation's farmers and ranchers, especially those from my home State of Kansas.

Kansas farmers produce more than 350 million bushels of wheat, 200 million bushels of sorghum, and nearly 500 million bushels of corn, generating more than $5 billion annually for our economy. Our ranchers produced more than 6.3 billion head of cattle this year. Each farmer feeds more than 130 people. It is their hard work that has ensured America a safe, low-cost feed supply.

Now, I learned about agriculture on the seat of a tractor, not a committee, and I know firsthand just how hard farmers work. Too many people here in Washington have no clue how the policies they pass affect farm life, often making things more difficult for farmers and ranchers.

Congress and bureaucracies need to freeze regulations and let the agricultural community do their job of feeding the world. We need to have the EPA step back from the regulations of everything from dust to cow gas. We need to eliminate the death tax so family farms can stay in the family. And please, let us restore the focus of the farm bill on the family farm and not on the cities.

So tonight, Mr. Speaker, as you sit down to dinner, remember to thank a farmer for making your meal possible.

CONGRATULATING JACK YATES HIGH SCHOOL LIONS

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

Ms. JACKSON LEE of Texas. Mr. Speaker, there are many, many important issues that we will be debating over the next couple of days. I look forward to being engaged in helping America.

But all of us believe in saluting our youth, and so I rise today to salute Jack Yates High School in Houston, Texas. I salute them because of their achievement when things were going wrong. They are the AAAA State Champions in basketball, but they are rated as the number 1 high school basketball team in the Nation. So we stand here in the Congress saying thank you to young men that not only know how to play sports and basketball, but also know how to play the game of academics.

Let me salute their principal, Principal Mumphrey; their coach, Coach Wise; and all of the team, both the starting five and others, who showed courage and showed character. During the game Saturday at the Erwin Center in Austin, Texas, they suffered injuries. But they didn't give up, they didn't give out, and they didn't give up. They stood tall; they played; they ordered themselves, and they won this game. They have had a no-loss season.

They should be commended because they also stand for character. They have served their community. I'm proud of the Lions in Winter. Jack Yates High School should be congratulated.

PHYSICIANS SUPPORT HEALTH CARE REFORM

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

Ms. PINGREE of Maine. Mr. Speaker, I want to read a letter I got from a doctor talking about the disproportionate effect of our health care system on women. She says, ''As a health care provider, I see patients in my office frequently who need surgery or medicine but who cannot get the health care they really need because they do not have insurance.

''These are young, otherwise healthy women who are coping the best they can with their personal health issues. It doesn't make the national press, but the idea of these women suffering day after day tugs at my heartstrings.

''We all have sisters, daughters, and cousins without insurance. We are all touched by someone who does not qualify for government insurance or cannot afford a private policy. At what point do you decide that enough is enough and that private insurance companies aren't doing their job?''

That doctor is right. That is why I support this bill. There are many provisions in the health care bill that we will be taking up this week that make sure that women are not disproportionately affected by the lack of coverage.

I look forward to voting for this bill.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to the following resolution:

S. RES. 457

In the Senate of the United States, March 17, 2010.

Resolved, That a summons shall be issued which commands G. Thomas Porteous, Jr. to file with the Secretary of the Senate an answer to the articles of impeachment no later than April 7, 2010, and thereafter to abide by, obey, and perform such orders, directions, and judgments as the Senate shall make in the premises, according to the Constitution and laws of the United States.

SEC. 2. The Sergeant at Arms is authorized to utilize the services of the Deputy Sergeant at Arms or another employee of the Senate in serving the summons.

SEC. 3. The Secretary shall notify the House of Representatives of the filing of the answer and shall provide a copy of the answer to the House.

SEC. 4. The Managers on the part of the House may file with the Secretary of the Senate a replication no later than April 21, 2010.

SEC. 5. The Secretary shall notify counsel for G. Thomas Porteous, Jr. of the filing of a replication, and shall provide counsel with a copy.

SEC. 6. The Secretary shall provide the answer and the replication, if any, to the Presiding Officer of the Senate on the first day the Senate is in session after the Secretary receives them, and the Presiding Officer shall cause the answer and replication, if any, to be printed in the Senate Journal and in the Congressional Record. If a timely answer has not been filed, the Presiding Officer shall cause a plea of not guilty to be entered.

SEC. 7. The articles of impeachment, the answer, and the replication, if any, together with the provisions of the Constitution on impeachment, and the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, shall be printed under the direction of the Secretary as a Senate document.

SEC. 8. The provisions of this resolution shall govern notwithstanding any provisions to the contrary in the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials.

SEC. 9. The Secretary shall notify the House of Representatives of this resolution.

The message also announced that the Senate agreed to the following resolution:

S. RES. 458

In the Senate of the United States, March 17, 2010.

Resolved, That pursuant to Rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, the Presiding Officer shall appoint a committee of twelve senators to perform the duties and to exercise the powers provided for in the rule.

SEC. 2. The majority and minority leader shall each recommend six members, including a chairman and vice chairman, respectively, to the Presiding Officer for appointment to the committee.

SEC. 3. The committee shall be deemed to be a standing committee of the Senate for the purpose of reporting to the Senate resolutions for the criminal or civil enforcement of the committee's subpoenas or orders, and for the purpose of printing reports, hearings, and other documents for submission to the Senate under Rule XI.

SEC. 4. During proceedings conducted under Rule XI the chairman of the committee is authorized to waive the requirement under the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials that questions by a Senator to a witness, a manager, or counsel shall be reduced to writing and put by the Presiding Officer.

SEC. 5. In addition to a certified copy of the transcript of the proceedings and testimony had and given before it, the committee is authorized to report to the Senate a statement of facts that are uncontested and a summary, with appropriate references to the record, of evidence that the parties have introduced on contested issues of fact.

SEC. 6(A). The actual and necessary expenses of the committee, including the employment of staff at an annual rate of pay, and the employment of consultants with prior approval of the Committee on Rules and Administration at a rate not to exceed the maximum daily rate for a standing committee of the Senate, shall be paid from the contingent fund. of the Senate from the appropriation account ''Miscellaneous Items'' upon vouchers approved by the chairman of the committee, except that no voucher shall be required to pay the salary of any employee who is compensated at an annual rate of pay.

(b) In carrying out its powers, duties, and functions under this resolution, the committee is authorized, in its discretion and with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

SEC. 7. The committee appointed pursuant to section one of this resolution shall terminate no later than 60 days after the pronouncement of judgment by the Senate on the articles of impeachment.

SEC. 8. The Secretary shall notify the House of Representatives and counsel for Judge G. Thomas Porteous, Jr. of this resolution.

The message also announced that pursuant to Senate Resolution 458, 111th Congress, on the appointment of an impeachment trial committee and Impeachment Rule XI, the Chair, upon the recommendation of the majority leader and the minority leader, appointed the following Senators as members of the committee to receive and report evidence in the impeachment of Judge G. Thomas Porteous, Jr.:

The Senator from Missouri (Mrs. MCCASKILL) (Chairman).

The Senator from Minnesota (Ms. KLOBUCHAR).

The Senator from Rhode Island (Mr. WHITEHOUSE).

The Senator from New Mexico (Mr. UDALL).

The Senator from New Hampshire (Mrs. SHAHEEN).

The Senator from Delaware (Mr. KAUFMAN).

The Senator from Utah (Mr. HATCH) (Vice Chairman).

The Senator from Wyoming (Mr. BARRASSO).

The Senator from South Carolina (Mr. DEMINT).

The Senator from Nebraska (Mr. JOHANNS).

The Senator from Idaho (Mr. RISCH).

The Senator from Mississippi (Mr. WICKER).

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PERRIELLO). 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.

FREE SPEECH IS NO LONGER RECOGNIZED IN THE NETHERLANDS

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, the God-given right of free speech to all people in all nations is no longer recognized in the Netherlands. The Dutch Government is intolerant of intolerance for terrorists. Thou shalt not criticize, says their commandment.

Dutch lawmaker Geert Wilders made a documentary movie about real terrorist acts and real radical Islamic clerics encouraging violence in the name of hate. Wilders now is on trial for insulting Islam. He's charged with discrimination and incitement to hatred.

In Amsterdam, it's illegal for a Christian or a Buddhist or an atheist or anyone else to criticize Islam because radical Islamic clerics will incite their followers to murder people. So the Dutch are no longer allowed to talk about terrorism.

The Dutch Ministry of Justice says—get this—it doesn't matter if Wilders was telling the truth. The Dutch court says it's irrelevant whether Wilders might prove his observations to be correct. What's relevant is his observations are illegal.

□ 1715

Geert Wilders now lives under threat of a 5-year jail sentence from his own government for a violation of free speech. His trial is set to resume in July, the trial where the Dutch court said truth doesn't matter; it only matters if Wilders' words hurt somebody's feelings.

And Wilders lives in fear under the threat of death for speaking his mind about radical Islam. So-called religious leaders believe their radical religion says they can kill those who don't agree with them. Dutch filmmaker Theo Van Gogh, great-grand nephew of the famous painter Vincent Van Gogh, was a big believer in freedom of speech too. He and his partner, Hirsi Ali, made a documentary movie about women and Islam called ''Submission.'' The radical clerics didn't like that one either, so they had Van Gogh murdered. Six terrorists were later arrested. One of the terrorists shot and then repeatedly stabbed Van Gogh as he rode his bicycle to work. He slit Van Gogh's throat and then stabbed him again, pinning a five-page radical rant to his body.

The rant listed all of the things they thought Hirsi Ali, his female partner in the film, had done to violate the Koran. And they threatened her with death. At the time, she was a sitting member of the Dutch Parliament.

Hirsi Ali was born in Somalia, and her family escaped when she was a child. She was raised a Muslim and subjected to the custom of female mutilation against her will. After surviving refugee camps in Africa, then a stay in Saudi Arabia, her family finally went to Canada. She was promised in marriage to a distant cousin she had never met. She refused that marriage and soon fled as a refugee to Holland. She became a warrior for women's rights, becoming an elected member of the Dutch Parliament. But after Theo Van Gogh's murder, she was run out of the country by her own government, the Dutch Government. They would not protect her. She was simply just too controversial. She resigned her seat in Parliament and she fled to the United States. She lives in this area around D.C.

Kurt Westergaard is one of the 12 artists who drew cartoons of the prophet Mohammed. Radical clerics then incited their followers to murder people in the streets. They rioted and they burned down embassies. Most of them, by their own admission, had never even seen these cartoons, and Westergaard had to flee for his life. He too lives in the United States under armed guard.

Threatening people and killing people for speaking their mind is just another form of terrorism. Van Gogh, Ali, Westergaard, and now Geert Wilders, have never used or advocated violence. They simply exercised their God-given right of free speech. So now in Amsterdam, truthful insult speech is a crime. What kind of free society says truthful speech can be illegal? The most controversial speech is political, religious, and even truthful speech. That is why it's protected. Freedom of speech is a fundamental principle, a God-given human right to all people in all nations. It has been said, I may not agree with what you say, but I will fight to the death for your right to say it. But not in the Netherlands.

Geert Wilders should be able to speak his mind without becoming an enemy of his own country. The enemy of free speech is the court of the Netherlands and radical Islamic clerics who preach violence in the name of hate.

And, Mr. Speaker, that's just the way it is.

STORIES FROM NORTH CAROLINA

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

Mr. ETHERIDGE. Mr. Speaker, I rise to discuss reforming the health care insurance market in this country. It is really time to put health insurance back on the side of the people back home. To me this issue has never been about politics; it's about people. It's about North Carolina families and small businesses. I have heard from thousands of North Carolinians from all perspectives. And I want to share some of their stories because my phones are still ringing. These are the stories of real people on North Carolina's Main Streets and country roads.

I talked the other day to a farmer in Johnston County in North Carolina, the county where I grew up in a family of tenant farmers. This farmer has health insurance that costs him over $20,000 a year. He told me, We've got to fix this broken system that leaves too many families out in the cold.

A woman from Raleigh, North Carolina, our State's capital city, fears she will suffer the same fate as her sister who died from asthma because she could not get coverage. There's a lot of fear out there right now. Her fear is real. It is the fear of the consequences of a health care system that's not working for everyone.

She wrote me and said, Like many Americans, I take health care reform very seriously, and I feel that this is no time to bow to petty bickering or false arguments. This issue is also very personal to me. You see, my 33-year-old sister died just last December of asthma, a perfectly livable condition if only she had the right treatment. She didn't. She simply couldn't afford her medication, even with family help.

I also suffer from the same condition as my sister, and I have to say, it scares me to think that if it weren't for

my husband's job, I could end up like my sister. He's been at his company for less than a year now, and I pray he doesn't lose his job or his coverage. So as you see, Congressman ETHERIDGE, health care reform is a deeply personal issue for me, and it is one that I hope will finally be resolved this year. It's too late for my sister, but I'm hoping this gets done soon, especially before her daughter gets out on her own. I don't want her ever to have to deal with what her mother and I are dealing with under this ghastly system.

And a nurse from Sanford, North Carolina, recently wrote me in favor of health reform, and she said, Insurance premiums are too high. How can we wrestle the high cost of health insurance from the companies? When they tell a physician how much he can charge for a procedure or what medications he can prescribe, we are allowing untrained, uneducated individuals to dictate health care to our system in this country.

And a woman in Louisburg, North Carolina, says, Please vote ''yes'' on health care reform. I have a very successful new business that my son would like to join me in, but he can't afford to leave his current employer's health plan because he has a child with autism. No private plan will provide coverage for him, even though he has never filed a claim for his treatment of autism. We are not looking for a handout, just a fair playing field. Everyone should be able to get insurance.

And a young man from Raleigh wrote and said, I want to thank you very much for the work you have been doing in my district and urge you to vote for the health care reform bill. Despite the misinformation and outright lies that are being spread about the bill, I hope the House acts to pass comprehensive reform to our broken system.

My girlfriend, whom I love very much, has a disease which prevents her from getting coverage. In fact, the insurance company dropped her when they found out she had it. This disease will very possibly lead to her death. While it is too late for this bill to help her, I do not want any other American to have to worry about how they will get treatment for any disease that they may have. I urge you to vote for the bill.

Another woman from Clayton, North Carolina, tells me she has a brain tumor, and as of December of this past year, the insurance company dropped her coverage. She is talking now to an attorney and plans to file bankruptcy. And this is a tragedy. These are examples of why we need reform.

Mr. Speaker, I'm listening to North Carolinians from all perspectives and a wide range of points of view about this system. We need reform that cuts costs, assures quality of care, patient choice and prohibits denials for preexisting conditions.

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.)

HEALTH CARE REFORM

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. In order to achieve real health care reform, the kind of change that would relieve Kansas families and business owners from facing drastic increases in their health insurance premium costs, we must do something to reduce health care costs. If we fail to affect cost, then reform efforts, whatever they may be, will fail because costs simply get shifted and always roll downhill to the patient. This is one of the many reasons I'm so adamantly opposed to the Democrat health care plan.

You may hear that the health care legislation we apparently are going to vote on this week will reduce costs. But the accounting data shows just the opposite. The facts are the facts. Democrats count billions in tax revenues to pay for their plan's new programs, but then they assign those same revenues to preserve Medicare and Social Security. They are double counting. When all the budgetary gimmicks are removed, we see this bill for what it is, a trillion dollar budget breaker that we cannot afford and that won't improve everyday Americans' access to affordable health care. It's the worst of both worlds: Breaking the bank, breaking the Treasury and not controlling health care costs.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

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

HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, I rise on behalf of America's women to urge passage of health care reform to benefit our mothers, our sisters, our daughters, our families, and our friends. And, of course, when we pass health care reform, we will improve health care for all Americans.

But today I would like to concentrate on why women stand to gain the most. Right now, being a woman is reason enough for insurance companies to discriminate against us. Today, women are being charged higher insurance premiums than men simply for being a woman.

Our legislation will put an end to this practice by prohibiting a practice known as gender rating whereby women are automatically charged higher rates. Right now, there are women who have been victims of domestic violence who are denied health insurance coverage because insurance companies have said that domestic violence is a preexisting condition. Our legislation will put an end to this practice and expressly prohibit insurance companies from considering domestic violence a preexisting condition.

Right now, many women can only obtain an insurance policy that excludes maternity coverage. Our legislation will put an end to this practice by requiring coverage for maternity care. These three provisions alone will help millions of women in this country.

Mr. Speaker, as a public health nurse, I'm particularly enthusiastic about provisions in the bill to eliminate cost sharing for some of the most important preventive services that women should be accessing. And, of course, this provision is important for men as well. But many of us, especially Members of Congress who already have comprehensive health insurance, take it for granted that we are going to get routine checkups. There are, however, too many women who forgo screenings for conditions like cervical cancer or heart disease because they can't afford these screenings, either because they are uninsured or their insurance company requires prohibitive copays for routine screening.

The legislation we will soon pass will ensure that there is no cost for patients to be accessing the most important screenings which are recommended by medical experts. Those of us in the public health community have long been advocating this because costs should never stand in the way of lifesaving screening procedures.

In addition to the ways our legislation will benefit individual women, it's important to keep in mind that women are often the health care decision-makers for their households. And that's why we all have reason to be so hopeful about how our bill will improve health care for families as a whole. Insurance premiums for families have risen at alarming rates over the past decade and will continue to rise if we don't enact health reform now.

Middle class families especially have shouldered this burden as the rise in premiums has far outpaced any rise in wages. The announcement, for example, by Anthem in California that it will raise premiums by up to 40 percent is just one of the latest outrages. When premiums become too expensive to pay, families are forced to drop coverage. And then what happens when someone in the family gets sick? They are forced to spend down all their assets until eventually bankruptcy may become their only option.

Mr. Speaker, over half of all bankruptcies in the United States today are caused by medical debt. And in 2008, over 900 families in my congressional district alone were forced into bankruptcy because of medical debt. And

over half of these medical bankruptcies impact a woman.

□ 1730

When we pass this legislation, we will put an end to the annual and lifetime limits on coverage that many insurance companies currently impose on people. And we will put an end to bankruptcies caused by medical debt. No longer will families have to raid their savings for a home purchase or college tuition because someone falls ill.

Finally, as a mother and a grandmother, I couldn't be more thrilled by the steps we will take to improve health care coverage for our country's most precious resource, our children. We will ensure that the Children's Health Insurance Program will thrive. We will ensure that services like vision and dental care for children are automatically included in all health care plans. When the bill is signed into law, that very day it will immediately prevent health insurers from imposing preexisting condition exclusions on children. And it will immediately allow young adults to remain on their parents' health insurance plan until their mid-20s so they aren't forced to forego health coverage after college graduation.

So I urge all of my colleagues to support our efforts in health care reform with the knowledge of how it will help the women in their lives and in their communities.

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.)

AMERICANS DESERVE BETTER THAN OBAMACARE

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

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to respectfully ask that my colleagues reject ObamaCare which, if enacted into law, will seriously undermine, erode, damage and, I believe, even destroy health care in America.

On substance, the Senate-passed text of over 2,700 pages now pending in the House is egregiously flawed. This is truly a bad bill, and it is anything but reform.

On process, the near total lack of transparency and the misuse of majority party power to ram ObamaCare through the Congress makes it the quintessential example of what is so dreadfully wrong in Washington.

No wonder growing numbers of Americans are fed up, losing faith, and angry at the Democrat-controlled Congress and the White House. No wonder millions of people, including TEA Party activists, are demanding accountability and defeat of ObamaCare.

This has been, and is, an unseemly process unworthy of a national legislature, any legislature for that matter, especially one with an enviable two-century-old history of lawmaking.

If President Obama wins passage of this bill when it comes to a vote, it will be a Pyrrhic victory at best. This is not Congress' finest hour.

Rest assure that if ObamaCare was sound and prudent policy fiscally and morally and an efficacious way of facilitating quality health care coverage, Members of both sides of the aisle and across the ideological spectrum would be lining up to support it. If this was a good bill, persuasion rather than pressure would convince a large majority of Members to embrace it.

Instead, blunt force is being applied like a vice grip to convince the unconvinced and undecided to cave, conform, and capitulate.

On cost, ObamaCare is riddled with accounting gimmicks, all designed to make the total price appear smaller than it really is.

In order to avoid sticker shock, ObamaCare collects new taxes, fees, and shifts billions of dollars from Medicare for 4 full years before benefits kick in. This trick results in an estimated but grossly misleading cost of care at some $871 billion over 10 years. But when 10 years of revenue are matched with 10 years of benefits, the real cost comes to a staggering $2.3 trillion.

I would note parenthetically that ObamaCare will exacerbate ObamaDebt. When you eliminate double counting of Medicare costs, Social Security cuts, and the use of CLASS Act premiums, the Democrats' claims of deficit reduction disappears into another massive wave of red ink of some $460 billion over 10 years and $1.4 trillion over the second 10 years.

Even without passage of this bill, under the President's 2011 budget proposal Federal spending will increase to a record $3.8 trillion in 2011 alone. By 2020, the President's own 10-year budget analysis projects a more than doubling of debt to a record $18.6 trillion. That is absolutely unsustainable.

Because ObamaCare diverts $500 billion from Medicare, there is no doubt whatsoever that senior citizens and disabled persons will lose certain health benefits they now enjoy.

Medicare Advantage is protected in Florida, the so-called ''Gatorade'' fix, but not in my home State of New Jersey or anywhere else. Medicare Advantage is used by over 11 million people nationwide, including 15,983 people in my congressional district alone.

The Senate bill slashes nearly $120 billion from Medicare Advantage plans, jeopardizing millions of seniors' existing coverage. So much for the President's promise that if you like your health plan, you can keep it. No, you can't. Not under this bill.

Mr. Speaker, for the first time ever, ObamaCare forces Americans to acquire an approved health care plan or pay a stiff penalty, like they have somehow committed a crime. The penalty is huge: the greater of $750 per person up to $2,250 per family, or 2 percent of household income. No person in America should be coerced into buying medical insurance.

Under ObamaCare, premiums for nongroup family insurance will increase by as much as $2,000 per year. The Congressional Budget Office estimates that by 2016, premiums will increase by 10 to 30 percent over what would have happened under current law.

ObamaCare would also create 160 boards, commissions, and programs which would vest sweeping powers on bureaucrats to determine what benefits are covered and not, and at what cost.

Last September, Mr. Speaker, President Obama stood a mere 20 feet away from where I am standing now and told a joint session of Congress that, ''no Federal dollars will be used to fund abortions, and Federal conscience laws will remain in place.''

Mr. Speaker, I ask members to vote ''no'' on this bill when it comes to the floor.

This legislation today constitutes the largest expansion of abortion since Roe v. Wade itself, and makes a mockery of that pledge. That means more dead babies and wounded mothers.

Additionally, Obamacare fails to institute real medical liability reforms to end junk lawsuits and curb the costs of defensive medicine—these have long been identified as significant forces in driving up health costs.

The goal of responsible health care reform should be to provide credible health insurance coverage for everyone, strengthening the health care safety net so that no one is left out, and incentivizing quality and innovation, as well as healthy behaviors and prevention. This means that the current private health insurance market will have to be reformed to put patients first, and to eliminate denials of preexisting conditions and lifetime caps and promoting portability between jobs and geographic areas, including across state lines. The tax code should be modernized to promote affordability and individual control, provide assistance to low-income and middle-class families. Medicare requires reform to be more efficient and responsive, with sustainable payment rates.

Of course, responsible health care reform will respect basic principles of justice: it will put patients and their doctors in charge of medical decisions not insurance companies or government bureaucrats. It will also ensure that the lives and health of all persons are respected regardless of stage of development, age or disability.

It's time to go back to the drawling board and address what's broken and fix it.

The American public deserve better than what's on the table.

HEALTH CARE REFORM

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

Mr. WAMP. Mr. Speaker, this is a defining week in the history of this Republic. At no time in history has the Federal legislature mandated that everyone in this country buy anything; yet this week we are going to mandate, if this bill passes and is enacted into law, that everyone in this country under the force of law has to buy health insurance.

The Founding Fathers are rolling over in their graves today because they knew that we should be leery of a large central government mandating things to even the States that they have to comply with. They told us to have a healthy distrust of Big Brother, the Federal Government. They told us basically to sleep with one eye open and one eye closed because our freedoms could be at risk from within. We are at that moment in the history of this great Nation, and we must stand strong and resolute.

In Tennessee where I live, our Democratic Governor, Phil Bredesen, has called this the ''mother of all unfunded mandates,'' because it forces all these new people into State Medicaid programs. In our State it is called TennCare. It is a multibillion dollar mandate to the people of Tennessee, and we don't have the money to pay for it. And we will not raise taxes to pay for it; we will not go into debt to pay for it. It is wrong for the States to be run over like this.

They carved out the 10th Amendment and gave States some sovereignty. There are liberal publications today writing that article VI allows the Federal Government to override the States. But that is on matters of equality and justice, not a decision of policy by the Federal legislature to mandate costs and taxes and debt on its people.

We must stand strong against this bill this week in the Congress. But if it is enacted into law, we must lead a repeal movement to immediately, as soon as possible, repeal this bill before it goes into effect. And then, if we are not able to repeal it, the Governors of this country should come out of their chairs and stand against this bill.

I will tell you, in Tennessee, if I am to become the 49th Governor of our great State, we will meet the Federal legislature and the Federal Government at the State line to oppose this mandate, because we will not raise taxes, we will not go into debt, we will not be violated like this. And we must let our Founding Fathers rest peacefully, knowing that these living laboratories of democracy, our States, are allowed to exist, setting our own taxes, setting our own rules, living in the United States but not being run over by the United States.

Mr. Speaker, this is a defining moment in the history of our country. We must be resolute. We must fight with every ounce of our energy to stop this Federal invasion and this overriding of States' rights.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON LEE) is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

(Ms. FOXX 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 Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

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

CUBA'S PRISONERS OF CONSCIENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Orlando Zapata Tamayo, a prisoner of conscience who went on a hunger strike in one of the Cuban gulags, one of the many gulags that is full of political prisoners in that island prison of Cuba.

He went on a hunger strike to protest the multiple constant beatings that he was suffering under, that he and other political prisoners have to deal with on a constant basis. So he did, he went on a hunger strike. And after 80 days of being on a hunger strike, he passed away. He passed away after 80 days on February 28.

Right after that, another pro-democracy activist, very well known, another also former political prisoner named Guillermo Farinas, also began his own hunger strike. Mr. Speaker, he is still on a hunger strike today, 21 days after the death of Mr. Orlando Zapata Tamayo. He is already under very, very difficult circumstances. He is exceedingly frail, and his health is quickly deteriorating. But he is not stopping, again, to protest the conditions of the many political prisoners, but also to protest the lack of freedom, and to demand freedom for all political prisoners in Cuba and demand freedom for all who live on that enslaved island.

On March 11, Mr. Speaker, Felix Bonne announced that if and when Guillermo Farinas were to give his life in this hunger strike, that he would follow him; that he would be willing to give his life on a hunger strike to protest the conditions on the island, to protest the enslavement of all Cuban people, and the mistreatment of the political prisoners.

Today, March 17, 30 women known as the Ladies in White who go and protest peacefully in the streets of Havana, and what they ask for is for the release of the political prisoners, of their relatives, their husbands, their sons, their brothers, today, 30 of them were thrown in prison. They were arrested, again, just because they were asking for the freedom of the political prisoners.

Today's march was led by Reina Zapata. She is the mother of Orlando Zapata Tamayo who, as I mentioned, died after 80 days on a hunger strike. Again, they were also arrested, taken away. Some of them had to be sent to the hospital because of the way that they were taken away.

And I mention this, Mr. Speaker, because it is important that the world understand that the people of Cuba are standing up, they are speaking out, they are protesting. They are protesting the conditions on the island, the lack of freedom, the oppression, the brutality of the Castro brothers who have been now the dictators on that island for over half a century.

So it is important that we also stand up and speak out, that we stand side by side with those in Cuba who are giving their all, including their lives, in the cause of freedom.

I know that there are some who still believe that it is okay to excuse those horrors; that we should try to make a buck, if we can, from that regime, with that regime at the expense of the suffering of the Cuban people. But, Mr. Speaker, as you know, there is no more noble people than the American people, which is why the vast majority stand side by side with the suffering of the Cubans, with the cause of a free Cuba.

So it is important that we remember as we debate and as we speak and as we live in freedom that just 90 miles away from the shores of the United States there are people who are suffering and who are dying for the cause of freedom. Mr. Speaker, we stand with them, we admire them, we support them. And we know that that cause will not be in vain, that their deaths will not be in vain, and that Cuba will be free.

□ 1745

HEALTH CARE REFORM

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

Mr. FORTENBERRY. Mr. Speaker, there's a motto inscribed on Nebraska's State Capitol. It says, ''The Salvation of the State is Watchfulness in the Citizen.'' Mr. Speaker, Nebraskans and all Americans are watching this health care debate. Frankly, I think they're growing tired—tired of the backroom dealing, tired of the abuse of the legislative process, and tired of the unwillingness of this body to craft the right policy for our country.

Overall, Nebraskans, and I assume most Americans, want a good health care bill, one that truly strengthens

health care outcomes for everyone and reduces cost while we protect vulnerable persons. Instead, with Washington-style elitism, efforts are continuing behind closed doors on a measure that is filled with special deals that will substantially shift costs, erode health care liberties, and add to increased and unsustainable government spending.

Mr. Speaker, our constituents are watching to see if the health care legislation is fair—fair to seniors, fair to families, fair to small businesses, fair to the hardworking citizens across this country.

Mr. Speaker, I believe we can do better.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

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

HISTORIC HEALTH CARE DEBATE

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

Mr. MANZULLO. Mr. Speaker, we are engaged in what is called an historic debate over the issue of health care reform, and there are a couple of issues that need to be addressed.

The area that I represent in northern Illinois, the biggest city is at 19.7 percent unemployment. Add 7 percentage points to that, it's nearly 27 percent unemployment. It's incredible.

The State of Illinois is laying off teachers, social workers, people involved in all types of social services. Students at a nearby high school went out and picketed because they're concerned over the loss of their advanced placement classes. Yet, under the Senate bill, many more across the country would be added to the Medicaid roles. The State of Illinois, already bankrupt, billions of dollars in debt, would have to take on paying an additional $400 million a year in Federal mandates and unreimbursed increased Medicaid expenses. This doesn't make sense.

On top of it, there's a 2½ percent—we think that's the amount—excise tax on medical equipment, medical devices, the very equipment that was used to save the life of my wife who came down with cancer 4 years ago: the titanium brace that replaces one of her vertebrae, the radiation machine, all the latest equipment. A tax on the very equipment that's used to help people get excellent health care in this country? We're not quite sure which equipment would be taxed or which would be free of tax, but once the tax starts—and we all know what happens with the tax. It's passed on to the consumers.

So here's this monstrous bill from the Senate that the House is supposed to adopt by some type of unique process that's going to tax lifesaving equipment. It just defies logic as to why this is being done; $500 billion in tax increases. Now Social Security would apply to dividends, interest, capital gains taxes. Tax after tax after tax hurting the American people. I never thought that it would happen in America when lifesaving devices would be taxed to increase the cost to the people who use them.

This isn't what the American people want; it certainly isn't what they deserve. There are many ways to bring down the high cost of health care: through association health plans, through meaningful medical liability reform, through increasing the number of community health centers, by allowing small employers the ability to have the same tax breaks that corporations do when using their money to buy health insurance premiums.

America watches and looks and wonders and asks this question: Why are the leaders in Congress doing this to us?

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

(Mr. SOUDER 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 Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

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

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

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

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

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

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Thank you, Mr. Speaker. I'm just taking a moment here to arrange some charts and I will be right with you.

Mr. Speaker, we once again are going to be on a subject that seems to be increasingly riveting the attention of Americans—and for good reason. What we are talking about here this evening is the proposition that the Congress will take over, over a period of time, one-sixth of the U.S. economy. That is the health care section of the economy.

Obviously, this big a change, a remake of health care, which is not just changing a little portion here or there, but a complete remake of health care, is a question of significant proportion. It is a very costly proposition. It's one that involves a tremendous amount of change, and any change, of course, is controversial. This proposal, though, is more controversial than most and is resulting in a tremendous outpouring of phone calls. The switchboards are almost shut down here at the Capitol. But we, once again tonight, are going to be talking about it because there is talk we might even vote on the bill this week, and who knows what's going to happen.

I'm joined in the Chamber by Dr. FLEMING, a very fine physician but also a Member of Congress and someone who knows a considerable amount about the health care bill. Part of what the discussion has been lately has been a question of the procedure of how the bill would become law. That's, I think, where we should start, because that's where the news is right now and it's a big question.

Dr. FLEMING, I thought we might start there because a lot of people have heard about the bill, even some of the things in the bill, but the question is how this bill would become law.

I'm going to start by just laying down the simple pattern that's in the U.S. Constitution. The way that a bill becomes law is that it's passed by the Senate. It's passed by the House. It's sent to the President, and he signs it. That's the plain, bare-bones facts of how it works. That's what the Constitution says. The Constitution gives the House and the Senate a lot of flexibility in how we design our rules, but ultimately the bill has to pass a straight-up vote in the Senate and a straight-up vote in the House and has to be signed by the President. If it doesn't do that, it doesn't meet the constitutional standard.

Now, the process becomes a little more complicated as we go on because the Senate has a weird rule. In fact, the Senate does a lot of weird things, but it has a weird rule, at least to those of us who are Members of the House, and that is that before a bill can come up for a vote, it takes 60 votes to bring it up for a vote. So if you've got a bill and you say, Hey, we've got a hundred Senators; I've got 55 votes for the bill, you're in deep trouble, because you won't ever get the 60 votes to get it up for just a straight-up vote even though you've got enough votes to pass it. In other words, the Senate has a little bit of a higher bar to protect to make sure there's at least 60 out of 100 Senators that are willing to pass a particular piece of legislation or bring it up for a vote. So that makes things more complicated.

The Senate took a House bill which we passed on health care. They gutted it. They took every single thing out of it and stuck their own language in it, a couple thousands pages of new ideas and text and all this, took it to the Senate floor and fought and fought and fought. Finally, on Christmas Eve, passed it by the 60 votes that were necessary, and so the bill was passed through the Senate.

In order to do that, they put all kinds of special deals in there just to keep certain Senators to vote for it. There was what is called the second Louisiana purchase, a big benefit for Louisiana; the Cornhusker kickback; a special deal for people of Florida that they get to keep their Medicare Advantage money, but everybody else, the other 49 States, have to lose $500 billion out of Medicare.

And so there were all of these special deals in there, as well as a whole lot of other legislation; for instance, the fact that the government would be paying for abortions for people, which is a big problem for many Americans, and other provisions such as there would be health care for illegal immigrants and things like that, which are very controversial. So all of that is then passed on Christmas Eve and comes to the House.

Now, in order for that bill to become law, two things have to happen. Either the House has to pass it just the way the Senate did, in which case they can send the bill straight to the President for his signature—so, if the House—and, of course, they have 80 votes less over on the Republican side. So we can all vote ''no,'' but NANCY PELOSI could lose a whole lot of votes because she has 80 votes more than the Republicans do. So what they need is a majority of Democrats to vote for the bill just the way the Senate passed it, could go straight to the President and the bill could become law. That's a way to do it.

The problem is, it has all this junk in it that nobody wants to vote for. And so they're kind of stuck with making a decision: Are we going to just vote on it and send it to the President or are we going to try to amend it, which then requires it to go back to the Senate where it has to face a 60-vote rule to get these things cleaned up? And so that's the tension. So what's being proposed is something that is neither. It's something that is rather unusual and completely unprecedented, to a degree, and that is what they call deeming the bill passed; that is, it was never really voted on to be passed.

In the past, we have done this deeming thing many times, but it's usually after a bill has gone back and forth and we're working out the details of an amendment. But this is thousands of pages of legislation that's never had a vote, and they're just going to say, Well, we've just decided it's all approved, without a vote. Now, that is really pushing the limits on what is constitutional. So that's the beginning of the process.

So I wanted to invite my good friend Dr. FLEMING to join me. Let's just talk about this process. Most people are really bored to death by this stuff, but when it involves one-sixth of the U.S. economy and everybody's health care, it's like, I guess we have to pay attention.

Please join me.

Mr. FLEMING. Well, I thank my friend from Missouri. You're absolutely right. But you know what's interesting? Everywhere I go, there are a lot of people around Capitol Hill today. I bump into people that I know, people who are just average, everyday people, and it's amazing how much they are keeping up with this even though it is getting boring. They know about this. This is not something that they're not tuned into, and that's for sure.

□ 1800

What's interesting, the way I have a mental picture about this, is that this bill way back months ago was being pushed like a locomotive up a hill. And as it got closer and closer to the top, more and more problems began to come out. It weighted it down. Finally as the bill, both in the Senate and now in the House, is getting close to the top, it's lost so much momentum because of the sleazy deals, the Louisiana purchase, the Cornhusker kickback, the carve-out for Medicare Advantage in Florida. These things are turning the American people off, and it's really taking a lot of momentum out of the process. And on top of that is the shenanigans, the fakery, if you will, the smoke and mirrors way of financing it which is, again, $500 billion taken out of Medicare, although no one will actually explain how we can do without $500 billion from Medicare. Then that money is used to extend the life of Medicare, which is going to run out of money in 8 years. It's also used to subsidize the middle class entitlement of private insurance. So it's really the same money counted three times. One is taking it out of something we know good and well you can't do without collapsing the system. Two, extending the system. And then three, paying for other entitlements, and then adding the same amount again, another $500 billion in taxes. The American people are not buying this.

Mr. AKIN. Well, there are just so many things in this bill to talk about, and that's why you have such old and young, male and female—the public just doesn't like this bill. And the reason is because there's stuff for everybody to hate in this bill. I thought that this was an amazing quote NANCY PELOSI said. I just can't resist putting this up here. ''We have to pass the bill to find out what's in it.''

Now what it seems like is going on now is, not only are we supposed to not read the bill, but we're supposed to not vote for the bill. So we want to pass a bill that we haven't read and haven't voted for. This seems to be really twisting the long arm of conscience a little bit to say, not only are you not supposed to read it, but now you can't vote for it, and we still want to pass it. And we wonder why the American public is just a teensy bit skeptical.

I think some of the shenanigans are amazing. One of the ideas is, you have to get an assessment as to how much the bill's going to cost. The Government Accounting Office, who is supposed to be impartial, they take a look at a bill, and they go all through it and figure out what they think it's going to cost. Well, one of the tricks that they're playing is that they're going to collect taxes for a bill over a 10-year period, but they're only going to count the bill being in effect for 6 years. Now that's kind of an amazing way to calculate what the bill's going to cost because the implication is that that's what it will be running along at. And the thing is is that every time the government's gotten into this taking over of the medical system, anytime we do a bill like Medicaid or Medicare, it always costs at least two times more than ever any accountant thought it was going to be, sometimes as much as 10 times more expensive than what some accounting office says. And yet we're going to start off with this, you know, smoke and mirrors deal where we're going to tax people 10 years but only run the bill six. And that's supposed to be how you figure out how it costs $1 trillion. I think that's what you're referring to.

You're a doctor. Let me just ask you this question: What happens if you keep cutting the money to Medicare? What's going to happen to people?

Mr. FLEMING. Well, I will remind the gentleman that currently physicians and hospitals are being paid 80 cents on the dollar, and the mystery that seems to be out there and very few people are addressing is—and you hear the other side talking about the rapid rise of private insurance costs. Well, one of the main reasons for that is to offset the shortfall in the Medicare payments to doctors and hospitals. So private insurance is having to make up the difference.

Mr. AKIN. Let me stop you. Because you know this stuff cold, but there may be some people, some of our other Members here that just don't know this as well. So you've got Medicare, which is reimbursing doctors at 80 cents on the dollar, which means that somebody's got to make up the 20 cents. So we do a cost shift and shift that 20 cents into Medicare and dump that cost onto people who have private insurance, right?

Mr. FLEMING. That is correct.

Mr. AKIN. So we're really charging them some amount more, whatever their bill was. If it was $100, we're going to add a little extra to that to compensate for the Medicare thing. So now you're driving the cost up for the guy that's really doing what we think is responsible. And that is, going out and making sure he has insurance, and he buys insurance in the private market. But he's paying a premium for

that insurance because he's got to cover Medicare that's underfunded. So that's the first thing. Do I have that right?

Mr. FLEMING. That is absolutely correct. And that is not considering Medicaid, which pays more like 30 cents on the dollar, which under this bill will increase by 30 percent. The number of people covered, that is.

Mr. AKIN. So let's just say for instance that we wanted to cut more money out of Medicare. Let's say we're going to take $500 billion. But just theoretically, if you drop the money in Medicare so we're putting less money into it, what's the net effect of that going to be on the person that's counting on Medicare to pay for their medical care and to the usually older person that is counting on Medicare to cover their doctors' bills? What's going to happen then?

Mr. FLEMING. It will cut access off to them for health care, and I can prove it.

Mr. AKIN. Oh, wait. You are saying it will cut access for older people to Medicare?

Mr. FLEMING. Yes.

Mr. AKIN. Okay. Can you explain that?

Mr. FLEMING. Well, if doctors and hospitals are under-reimbursed further—they're at their limit today. If the cuts go even further—and of course $500 billion is draconian by any stretch of the imagination; that's as much as the entire annual budget for Medicare. If you cut it that much, then doctors will have to opt out of Medicare altogether, and the senior citizens won't have doctors to go to.

Mr. AKIN. Okay. So let me just see if I get this right. You're a medical doctor. You went all through med school. You've been practicing a number of years. You enjoy what you're doing. Old people come to you that need medical attention. You don't mind treating them. And before you were treating them at 80 percent of what the cost is. But let's say you drop down how much Medicare is paying. Well, at a certain point, you're just saying, I just can't afford to do this at this price, because ultimately, you've got to run an office. You've got to hire people. You've got to pay the rent on the building and all of those kinds of things. You've got a lot of insurance you're paying for, and you're trying to provide for your family. At a certain point, Medicare is reimbursing so little that you basically say, Hey, the old people I've been seeing before, I'm going to keep them on because I'm a nice guy. But I'm not going to take any new people. And so some old person that's sick wants to go find a doctor, perhaps they moved or something like that. And everybody says sorry, I'm not seeing any new Medicare patients. So while they've got Medicare, it doesn't mean they've got health care. So they don't get any health care.

Mr. FLEMING. Absolutely.

Mr. AKIN. So that's the problem with it.

Mr. FLEMING. Absolutely. And again, it was only a month or so ago that the Mayo Clinic—I believe their branch in Arizona—announced that they were taking no further Medicare patients. And that's under the current pay system.

Mr. AKIN. So this new bill is going to pull $500 billion out of Medicare?

Mr. FLEMING. Yes.

Mr. AKIN. So if you know nothing else about the bill, this is saying, Well, this is something to pay attention to. Now we haven't talked about some of the other nifty features. This is what gets me worried. This is what I don't like the most. And I don't like this bill. I want to be completely clear. I'm a conservative Republican. I do not trust Big Government to do a lot of stuff. And particularly, I don't want them meddling in our health care. So I'm not, I guess, objective, or I am objective, but it's just because we talk about how bad it is to have an insurance agent between you and your doctor. The last thing I want is a government bureaucrat or thousands of government bureaucrats between me and my doctor.

This is a picture we've seen and used on the floor sometimes. But this is a very much simplified version of thousands of pages of legislation with shall, shall, shall, which means the government's going to do all of this stuff. And somehow as a consumer of health care, you're supposed to find your way all the way across, over to the doctor over there. This is like some sort of a maze that you've got to go through. So this is a very complicated government takeover of what is otherwise the private system of health provision in this country. So that, to me, is something that really causes me to say ''no'' on this bill because as Republicans, we don't like anything that gets between the doctor and the patient. And insurance companies, we don't like it when they get in there. But at least if you have a bad insurance company, you have a chance of changing your insurance company. What happens if you've got all these bureaucrats in there? You will never change it. And so this thing is really a very, very dangerous piece of legislation in my opinion. But I know you've given your whole life to taking care of patients. What's your impression of this whole deal?

Mr. FLEMING. Well, I thank the gentleman. I've practiced medicine for over 30 years and still have a clinic and see patients from time to time. You know, insurance companies are a bee in my bonnet too. You hear the other side of the aisle talking about how insurance companies are the bad people. They're to blame for all of these problems. Well, I can tell you, insurance companies have been a headache for me, but insurance companies are not the problem here. They are not the problem. And if you don't like the bureaucracy of an insurance company, which you point out very adroitly, you're a customer, and you can always change who provides that service. When you get into this, not only is it 10 times worse than any insurance company and far more powerful, but you can't change. There is only one provider. Now you might say, Well, there will be a number of insurance companies within the exchange, but these insurance companies will essentially become utilities who will simply take the administrative cost for profit and basically do the work of the Federal Government.

Mr. AKIN. So let's try and get up to 50,000 feet here and take a look at the sort of choices there are before Americans as to how we approach health care. It seems to me that in the beginning, you've got the sort of supply and demand situation. If everybody in America got absolutely the very, very best medical care that you could get, it would just bankrupt the country probably because the supply and demand law says that if you don't have to pay anything at all, people are just going to get the very most expensive thing they can do. So basically the whole country stops if you try to give everybody the very best thing possible.

So the question then is how do you balance supply and demand? And we usually have a thing we call freedom, and we allow individuals to work hard, earn money, and then they spend their money to buy what they want to buy with it. They can choose whether they want health care, or a vacation, or food, or shoes, or a new car, and that's called freedom. So that's the free market, which allows people to decide how much money they can afford to pay on health care. So that's one way to balance that supply and demand.

Another thing: The insurance companies then came along and said, Yeah, but we can get you some savings. We can reduce the amount of tests and do some other things and negotiate some special rates with a whole pool of doctors that we make a deal with so we get you a product that gives you pretty good health care, but it's a discount-priced product because we're doing some things to drop the cost down. So the insurance company then is one that is starting to take part in that management of the cost of health care. The free market, it's just a matter of you paying the barrelhead, and you go back and forth and figure out what the price is. That's the way we do most things. You have the insurance company which is kind of a hybrid.

Then you can go to the socialistic model where the government does it all. But the government still can't make mathematics change. So the problem is that the governments in other countries that have tried it—it's not like we're the only ones doing this. Canada and England do this kind of thing. And what they do is, in order to keep the cost down, they keep a big waiting line, so you have to wait a long time to get your health care. So it's basically a form of rationing. It's kind of a nice rationing because you're told,

Get in line. We're used to getting in line. You get in line, and that's how it is that they keep their costs down.

The only trouble is, if you are like me, I had cancer. If I have to get in line, that means I have to wait. If I have to wait, it reduces my life expectancy. And that's one of the reasons why England has really high cancer rates, because of that. But let's just talk about places where this kind of idea has been tried before. Dr. FLEMING, as I recall, they tried something like this in Tennessee, didn't they?

Mr. FLEMING. Yeah, absolutely. Tennessee had something called TennCare. It I think is a similar model to what Massachusetts has today and somewhat similar to what we're looking at here. And what Tennessee found is the thing that's really a reality that we all need to understand. And that is that if somebody else is paying the bills, then you're going to have an explosion of cost. When I'm in town hall meetings, this is the way I like to put it. I say, I have a credit card here, and of course it's a virtual credit card. It has a $10,000 limit on it. I'm going to give you this credit card, and you can take it to Wal-Mart or Home Depot or anyplace you want, but only buy the things you need. Nothing that you want; only what you need.

□ 1815

And, you know, my question is, what do you need? And of course, the answer always comes back, well, I need a new shotgun because hunting season is coming up and I need some more camo, and I need, need, need. I need all kinds of things that I wouldn't pay out-of-pocket for myself; but if somebody else is paying for it, I'm willing to do it.

So if you take that and apply it to this, and what I've witnessed over 30 years, when it comes to HMOs, capitated models, traditional insurance, no co-pays, high co-pays, what we find is that the more somebody else, a third party or insurance or government, is paying the bills, the more consumption occurs. And I'm talking about excessive consumption, far beyond anything that's actually needed.

Mr. AKIN. So in other words, what's going on is if you tell people with this system they can have anything they want, you're going to have a tremendous level of demand, which is what we see in the other countries after this gets going, and then you have all the waiting lines because you can't do that all.

Mr. FLEMING. And then if I could just add to that, addend that, is in theory, well, that's nice; you can have whatever you want whenever you want it. The problem is that taxpayers ultimately end up paying for this, and at some point you run out of taxpayers. You end up with budget limitations. And so every country that's tried this gets back to the same thing. And the only way to control cost, when you have a third payer, a government or whatever, paying the bills, is to set some rate-limiting steps, and that's basically going to be waiting lines and, of course, rationing.

And what I like to tell people is, look at Cuba. Cuba has universal health care. It's free. The problem is, it's not available. They have one colonoscope in the whole country. And you may need antibiotics, and it may be free; unfortunately, they don't have any antibiotics.

Mr. AKIN. So it's really a nice promise. The trouble is there isn't any backup to the promise. It's just a piece of paper saying you've got free health care, but you got what you paid for. That isn't any health care at all.

I see my good friend from Illinois, Congressman MANZULLO, and somebody who really understands the Small Business Committee, understands small business in general and is a fierce, fierce defender of his section of Illinois, and a good friend of mine. And I'd like to yield some time to my good friend, Congressman MANZULLO.

Mr. MANZULLO. I thank the gentleman from Missouri. If the purpose of any health care bill is to bring down the cost of health care, that is, to break the curve, so instead of health care costs going up, they'll at least be stable, if not retreat, then it really defies logic as to why the Senate bill, which the House will take up and vote on in a very interesting manner, sort of a backdoor approach to approving what happened in the Senate, when that bill imposes an excise tax on medical equipment—

Mr. AKIN. I call that the wheelchair tax. Now, I've thought of taxing a lot of stuff, but would you ever think of taxing a wheelchair? I mean, that's imaginative. It really is.

Mr. MANZULLO. Well, it is. And then when my wife came down with cancer, and the neurosurgeon implanted into her spine this marvelous titanium brace, to think that that is a medical device and could be subject to a tax. Now—

Mr. AKIN. So it's not just wheelchairs. We're going to tax other medical devices.

Mr. MANZULLO. Well, yeah. I mean, the radiology machine that was used to kill the cancer cells around that particular level that was in her back that had the cancer. And, yet, by increasing the cost of lifesaving devices, has it ever occurred to people who are trying to ram through this bill that that will increase the cost of health care?

Mr. AKIN. Now, let me just ask you a question. My friend, you come from the Midwest. You're a commonsense kind of guy. Now here's why this bill is having trouble getting votes, because it's like trying to grab yourself by the boot straps and lift yourself up and fly around this Chamber, because think about it a little bit.

We've got the U.S. economy in serious economic problem because of three entitlement programs. They're the main things that are the budget busters: Medicare, Medicaid, and Social Security. So the government has stuck its nose into what was previously a free market with Medicare and Medicaid. And how well has the government managed those programs? It's about to bankrupt our country.

So we've got Medicare and Medicaid about to bankrupt the country, and the government says, trust me to take it all over. I mean, there's something counterintuitive here somehow.

Mr. MANZULLO. It is. And there's another aspect to tax on the medical devices. I was talking to a small businessman who runs a manufacturing facility, and he showed me the medical device that he makes. It's a marvelously crafted piece of aluminum that he did with a vertical mill, just unbelievably beautiful.

And he said, I've been told by the people who order this device from me that if we have this tax on medical devices, even though this ostensibly would apply to imports, that they're just going to take it and go to China to have this made because they can come in cheaper than anything else, and that would really be the straw that breaks the camel's back.

And so now here we are in the district I represent, with official unemployment in Rockford, Illinois, at 19.7 percent, add 7 percentage points to that, almost 27 percent unemployment, and now I'm looking a manufacturer in the eye who says, Not only will this bill impose this harsh mandate and force taxes upon me that I cannot afford, and increase the cost of health care insurance, but I could end up losing jobs because of people offshoring the manufacturing of these medical devices.

And I wanted to share that with the gentleman from Missouri because it's just——

Mr. AKIN. Let me see if I can just cut in and restate what you said, because I know that you have an expertise in small business.

So you've got a small businessman who's showing a lot of creativity, the sort of innovative spirit that's in America, comes up with a medical device machined out of aluminum, which is a very specialized kind of device. And so what's going to happen is we're going to drop a tax on this thing, which makes it more expensive. And what you're saying is somebody overseas is going to say, I can make that device, and what's more, I don't have to pay the tax on it.

Mr. MANZULLO. Well, they may have to pay the tax on the import, but no one knows. If we just throw the tax out and say, well, the tax may apply, even if the tax applies, I say to my good friend from Missouri, the supplier will look at that and say, or the people who order the equipment would say, what's going to be the next shoe to drop? How much more expensive is it going to be? And I've just had it with the increasing cost of American manufacturing, so I'm going to go offshore, and then that's that.

Mr. AKIN. And you're already looking at, most people are looking in their district at a 10 percent unemployment rate. We're looking here at a bill that's going to cost trillions of dollars, 500 million jobs, a government takeover

Mr. MANZULLO. Not 500 million jobs. Five million jobs.

Mr. AKIN. I mean 5 million jobs. Excuse me. That would really be something. And a government, a major government takeover, and yet what do we have for the quality of results to expect in that we've seen it done in other countries and in the State of Tennessee and Massachusetts? I think Massachusetts health care costs are up 20 or 30 percent over the average of other States. That's not a very good model.

Tennessee, the Governor of that State, a Democrat Governor of Tennessee, said this thing is the mother of all unfunded mandates. The States are struggling with their budgets. And here you've got a guy who's a Democrat who's experienced with this thing and saying why are you going to impose this nationally, when it doesn't work on a State basis.

Mr. MANZULLO. And in Illinois, which is already bankrupt. Illinois is the State where five of the past eight Governors have been indicted. It's a great State. They have a lot of ethical problems, you might say. The State's broken. Public employees have been laid off. A local school, the kids were out picketing because their AP classes may be eliminated because of a tremendous hit in the budget. And now Illinois would inherit a $400 million per year unfunded Federal mandate because of the increase in Medicaid recipients.

Mr. AKIN. I notice that we're joined by another good friend of mine from the—

Mr. MANZULLO. I thank the gentleman for letting me share.

Mr. AKIN. Well, thank you. It's good to hear from Illinois. And I hope that you continue to join us in this discussion. We have my friend from Ohio, another State from the Midwest, a big manufacturing State, and a great young legislator, Congressman JORDAN. I yield time.

Mr. JORDAN of Ohio. I thank the gentleman for yielding and for his leadership on many issues here in the Congress and certainly on this issue of fighting and opposing this takeover of one-sixth of our economy, this health care bill. I appreciate my colleagues here from Louisiana and Illinois and their work as well.

Look, when I think about this bill, I first start with the fundamental question, What part of ''no'' don't they get?

They have tried to pass this thing. The majority has tried to pass this bill now for almost a year, and every single time—they tried to pass it in September and the American people said no. They tried to pass it in October and the American people said no. They said, oh, we're going to get it done before Thanksgiving, and the American people said no. Oh, well, wait a minute. We're going to get it done before Christmas, and the American people said no. Then they said, well, we're going to do it before the State of the Union, and the American people said no. And now, here, we're going to get it done before Easter, and we're going to keep all the Members here as long as it takes, twist as many arms, do what we can. What part of ''no'' don't they get?

Mr. AKIN. You know what amazes me about that, gentleman, is I have heard various news outlets and various individuals, even people of political stripes saying that this bill is being held up by the Republicans. Now, somehow that just tickles my funny bone. You know, they've got 80 more people on this floor than we do, and if we all voted ''no'' and lit our hair on fire, there's no way we could slow this bill down. There's nothing we could do. The only thing slowing this bill down is there's a whole lot of Democrats that are going, ooh, is it ugly. So how in the world are they accusing us to be obstructionists or, you know—there's nothing we could do. I wish there were. But it's amazing.

What you're saying, I just want to underline because what you're saying is it's the American people. The American people are the ones that are really driving what's going on here. And they're looking at this thing and they're saying, oh my goodness. What part of no don't you understand? Go ahead. I didn't mean to interrupt the gentleman.

Mr. JORDAN of Ohio. I thank the gentleman. And you're exactly right. The reason the American people are speaking out loud and clear, the reason the American people, frankly, the reason the citizens of Massachusetts decided to send a Republican in Ted Kennedy's seat is because on a fundamental level, there's a lot of problems with this bill; but I want to just talk about three quick ones if I can. First and foremost—and this is what the majority party misses—it's a fundamental fact about Americans: Americans hate being told what to do. We're Americans. We actually think this thing called freedom and liberty is pretty important. And the idea that now here comes the big, not your local government, not your community, the big Federal Government's going to tell you and your family and you as a small business owner how health care is going to be delivered, and you're going to have bureaucrats getting between you and your doctor, they just fundamentally don't like that approach. And that's what the other party's missing. Americans don't like being told what to do.

Americans don't like, secondly, and I think this is important, and I know Congressman SMITH spoke earlier on the floor this evening, Americans don't like the idea that their tax dollars could be used to take the life of an unborn child. I mean, they fundamentally don't like that, and appropriately so. And so just two basic things they don't like.

And then I would say third is Americans understand this thing is going to cost a lot. I mean, it's going to cost a lot.

Now, they can, you know, here's the way CBO works. We've heard a lot of talk. More Americans know about the Congressional Budget Office then they ever knew about them based on this debate over the last year. The Congressional Budget Office, the data and the assumptions and the premises that are given to them, that's what they have to work on. They're good people over there and they do good work, but they have to take what information they're given from the majority party when they put together their analysis.

And so people understand that this bill has 10 years of taxes and only 6 years of benefits in the next decade. They have all kinds of gimmicks, all kinds of things put into the CBO assumptions and premises when it's given to them to come up with this ''deficit neutral'' thing.

There is not—now think about this: outside of this city, this bill is going to insure 30 million more Americans and be deficit neutral. Now, outside of Washington, D.C. there is not one person in America who believes that. Americans understand, on its face, that cannot be the case.

Mr. AKIN. Let me just restate that. That is really an amazing premise, isn't it?

This bill is going to insure 30 million more Americans and it's going to be budget neutral. Do you think people believe that?

Mr. JORDAN of Ohio. There's no way. I mean, the claim is laughable on its face, and yet that's what we continue to hear out of the other side. And I think it's those kind of things that deep down Americans understand we need reform. They understand that there are some concerns and some real problems in our health care system.

But they also fundamentally get that this bill, this package, with the dollars being used to take the life of unborn children, with the cost estimates that we know are really going to be there, they understand on a basic level that they don't want the Federal Government attempting to take over one-sixth of our economy and getting between them and their family and their doctor.

And with that I would yield back to the gentleman.

□ 1830

Mr. AKIN. I sure appreciate the gentleman from Ohio joining us. I had a telephone town hall with my constituents last night, and I just asked them whether they thought it was a good idea for the government to be taking this over. And it was about 90 percent even said they just don't trust the government to do that. It's that freedom point. It's that idea of do we want a bureaucrat telling us what to do, what

doctor can treat us and all? And we are mandated to buy this?

Of course the minor point of that is that's unconstitutional. The government can't force you to buy something. And so that's unconstitutional on the face of it. Just absolutely amazing.

I just want to get back to my good friend, the doctor from Louisiana. Would you like to jump in? I did throw this chart up here about cancer rates in different countries. And so if you want to talk about that.

Mr. FLEMING. Let me address that.

We were talking a moment ago about the fact there are two ways to save money in health care. One is to have the patient become a savvy consumer and make choices for himself or herself in combination with his or her doctor.

Mr. AKIN. That is called free enterprise, I guess.

Mr. FLEMING. Free enterprise. That is right. Free choice. The other is to have total government control. And then you are going to have to have long lines and rationing.

Now, in the countries that have the latter, that is the long lines and rationing, and these are well-developed countries like Canada to our north, the United Kingdom, the difference in death rates from common cancers, breast cancer and prostate cancer, are unbelievable. We are getting extremely high cure rates, well over 90 percent here in the United States.

Let's take breast cancer. Breast cancer affects one in six women. Let me say parenthetically, the other side over there talks about women's rights and all the things we need to do for women, but yet this, if we follow this pathway, we're going to have a lot more women dying of things like breast cancer because here is why. You look at the U.K., the United Kingdom, they don't pay for mammograms. And also the better chemotherapeutic drugs that can cure the more difficult cases of breast cancer, they don't pay for them. Why? It costs too much. It doesn't fit into the budget.

Mr. AKIN. So when the government doesn't have enough money to pay, they just say, well, we're not going to cover certain things because they're too expensive.

Mr. FLEMING. Exactly.

Mr. AKIN. So the government makes a decision as to whether or not you are going to get care or not, which is rationing.

Mr. FLEMING. Unelected bureaucrats.

Mr. AKIN. And so you have here in the U.K., these numbers here, this is women, but this isn't just breast cancer, but cancer in general for women, the survival rate at 52 percent or 53 percent, 66 in the U.S. So this difference is because of the fact they are just not covering some things.

Mr. FLEMING. And if you multiply that times the number of women who get cancer, you are talking hundreds of thousands of women just in that range there.

Mr. AKIN. So if you want to know why the telephones have been ringing off the hook, and there are a whole lot of people who don't like this bill, here is a whole block of people. Anybody who might get cancer, this is a pretty good reason not to like it. Is that correct, Doctor?

Mr. FLEMING. That is absolutely right. Furthermore, just as way of an example, we actually had people from Canada and from the United Kingdom, both patients and doctors, who came to testify before us. And they told us really crazy things that we would never accept in the United States under our system. One is if someone gets cancer, oftentimes they are told, we're going to watch it. We're going to watch cancer. That's crazy. Why would you watch cancer? You've got to treat it. But in their country, in Canada, in some places it is 2½ years just to get an MRI scan. Then you get in the waiting line to actually get surgery or treatment.

Mr. AKIN. So if you are in Canada and you have cancer, what you really don't want to do is you don't want to sign up at the hospital, you want to sign up at the airport for a flight that is going south to the United States so you can get taken care of.

Mr. FLEMING. Yes. Absolutely.

And just one last thing. The way they define emergency surgery in Canada is any surgery that doesn't at this moment save your life. What does that mean? Someone who needs bypass surgery, who has a 99 percent lesion in their artery, unless they are dying that moment, if they get bypass surgery, that is elective surgery. And we saw a recent example where a premier from Newfoundland literally came across the border to get his heart surgery because he chose the United States of America to get his care as opposed to his own homeland.

We know people come from around the world. If they have the resources to get care here, they know where the best care in the world is. We've got problems, but these are solvable problems that we can use a scalpel to fix rather than taking a wrecking ball to the entire system and rebuilding it in a socialist view.

Mr. AKIN. Right. I think the point was made once that if you've got a bad faucet in your kitchen you don't remodel a whole kitchen, you fix the faucet.

Again, I would like to turn to my friend from Ohio, Congressman JORDAN, and just see if he wanted to make a comment about that or a different point.

Mr. JORDAN of Ohio. I appreciate the gentleman yielding and appreciate the comments from our colleague from Louisiana. I actually just want to go back and try to give some context for why I think the American people are so adamantly opposed to this legislation.

I think it is important to remember what we have seen over the last year, things we never thought we would see in this great Nation. Who would have thought in the United States of America, the greatest Nation in history, we would see the President of the United States fire the CEO of General Motors? Who would have thought in the United States of America we would see the taxpayers of this country own General Motors? Who would have thought in this great country we would own AIG, the largest insurer? Who would have thought in the United States of America we would have a Federal Government pay czar telling private American citizens how much money they could make? Who would have imagined in this great country we would have the largest deficit in American history, $1.4 trillion? Who would have imagined in this country we would have a $12 trillion national debt? And now who would have imagined that this majority, this Democrat Congress, would continue to try to pass a piece of legislation that the American people have said time and time again they don't want?

That is the context we find ourselves in. No wonder the people of this country have figured out this is a bad piece of legislation and they don't want it.

I appreciate the gentleman for yielding. But I think it is sometimes important to step back and understand the framework we are operating in.

Mr. AKIN. Boy, I really appreciate your putting that in perspective. Because we sort of rush through each day, each day is so busy, and we sometimes fail to just take a look and say, oh, my goodness, what is going on here? You know, first of all, a President of the United States firing the president of General Motors? And then surrounding himself with these people not approved by the Senate that he calls czars. That's weird. I don't know where that idea comes from. And then taking over AIG, a great big insurance company. And then you go through all of these other things, the bailout for Wall Street and this supposedly stimulus bill, which cost $700 billion and is not creating jobs, 10 percent unemployment.

We have just heard people critical of President Bush for spending too much money. You take his very worst year, which was '08 with the Pelosi Congress here, and it was $470 billion I think he overspent if I remember. You are the expert on numbers. And yet here we go in 2009, $1.4 trillion. That is a record since World War II. We keep setting these bad records and then here comes this piece of legislation.

My constituents are going crazy. They are telling me, TODD, what can we do? What can we do? What do you want me to do? We had a great big meeting and thousands of them showed up to protest. The media covered it. But what can you do? I mean, they are shutting the phone boards down. Sometimes I don't know what to say, gentlemen.

We are joined here by my good friend, Congresswoman FOXX. I think of her as somebody who is just one of those

Americans who has common sense, and she's tough. She's tougher than nails because she believes in commonsense American values, and she doesn't put up with a whole lot of baloney.

I am just delighted to have you on the floor joining us tonight.

Ms. FOXX. I thank you, Congressman AKIN, and I thank you for leading this special order. I want to build on what you and Mr. JORDAN have said. I had a town hall meeting in my district on Monday. The people in my district are commonsense people. And they are saying, we just want commonsense solutions. They want the truth. They want the simple truth about what this bill is going to do and what needs to be done.

I find it just unbelievable that these folks who are in charge here, the Democrats who are in charge, have such a low opinion of the American people. I want to talk about that for just a minute because I think that is part of the problem that we have. There is an article today in the Washington Times, and it says, House Democrats Tuesday defended the idea of tying together the Senate health care overhaul bill and a companion bill of repairs that could spare Members from having to vote outright for the Senate's tax on high-cost insurance plans and other contentious provisions. Majority Leader STENY HOYER said the public isn't going to be worried about how Congress passed a bill, but rather what's in the bill, and won't differentiate between the procedural paths. This is his quote: ''Do you think any American is going to make a distinction,'' he asked? ''I don't think any American, real American out there, is going to make a distinction between the two.''

Well, the people I was dealing with on Monday are real Americans. I can tell him that. And they don't like the Slaughter provision. I want to add to that a comment that was made by Speaker PELOSI during a discussion with bloggers on Monday, saying she liked the idea of tying the bill to the rule. And her quote was, ''Because people don't have to vote on the Senate bill.''

Now, the public understands that if these folks in charge are trying to keep their people from voting on something that there must be something wrong with it.

Mr. AKIN. There is something that smells, doesn't it? This thing has been sitting around for about a half a year, and the more people find out about it, the more they hate it. A week or two ago, I just started making a list of all the people who would hate this bill, and there are just circles of Americans, one on top of the other.

If you are an older person you don't want all that half a trillion dollars taken out of Medicare.

If you are pro-life you think, well, I don't like abortion. Well, if you don't like abortion, how do you like the fact that your taxpayer dollar that you are forced to pay is paying for abortion? That to me is different than just—I mean one thing people talk about is choice. I don't call it choice, I call it killing children. But even if you accept the idea of choice, some people think abortion is okay, some people think it is not. But to take the people who think it is not and force them to pay to do abortions where they think it is killing a child even if other people don't, no wonder people don't like this thing.

Or illegal immigrants getting medical care on the back of the taxpayer. I could see there are so many people that wouldn't like it.

Ms. FOXX. Would my colleague yield?

Mr. AKIN. I do yield.

Ms. FOXX. I think another thing that they have a hard time understanding is how a Member of Congress could lambast the bill one minute and then say we need to vote on it the next. And I want to say Chairwoman SLAUGHTER, the chairwoman of the Rules Committee, who is now doing everything she can to get this bill passed with the trick that she has come up with, the Slaughter sleight of hand I call it, she said last year, right after the Senate bill was passed, ''The Senate should go back to the drawing board.'' And she further said, ''The Senate bill will do almost nothing to reform health care, but will be a windfall for insurance companies.''

So the public is really confused because one day these folks say one thing and then the next day they are doing everything they can to destroy our country and all that we stand for to get these bills passed. It's got to be terribly confusing.

Mr. AKIN. Not only confusing, but in the telephone town hall I did, I sense an anger and a frustration in the public. First of all we are told that you don't have to read the bill, just vote on it because we haven't even put the bill together. You don't have to read it. Now we are being told, not only you don't have to read it, you don't have to vote on it. That seems like the silliest thing I ever heard. And yet that is what is being talked about, about bringing a bill to the floor, you just vote for a rule instead of actually voting on the bill. And it is questionable whether it is even constitutional.

My good friend, Dr. FLEMING.

Mr. FLEMING. I think it bears noting that this bill defies common sense. We just talked about the fact that you take a half a trillion dollars out of Medicare, which is already struggling, and no one has ever explained in this year-long debate how in the world they are going to do that except to say fraud, waste, and abuse. But if we had the tools to do that better today, why aren't we already doing it? That is number one.

□ 1845

Mr. AKIN. Sort of like fraud, waste, and abuse is like a line item in the budget and you can just line it out and make it go away? All these years, if we had fraud, waste, and abuse, we try to get rid of it, but they say we're just going to line—it's really amazing. I didn't mean to interrupt.

Mr. FLEMING. The other thing is the idea that suddenly you can cover 30 million more Americans using the same resources. Nobody buys that.

And finally, another way to say this is that there is going to be an increase of taxes on 25 percent more Americans; they are going to pay more taxes to cover 7 percent more Americans. The Americans are not buying that.

Mr. AKIN. I think that's part of the reason why you see this tremendous opposition to this legislation.

And, you know, one of the things we did, trying to get some kind of perspective on some of these main points, imposes half a trillion in Medicare cuts. The Republican alternative didn't do that, but the President's bill and the Senate bill does. It enacts a job-killing tax hike and government regulations costing hundreds of billions of dollars. The old Democrat bill and the President's new bill do that, and the Republican thing doesn't do it.

I mean, we have a lot of reforms. I think you're a cosponsor/sponsor of a bunch of bills that reform things in health care, but it's not a complete government takeover of the system, and we're not talking about raiding Medicare and all of these other sad provisions.

Now, one of the things that I think Americans are sensitive to is unemployment. I mean, there are a lot of people out there without a job. According to the government numbers, there are about 10 percent unemployed Americans. And that is not counting the people who have been out of a job more than a year, because they take them off. They just wipe them off the charts.

So you have got a lot of unemployment, and now what you're going to do is you're going to enact these tax hikes on small businesses, which is no better way to get them to want to get rid of employees than to run their taxes up or their costs of having employees. So you're a small business owner, and all of a sudden it's going to cost you more to have an employee. You've just created a big economic incentive to get rid of some employees because now you've got to get rid of the taxes.

You're also being encouraged not to invest in your own business to put the new wing on a building, to get the new machine tool or whatever is going to create new jobs. You're not going to do that when you're going to get hammered by this new tax increase.

And I think Americans are sensitive, from what I found in my district. And I don't know about yours, but in Missouri, people don't like unemployment and they'd like to see us—they know government doesn't create jobs, but they'd like us to create an environment where small businesses can prosper. And this is the exact opposite to me. This doesn't make sense either,

that we're not thinking about the unemployment component.

Mr. FLEMING. The statistics show that the number one issue for Americans today is jobs, without question. And that health care reform, while it is important to you and me and all of the Republicans and everyone in the House, for that matter, it's only, like, number five or even lower than that on the list. Americans see that the imperative right now is to get jobs back, and we're using a job-killing bill. How in the world are you going to get private insurance if you don't have a job to begin with?

A recent poll by CNN—and certainly I don't think anybody could ever claim that CNN is a hard-right institution—says that 75 percent of Americans feel that we should either scrap this bill completely, throw it away and forget about it, or scrap it and start over again.

So the American people, as you say, three to one, don't like this bill, and they don't want to see it or hear of it again.

Mr. AKIN. I think a lot of Americans feel that there are things that need to be fixed in health care, and a lot of our colleagues that are Republicans think there are things that need to be fixed in health care, but we don't think you melt the whole system down.

One of the things that I was asked in my town hall meeting—and I think maybe there are people that have this question in their minds, so maybe I'll ask myself this question and try to answer it. They said, Okay, you big-mouthed Republican—they didn't quite say that, but they said, You were in the majority for 6 years and you never fixed any of these and now you're bad mouthing them when the Democrats are doing it.

Let me tell you about when I was a Republican for the 6 years that I was here when I was in the majority, and that was we passed a whole lot of bills in the House, a number of them, to fix health care that nobody has ever heard of or knows anything about. What happened to those bills? They passed the House. They went to the Senate, and there were Democrats in the Senate that basically filibustered it because we didn't have 60 Republican votes to push it through reconciliation so you could get it out to a vote on the floor. I know it's not reconciliation. Whatever they call it on the floor. The 60 votes in the Senate, we never had them.

What sort of bills did we pass? Well, we passed a bunch of energy bills to deal with the high prices of gasoline that were killed by Democrats in the Senate. We passed a bill to deal with Freddie and Fannie that were being improperly managed financially that were going to cause a big crisis, and that was killed by the Democrats in the Senate. We passed associated health plans to allow small businesses to combine their employees together to get a better price on health insurance. That bill was killed. We passed it numerous times. It was never taken up. They never had the 60 votes in the Senate to deal with that.

We did tort reform, which various States have passed. Dropped health care costs by 10 percent in some States. That went to the Senate, was killed by the Democrats in the Senate.

So it wasn't that we didn't pass things or try to fix things as Republicans. We had a lot of reforms, but they were always killed because of the 60 votes in the Senate. So when people say, Hey, you guys were in the majority, how come you didn't do anything? We did things, but it was because of the way the Senate is set up, none of those things passed.

And I think that's helpful for people to understand that because Republicans do have ideas, but they were more selective things that we knew were going to save money, going to give people better health care and solutions that we knew from other States that would work. So I think that's important to kind of get that out.

Let's see. This thing here. Benefits trial lawyers by failing to enact meaningful lawsuit reform. Well, these bills do benefit trial attorneys. The weird thing about these bills is they are actually sort of antitort reform. It's not that they don't deal with those huge punitive damages which run the cost of health care up. In fact, the States that have tort reform, it makes it so they can't use their tort reform. So this thing is, from a tort reform point of view, is actually hostile to tort reform, and I'm sure you see some of that.

Thank you, Madam Speaker, for allowing us to deal with this very, very important subject. I know the American public is interested.

HEALTH CARE REFORM FOR SENIORS

The SPEAKER pro tempore (Mrs. HALVORSON). Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 60 minutes as the designee of the majority leader.

Ms. SCHAKOWSKY. Madam Speaker, I'm so happy to be here tonight, particularly after I have heard what my colleagues had to say. One of them said, Our people need to hear the truth about the health care legislation. That's exactly what we're going to talk about tonight. Tonight we're going to talk about how this legislation helps our older Americans, our senior citizens.

We're going to talk about how this bill protects Medicare for the next 10 years. It's solvent for an extra 10 years so we keep our promise for an aging population and take care of our citizens when they get older. We're going to talk about closing the doughnut hole, about protecting seniors from elder abuse, about making visits to the hospital safe.

I have the pleasure of being the cochair of the Democratic Task Force on Senior Citizens, on seniors, and my cochair is the gentlelady from California, DORIS MATSUI.

And DORIS, I'm going to turn it over to you to get us started tonight.

Ms. MATSUI. Thank you very much, dear colleague, and I really appreciate being the cochair with you. We certainly have the passion for our senior citizens, and I believe that most of America understands that, too. But I rise today to recognize significant benefits that the emerging health care bill will have on American seniors.

Simply put, the health care bill will put forth, provides a better deal for America's seniors than our current system. Our health care plan takes great strides towards improving the quality of care our seniors receive.

For starters, our bill eliminates copayments and deductibles for preventative services under the Medicare program. This is crucially important because we know that many seniors are not getting the preventative care they need and are often foregoing tests because they're too worried about the costs.

The sad fact is one out of every five women over the age of 50 has not had a mammogram in 2 years. Also, more than a third of adults over the age of 50 have never had a colonoscopy. Without our bill's investments in primary care and its improved access to preventive care under Medicare, beneficiaries will continue to lose access. We are going to reverse this trend with the bill we pass this week.

Madam Speaker, we all know that preventative care is good for the health of individual patients and it's good for the overall health of our system, but without doctors to treat Medicare beneficiaries, the entire system structure, the systemic structure just collapses. That is why our legislation creates a more immediate pathway for more primary care doctors, the doctors that stay with you for a lifetime and know your medical history.

Primary care doctors are the backbone of Medicare and of our system in general, and our bill gives medical students incentives to go into primary care. These include grants for primary care training as well as incentives under Medicare for primary care doctors to practice in areas that currently have a shortage.

Right now, we know that we need many more primary care doctors in this country. The shortage is exacerbated by the high cost of education, which pushes more and more medical students into specialty fields and strains Medicare. Today, about 12 million Americans lack access to primary care doctors in their community, but by providing immediate support for primary care physicians, we can help minimize these shortages and restore the promise of Medicare.

Our bill also emphasizes coordinated care so that people can avoid unnecessary tests. It provides incentives for

doctors to work together to provide seniors with high quality care that every American needs and deserves.

This bill is about strengthening Medicare for America's seniors and restoring the confidence that we have in our health care system. We know that we have the best doctors and hospitals in the world. In my hometown of Sacramento, we have models of care coordination and chronic disease management that are the envy of other cities across this country.

But when seniors, especially in Sacramento, are splitting pills because they can't afford to refill their prescriptions and skipping meals to make ends meet, this system is not working. And one of the surest ways to help us get back on track is to close the doughnut hole that affects millions of seniors every single day.

Between 2009 and 2010, monthly prices in the doughnut hole increased by 5 percent or more for half of the 10 most popular brand-name drugs. This means that brand-name drugs in the doughnut hole became more expensive relative to the medical care of other goods. And this is not just a recent phenomenon.

Between 2006 and 2010, prices for popular brand-name drugs in the doughnut hole went up more than 20 percent. This means that America's seniors are being forced to spend a greater percentage of their fixed, disposable income on brand-name drugs. This is why it is so important for us to pass the health insurance reform bill, which will start closing the doughnut hole this year and completely close it within 10 years

Madam Speaker, American seniors deserve more than the status quo. Our plan for health care reform will extend the solvency of Medicare, lower seniors' costs for prescription drugs by beginning to close the doughnut hole, improve the quality of seniors' care with better coordination among doctors, cover the cost of preventive care for Medicare patients, and expand home- and community-based services to keep people in their homes.

□ 1900

America's seniors deserve the best possible health care we can provide. And that's what our health care plan will do, ensure access to quality, affordable health care for all Americans.

Madam Speaker, I thank my wonderful colleague, and I yield back time to her.

Ms. SCHAKOWSKY. Thank you so much, Representative MATSUI, for being such a strong advocate for older Americans, really for all Americans, that are going to be helped by this legislation. And we are going to be talking much more about that.

I wanted to just let everyone know that for 5 years I had the pleasure of being the executive director of the Illinois State Council of Senior Citizens. It was between 1985 and 1990, and those were among the most fun years and learning years my life. I was a lot younger then, not a senior citizen as I have reached today, and what I learned is that our older Americans, while facing many, many challenges, are the people who really helped build our middle class, who helped build our society, and now in their older years, especially in this time of economic downturn, are facing incredible difficulties in getting their health care. Thank goodness for Medicare. We will talk more about that program that was passed in 1965.

There is a reason why every advocacy group for older Americans is supporting this legislation. If you look at the list, and I'm going to read it, you will see that the people who know best, because they either are made up of older Americans or their job is to advocate for older Americans, are supporting this legislation. That would include the AARP, which represents tens of millions of older Americans, people from 50 and upward, and we will talk about how this legislation not only helps people 65 and older, but 50 and older, the National Committee to Preserve Social Security and Medicare, the Alliance for Retired Americans, the Center for Medicare Advocacy, Families USA, the Retirees of AFSCME, B'nai B'rith International, National Senior Corps Association, National Academy of Elder Law Attorneys, National Council on Aging, Service Employees International Union, National Association of Professional Geriatric Care Managers, Easter Seals, Medicare Rights Center, American Federation of Teachers Program on Retirement and Retirees, Volunteers of America, the American Society on Aging, and National Senior Citizens Law Center.

I'm sure there are more that aren't on my list. I have some other data from some of these organizations. These are the people who know what seniors want. That is their business. They are made up of seniors and certainly of their advocates.

And one of the advocates for the elderly is a great colleague mine. RUSH HOLT from the great State of New Jersey is here tonight to talk about how people in his State and around the country, older Americans, are going to benefit from this legislation.

Mr. HOLT. I thank the gentlelady from Illinois for reserving this time to take the message out. For a moment, let me speak to the 103,000 Medicare beneficiaries in the 12th Congressional District in New Jersey, more than 100,000. This legislation would improve their benefits. It would provide free preventive and wellness care. It would improve the primary care and better coordination of care, not just so there is more efficiency and less waste, although there would be, but so that patients don't get the runaround. It does not help their health to have unnecessary or counterproductive tests or procedures. It would enhance nursing home care. And it would strengthen the Medicare Trust Fund, extending solvency for another 8 or 9 years. That is real.

You had spoken earlier about the doughnut hole. I always hesitate to talk about the doughnut hole. I think of it as a cliff. Depending on how expensive your monthly medication is, along about August or September or October, you have exceeded the expenditure limit on Medicare, the way things stand now, and you fall off the cliff. And if you want to keep taking the medicines, you have got to pay out of pocket.

Under the bill, the beneficiaries not only would receive in 2010 a $250 rebate and 50 percent discounts on brand-name drugs beginning in the coming year, but also complete closure of this doughnut hole, or better yet, filling in this cliff in the years to come. A typical beneficiary who enters the so-called doughnut hole, again, that is too benign a term, who falls off the cliff, will see savings of over $700 in the coming year and over $3,000 in coming years. So this is something that, yes, it helps small businesses. Yes, it helps young adults trying to get a start after college. Yes, it helps people who find themselves between jobs or people who want to start small businesses. It helps employees of large businesses. It helps anybody who has a health insurance policy now. But tonight, we are talking about how it will help senior Americans.

I thank the gentlelady for reserving this time. Let me turn it back to you, and I will add some comments as we go along if I may.

Ms. SCHAKOWSKY. Great. I thank you so much.

I wanted to talk in very specific terms. Again, you talked a little bit about some of the issues, how this bill actually, in a concrete way, on a day-to-day basis, is going to help older Americans. I think it's so important that we explain the details of this bill because there have been a lot of myths out there particularly aimed at older Americans. And it really makes me mad. There has been a lot of fear about how somehow this bill is going to cut Medicare. And I'm going to talk about how that is exactly the opposite, how this bill is actually going to extend the life of Medicare, not cut any benefits.

So let's look at some of these things, how health care reform means security and stability for America's seniors, extends the solvency of Medicare. What does that even mean? Extend the solvency of Medicare. What that means is that currently if you look at the Medicare funds, by 2017, that fund is going to be in some trouble. Aha. But we pass this bill, and the solvency, the health of the Medicare Trust Fund is going to be extended another 9 years. So we are now up to 2026. We want to figure out ways to even go beyond that, but that's a pretty good start, to extend it to 2026.

Lower costs for prescription drugs. You talked a bit about the doughnut hole. And, again, you're right, you talk about the doughnut hole. Not only does it sound benign, a lot of people don't know what we're talking about when

we say that. But there is this gap in coverage. And so I'm going to tell you about one of the seniors who actually had this pretty horrible experience when she went to the drugstore and found out that she was not covered. Here she is. My constituent had a Humana part D Medicare, that is a prescription drug plan, and had trouble paying the monthly premium. Humana originally told her that she would never pay more than a few dollars for her medications. Sounds pretty good. One day she went to CVS, she went to the drugstore, and was told that one medication out of the eight that she is taking was going to cost $130, whereas the previous month the cost was $20. From $20 to $130.

At that point, the pharmacist told her about the doughnut hole. She found out that from then on she was going to have to pay out of pocket until she paid $3,600 out of pocket. She would continue to pay her premiums every month, but her drug costs were going to be out of pocket until she had paid $3,600 more.

Well, what she told us was that she stood at the pharmacy counter and cried because she just couldn't afford to get her medicine. So she walked out of the pharmacy. She called our office, and she was concerned that she wouldn't be able to take her lifesaving medicine because she didn't have the money.

And fortunately, there was an Illinois program in existence at the time called Illinois Cares Rx, and she is able to get her medication through that program. But fortunately, she fit the eligibility requirements. Plenty of people don't. And then her physician gave her some free samples. And you know that doesn't last forever. So we are going to permanently close that doughnut hole, and we are going to begin to do it on day one, lowering the cost of prescription drugs.

We are going to improve the quality of seniors' care with better coordination among the doctors. And that is going to be cost savings, too, because we are going to have coordinated care so that they get this continuum of care. We are going to train more primary care doctors. That's what we need to do. We are going to provide incentives to make sure that we have more primary care doctors. We're going to cover the cost, as you mentioned, Representative HOLT, of preventive care for Medicare patients. No more out-of-pocket costs. You have your Medicare card—that's all you're going to need for those preventive services.

And we're going to expand home and community-based services to keep seniors in their homes, which, we should add, is exactly where they want to be. People don't want to be forced into nursing homes. They want to be able to stay at home. If we expand those home- and community-based services, someone being able to come into the home at a price they could afford, adult day care centers where people can go during the day and be safe and active, then they are going to be able to stay in their homes.

That's just the beginning of what we do for seniors.

Let me turn it back to Representative HOLT for just a minute because we were talking earlier about how frustrating it is that there is a question about Democrats, the majority, wanting to somehow cut Medicare.

Mr. HOLT. I thank Representative SCHAKOWSKY, my good friend. This is something that has been one of the great accomplishments, not just of the Democratic Party, but of the United States. Medicare has been a success. It has been medically a success. It has been socially a success. This legislation before us will only strengthen Medicare.

And to underscore a point that you were making, Ms. SCHAKOWSKY: By getting better coordination among doctors, by having more primary care doctors, by covering preventive care, by making sure that beneficiaries have access to medicine, we not only get efficiencies, but each patient gets better care.

□ 1915

We begin to shift more attention toward the outcome, the health of the patient.

Having extra procedures or having to go to a specialist when you don't need to go to a specialist but only because you don't have a primary care physician available is not only costly but it is not healthful. It does not produce the best outcome, and it leaves the patient frustrated and getting the runaround.

So people ask me, well, in this health care bill, how can you claim to cut costs and not cut our benefits? How can you claim to cut costs and not give us worse care? Well, in fact that is the point exactly. By having primary care physicians, by paying for the medical education of those physicians to have more of them available, to have better coordinated care among doctors, the patients will get better care. So it is not just a matter of efficiency, but it is that also.

And to continue on your point. The debate that we are having right now strongly echoes the debate of the 1960s over Medicare. ''Inefficient and costly government.'' ''Putting the government between the doctor and the patient.'' ''Socialized medicine.'' Yes, we have heard all of those phrases this week, in fact tonight here, previously, from the other side of the aisle. Those are quotes from the 1960s.

Now, few people today would call for a repeal of Medicare given its success for seniors, yet it was very controversial back then. The same arguments were made against health care reform then as are being made now.

Some leaders, from Ronald Reagan to Bob Dole to Gerald Ford, fought the program and voted against its creation. Since then, some opponents of Medicare have tried to cut, or cut, Medicare. Former Speaker of the House Gingrich spoke of cutting back Medicare so that it could, quote, wither on the vine.

Does anybody really think that Democrats, who are so proud of the accomplishments of Medicare, would for a moment consider cutting back on Medicare? Does anybody reasonably think that?

This is a successful program that has taken us from 1965, when 44 percent of seniors were uninsured. They had no place to go except maybe the emergency room if they got really sick. It has taken us to a point where barely 1 percent of seniors today have no coverage. Seniors had limited choices back then. They could deplete their savings or seek assistance from their children or look for charity care, or, as was so often the case, forego medical care entirely. Within 11 months after President Johnson signed Medicare into law, almost 20 million Americans had enrolled in the program, and it has virtually eliminated uninsurance among older Americans. Today, about 1 percent of those 65 and older lack health care coverage.

So ask any of the 45 million beneficiaries if they would trade their Medicare. You will have a hard time finding any.

Ms. SCHAKOWSKY. Thank you very much for reminding everybody, first of all, that Medicare is the government program of health care for older Americans. It is not just a made-up story that sometimes people come up to us and say, Keep government hands off my Medicare. Well, we have to remind people that this is a 100 percent government program. And thank God for Medicare, because so many people, that is the only insurance they have.

And I have to tell you, a lot of people come into my office every week and saying, I can't wait. I can't wait for my 65th birthday so that I can finally get the insurance and the care that I need.

I am also, as I said, going to talk about how this bill even helps people age 50 to 65 with their health care problems. But right now, I want to introduce somebody who knows a bit about insurance, who knows a bit about health care, and knows a bit about what seniors in this country, what Americans in this country need when it comes to health care. He is a new Member, but he is not new to this issue, and he is not new to advocacy for all good things for consumers and for the seniors, and that is JOHN GARAMENDI, my colleague from California.

Mr. GARAMENDI. I thank you very much, Congresswoman SCHAKOWSKY, and thank you for that terrific description of the history of Medicare. This has been a Democratic program for more than 43 years now. As Representative SCHAKOWSKY just said, I get the same thing: if I can just live long enough to get the Medicare.

And I remember as you were saying that an experience I had. I had visited

a carpenter who had become ill with cancer and he wanted me to stop by and see him. This was maybe 10 years ago. He was bedridden, very, very sick. He was about 60, no longer able to work, and his wife was about the same age. And he said, I have just got to hang on long enough so that my wife can get to Medicare. Otherwise, she will have nothing, and she is a diabetic.

We have got about 45,000 Americans that are dying every year because they don't have health care and because they haven't been able to live long enough to get to Medicare.

Medicare is a program that the Democrats have fought for, have fought very vigorous battles in this Chamber against the Republican Party. You mentioned Newt Gingrich, who was right out front about the Republican goals in the 1990s to destroy Medicare.

Well, we are here to protect Medicare. And in this legislation that will be before us for a vote very, very shortly, there is an explicit understanding written into it that Medicare will be protected, that benefits will not be cut, and that cost savings, wherever they may be found in all of the Medicare system, that those cost savings will be plowed back into the Medicare program.

So where are the cost savings going to come from? How correct you are with your chart when you talked about where the cost savings are: well-care, preventing illnesses, taking care of people in the continuity of care rather than episodic care.

There is also a lot of fraud in Medicare. We know that. We also know that it was the Bush-Cheney budget that reduced the appropriations to fight fraud in Medicare. They basically wiped out the Department of Health Services and the Medicare program's ability to fight fraud, and it blossomed. But in the budget that you passed this last year, now that we have a Democratic President and a Democratic budget, he put money back in to fight Medicare fraud. That will save money. We have seen ''60 Minutes''; we have seen the kind of fraud that is out there.

But what really, really makes me upset is the misinformation that is out there, in many cases the downright lies that you see on television, most of them paid for by the insurance industry that doesn't want to lose their 16 percent additional payment over and above the average cost of Medicare that is given to the insurance companies so that they can have this Advantage program. What do the seniors get for it? Not much.

Mr. HOLT. If the gentleman will yield. And these are not lies of ignorance. These are people who know better.

Mr. GARAMENDI. The insurance companies? You bet they do.

Mr. HOLT. They know that Medicare has an overhead of about 2 percent.

So if I may make a small correction on what the gentleman has said. There is waste and fraud in Medicare. I think the gentleman said a lot; actually, it is a little. But when there are 44 million beneficiaries, almost 45 million beneficiaries, a little bit of error, a little bit of fraud can add up to a lot of money. But the program itself, if you count administrative costs as well as waste, fraud, and abuse, it is a couple of percent. In other words, almost all of the money in Medicare goes to providing health care.

Ms. SCHAKOWSKY. I have to say that it is not necessarily just a little bit. At the beginning of September, the Department of Health and Human Services and the Department of Justice announced the largest health care fraud settlement in history.

Pfizer, the drug company, agreed to pay $2.3 billion for illegal marketing practices. That is going to return about $1 billion to Medicare and Medicaid. So that is not chump change.

Mr. HOLT. On a percentage basis, it is a small amount. When you have 45 million beneficiaries, that adds up to a lot.

Mr. GARAMENDI. The key point here is that in this legislation there is a specific effort to eliminate the fraud that goes on in the system. The unnecessary payments, the stealing of the Social Security cards, all those kinds of things that are out there, we know we need to deal with that. And we are dealing with it. Even before this piece of legislation, we put money into the budget to deal with that; and then this legislation strengthens that.

And, in addition to that, we now will have better medical record technology which will also assist us in keeping track of what is going on. It is a small piece of a much, much larger piece of legislation that does help seniors in very, very specific ways.

Why should the insurance companies get an unnecessary boost in their profits at the expense of the Medicare program? No reason that I know of. They should be competing and they should be helping seniors, but not get that additional bump. Those savings are also plowed back into the benefits for seniors so that they can have those programs that you talked about, those programs of prevention, of wellness, of being able to stay in their home. All of those things are important.

If I could just take a personal moment for a moment. My mother phoned me; she is 87. She is going to have her 88th birthday. If it is 89, I am in deep trouble back home. But she is going to have her birthday soon.

She phoned about 3 weeks ago and she said, John, why are you cutting the Medicare programs? What are you talking about, Mom? Well, the TV advertisement just said you guys are going to cut the Medicare program. And I am going, No, we are not. But tell me about the ad.

It was an advertisement run by the U.S. Chamber of Commerce in the Sacramento region of California. She saw it and became concerned.

So why are these ads out there that are on their face not truthful? One reason: and that is to upset the seniors and to somehow give the seniors false information about what this legislation does.

I got her straightened away. She is okay. Although when she sees this red tie, the good Mary Jane McSorley is not going to be happy. But, Mom, I have got a green carnation here.

Ms. SCHAKOWSKY. You know, a lot of us have been barraged with phone calls like your mother said to you. She believed you, didn't she?

Mr. GARAMENDI. Oh, yes. I have been a truthful son.

Ms. SCHAKOWSKY. Good. And I hope that what you have said has now convinced many others.

But it is really wrong, I think, to put out information that really causes older Americans who are so dependent on Medicare, and that is most of the people on Medicare that really rely on it for most of their health care even if they have a supplemental, to tell them things that just aren't true, that benefits in some way are going to be cut.

I want to introduce now someone who also has been a great advocate for the constituents in her district and for older Americans, a great friend of senior citizens, from Nevada, and that is Congresswoman DINA TITUS.

Ms. TITUS. Well, thank you very much. And thank you for your leadership on this issue and for organizing tonight's discussion about something that is so important.

Nevada has had the fastest growing senior population in the country for the last decade. And even though we have slowed down a little generally, that percentage is expected to continue. So you can imagine what an important issue this is for me.

And, like Mr. GARAMENDI, my mother, too, is on Medicare. So I can't imagine why anybody would think we would want to hurt Medicare benefits when our own mothers are beneficiaries, along with so many other seniors in this country.

I share your frustration, because I have had a lady following me around to some of our town hall meetings wearing a T-shirt that says ''I am the grandmother you want to kill.'' She believed those early ads about the death panels in the health care bill.

So there is an awful lot of misinformation out there that we need to correct, and that is why a discussion like this is so important.

You know, generations of America's seniors have relied on Medicare in their golden years, and we must ensure that it is there for them in the future. This means that we need health reform, health care reform as you have described on your chart there, that strengthens Medicare. Rising health care costs threaten our current Medicare system, and we need to be sure that it remains solvent. And we have to enact reform that strengthens Medicare's financial footing and extends the lifetime of the Medicare trust fund.

We also must bring down those prescription costs. We need to reduce costs

for both Medicare and for seniors, individually, and close the doughnut hole that so many of our seniors fall into, forcing them to choose between life-saving medication and other necessities like buying groceries or paying the power bill.

□ 1930

It's because of my commitment to seniors that I was proud to support the House health care reform bill, because in addition to the things that I just mentioned and you all have been talking about, it also benefited seniors by removing lifetime caps on coverage and included free preventive care; in other words, no copays on important tests like mammograms and colonoscopies. So I'm hopeful that these reforms will be things that we can enact in the coming days, and I look forward to seeing that final health care language to be sure that they're in there.

You know, I'm dedicated to protecting Medicare, and I know how important it is for the seniors in District Three. I would never do anything that would reduce or undermine the care that they receive. That's why I introduced legislation—and I appreciate all of your support on it—that protected seniors from increases in their Medicare premiums. It was called the Medicare Premium Fairness Act. We introduced it last year. It would protect seniors from an increase in their premiums.

In the past years, seniors have received a cost-of-living increase in their Social Security to offset any increase in the Medicare premium. Well, this year, for the first time in 35 years, seniors aren't receiving that cost-of-living increase, meaning that higher Medicare premiums would result in lower Social Security benefits, for a net loss. For seniors on fixed incomes who count on every dollar just to get by, this is unacceptable, because they will be receiving less in Social Security. My bill would protect all seniors from an increase in those Medicare premiums this year until the cost-of-living kicks in in the future.

Unfortunately, and how many times have we seen this—and I'm expressing my personal frustration, but also of this body, I believe—one Republican in the Senate has held up the speedy passage of this bill that's so important to seniors. This shouldn't be allowed to happen because it's too important to happen in the lives of the American people. So I'm going to continue to fight to see that that bill becomes law and in a way that would be retroactive to help the seniors who may have already seen those deductions kick in.

So thank you again for having this discussion. Medicare is critical to the health and well-being of our seniors, and I look forward to working with you on the senior task force to highlight and advocate on these important issues that affect our senior population.

Ms. SCHAKOWSKY. One of the great things that you pointed out is that Medicare was passed in 1965, but we continue to work to improve it, to make it better, to even expand the coverage so that it is more affordable for the elderly. This is a work in progress. It's really been a job that has been the life's work of the Democratic Party for generations to make sure that Medicare really does do what it needs.

When Medicare first came into being in 1965, prescription drugs were actually a very small part of the whole health care cost. Now they are at the center—front and center, often—of extending life, of making life more livable, of preventing death, and so we work to find all the ways that we can perfect what has been a very successful program.

I want to once again just make sure that people see the advantages to older Americans, how health care reform means security and stability for America's seniors, extends the life—that's what solvency means—extends the life of Medicare, lower seniors' cost for prescription drugs, improves the quality of seniors' care with better coordination among doctors, trains more primary care doctors so there will be access when we add more people to health care.

Some seniors are worried. Okay, add 30 million people to health care coverage, are there going to be enough doctors? We say we've got to do that. That's what is in this bill, to make sure that we train and create incentives for more primary care doctors, and nurses, too, so that we have the professionals that we need. Covering the cost of preventive care for Medicare patients, you described that. That's for things like mammograms and colonoscopies. No out-of-pocket costs. Expand home- and community-based services to keep seniors in their homes.

So the question really is: What is the Republican plan if they say our plan is bad? Well, Paul Ryan, one of the up-and-coming Republicans, proposed the plan. He's the top Republican on the House Budget Committee, and he put forth what they call the roadmap. The Republican roadmap wouldn't improve Medicare. It actually ends it.

Now you're thinking, Oh, this is all partisan. That can't be true. But, actually, it is true. It would end Medicare, when they get to be 65, for everyone who is now under the age of 55. Once those people who are under 55 get to be 65, instead of Medicare, they get a voucher. Go out and find health care for yourself. And the Congressional Budget Office, the nonpartisan Congressional Budget Office, reports that that voucher over time would be worth about a quarter of what Medicare is valued right now. The roadmap wouldn't require that private insurers actually accept those vouchers or charge affordable premiums or provide necessary benefits, making those vouchers pretty darn worthless.

Let me tell you what one of the expert groups said. This is the nonpartisan Center on Budget and Policy Priorities: The Ryan plan imposes no requirement that private insurers actually offer health coverage to Medicare beneficiaries at an affordable price or at all.

Did you want to speak to that?

Mr. GARAMENDI. Let me just talk to that for a moment. This is astounding.

Ms. SCHAKOWSKY. Tell them your background, too.

Mr. GARAMENDI. Well, I was the insurance commissioner in California from 1991 to 1995, and then 2003 to 2007, so I've got 8 years as the insurance commissioner in the biggest State in this Nation, with a lot of seniors. Our seniors haven't grown quite as fast as our friend talked about from Nevada, but in total numbers we are so much bigger. Major, major problem for seniors.

You're looking at the most expensive part of the population, the senior population, and it is absolutely true that the insurance companies do not want to ensure people that are going to get sick. Who's going to get sick? It's the seniors. And that's why Medicare came into place, as was described earlier, because that population has the most difficult time of obtaining insurance, and it happens to be the most expensive part.

We figured out here how to provide it. The Republicans are going to do what? They're going to give you a voucher. So if I'm 54 years old now—let me see if this is correct. I'm 54, and if the Republicans had their way, when I become 65 in 11 years, I don't get Medicare, which provides me with a comprehensive policy that I can take anywhere in this Nation. I can go to Maine and get the policy. I can go to California and get the policy. I don't get that. I get a voucher, and I'm going to go to an insurance company that I know does not want me because they know that at 65 I'm going to be expensive.

Ms. SCHAKOWSKY. You've got that right. You would get a voucher.

Mr. GARAMENDI. This is the Republican program? Thank you, no.

Mr. HOLT. Let's be very clear. They are saying in this health care bill, You want to cut Medicare. No. That's the point. We've been saying over and over again, we're strengthening Medicare. What they want to do is do away with Medicare, replace it with vouchers, or another term that has been used in the past is ''privatizing.'' In other words, to say, Well, you can take care of your health care. We'll even give you a coupon. Now, the coupon is going to be of declining value over time, but you're smart enough. You will have saved for your golden years and you will be okay. That is what they propose to do.

Mr. GARAMENDI. You're suggesting you go back and take your privatized Social Security savings? They're going to do away with Social Security, too.

So they're going to do away with Medicare and Social Security, the two programs that provide security for seniors. The Republican Party has said clearly they want to do away with those. That's not where we are as Democrats. This program, as Representative SCHAKOWSKY has said very clearly, strengthens Medicare, extends its life for at least 5 years, some would say 10 years.

Ms. SCHAKOWSKY. Nine years.

Mr. HOLT. The best estimate is 9.

Mr. GARAMENDI. We'll just take 5, 9, whatever. It strengthens it and pushes it out so it has the financial strength, reduces the doughnut hole by $500 immediately, and you get——

Ms. SCHAKOWSKY. And then eliminates it over 10 years.

Mr. GARAMENDI. And if you're a senior of low income and moderate income, some of your prescription drugs are reduced by 50 percent.

Ms. SCHAKOWSKY. That's right.

Mr. GARAMENDI. This is a good deal, and yet we see the TV ads out there scaring seniors that somehow this is a bad deal for seniors. This program is a very good deal for seniors, wherever they happen to be, and for every other American. We're talking about seniors here, but for every other American they will get access to affordable, good quality health insurance because of this legislation. Those are the facts.

Ms. SCHAKOWSKY. I think it's really important at this point to just mention some of the things that do happen as soon as the bill passes. A lot of people, one of the things that the Republicans have been saying about this legislation is that, Well, you have to wait until the bill takes effect for another 4 years. Well, that's true that a number of the elements of the full rollout of the bill take 4 years, but a number of things happen right away, and among those is the beginning to close the gap in coverage, or the doughnut hole.

A lot of seniors out there are worried about their grandchildren. This legislation, on the day that it's enacted, says that children with preexisting conditions will not be excluded from health care. Imagine if you have a grandchild with asthma or a grandchild with autism and suddenly they're trying to get health insurance for the family. This child will be covered. Imagine the relief it will take off of the parents and the grandparents' shoulders if we're able to do that. Lifetime caps. Many people have chronic illness and right away they find that they have reached the limit of how much their insurance company is going to pay.

Mr. GARAMENDI. These are the worthless insurance policies that are sold across State lines today. They have a very low lifetime cap. You get a serious illness and you blow through that and you have no more health insurance from that company. Not only that, but now you've got a preexisting condition and you can't get insurance from any company. The legislation changes that.

Thank you for pointing that out.

Ms. SCHAKOWSKY. And annual caps——

Mr. GARAMENDI. That, too.

Ms. SCHAKOWSKY. Where people in the first few months of the year have great expenses on health care and suddenly they find that they're not going to be able to be insured any more. That's it. So we do a lot of things immediately. I will get back to some more of them later, but I did want to talk a bit about what we do.

Go ahead.

Mr. HOLT. I wanted to address another point that I hear from folks in central New Jersey about a lot. They get letters from their insurance companies saying Medicare is going to be cut. Again, it's misrepresentation, and we want to clear that up.

Let me give a little history about Medicare Advantage. A number of years back the insurance companies came to the then-Republican majority in Congress and said, You know, the government is really inefficient. We, the insurance companies, can provide the benefits of Medicare a lot more efficiently than the government can. In fact, if you give us 95 cents on the dollar, we will provide benefits to Medicare beneficiaries.

□ 1945

Ms. SCHAKOWSKY. Plus additional things. We're so good at it.

Mr. HOLT. Right. We're so good and so eager to move services into the private sector—in other words, to privatize Medicare. The then-congressional majority said, Fine. Well, it didn't take more than a couple of years before the insurance companies came back, tears in their eyes, hat in their hands saying, Well, we can't really do it for 95 cents on a dollar. It's actually about $1.15 on the dollar. And those who liked privatization said, Hey, that's still a great deal. So right now we find ourselves where 20 percent of Medicare beneficiaries are getting Medicare benefits, and we are paying insurance companies a 15 percent premium to provide those benefits.

Ms. SCHAKOWSKY. And who ends up paying for that?

Mr. HOLT. All taxpayers and the other Medicare beneficiaries. So yes, those insurance companies, under this health care legislation, are not going to get paid for doing no more than the Federal Government does at a dollar on the dollar. We're not doing away with Medicare Advantage. We're just saying, It's not going to be a giveaway for the insurance companies. So they'll get a dollar's worth of payment for a dollar's worth of services rendered.

Mr. GARAMENDI. Oh, that's so unfair to the insurance companies, that you would take away their bonus for doing nothing more than you can do in another system.

Mr. HOLT. Ask your seniors. About 20 percent of the Americans on Medicare are a part of this Medicare Advantage program. Ask them how many letters they have gotten from their insurance company saying that the sky is falling and that if Congress goes through with this health care reform, it will be curtains. Well, what it means is that there will be fairness, once again, restored to the Medicare program. And the Medicare beneficiaries will get a dollar's worth of services and benefits for a dollar's worth of expenditures. That's the way it should be.

Mr. GARAMENDI. That current unnecessary bonus that's given to the insurance companies will be brought back and reinvested in the Medicare program so that the Medicare program's solvency will be extended into the future. So we're not taking that money away from the Medicare program; we're taking it away from the insurance companies and bringing it back to the Medicare program.

The senior Advantage program is not a free program for seniors. They're paying for it. They're paying a premium themselves, and the Federal Government is paying an unnecessary premium to the insurance companies to do what doesn't cost any more in the regular system. So it's a great savings. It's something that should be done. And oh, the tears. The wailing and crying by the insurance companies.

Mr. HOLT. And it's based on a fallacy.

Mr. GARAMENDI. Yes, exactly.

Mr. HOLT. Because Medicare has low administrative overhead. It is an efficiently run program.

Ms. SCHAKOWSKY. What is it, about 3 percent?

Mr. HOLT. It's a couple of percent.

Mr. GARAMENDI. It's about 2 percent.

Mr. HOLT. And Medicare's costs grow at a slower rate—at least they have over the past 5 years—than the private health insurance for the same benefits. So it's just another indication of the efficiency of Medicare. Every year the government makes some changes. You know, ever since 1965, there have been changes made from time to time about Medicare to make it a more efficient program and to make it more directed toward healthy outcomes for the seniors.

Mr. GARAMENDI. A big piece of what is going to happen in this reform is that there will be a continuing study going on through the Medicare offices and the Department of Health Services to find better ways of treating seniors. You've talked about the home care, which we know is a better way of doing it, the continuity of care. We know that over time, new medical devices are found. New medical services are brought online, and other services that have become obsolete are taken off the benefit list, and new ones are brought on over time. That's the way it is because medical services are constantly evolving and changing—drugs, the kinds of services, the hospital services.

All of those things are evolving over time. So change is constant in this program. And specifically in the legislation is an effort to bring online those

new techniques and technologies that enhance the care of seniors. And, I will also say, for other Americans. So all of us, as a major part of the program, but specifically for seniors. And it would roll on. Proven, clinically proven services, evidence-based services. And these kinds of things save costs. Again, the insurance companies are going to cry. The U.S. Chamber of Commerce is spending over $100 million in this last month or two with advertising designed to kill the reform effort.

Ms. SCHAKOWSKY. Let's talk a little bit more about that, about why it is that the insurance industry would be against this bill. Because you could say, Well, 30 million more people are going to go into the insurance market. Why wouldn't they want more people?

Mr. GARAMENDI. Because they are greedy, profit-driven, profit-before-people-oriented companies.

Ms. SCHAKOWSKY. And also, they are able to pick right now.

Mr. GARAMENDI. Exactly.

Ms. SCHAKOWSKY. I want to talk a little bit about something else that stops right away. And that's what is perhaps the meanest of all the insurance company practices, and this is called rescission. Which in plain English means canceling your health insurance when you get sick.

We had testimony in our committee from a woman who had been a nurse most of her working life. She is now in her fifties. She left nursing to start another kind of career, went out in the private market and bought insurance that she could afford, thought it covered everything she needed. Then she was diagnosed with very aggressive breast cancer. She went to her insurance company. She got scheduled for the surgery. The Friday before the Monday of her surgery—her name is Robin Beaton. I will never forget her because we adjourned the committee for 5 minutes while she got herself together. And she said that on that Friday, they called her and said, I'm sorry. We went back in your medical records, and what we found is something on there that says that you had a preexisting condition. And do you know what it was? There were two things. One was acne that, of course, could lead to some sort of a cancer cell. They said that she had lied about that. She didn't even remember that.

Mr. GARAMENDI. She must have been a teenager at that time.

Ms. SCHAKOWSKY. And the other was that she had misstated her weight—understated her weight. Now I make a little joke, like what woman hasn't? You know, you have an accident, and people look at the driver's license and say, Who is this woman? She is not 120 pounds. Anyway. And so she was out of luck. She spent the next 9 months looking for health care. Finally—actually it was her Congressman who convinced the insurance company to do it. And by that time, the cancer had progressed and was in her lymph nodes. So she was much sicker. That policy of rescission will end on day one.

I see that we've been joined by someone else, KEITH ELLISON, a Representative from Minnesota. I'm happy to turn it over to you. How time flies.

Mr. ELLISON. To my extreme embarrassment, we're out of time. Support health care. To the Congressman from California, thank you very much, Mr. GARAMENDI.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes.

Mr. GARAMENDI. Madam Speaker, we have several of my colleagues here to join us. We will just continue the discussion that we had before. I think I'll move to the other side so I will have the easel available to me. If Ms. JAN SCHAKOWSKY will come join us. Mr. ELLISON can carry on. I see Mr. TONKO is now in the Chair.

We've got things we want to talk about here. Let's just continue this discussion that we had a few moments ago. Our friend on the Republican side is either late or has decided it wasn't worth continuing to discuss their position. We were covering the Medicare issues here in some detail over the last hour, and some of that we want to continue and make sure that people understand what's happened in Medicare. We want to also talk about the rest of America, those that are not yet 65 or will not soon be 65. We'll go through those issues.

I want to just start off by laying out what's happening here in Congress. I'm a newbie. I haven't been around all that long, and I'm going, Wow, how's this all work? And as I've watched it, I've listened to what our Republican colleagues talk about, ramming through this legislation. And I'm going, gee, I was the Lieutenant Governor in California until November 5 when I was sworn in here. And as near as I can recall, this debate started 14 months ago.

It was the President standing right there in the Well here giving his State of the Union—it wasn't the State of the Union at the time. It was his first speech to the House. He said, We have got to reform the health care system. And immediately, this House and the Senate took up the issue, debated it. We all listened to that debate. All year long it went on and on and on and on and on and on. And it was my good fortune, following my November 3 election, to come back here, and on November 6, be one of the people that were able to put before Americans from this House, the Democratic version of health care reform. It was Christmas Eve that the Senate finished their work and put that out on a 60 vote—not a simple majority, but on a 60-vote bill.

So now you've got both Houses having completed their work and doing what has been the tradition of Congress since the very inception of our government—more than 200 years—doing the conference work, putting together the House and the Senate versions and finding the compromise between the two of them. And the mechanism that's going to be used is a majority vote of both Houses—51 in the Senate and 216 I think it is now because some of our Members have retired—to pass an extraordinarily important piece of legislation. So the process is not jammed down anybody's throat. This has been debated more than most bills will ever be debated, and the debate actually goes back to the turn of the 20th century. It's been here for a long time. So we're moving, as we should, in a way of openness.

It was the President who had his health care summit for 7 hours on television. That has never happened before. Discussing all the issues. Republican ideas, many of which are going to be in the final rescission vote that we'll take up this week. So this is not ramming anything through. This is a very deliberative process. It's gone on for a long time.

So I want the public to understand that. I want them to understand that as somebody that watched it from the outside and now somebody that's watching it from the inside, this is an extraordinarily open public debate that's gone on for 14 months this session, and this issue has been around for a long, long time—decades. So here we are. Let me call upon my colleagues. What's that sign behind you, Mr. ELLISON?

Mr. ELLISON. Well, what's behind me, if the gentleman will yield, is a simple sign which just talks about the 45,000 Americans who die every year because they are uninsured. You know, 45,000 people sounds like a big number, and the fact is that there are families, there are citizens, there are individual Americans behind every one of those numbers. There is a health care nightmare for every individual represented by each point of that 45,000.

□ 2000

And you know what? America is a good country. We are a compassionate country, and we are a country that will respond to the needs of Americans.

And so, Congressman GARAMENDI, I want to say that you may be a new Congressman, but you are a seasoned veteran at this fight because you've been working in the area of State government, and State government and local government is where the action is. You have just come straight from the land, right off the battlefield of the campaign, listening to people day after day about the suffering that people are going through, people being dropped by rescission.

You know, I actually had my own little health care nightmare recently, which I don't mind telling you about. I'm the proud father of a 22-year-old young man who is still in college. And

we recently got a letter from Blue Cross/Blue Shield telling us that on his 22nd birthday he was going to get a little present. Mr. Speaker, you might guess what that little present is. He's dropped from our insurance. This health care bill says he can stay until he is 26 years old, until he actually has a job. He's a senior in college. He doesn't have—he works at the library, putting books up, helping us get him through college. He's not ready to get out there yet.

So this 45,000 Americans losing their lives every year because of a lack of health care, that is something that we can do something about, we will do something about in a very short order.

And I want to yield back to the gentleman from California because I admire the work that you're doing. You're coming into this Congress with a bang. You're not waiting around for anybody to tell you, JOHN, get up and do something. You're getting up and you're taking charge, and that's the leadership we like.

I yield back.

Mr. GARAMENDI. I'm joined with three individuals that have done that throughout their entire career here. Mr. HOLT, I know you're going to have to go off to another meeting shortly, so you wanted to fill us in and carry on part of the conversation we were having early about the Medicare program.

Mr. HOLT. Well, I hear from so many seniors in my district. And of course, it is as we age that we become more aware of our ailments and our need for health care coverage, and so I understand their concern. I understand that they don't want anything that will leave them less secure. And I want to assure them that this legislation before us would not only leave Medicare intact under health care reform, the reform will make it better.

It would help the constituent of mine from Milltown, who wrote me recently about her struggles with the prescription drug program. She said, It was quite a surprise to me to see what the doughnut hole was all about. I'm on several inhaler drugs that are now running me $650 for a 3-month refill. I was careful as a widow to save for my retirement. But this is going out the window very fast.

Closing that gap, filling in that cliff, where, after you've spend a certain amount you get no help from Medicare, ending that deficiency in Medicare will make people healthier. It is just one of the aspects that we wanted to underscore tonight, to assure people that if you are on Medicare, this legislation will help you.

And we will go on and talk about all of the other things. I mean, even if you are well insured, a lot of other people come up to me and say, my insurance is fine. My usual reply to them is, I'm pleased to hear that you've been healthy, because it is often when you're not healthy, when you have an accident, when you have an illness that you discover that your insurance wasn't really quite as good as you thought it was, when, as Ms. SCHAKOWSKY pointed out, a rescission means, and this is a practice that, under oath, in testimony here before Congress, the insurance companies say they do, so it's not just hearsay. It's not just anecdote. It is policy in these companies. They will rescind your policy because you're sick, because there is expense incurred to them.

Now, most people would say, insurance is supposed to be there when you need it. That's kind of the definition of insurance. But not now.

But under this legislation, from day one, the practice of rescission stops, and a lot of other consumer protections go into place to make sure that consumers, those who pay premiums, who want insurance to cover them, will get coverage they deserve. They won't be denied for preexisting conditions. They won't be charged for preventive care and so forth.

So, whether you're young or whether you're as young as Mr. ELLISON's son, let's hope he has a good job and has health care coverage even before he's 26. But whether you're that young or whether you're on Medicare, this legislation provides benefits across the board.

Mr. GARAMENDI. Mr. HOLT, you raised a very, very important point, and I want to just follow up. And Ms. SCHAKOWSKY also raised this point, and it's the rescission issue.

Now, I was the insurance commissioner in California 2003 to 2007. And during that period of time, we received complaints about rescission, about people that had health insurance, had an illness and suddenly the insurance company canceled them.

And I'll tell you that we took action against the largest insurance companies, Wellpoint Anthem, that Blue Cross program in California, and others on this specific issue. And it is a very, very, real issue. I am so happy to be here in Congress and to vote on a bill that says no more, no how, will you be able, Mr. Insurance, to continue that very pernicious, very, very damaging and grossly unfair practice. Lawsuits have gone on. This bill will put a stop to that practice.

Let me just take one other thing. Mr. ELLISON had a chart: 45,000 die for lack of insurance. Yes, but there are other things here. America, because of the way in which we've structured our health insurance programs, we rank 19th among the industrialized nations of the world in preventing illnesses. And in the general health care statistics, we ranked below the country of Colombia on how healthy our population is.

We also know—and this is one that has really upset us as it came to all of our attention—I knew this in California, but now America knows, that over the last 2 years, in California alone, and in most other States, and I think in your State, 94 percent rate increase for individual policies. Ninety-four percent. How in the world can they do that when health care inflation has been less than 10 percent? Well, they do it because they're more interested in their bottom line profits. And I think Mr. ELLISON's going to come to that in the next few moments.

In California, a study done by the State government, the six largest health insurance companies in California have denied 21 percent, this is the average, 21 percent of all claims. The range goes from 39 percent down to about 20 percent. So if you take the six largest companies, the number of times that they denied claims—you want to talk about a death panel, then you talk about the insurance companies that deny necessary treatment to keep people alive. That's what they're doing in California. One-fifth.

And, finally, the number of Californians, 24 percent of Californians, without insurance.

Ms. SCHAKOWSKY.

Ms. SCHAKOWSKY. Let's talk about rates for a minute. We had testimony from customers of Anthem Blue Cross/Blue Shield, which is owned by Wellpoint. We also had the CEO of Wellpoint, a woman named Angela Braley, who I suppose it was somewhat rude for me to ask her how much money she made. But she was kind enough to answer, and said that she made $1.2 million a year, plus $8 million in stock options. That was how well she did. But then she went on, of course, to absolutely justify these rate increases for their private insurance market.

Three people had testified before she got up there about what these rate increases meant to them. An individual, middle-aged guy, tended toward younger man, who had a preexisting condition. He had seen his rates go up about 75 percent, not quite the 90; but it was too much for him.

A woman who, because her son had a preexisting condition, had such a high deductible they had never even made their deductible, and yet their rates were going to go up even higher.

And another woman who had a preexisting condition, who was unable to keep her policy. And Ms. Braley is making all this money. The company, overall, was making literally billions of dollars in profit.

Mr. GARAMENDI. Mr. ELLISON, what's that thing behind you?

Mr. ELLISON. Well, what's behind me is just another little data point which we're trying to get Americans to see here, and Americans know this. Even if they don't know the number, they know it in their gut: Health insurers break profit records as 2.7 million Americans loose coverage. We should—that's worth saying again, I think, Mr. Speaker: Health insurers break record profits as 2.7 million Americans lose coverage.

As Congresswoman SCHAKOWSKY, from the great State of Illinois, illustrated just a moment ago, Americans are struggling. People have these high

deductibles. They're not even meeting them, and they're still getting rate increases.

Here's a stat for you that I don't have a board for: 60 percent of all the bankruptcy filings are because of medical debt, Americans going to bankruptcy because they can't afford to pay these ridiculous health care bills. These are people who already have insurance.

Ms. SCHAKOWSKY. Seventy-five percent of them already have health insurance. They're going bankrupt.

Mr. ELLISON. Let me yield to the gentlelady from Illinois. Tell the rest of that story: 75 percent have health insurance. Some people think, Mr. Speaker, we're talking about the uninsured, and we are, but that's not the only people we're talking about. Tell the story about the insured.

I yield back to somebody.

Mr. GARAMENDI. Well, we all know the stories of the insured. We all know the stories in our own districts and our own States about those people that have health insurance, but they blow through the deductible and then they blow through the annual, or they hit the maximum benefit package of that insurance, and then they're on their own. At that point they sell their house, and they often wind up in bankruptcy.

The other part of what's happening is the downturn of the economy. Millions of Americans have lost their jobs. You lose your job, you lose your health care, you have no way of paying for COBRA. Even though this bill and the previous bills that this House has passed and the Senate has passed and become law do provide a subsidy to help people stay on COBRA, if you're unemployed, you have a heck of a time trying to make that payment.

So people lose their jobs. They lose their insurance. They lose their health. They go bankrupt. And 45,000 Americans die because they've lost their insurance, or they never had it to begin with. So this is the story of America.

The legislation that will be before Congress in the days ahead specifically deal with that problem. They deal with it, as Ms. SCHAKOWSKY has said, by saying that no longer will you lose your policy when you get sick with medical underwriting or post-event underwriting. That's one thing.

Secondly, you will not be denied insurance because you have a preexisting condition. And who doesn't have a preexisting condition?

It was at the summit that Representative MILLER held up three pages, and he read. Each of these pages, in small type, was from an insurance company that listed the preexisting conditions that they would use to deny coverage. Everything from acne, the story that you told earlier, to kidney illnesses or colds or whatever.

I know a young lady, 23 today, that came off her family insurance, tried to go back to the insurance company that she had been with for her whole life, from the day she was born. They had all of her medical records, denied her coverage because she had acne. I think the real reason was that she was a female in that child-bearing age. She wasn't pregnant, wasn't married, wasn't likely to have a child anytime soon. But she was in that child-bearing age.

I said, This is not right. What's going on? She said, Well, I tried to go online to get a policy. I said, That couldn't be. I said, Give it a shot. So we went online, put down her name, female, the health statistics: denied, no coverage available.

I said, let's try something. Let's just change one thing here. Let's say instead of a female, you're a male. Bingo, she got coverage.

The present system discriminates in the most pernicious ways. If you're a young female, you're likely to be expensive, medical care of different kinds; you're going to give birth to a child. You talk about family-friendly policies? Not from them. So these are things that are corrected in this legislation.

Ms. SCHAKOWSKY. Let me comment on this gender discrimination. I think the Speaker of the House, NANCY PELOSI, put it really well today—some of the women had a meeting with her—when she said, being a woman is a preexisting condition.

Mr. GARAMENDI. Exactly.

Ms. SCHAKOWSKY. And the truth of it is that pregnancy, in some cases, is considered a preexisting condition. A C-section, a cesarean section, being a victim of domestic violence is a preexisting condition that could make you ineligible.

If you go out on the private market right now, only about 12 percent of policies actually cover pregnancy.

□ 2015

Women overall are charged about 38 percent more for health care than men are. And in some cases it is as much as 70 percent more than men for health care just because we have slightly different—well, maybe extremely different parts to our bodies. That is so wrong. This bill ends gender discrimination.

But I do want to say one thing about rates that I don't want to forget to say.

Mr. GARAMENDI. Before you go there, let me just make this point. This is the point to the insurance companies. The day the President signs this bill, your discriminatory practices are over. You will not be able to discriminate against Americans because of their health status, their marital status, whether they are male or female. Those days are over.

Listen carefully, health insurance companies. I know why you are spending that hundred million dollars trying to oppose this bill, because you know that the day we pass this legislation, the day this is signed by the President, your discrimination is over and every American is protected.

Please go ahead.

Ms. SCHAKOWSKY. Thank you.

And that is so important to every woman in America, that we will finally be on a par, which under current circumstances isn't good enough, because the insurance companies—why is it that adding 30 million more people isn't good for them? Because they don't want everybody. They want to pick and choose. They want to pick the healthiest people. It really shouldn't be called health insurance. Well, I guess it is, it is only for healthy people. That is accurate.

What we do is we start deciding whether or not rate increases are reasonable or unreasonable. We are not against profits here. We are still doing private insurance. But for heaven's sakes, when you start talking about 50, 60, 94 percent rate increases, they are going to have to justify that. I am proud to have introduced that amendment that says that we are finally going to get a handle on it.

I come from a State where there are no limits, there is no regulatory body that can say how high rates can go. And as you can see, right now—in fact the insurance companies are kind of helping us pass this bill because they are showing us if we do nothing, they are going to keep raising their rates double digits, or almost triple digits and charging people.

Mr. ELLISON. If the gentlelady will yield, she just used the phrase ''do nothing.'' It just sparked in me sort of a reflection, that is, between the years 2000 and 2006, our caucus on the party opposite really did do nothing to fix health care.

Ms. SCHAKOWSKY. Right. Not our caucus.

Mr. ELLISON. No, the party opposite. The Republican caucus.

Mr. GARAMENDI. Speak the truth, man. The Republicans did nothing.

Mr. ELLISON. The Republicans didn't do anything. But then someone corrected me and said, KEITH, they did do something. They gave us the doughnut hole. I said, well, that's not anything to brag about really. As a matter of fact, in our health care bill we actually make some down payments on the doughnut hole.

You know, they had the House from 1994 to 2006. They had the House, the White House, and the Senate from 2000 to 2006. They absolutely didn't do anything. And if you sit here and listen to this House floor, you would actually get the impression that they were about offering some constructive solutions. But they are not the party of constructive solutions. They are the Party of No, the Party of No, the party of the health care insurance industry; the wholly owned subsidiary, as ANTHONY WEINER is fond of saying, of the health insurance industry. It is time that it come to an end.

I just want to again thank all the colleagues on the floor because you are right, when the President signs that bill, that discriminatory behavior, no.

Young people being able to stay on their insurance policy until 26, yes. We will see free preventive care right from the beginning. We are going to see a lot of good things happening right away, and know more good things are going to come in as this bill is rolled out.

Mr. GARAMENDI. Let me introduce to all of us a young woman from California who preceded me by about 9 months in a special election last spring, Congresswoman JUDY CHU.

Thank you for joining us.

Ms. CHU. Thank you, Congressman GARAMENDI, for bringing this special order together.

I wanted to say a few words as to why I think women in particular need health care reform. Republicans want you to believe that our health care reform bill is poison and that doing nothing is better. But the truth is doing nothing is poison. Insurance companies will in fact continue to cheat women on their health care. And it is women of America that truly do need health care reform.

Women have a harder time getting the care they need, women like Holly from Georgia. Holly is 3 months into her chemotherapy treatment for cervical cancer. She works at a small business that does not offer insurance to its employees, and she makes too much to qualify for Medicaid. She thought still she would do okay on her husband's plan, but then disaster happened. They got the devastating news that her husband lost his job. They shopped around for private insurance, but were turned away by the best plans because of her cancer. Now they are stuck paying $850 a month to a private insurance company to cover their family of four, almost the same as her mortgage. It isn't fair. Insurance companies are cheating women.

Did you know that insurance companies make women pay more for health care? Today, women are forced to settle for less health care at a higher price. On average we pay as much as 50 percent more than men for the exact same coverage. But somehow the insurance companies justify price gouging young ladies even when they are at their healthiest.

Sarah, a 22-year-old woman in Chicago, pays one-and-a-half times the premium compared to her boyfriend for the same insurance. This type of gender discrimination, making women pay more for the same product just because of their sex, indicates how insurance companies are taking advantage of us. What's worse is that this blatant gender inequity is legal in 38 States.

Now, health care reform will make this type of gender discrimination illegal. Insurance companies will be forced to do what is right, and that is charge everyone the same rate for the same care.

Did you know that insurance companies don't invest in prevention even though that would save them money? Today, millions of women have trouble getting much-needed preventative medical services. Now we all know the importance of prevention. It has long-term health benefits and helps contain medical costs for patients and society. Yet women forgo important tests and screenings simply because they can't afford the copays.

One-third of uninsured women go without preventative care, from mammograms and pap smears, tests that can save lives if done today. Because of poor access to reproductive care, more women suffer from serious STDs like gonorrhea and genital herpes than men. But early preventive reproductive care will catch diseases that are less likely to prove fatal with early treatment.

Now health care reform will make sure that every woman has access and can afford the crucial preventive care that can save her life. It will require insurance companies to offer basic prevention services, reproductive health and maternity care, and make the preventive tests free with insurance. That's no copays, no deductibles under health care insurance, our plan.

Did you know that women have less access to insurance? Today, fewer American women have access to their own health insurance compared to American men. Many of America's women don't get health insurance through work because they work for small businesses that can't afford to offer their employees insurance. These small businesses can't afford it. Or else women work part-time or stay at home to care for their families. Making matters worse, the effect of the economic downturn that is being felt across the Nation left women and their families even more vulnerable. Women and their families have lost access to insurance and a way to pay for it.

Since the recession began, over 1 million women have lost their health insurance because their spouse was laid off. And what about single women? Without a spouse, women are twice as likely to be uninsured than men. And it is not just women who are hurt by a lack of insurance. When women are denied adequate coverage or lose their job, their families are hurt, too.

The weak job market is tough for single mothers. Unemployment for this group has skyrocketed, leaving almost one-quarter of all single mothers without health insurance to cover their families. That has left 275,000 children without regular access to doctors' visits or medication. But health care reform will help every woman—single, married, unemployed, or working part-time—to buy affordable coverage through the insurance exchange.

And did you know that women are denied health services? Today, women are turned away by insurance companies because of supposed preexisting conditions. And what are those preexisting conditions? Believe it or not, domestic violence, pregnancy, and Cesarean sections. So rather than doing what is best for the patient or for society, the insurance company is just looking for a way to save a dollar.

One advocate for the insurance industry argued that covering a victim of domestic violence was like insuring a smoker who doesn't stop smoking. A woman from Atlanta was proud to become pregnant shortly after she began working at a small downtown law firm, but her firm's insurance declared her pregnancy to be a preexisting condition and refused to cover her prenatal care of the delivery, despite the fact that the plan covered those services.

But health care reform will make it illegal to deny coverage due to any preexisting condition. And women will no longer be denied coverage for being mothers or finding a lump in their breasts. Basic women's health will be covered.

So I stand here today because women must understand how little the insurance companies look after our interests and how little the current system promotes our health needs. Health care reform will make sure women like Holly, Sarah, single women and moms can afford the treatment they need from the best insurance that they can afford and that they won't be turned away. That is why I so strongly support this legislation. The women of America truly need health care reform.

Mr. GARAMENDI. Thank you so very, very much for a very good and thorough description of the problem that women face in this issue and why this reform is so important to them.

I see our colleague from Illinois was getting kind of excited and wanted to get into this and add to this, so please do.

Ms. SCHAKOWSKY. I wanted to point out that our colleague, Representative CAROLYN MALONEY from New York, is head of the Joint Economic Committee, which just did a study, too, on the effects of health care, the current health care problems that women face. One of the things that she mentioned, which I hadn't really thought about, is that a number of men reach the age of 65 and retire and go onto Medicare while their wives, who are often younger than they are, are then left stranded. Because many of them have been on their husbands' policies, so the husbands go into retirement, they have the coverage, and women don't. So we have this period between 50 and 65 where men and women alike are left stranded.

One of the things our bill does is to create a $5 billion pool that would be available for people in those 50 to 65 years to get some help with their health care. So in addition to making sure that women can go onto the exchange.

The other point I wanted to make about women is many women—men too, but women—often work in small businesses. A big beneficiary of this legislation, and it starts right away, are small businesses who are going to get up to a 35 percent tax credit on their premiums. And that will be immediately available to firms that choose to offer coverage to their employees. And a lot of those employees

are women. A lot of those business owners are women. So this is another way that our bill will help women and men alike.

Mr. GARAMENDI. Let's take this just for a little more, and then I really want to come back to something that you talked about, and that is the bill that you introduced having to do with the rate regulation process.

Ms. SCHAKOWSKY. Which is part of our bill.

Mr. GARAMENDI. But before we go there, the statistics just came out from the Labor Department that the majority of workers in America are now women. If we keep women healthy, then the productivity of America is substantially increased. And in order to stay healthy, women or men, you really need that health insurance that provides for the preventative care.

□ 2030

And that is in this legislation that there is an expansion of the preventative care services. For seniors, they will be free. For the rest of the public, the insurance policies will have to offer that preventative care. So if we keep women healthy, the productivity of the Nation is going to increase.

So for many, many reasons. We'll come back and deal with the issue of the overall economy in a few moments, but I really would like you to pick up the issue that you raised about rate regulation as a result of the extraordinary announcements that the insurance companies made about their rate increases.

Tell us about what you have introduced.

Ms. SCHAKOWSKY. First of all, it's no wonder that the insurance industry is fighting us tooth and nail and with millions upon millions of dollars in TV advertising because they are making so much money and they do that by raising their rates. And it's really astonishing to me that in this period when the Congress is discussing how we're going to change and make the health care system affordable for people that they have the utter audacity to show their true colors by raising their rates.

Let's look again at your chart.

Anthem Blue Cross customers. That's in California, right?

Mr. GARAMENDI. That's California.

Ms. SCHAKOWSKY. Ninety-four percent rate increases in the last 2 years. Something clearly needs to be done to get them under control. This bill does that. It says that they will have to justify, they'll have to open their books, they'll have to explain, and if they can't, that those rates can be modified, consumers can get a rebate. Enough of their taking such tremendous advantage of American consumers.

Mr. GARAMENDI. I think in the testimony that you talked about here in Congress—and I know in California that when Blue Cross Anthem raised their rates about 39 percent on the average, or 39 percent maximum, about 25 percent on the average, and then had done that previously just in the previous year, so it's actually—the 2-year period is actually 12 months over 2 years, 2 calendar years.

What happened, the profits of the company went from about $300 million to over $2.2 billion profit. And that's probably why this CEO came before—and correctly, because I suspect she was under oath; you don't lie to Congress—told that she now has a $2 million salary plus an $8 million bonus because she was able, by raising the rates, to obtain a higher bonus for herself and obviously an extraordinary increase in the profitability of the company.

Now, if this bill passes, there will be a national standard for rate increases. It also says that if the State governments—and many State governments already do this—that they will be able to continue their rate regulation process.

Now, in California, as insurance commissioner in 1991, there was a proposition passed that set up a rate regulation system for the property, casualty. This is auto and homeowner and business insurance. It didn't cover health insurance. But the effect of that rate regulation over a 20-year period as described by the Consumers Union is over a $30 billion savings to consumers.

Now, I was able to do that because I became insurance regulator. I set up the rate regulator system. The insurance companies are allowed a profit. They have a steady 10 percent profit. The extraordinary swings in the system, eliminated. The extraordinary increases and then some decreases were eliminated. A steady state was put in place so that the market actually became more competitive. There were more insurers. The policy costs were held down for consumers. We were unable to get that for the health insurance industry. We were unable to overcome the political strength, the contributions, the advertising of the health insurance industry. California remains today a State where consumers in the private individual market in California faced this rate increase because there was no rate regulation.

I am so thankful that you have introduced the legislation. This has been the heart and soul of my work for more than 8 years over a 20-year span of time, and if this comes into place, I know from my experience as insurance commissioner, it will be a substantial improvement to the cost of insurance. It will bring rates down, not just over time, but immediately, because the insurance companies no way, no how can they justify the kind of increases that they're imposing upon the public. And that's now in this legislation.

Ms. SCHAKOWSKY. That's right.

And let me say I think truly this is one of the dividing lines between the Democratic majority that's about to pass this bill that stands with the American people versus the Republicans who persistently have stood on the side of the insurance companies that have raised our rates for decades, have cut people off, have canceled policies, have put in preexisting conditions. We want to stop those kinds of abusive practices. That's what they are. It's really abuse. And the Democrats are standing with the American people. It's a really, Which side are you on?

Mr. GARAMENDI. Which side are you on?

Okay. I prepared a chart. I have got my donkey up here. This is the Democratic proposal, and, yes, this is a very partisan thing. There is not one Republican vote for our reform, but here's what our proposal will do: 31 million Americans will have access to insurance, and if you already have an insurance policy that you like, keep it. Nobody is going to take it away from you. Keep your insurance policy.

If you happen to be of low or moderate income, there will be a substantial—the single largest personal tax cut ever is in this legislation. You mentioned it earlier. It is the tax credit. We're not talking about a deduction for medical care. We're talking about a tax credit. It is taken right off your bottom line taxes, and its up to $53,000—or excuse me, $5,300 for a family of four with a $50,000 income. This is a substantial tax cut going right to the middle class, middle America.

Secondly, denial of coverage. We have talked about this over and over again. Those days are over. Hey, insurance industry, it's done. The day the President signs this bill, you will end your discrimination. It's over. Millions of seniors will see the prescription drug—we've talked about that—and millions of Americans will have access to coverage.

We haven't talked about the insurance exchange. But before we go there, you mentioned the Republicans. Okay. Here we are.

Let's talk about the Republican program. What's the Republican program? And this is in the next 10 years.

If the Republicans have their way, 67 million Americans will remain uninsured. That's an increase. Some 40 million, in that range, today are uninsured. But if Republicans have their way, we're talking 67 million Americans.

Single and family health care policies will double over that period of time. We're already paying more than can be afforded today, and if they have their way, the Republicans have their way, you will see a doubling.

Employer premiums, the cost to employers will double.

And you want to talk about the American economy being uncompetitive; this is where you will find it, right here, out-of-pocket expenses. We'll go from $315 billion today to over $564 billion in the year 2020. And insurance availability from small businesses' employers will be cut in half.

That's the Republican program.

Ms. SCHAKOWSKY. That is a better Republican program, because that's if

we do nothing, that's what would happen. But actually, the proposal that was laid out by Representative PAUL RYAN, the top Republican on the House Budget Committee, he laid out what he called the roadmap that would actually end Medicare for you as an individual.

Mr. GARAMENDI. I hope to be 65. Well, I actually am 65.

Ms. SCHAKOWSKY. Are you?

Mr. GARAMENDI. Yes.

Ms. SCHAKOWSKY. So let's say you're 54. Let's pretend. Are you? Okay. I believed you. I thought you were 54. Okay. So let's pretend you're 54 years old.

Mr. GARAMENDI. Thank you.

Ms. SCHAKOWSKY. And what it means is, when you would get to 65 years old, rather than getting Medicare, you would get a voucher and be told, Go out and buy insurance. There is no more guaranteed Medicare for you. There is no more guaranteed package of benefits. You go out and buy insurance. And that is really privatizing Medicare and destroying it for every American that is currently under 55 years old. When they get to 65, they wouldn't have it.

Mr. GARAMENDI. So what you're saying is this is the do nothing, the best case Republican scenario. But if they actually were able to pass a bill, they're going to take men and women that are 54 now, that in 10 years will be 65 going for Medicare, they're going to take those men and women and toss them into the shark pool with the insurance companies?

Ms. SCHAKOWSKY. That is exactly what I'm saying. And that it would also hurt Medicaid.

Mr. GARAMENDI. So for my Republican friends, this is the best deal they have to offer, the do nothing deal?

Ms. SCHAKOWSKY. The do nothing deal is better than the plan that they say is good for Americans.

Mr. GARAMENDI. Let's take a moment, and we can go back and forth with the dialogue here for a moment about the American economy.

This debate has been focused principally on individuals and families and the effect of this, of our program, and how it will help families. Prior to, oh, the last month or so, there was a debate in America, at least there was a discussion in America about the effect of health care and the cost of health care on the American economy.

I don't have a diagram here. I thought I would bring it, but it didn't get over here. And it's the fact that the American economy, we're now spending somewhere close to 17 percent of all of our wealth, our GDP, on health care. It's an extraordinary number, particularly when you consider what other economies are doing around the world.

Our competitors, Japan, Korea, the European countries, all of the European Union countries, have universal health care. All of the people in their societies, including visitors, have access to health care. Their health statistics are better. They live longer. They don't have as many diseases. Their children don't die as often as our children die. So yet the most any of those countries spend is 11 percent. Most of them are 10 percent or 9 percent of their total wealth. So we are at an extraordinary disadvantage.

One of the numbers I heard is like it's writing a check to our competitors for about $800 billion a year, an advantage that we're giving them in our economy because we're spending so much more on a health care system that is so grossly inefficient in so many, many ways.

Part of what is taking place with the reforms we are putting forth here is an effort to hold down the costs in many, many ways, including making sure that people have access to health care in the most efficient, effective way; not waiting until they are very, very sick, uninsured, very sick, going to the emergency room, which is the most expensive place, and being extraordinarily sick when they arrive but, rather, getting preventative care, getting the early care.

I will never forget a young man about 35. We were doing this debate about 4 years ago in California and he was a speaker at this thing, and he said, I want you to know that I am a glazer. I put glass up in buildings. That's my business. I put glass up in buildings, and I worked for a company for 12 years. We had good health insurance. And the company hit upon a hard time and so they cut the health insurance, and they then decided that they would reduce our health program. I said, I'm a healthy young guy and I've got good health, but I will get my children covered.

So he covered his children, and he eliminated his own coverage. He came down with a cold, simple cold. The cold got worse. He didn't have coverage so he didn't go to get care. He wound up with pneumonia, and he wound up then with a collapsed lung; wound up in the hospital for 3 or 4 weeks, became bankrupt. It could have been taken care of with a very simple antibiotic that would have cost $50. It became a $50,000 event.

This is happening across America. Those 45,000 people that die every year, this is the young man that didn't get care.

□ 2045

This is the extraordinary cost in our system because we don't cover everybody. We intend to deal with that and over time bring down the percentage of our economy that we are spending on health care as we make it more rational, more universal and more efficient.

Ms. SCHAKOWSKY. Those are the tragic stories that result from our health care system. But there are also enormous lost opportunities. One of the things that we know about our health care system is people get locked in jobs. They may dream about creating something, a really innovative product, or starting a new business or becoming a great artist, thinking of a new invention that will transform medicine or energy, but they are stuck in their job. A Canadian was telling me about the incredible freedom that people in Canada have to innovate, to experiment, to create, to do all the things that so many Americans, because of our health care system, are unable to do. If America, the United States of America, wants to be number one in innovation, we want to release that creative spirit and that spirit of innovation which is trapped in a job because of health care.

Mr. GARAMENDI. Let me give a personal example. My son is married with two children. He worked for the University of California for almost 19 years. In the last 5 years, he wanted to start his own business. He and his wife wanted to start their own business—actually it has been about 10 years. They hesitated, hesitated year after year and didn't start their own business until finally he just said, I'm going to do it. I'm going to run the risk. Why did he wait all that time? One very important factor: Two young children. Obviously there were some pregnancies and deliveries involved in that, during that period of time. He could not afford, and he could not get, his personal health insurance, so he stayed with the university for an extra 5, 7 years. And the entrepreneurial spirit, his entrepreneurial spirit, was dampened because of his inability to get health insurance in the private individual market because of a preexisting condition that his wife had. He knew that if he left the university, they would be uninsurable.

That is repeated a million times across America, the great entrepreneurial society stifled by this health insurance industry that we have. We are going to change that. And if the Republicans want to join us in changing and freeing the American entrepreneurial spirit, then come and join us. Join us on this bill. Join us on a bill that eliminates the discrimination against women, join us on a bill that eliminates the ability of the insurance companies to discriminate against individuals of all kinds. Free the American entrepreneurial spirit. Give people health care. Make it affordable. We haven't talked about the subsidies that are in this. There are extraordinary subsidies for individuals, for small businesses, so that it becomes affordable, available, and honest insurance.

That's our promise. That's in this bill. And we are going to pass it, because it is the right thing for America. Thank you for joining us. Thank you so very, very much for the leadership and all you have brought to us.

And to the American people, pay attention. This is important. America for more than a century has tried to get to the point that we are going to be voting on in the days ahead.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the request for a 5-minute special order speech in favor of the gentleman from Texas (Mr. BURGESS) is hereby vacated.

There was no objection.

HEALTH CARE REFORM

The SPEAKER pro tempore (Mr. TONKO). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. The last hour just ended, and you heard the admonition at the end of the hour that it is extremely important for people to pay attention. And during this hour, I am going to echo that thought. It is important for people to pay attention, Mr. Speaker, and, yes, I will direct my remarks to the Chair. But, Mr. Speaker, if I could talk to the American people, what I would tell them is now is the time, it is late at night, but now is the time for you to be keeping this House under intense scrutiny and watch what happens here over the next 72 hours as we drag this carcass of a health care bill across the finish line.

Now, how did we get here? It's probably useful to think about things for just a moment. We had a big election in 2008. People said they voted for change. Right before that election in 2008, in the other body, the chairman of the Senate Finance Committee held a big meeting over in the Library of Congress and had all the big players and the stakeholders in health care in the room, and came up with what was called a white paper on health care reform. For all the world, it looked like a bill. For all the world, it looked like it would be the bill that was brought forth in the Senate should the Democrats take control of the White House, the House and the Senate. Indeed, the election was held, and they did.

I will tell you, Mr. Speaker, I was somewhat surprised that there was not a health care bill, no health care bill came forth in those early days after the election. I thought perhaps we would see one in December of 2008 during the holiday season, but no health care bill. No health care bill in the weeks that the Congress was getting organized. We had a big inauguration, no health care bill. We had a designee named to be Secretary of Health and Human Services. Still no health care bill was forthcoming. Well, surely it will come along right after that confirmation for Health and Human Services. But as it turns out, that individual had some tax problems and that nomination was withdrawn before it ever got to the confirmation vote in the full Senate. So we were left without a Secretary of Health and Human Services for several months, no health care bill.

Suddenly, it was early summer. There was a letter sent from the other body from the two committees of jurisdiction, the Health, Education, Labor and Pensions Committee over in the other body, and the Senate Finance Committee in the other body, they sent a letter to the President and said, We will be producing a health care bill within the next couple of weeks. In fact, the Health, Education, Labor and Pensions Committee did produce a bill. The coverage and cost numbers were quite startling when they were revealed: A cost of $1 trillion. It left a lot of people uncovered as the original plan was unveiled, and then several weeks were spent in what was called the markup of that bill over in that committee over in the Senate.

Then the three committees of jurisdiction in the House had a health care bill that was rapidly brought forward. We didn't really get a lot of time to look at it. There was certainly no subcommittee markup. It came straight to our Committee on Energy and Commerce for a markup. And to give credit to the chairman of the Energy and Commerce Committee, we did get a little more time than the other two committees, the Committee on Education and Labor and the Committee on Ways and Means. They each had a day, a 24-hour period, to mark up this bill. Think of that. This bill, this legislation that's going to affect the lives and livelihood of Americans for the next three generations was allowed 1 day in markup in Ways and Means, 1 day in markup in Education and Labor. We at least had 8 days in Energy and Commerce. Four of those days were spent recessed because we couldn't agree on some things, but we did have more time in the Committee on Energy and Commerce than in any other committee in the House.

Think back, Mr. Speaker, to the Clean Air Act in the early 1990s. I'm told it was an 8-month markup for the Clean Air Act, 8-month. Think how the people on those committees must have hated each other at the end of those 8 months. But what did they get? What did they get for that 8 month investment? They got a bill that had support from both Republicans and Democrats, eventually passed the House, eventually passed the Senate, eventually was signed into law by George Herbert Walker Bush, and the Clean Air Act became the law of the land and arguably has been successful since that time. So that's the way the process is supposed to work.

Let me take one step back. The House passed a bill, the Senate passed a bill, they went to a conference committee, had a continuation of that long and drawn-out process, but the conference committee produced a conference report that was endorsed by the Senate, endorsed by the House, again bipartisan majorities on either side, the bill then went to the President for his signature, and that's what we now know as the Clean Air Act.

But think of the difference between that major piece of legislation that had a great and far and reaching affect on the lives and livelihood of every American, contrasted with what we've done over the past year.

And quite honestly, Mr. Speaker, it's not that we didn't have time. It's not that we didn't have time. After all, we have been working on this thing nearly 15 months. We actually had time to do a real markup in each of the three House committees. We had time to do a real markup. We had time to do a real conference committee.

Look at the timeline of this bill. We got it in Energy and Commerce in the middle in July. We didn't have a lot of time to deal with it before, but when we got it, we worked on it, we worked hard. I offered a multitude of amendments. I had 50 amendments prepared in committee. Five of those were accepted by the time the bill passed out of committee, all of those on a voice vote, so presumably a unanimous vote, and every one of those amendments was stripped out when the bill went to the Speaker's Office before it came back to the House, to the House floor in late October, and then we had the vote in the House in early November.

The Senate had their bill. The Senate Finance Committee completed their work in the fall. They brought their bill to the Senate in the month of December. It was voted upon, famously, on Christmas Eve, and then the normal sequence of events would be for the bill to go to a conference committee. And there in the conference committee, yes, the Democrats have substantial majorities in the House and the Senate. The Democrats would have had a significant advantage in the conference committee. The idea of the conference committee is to meld the differences of those two bills to create a product that can be endorsed by both Houses in the Capitol.

But they didn't do that. They thought, well, that was hard to get that one through the Senate. Let's not go through regular order. Let's try something different. And that something different was, maybe we can just get the House to pass the Senate bill because the Senate bill was, in fact, a House bill. It has a House bill number. In fact, it was our appropriations bill, I think, for Treasury Department appropriations last year. It did pass the House as an appropriations bill, went over to the Senate for work on their appropriations bills. That never happened, but the bill was then used as a shell. The legislative language for appropriations was stripped out, the health care language was put in, so the Senate passed a House bill on Christmas Eve, and then that bill can come back through those doors, come into the House, and the Speaker of the House will say, the business of the House is now, will the House concur with the Senate amendment to H.R. whatever it is, the House agrees by a simple majority, at that time 218 votes, and the bill goes to the President's desk.

But House Members didn't want to do that. They didn't like the Senate bill. For some it didn't go far enough. For some it went way too far. But the Senate bill was not seen to be an acceptable product. So while all of that discussion was going on, there was a little-noticed, to that point, election that took place in the State of Massachusetts, and the election was to fill the vacancy that was created when Senator Kennedy died. And that election was won by SCOTT BROWN, who is a Republican who said he would be the 41st Republican vote against this health care bill.

Whoa. Now, a lot of doors are closed over in the other body. They can no longer go to a conference committee and expect that they will have their 60-vote majority to pass anything they want. In fact, to take any bill back to the Senate now, and under Senate rules where you need to have 60 votes to cut off debate, that is going to be a pretty tall order because they only have 59 votes, 41 votes on the Republican side.

So what to do? We do still have the bill that was passed by the Senate. That Senate bill passed with a 60-vote margin, so it is still quite viable. If there is just some way to convince the House to vote for that bill. Now the Republican side, we didn't vote for it in the first place, we are not likely to vote for it in the second place. But on the Democratic side, if they can put together enough coalitions and enough votes, now the number is only 216, with some unfortunate deaths we have had on this side and some people who have left the House of Representatives, so 216 is the simple majority in the House. That is all that is required. So, well, look, maybe if we could do some technical corrections, we can't really do them to the bill because the bill has already passed the Senate, and if we took those corrections back to the Senate, we would have to have 60 votes to cut off debate. But there is a Senate process called reconciliation to deal with budgetary and fiscal matters. And under reconciliation, only a simple majority is required in the Senate. Maybe we could do those technical considerations in the Senate under reconciliation and pass that through the Senate with 51 votes.

□ 2100

And if we, the Senate, do that, will the House then agree to pass our bill with the understanding that these technical corrections would quickly be instituted? That is the big question right now. And are there going to be any problems with any of those technical corrections to be done under reconciliation?

Well, there might be. There might be. Because, remember, reconciliation is to pass those very tough budget and fiscal bills that are really hard to get the number of votes because sometimes you are actually cutting spending, sometimes you are actually irritating a constituency back home because we are reducing Federal spending in some of those reconciliation bills.

If it deals with budgetary issues and spending issues, then it could pass under reconciliation with 51 votes. The Vice President gets to vote in the case of a tie over in the Senate. So 50 Senators plus the Vice President would actually pass any of those reconciliation provisions, unless, unless someone makes a point of order over in the Senate that they don't deal exclusively with budgetary issues, that they are in fact changes in policy that are outside the budgetary process. Then the Senate has rules that say if a point of order is made, that it would require 60 votes to put that provision into the reconciliation bill, the so-called Byrd rule initiated by ROBERT BYRD, the dean of the Senate many, many years ago, to keep just this type of problem from happening. Didn't want the Republicans if they got in charge to be able to do things like this.

So the Byrd rule has been in effect for a number of years; and the Byrd rule would say, well, say you have a contentious issue in the House bill. Say there is some issue with the language regulating the Federal funding of abortion. Say there is some question of what do we do as far as dealing with people whose legal status in this country may be in some question. Well, those issues are beyond budget and may in fact be subject to a point of order and may require 60 votes to then be included in the reconciliation bill.

So it is not a given that everything that is wanted by House Democrats in changes in the Senate bill for the House to agree to pass the Senate bill, they may not be there when those technical corrections are finally voted on in the Senate. And that will take some time, because every amendment in the Senate may not necessarily be debated, but every one will be voted on; and all of that is going to take some significant time.

So where we are in the House tonight is that my understanding is the Rules Committee is to meet soon, if they are not already meeting, and the Rules Committee will come up with the language for that reconciliation bill. None of us have seen that yet. It hasn't really been scored by the Congressional Budget Office, so no one really knows what this bill will cost yet. So all of that is still hanging out there.

Then there is one more wrinkle thrown in. The Speaker of the House said it very well the other day: no one wants to vote for the Senate bill.

Well, that is a problem if you are going to need to get 216 votes in the House for the Senate bill to allow the reconciliation bill to then go forward to fix the technical problems in the Senate bill. I know this gets a little confusing, but no one wants to vote for the Senate bill.

Is there a way around voting for the Senate bill? Probably not. But, wait. What if we voted on a rule that allowed us to go forward with reconciliation, and within that rule we kind of made it like the Senate bill had already passed without actually having to vote on it?

Mr. Speaker, I would just ask the question: Do you really think the American people are not paying attention? The last Democrat who spoke here in the well of the House said it is time for the American people to pay attention to this process. I would submit that is exactly right.

Now, many people will recognize this icon, the Capitol Rock figure from when my children were young. This was the individual who was just a bill, and one day he hoped to be a law but today he was just a bill. But you can see today he is mad. He is angry. And why is he angry? He is still a bill. He wants to be a law. But he doesn't want to be deemed, and he doesn't want to be ''slaughtered,'' referring to the Slaughter rule that the House may vote on. By this time on Sunday the House may vote on the Slaughter rule which would deem acceptance of the Senate product.

Well, you can see why Mr. Bill is upset. He wants to go through regular order. He wants to go through committee, he wants to be voted on by the House, he wants to be voted on by the Senate. He really would have liked to have gone to a conference committee and have those two products melded together and then come back for an up-or-down vote in the House or the Senate. But as it appears tonight, he may not get his wish.

And is there a consequence to doing this? Now, you are going to hear people say that, oh, things have been deemed for a long time. This is nothing new. I will tell you, this is different. This is new. This is not something that, certainly in my short tenure, I have seen.

In fact, I recall a reconciliation bill in 2005 when the Republicans were in charge, it was called the Deficit Reduction Act, a very contentious bill, because we were trying to bend the cost curve on Medicaid spending. Does that sound familiar? You have heard the term ''bending the cost curve.'' We were trying to bend the cost curve on Medicaid spending from an increase of 7.7 percent year over year to 7.3 percent growth year over year. Not a heavy lift in anyone's book, but it was a big lift here in the United States House of Representatives.

Now, we were coming to the end of the calendar year 2005. In fact, it was coming up on to the Christmas holidays. People were anxious to get home and be with their families. We voted on that bill, as I recall, early on a Monday morning. We had been here through the weekend, up all night, debates, debates, debates. A lot of changes, a lot of moving things around on the chessboard. And then, in the final analysis, the bill passed very early in the morning on a Monday morning. I think it was December 19, so it was getting very close to that cutoff for Christmas.

Later in the week, that bill was voted on in the Senate. And this was a

conference report. We had voted on the regular bills, it had gone to a conference, so these were the conference reports that we were voting up or down on.

The House passed its version. The Senate passed its version on Tuesday or Wednesday, quickly left town, and were gone. The House had already vacated the premises. And it was found that there was a little discrepancy. There were some differences in wording between the two bills.

Well, as they should have done, the Democrats that were then in the majority went nuts and they said, You cannot send that bill down to the White House for a signature because the House and the Senate did not pass the same bill, the same identical language. And it was a big deal.

The reason I remember this so well is, remember the doctor fix that we talked about a lot? In fact, we did a little doctor fix today. We extended the time before the doctors get their big pay cut; we moved that from April 1 to May 1. Well, there was a doc fix in the Deficit Reduction Act. At that point, I think the doctors were facing a 6 percent reduction in Medicare reimbursement, and that clock ran out at midnight on December 31.

We fixed it in the Deficit Reduction Act, but there was a problem. The House bill and the Senate bill were not word for word identical. I don't even remember the number of words that were different. It was not many. It seemed like an awfully picky process. But in order to comport with all of the laws in our Constitution, the House and the Senate had to pass identical bills for the bill to be regarded as passed and be available to go down to the President for his signature. So the clock ran out on Medicare and the doc fix.

Now, everything else that was in the bill was not perishable, and it would keep until the House came back in January of 2006 and could fix the damage. In the meantime, there was much wailing and gnashing of teeth here in the House on the then-minority Democratic side: this is unconstitutional. We will go to court. We will take this down. So the bill did not go to the President for his signature. It stayed and languished. And then, when the House came back, they passed identical language to the Senate. The bill was passed and went off to the President for his signature. The doc fix was taken care of a month late.

Dr. Mark McClellan, who was then the administrator for the Center for Medicare and Medicaid Services, told the country's doctors that he would make good and retroactively supply that difference in the bills that they had submitted; they would not have to resubmit. He tried to paper over the problem and make it as painless as possible.

But it was a big deal. It was a painful deal for the country's doctors. That is why I remember it so well, because so many were calling me in my district office and my staff here in Washington and voicing their displeasure that Congress really couldn't have gotten this right and passed the identical bill through the House and the Senate. But the fact is they didn't. And the fact is that that was a problem as far as passing a bill and getting it signed by the Senate.

Well, what are we doing today or this weekend? What are we doing? We are not even going to pass the bill. We just deem it as having passed. Because, you know, a lot of the things that are in the Senate bill are things that we have talked about a lot here in the past 14 or 15 months, and some of them we may have even voted on a time or two. So we can just deem it as having passed.

Well, no wonder, no wonder Mr. Bill is so mad. That is not what he signed up to do. He didn't want to be deemed or Slaughtered. Slaughtered refers to the chairwoman of the Rules Committee who has created the so-called Slaughter rule, which means that the rule that allows us to take up the reconciliation bill is a self-executing rule and will deem passage of the Senate product that passed on Christmas Eve.

Do you think the American people can't see through that, Mr. Speaker? Do you think there are many phone calls going into Members' offices over the past couple of days about this? I think so, because I have heard from a lot of people. They are not happy about a lot of things right now, but they are really upset about this, and I think rightly so.

We are supposed to do things by the book. That book is called the Constitution. And when we stray from that on something like this—and this is no small matter—this is going to affect one-seventh of the Nation's economy. This is going to affect the lives and livelihood of every American not just this month, not next month, not the month after that, but for the next three generations.

Think of Medicare, passed in 1965. How has that affected people's lives, for good or for ill? But this is sweeping legislation that has a long half-life and is going to affect the way of life in this country from this day forward, really long past my time on this Earth, and I suspect a long time past the life expectancy of almost everyone who is serving in this body.

So it is so important that we get this right. It is our obligation. It is the oath that we swore on this floor the early part of January of 2009 after those very famous elections, those historic elections that created the new Presidency, created a supermajority for Democrats in the House, created almost a filibuster-proof majority in the other body. A historic election.

We were signed in, we put our hands on our hearts, we put our hands on the Bible, we swore an oath to protect and defend and uphold the Constitution.

What happened to that, men and women who are here with me tonight? What happened to that oath? Did you not believe it then, or has something happened that you don't believe it now?

This is critical. I know it looks lighthearted. I know I have copied a figure from a children's musical. But this is critical. This is going to change the way of life for every American, not just now, but for far into the future.

Now, we don't even know yet the cost of this bill. There are multiple iterations of the reconciliation package that have been floated around the Congressional Budget Office. You call them up and try to get them to do anything at all and they will not because they are working on health care. Unfortunately, it has been that way now for well over a year. It is almost impossible to get any piece of legislation scored by the Congressional Budget Office, but we don't even know what this thing is going to cost.

We talk about bending the cost curve. The Commonwealth Foundation, the good folks at the Commonwealth Foundation, I attend a number of their seminars. I think they do a good job of trying to educate Members of Congress. They will talk in lofty terms about bending the cost curve. Well, we are just bending the cost curve, all right. We are just bending it in the wrong direction.

Now, this bill is supposed to cost on the order of $800 billion and change. I think it was $824 billion. But anyone will tell you that is not the real cost. In fact, when this reconciliation stuff gets scored, it is very likely that we are going to see a number in excess of $1 trillion.

You know, just a lot of this stuff people look at it and say, What is the plain truth here? You say that you are going to raise taxes by $500 million, you are going to cut expenses in Medicare by $500 billion, and you are going to cover 30 million more people. How is that not going to affect me? You say if I like what I have, I can keep it, but how in the world is it possible to do all of those things and it won't affect me?

And the President said this several times during the summer. He said: Many people look at this bill and say, What is in it for me? What do I see differently, either positively or negatively, after this bill has passed?

□ 2115

For one thing, we know what they will see is a lot of new Federal regulations. We're going to see new fees on insurance companies, new fees on medical devices, new fees on prescription drugs, new fees on insurance plans. All of those, of course, have to, by definition, drive up health care costs.

One of the things that we're not doing—and you've heard me reference the ''doc fix'' in the Deficit Reduction Act. We had a baby ''doc fix,'' if you will, for just the next month. But there is a looming 21 percent reduction in reimbursement for physicians who practice in the Medicare system, doctors

who take care of some of our sickest patients, our seniors who might have multiple medical comorbidities. We've asked them to do this, and yet we come at them every year with a formula that says we're going to pay you a little less this year than we paid you last year.

Now maybe that's okay if you're fortunate enough to practice medicine in a location where energy prices are falling by 5 percent every year, labor costs are falling by 5 percent each year, cost of capital is no concern because the banks are just giving away plenty of money at a zero percent interest rate. Maybe if you live in that area, this is not a problem.

But most of the doctors who live in the real world, the same world as you and I, know that their costs of labor are going up. Their cost of capital is going up. In a doctor's office, you don't make a great many large capital purchases, but you sometimes hire a new doctor; and in order to do that, you sometimes have to go down to your friendly banker and secure either a loan or a line of credit. So the cost of capital goes up for those physicians' offices year after year.

Energy costs go up the same as they do for every other American. Even the cost of the doctor buying the health insurance for their employees will go up. Believe it or not, the insurance companies don't come into the doctor's office and say, Doc, you know what? You've done such a good job at taking care of all the people enrolled in our insurance company that we're going to enroll your employees for free or at a very reduced rate. It doesn't happen.

In fact, what happens in doctors' offices across the country every year is the insurance underwriter comes in and says, Hey, you've had some claims activity. Your rates are likely to go up in your small business here. And the doctor says, Well, maybe that's okay because maybe my reimbursement rates are going to go up enough to match it. But then most private insurance companies actually peg their reimbursement rates in the private sector to Medicare. So if Medicare is reduced by 5 percent, 8 percent, 21 percent, as we're scheduled to do this year, guess what? Insurance reimbursement rates go down. So the poor doctor is left scratching his or her head, saying, How come it costs me more to insure my employees and my reimbursement rates are going down? How's that going to work out for me?

The cost of doing business in a medical office is no different than any other small business in America, and doctors' offices simply cannot continue to survive if we continue to impose this draconian pay formula upon them, and yet nothing in this bill fixes that problem. We had a temporary fix today. We talked in grand terms about this great and wonderful fix that the House passed last fall, but we all knew over here in the House, even those of us who voted for it, we knew that the Senate was never going to take it up and pass it. In fact, they had already rejected it. As a consequence, this provision has been left out of this big, gargantuan health care bill, this 2,700-page bill, and there is no fix for the problems that the doctors face in the Medicare reimbursement system. There is no fix in the bill.

It's a simple arithmetic problem. The simple arithmetic problem is that it costs somewhere between $280 billion and $350 billion to fix that problem. Well, clearly, if you're trying to keep the cost of your bill under a trillion dollars, and I'm not sure that they have done that, but if you're trying to do that, a $350 billion addition to the price tag is not likely to make your life any easier.

There is a cost for simply repealing the sustainable growth rate formula, as it's called. Medicare part B has an additional problem in that, by law, seniors are charged 25 percent of the actual cost of their premium. The Federal Government picks up the other 75 percent very generously. But if the cost of the Medicare part B program increases, then Medicare part B premiums, by law, have to increase, and they have to increase by a formula which, again, is 25 percent of the actual cost.

Now we hear a lot of talk about insurance companies raising the rates. They do. Can they justify it or not? There are supposed to be State insurance commissioners to oversee that process. I know we had a big hearing in my committee on Energy and Commerce a few weeks ago on the Anthem, WellPoint rate increases that occurred out in California, but I honestly don't know where the California insurance commissioner was when all of that was going on. And the people at Anthem did say they submitted their paperwork to the insurance commissioner. I don't know what happened there. I honestly don't know what the disconnect was, but there are rules in place where these types of increases are supposed to be justified.

But the fact is that part B recipients will likely get a big increase in their premiums this year because the cost of paying for the part B program goes up every year, and, just interestingly enough, that increase is likely to be somewhere in the order of 12 to 16 percent. The President is very critical of private insurance companies that will do that but, wow, he is the CEO of the biggest insurance company in the world. It's called Medicare. And he's raising his rates by 12 percent this year. In fact, over the last decade, over the last 10 years, those premiums have increased almost 150 percent. Again, it's by law. It's no one doing something that they shouldn't be doing. It is just the cost of delivering that medical care has, in fact, increased over time, more people making claims on the system. And as a consequence, those costs have gone up, and, by law, the seniors who are participants in the part B program are obligated to pay 25 percent of the cost of the program in their premium.

So when people tell you that the cost of insurance is going to increase, that's true whether you're talking about a Federal program, such as Medicare, or programs in the private sector.

One of the things that concerned a lot of us as the debate was going through the House this summer was the appearance of what was called a public option. At the time, a lot of concern by, actually, Members on both sides of the aisle—probably voiced more consistently by people on the Republican side—about what this public option was going to do to pay for insurance coverage in this country. Many people on the Democratic side said, Oh, it'll be competition for the insurance companies so it'll bring their prices down.

Well, here's part of the problem. One of the reasons that the insurance companies are raising their prices is because there is a cross-subsidization, that there is a shifting of cost from the government sector onto the private sector. Medicare reimburses at a rate that's far lower than most of the private insurers for both doctors and hospitals. In order for those doctors and hospitals to keep their doors open, that means they need to charge a little bit more to those patients who come in who have actual insurance coverage. So that cost shifting or cross-subsidization exists because the government isn't actually carrying its share of the load today. So if we expand that part, how are we going to help keep the costs low on the private side? Because, again, it's a cross-subsidization that we're already doing in the existing public plans—Medicare, Medicaid, SCHIP, and the variety of other programs that exist. Those public programs are not filling the holes that are being dug, the overhead holes that are being dug at hospitals and doctors' offices, and those holes have to be filled with dollars from private insurance.

So right now it's about a 50–50 mix. Well, that's not fair. Fifty cents out of every health care dollar that's spent in this country today is already spent on one of those public options—Medicare, Medicaid, SCHIP, add the VA, Federal prison system. It's about fifty cents out of every dollar that is spent on health care, and it is going up. The other 50 percent is not all private insurance. Some of it is paid out of cash flow for some families; some of it is paid out of savings for some families, and some doctors and hospitals just simply have to write off some debt because it will never be paid. They certainly do contribute more than their share of charity care.

So the government, which has about 50 percent of the health care dollar right now, is not carrying its load, which drives up the cost for people with private insurance. So we're going to expand that part and expect that the cost for private insurance is somehow going to go down. You're talking about magical thinking. That's just never going to work out. There's no way it can work out.

And sometimes you step back and you look at this and you think, Wow, the people who want a single-payer, government-run system have really set the wheels in motion to accomplish just that. Let's create another public option, bleed off more dollars from those greedy folks on the private side. Their prices go up. The President, whoever the President is at that point, says, Well, I tried. We tried to keep the private sector involved, but look what they've done to you. There's nothing we can do about it. We will just have to take over everything. At that point, you have a completely nationalized health care system in the United States of America.

A lot of people look at that and say, No, that's not what we want. You said, if you like what you have, you can keep it. That's what we want.

Sixty-five percent of Americans have insurance either through their employer or in the individual market, and they like what they've got. They're concerned about cost, to be sure. They want costs to be held down, but they like what they have and they want to keep it. So it does concern them when they look out over the horizon and say, What might have happened with this public option?

Now, the Senate bill, at least in theory, does not have the public option written into the bill. It does. It's kind of hidden. You kind of have to look for it a little bit. The Senate bill sets up insurance exchanges across the country in order to ensure that everyone has access to at least two products in an insurance exchange. The Senate has said that the Office of Personnel Management, OPM, will ensure that there is at least one for-profit and one not-for-profit insurance company in each of those exchanges. Well, what happens if no one shows up on the day they hold the auction to sell the insurance? Office of Personnel Management will find a for-profit company and a not-for-profit company, and if they can't find one, somehow they will make one.

Now, the Office of Personnel Management right now is a relatively small Federal agency. It administers Federal benefits. It administers things like the Federal Employees Health Benefits Plan. It does a good job with that, arguably, but this is a vast expansion of their mission, a vast expansion of scope to then put them in charge of these various exchanges that are in place all around the country. The Office of Personnel Management could become the de facto public option, and in fact, as it was looking like this bill was getting very close to being enacted in the early part of January before that famous election in Massachusetts, the Office of Personnel Management was indeed gearing up to take on that responsibility.

So whether you get the House bill or the Senate bill, there's still a possibility that you're going to see a public option. It may not be the so-called robust public option that you heard talked about here on the floor of the House ad infinitum last summer, but it will be a public option nevertheless, and it remains to be seen what happens to that over time. It may always stay a small part of what is available to the insurance market or it may grow significant.

What has been mystifying to me about that process, and you heard the President say earlier or last year in the fall, he cited there's a part of Alabama that you go to and you have only got one choice of an insurance company; and if you've only got one choice of an insurance company, there's not a lot of competition, so let us put a federally administered program on the ground to compete with that one insurance company.

□ 2130

But there's well over 1,000—in fact, over 1,300 insurance companies—in business right in the United States of America. What if we changed the regulations such that more companies could, in fact, sell in that market in Alabama? It looks to me like a market that companies might be interested in because, after all, there's not much competition there. That's the way to get robust competition in the market, and that is the way to get the types of cost controls that we would all like to see that could be delivered more efficiently by a competitive marketplace than it can be by government regulation and price-fixing.

We know what happens when you fix prices. Those of us my age who are old enough to remember gasoline purchases in the 1970s, when you put price controls on gasoline, you end up with gasoline shortages. You remove the price controls, and miraculously there's enough gasoline for everyone to buy. And as more gasoline becomes available, then the price comes down. It was a wonderful study in just how markets were supposed to work. You put the price controls on, it becomes very scarce and very expensive. And I can remember as a young resident at Parkland Hospital waiting for hours in line at a gas station because I did not want my gas tank to be empty and risk running out of gasoline on the way to the hospital in the middle of the night. It's something I couldn't afford to let happen to me. So I missed a lot of family time sitting in those gasoline lines. Fortunately, that didn't last long because the folly of that decision was recognized, the price controls were removed, and the price went up temporarily, and then it came back down as the supply of gasoline increased.

We don't know where we're going on the cost of this bill that's before us. The one charge that the American people gave us was, We want you to do something about the cost of health care. The one thing that we're not doing in this legislation is moving in a sane way towards doing anything that would get control of those costs. In fact, some of the things we're doing may, indeed, lead to a reduction of availability, and that means a reduction of access for patients to medical care.

An interesting little article that I found online on the way over here tonight was about what will happen to health insurance premiums under the bill that has been proposed. And what got this reporter's attention was a Presidential speech where he said that the cost of insurance if the bill was enacted would drop by 3,000 percent. Later on, the White House clarified and said the President meant to say the premiums would drop by $3,000, and that is money that could be returned to the worker.

The next quote in the story is, ''There's no question premiums are still going to keep going up,' said Larry Levitt of the Kaiser Family Foundation, a research clearinghouse on the health care system. 'There are pieces of reform that will hopefully keep them from going up as fast. But it would be miraculous if premiums actually went down relative to where they are today.' '' So next line in the story is, ''It could be a long wait.'' Indeed, it could.

I do urge people to pay attention. I do urge people to dig a little deeper in the story—don't necessarily accept what I am saying here tonight. But do look carefully into this story and understand what your Congress is doing because if it doesn't affect you the day after the bill passes, it will affect you at some time.

Now convincing reluctant Members to vote on this bill by doing the Slaughter rule and deeming the bill passed may be a way to trick some wavering Members into voting for the bill. But I promise you, it's not tricking anyone out there in America. You hear stories of people going to the supermarket at the checkout line, and the person who's checking their groceries will say, You are not really going to deem that bill as passed, are you? They get it. People understand it. They've been watching this. We've been working on this for 14 or 15 months. Goodness knows we're tired of it. The country is tired of it. People do understand and are watching.

Now tomorrow in The New England Journal of Medicine, it's been widely reported that they're going to have an article detailing the attitude of America's physicians towards this legislation that the House of Representatives is likely going to try to pass sometime this weekend. The numbers were somewhat startling, and I don't have the exact numbers in front of me. But if the bill were to pass, around 30 percent of practicing physicians would consider concluding their practice and finding something else to do with their time. And if a public option is included, that number gets significantly higher—45, 46 percent.

People who have been working in the trenches, who have been delivering the health care, understand how pernicious

it has been with the constant reduction in rates for Medicare, to be sure, Medicaid in some States. In most States, physician reimbursement is just an easy target. When those State budgets start getting stressed, that's one of the first places that the State legislatures will go to try to pull some of those dollars back in. They'll reduce reimbursement rates to physicians. And as a consequence, if it was difficult to keep your doors open and pay your overhead costs with the reductions that we were seeing in Medicare, it becomes an absolute certainty that those doors are not going to stay open if Medicaid rates are vastly curtailed.

One of the things we're going to do with this bill is significantly expand Medicaid. The cost to the States right now is somewhat in flux. Nebraska got a pretty good deal on the Senate floor right before Christmas that would kind of protect them against some of the dollars that the State would have to match into the Medicaid program. Now there's talk of extending that to every State and not just making Nebraska a special case but extending that to every State. I promise you, I promise you that is not going to make the cost of this legislation go down. It is going to make the cost of that legislation go up significantly.

If we don't do that, right now there is a Federal share and a State share of Medicaid expenses that are paid. It varies from State to State. In some, it's a 50–50 proposition. In some, it's much more generous from the standpoint of what the Federal Government contributes. On average, about 57 percent of the Medicaid cost is contributed by the Federal Government. The State pays 43 percent. In this bill, the language might be more generous than that, but there would still—unless the so-called Cornhusker kickback is applied to every State, then States are going to be hit with additional Medicaid expenditures.

I have received communications from senators and legislators back home in my State where that number could approach $20 billion for the 2-year budgetary cycle that we have in Texas. And although many people in Washington would consider that so small as to not even be worthy of consideration, in a State budget, it is significant, and that is why the legislators and senators have written to their Members of Congress to advise them of this that's occurring. That means money that's not going to be available to fund transportation projects in the State. That means money that's not going to be available to pay for educational activities in the State. These will be real dollars that are taken out of circulation in the State to pay for the expansion of Medicaid that the Federal Government is going to require.

The whole question of making everyone buy health insurance, the question of an individual mandate that is contained within the Senate policy, is something that this country has not done before. That is a new phenomenon. Now I know you hear people say, Well, look, look Massachusetts has a mandate, and it's working okay up there. Well, maybe. Maybe not. I think the costs went up a little bit because the insurance companies are now under no—there's no reason for them to try to hold costs down to attract customers because, hey, you've got to buy it. It's the law. But still, if a State wants to pass an individual mandate or an employer mandate, for that matter, within their State to cover health care costs, that's their business. They can do that under the 10th Amendment, that those powers not taken by the Federal Government are reserved to the States. That's one of those powers that are reserved to the States. So if a State wishes to do that, and the people who elect the Governor and State legislators and State senators in those States are saying, Well, that's okay with us, then good on 'em. That's what they should do.

But what's working in Massachusetts likely wouldn't work in Texas. It's a different demographic, different problems. So we can't apply a one-size-fits-all solution across the country, and the Founding Fathers recognized that. You will hear people say, Well, look, it's a mandate that you've got to have car insurance if you drive your car. But you are driving your car voluntarily on a public road, and that is a State mandate for the purchase of that insurance. Not every State has them. I think there are two States that don't have an insurance mandate. Texas didn't until a few years ago. I don't know if it's actually increased the number of people who carry insurance because you are forever hearing about some poor soul that was hit by someone else who carried no insurance. But that's a State issue. And the States make that requirement.

Again, those State governments have to be responsive to their citizens in the State. If the citizens get too upset by the liberties that are being taken from them by a State government, they are free to react against that. And that's what a democratic process is all about. That's what elections are all about. But never in the history of this country has there been required the purchase of a product just as a condition for living in the United States.

Now we do have to pay income tax, it's true. You don't have to earn any money. And if you don't, then you don't have to pay taxes. But in order to ensure that this program is administered effectively, we go to the meanest, biggest Federal agency of all, that very same Internal Revenue Service, and say that they're going to collect—they're going to enforce this individual mandate that you buy health insurance.

Just a thought on that in some of the moments that are remaining to us this evening. Does putting an individual mandate on people increase the number of people who carry, say, health insurance? Putting an individual mandate on for the requirement that everyone have health insurance, does that increase the number of people who have health insurance? Right now in the country with a robust employer-sponsored insurance program, people who are employed in the individual market, small businesses who provide insurance in the individual market for their employees, the compliance rate or the insured rate is about 85 percent. We hear the figure of the number of people uninsured in this country, and it works out to be about 15 percent.

In the Federal tax system, does everyone file and pay taxes who should? The answer is no, they don't. By the IRS' own estimates, by their own estimates, 15 percent of the population decides not to file or not to pay their income taxes. Now that's a pretty stiff mandate that the IRS puts on us. Most people don't know exactly what the penalty is, but they're pretty darn sure that they don't want to find out firsthand because they do know it to be severe. So with this very severe penalty hanging over people's heads, you still have 15 out of 100 who will say, No, thanks, I'll still take my chances. How many more people are going to buy health insurance who don't already have it if we put that on as a requirement?

And then one of the other considerations is, if the fine is not as much as the insurance policy itself, then someone who believes themselves truly to be at zero risk for any medical condition says, You know what, I'll just pay the fine if it's less money, and I'll worry about insurance if I get sick. Of course under the plan that's over in the Senate now, they can do that because there will be what's called guaranteed issue. If they get sick, they can literally purchase the insurance policy from the back of the ambulance on the way to the hospital.

You know, we heard a lot during the course of this debate on health care over these past 15 months. One of the things that I will never forget is the energy and enthusiasm that I encountered this summer in doing town halls during the month of August. As you will recall, we passed the bill out of the Energy and Commerce Committee sort of at midnight Friday night, July 31. We all went home to our districts. We started seeing the stories on the evening news of vast throngs of people showing up at Representatives' town halls, both Republicans and Democrats. Whether they had come out in favor or in opposition to the bill. We hadn't voted on the bill on the House floor at that point. Because I was sitting in the committee that voted on the bill, I could tell my constituents back home that I voted no in committee, and I would vote ''no'' when it came to the floor, unless there were substantial changes. And people supported that decision overwhelmingly in the town halls that I did this summer.

But it doesn't mean that they said, We don't want you to do anything.

They had some rather specific things that they would like to see Congress do to help them with the problems that they were having with either insurance companies or with their doctors or with their hospitals. There were some things they thought that Congress could do. Now bear in mind the approval rating for Congress is somewhere south of 20 percent. We do not enjoy a significant amount of political capital. In order to do something this big, you really have to have the American people behind you, but we don't. And therein is the trouble that the Democrats are having passing this bill. Right, they've got no Republicans, but then they really didn't try. They weren't interested in having any Republicans a year ago when this process was beginning.

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So it's no surprise that at this point, a year later, they don't have any Republican support for their proposals. Their problem is within their own conference.

Now, they've got 40 seats on us. It really shouldn't be a problem. I'm sorry, they have 40 more seats than they need to pass this bill, because in the House it's a simple majority. It really should not be a problem. All you've got to do is keep 40 people from leaving you. That shouldn't be that hard. These are people who feel the same as you. They're members of your same party. They believe the same things you do. That shouldn't be a hard lift.

Why is it so hard?

It's hard because there's not the popular support for this bill that everyone assumed would be there shortly after the 2008 election. We had an election. President Obama won the election. Health care was a big deal during the election, so it was just naturally assumed that the American people would be with the Democrats no matter what they did, with, to or from health care. As a consequence, they didn't need any Republicans. They really couldn't be bothered. We were noisy and inarticulate in meetings, and they just wanted to write the bill they wanted to write, and they'd get it passed without any Republican votes.

Now they're up against an impasse with their own side. Very difficult to pass something this large that affects this many people without at least some input from both sides. That's never been done before, to my knowledge, in this country; and that's what we're trying to do tonight. You might be able to do that if you had the popular support of the American people behind you. You could say, well I've got the people with me. I don't need Republicans. And that would be true, but they don't have the people behind them.

So the fact that the Republicans are not supporting the Democratic bill is actually of no consequence. Their difficulty is the people don't believe what they're doing. And, quite frankly, I don't see how there is a way to change that equation between now and Sunday, the day we're supposedly going to vote on this monstrosity.

I did hear from people in town halls about things they do want done. I maintain a Web site that's devoted to health care policy. It's called healthcaucus.org, @healthcaucus.org. ''Healthcaucus'' is all one word. Healthcaucus.org. Under the issues tab, you see Dr. BURGESS' prescription for health care reform. And I've listed there the nine things that people told me most consistently during the summer and fall that they wanted to see us do.

Number one thing, people sure do want some help with preexisting conditions. There are things we can do to provide some help, and it doesn't mean an individual mandate. It doesn't mean guaranteed issue. It means helping those people who need help. It does cost some money. The Congressional Budget Office scored an amendment that Ranking Member JOE BARTON had on our committee. It scored at $20 billion. NATHAN DEAL, the ranking Republican on the Health Subcommittee and I have introduced legislation that captures the spirit of that amendment. We erred on the side of being more generous. That's a $25 billion authorization for that program. The Congressional Budget Office said $20 billion over 10 years. We plussed it up by $5 billion. Let's start it and see what happens.

After all, that Senate bill comes over here and becomes law, no one gets any help tomorrow. It's 4 years before they get help. Preexisting conditions are a problem today. We heard this over and over again in the summer time. This is something people actually wanted us to work on. We could work on this in a bipartisan fashion. We never even had a hearing on how to approach the problems of preexisting conditions without a mandate. We never even had one word of testimony about that in our committee leading up to this.

Does there need to be some fairness in the Tax Code? You bet. Why does someone in the individual market who's paying for their health insurance out of pocket have to pay with after-tax dollars when someone who works for a large multi-state corporation gets their insurance paid for with pre-tax dollars by their employer? That fundamental unfairness is something that has to be fixed. I'm not sure that I know the best way to fix that, but I know we haven't even tried. We haven't even had those discussions.

We do need some medical liability reform. It's working in Texas; it could work in other places around the country. It does help keep costs down, in spite of what congressional Democrats and the White House tell you.

Portability, the ability to carry insurance with you through life, is extremely important, especially to younger workers. Think of the relationship with your insurance company if you had a longitudinal relationship with that insurance company.

There are some things that we could be doing that are not that heavy a lift and don't cost that much money. Most importantly, we can show the American people we can deliver real value and work together while we're doing it. Then we could improve those approval rates, that low esteem that the country holds us in.

DR. BURGESS' PRESCRIPTIONS FOR HEALTH CARE REFORM

1. INSURANCE REFORM

We should eliminate the bias against patients with pre-existing conditions, outlaw rescissions except in cases of fraud, and ensure states have well-designed high-risk pools.

H.R. 4019—Limiting Pre-Existing Condition Exclusions in All Health Insurance Markets (Deal)

H.R. 4020—Guaranteed Access to Health Insurance Act (Burgess)

2. TAX FAIRNESS

Providing individuals the same tax benefits no matter where they want to get their health insurance, and tax credits to help individuals purchase insurance in the individual market.

H.R. 3218—Improving Health Care for All Americans Act (Shadegg)

3. MEDICAL LIABILITY REFORM

The success of Texas' 2003 reforms: Texas has licensed over 15,000 new physicians and Texas hospitals have delivered more than $594 million in charity care.

H.R. 1468—Medical Justice Act (Burgess)

4. PORTABILITY

Allowing patients to shop for health insurance plans across state lines = more choices at lower costs. Example: Average health insurance premium for a family of four: New Jersey: $10,000, Pennsylvania: $6,000, Texas: $5,000.

H.R. 3217—Health Care Choice Act (Shadegg)

5. MEDICARE PAYMENT REFORM

The current formula Medicare uses to pay doctors—the SGR—is unstable, and a permanent fix is needed to ensure seniors continue to have access to their doctors.

H.R. 3693—Ensuring the Future Physician Workforce Act (Burgess)

6. DOCTORS TO CARE FOR AMERICA'S PATIENTS

We must ensure that we have enough doctors to care for all of America's patients—now and in the future. H.R. 914—Physician Workforce Enhancement Act (Burgess)

7. PRICE TRANSPARENCY

Health care services are the only product that we don't know the actual cost of before utilization, so let's have the prices up-front, just like in a restaurant or clothing store.

H.R. 2249—Health Care Price Transparency Promotion Act (Burgess)

8. PREVENTATIVE CARE AND WELLNESS PROGRAMS

Health care reform must include participation from America's patients, so living healthy lifestyles and making healthy decisions is very important.

9. CREATE PRODUCTS PEOPLE WANT

Mandates have no place in a free society. Instead, we should challenge insurance companies to create innovative health plans that Americans want. Example: Health Savings Account—offers flexibility and control.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for today on account of illness caused by food poisoning.

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. ETHERIDGE) to revise and extend their remarks and include extraneous material:)

Mr. ETHERIDGE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Ms. JACKSON LEE of Texas, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, 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:)

Mr. SMITH of New Jersey, for 5 minutes, today and March 18.

Mr. POE of Texas, for 5 minutes, March 24.

Mr. JONES, for 5 minutes, March 24.

Mr. MORAN of Kansas, for 5 minutes, March 24.

Mr. DUNCAN, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

Mr. WAMP, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2847. An act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 49 minutes p.m.), the House adjourned until tomorrow, Thursday, March 18, 2010, at 10 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111–139, Mr. SPRATT, hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 946, the Plain Writing Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 946, THE PLAIN WRITING ACT OF 2010, AS PROVIDED BY THE HOUSE COMMITTEE ON THE BUDGET ON MARCH 12, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (−) in the Deficit													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

Pursuant to Public Law 111–139, Mr. SPRATT, hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 1387, the Electronic Message Preservation Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 1387, THE ELECTRONIC MESSAGE PRESERVATION ACT, AS PROVIDED BY THE HOUSE COMMITTEE ON THE BUDGET ON MARCH 13, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (−) in the Deficit													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

Pursuant to Public Law 111–139, Mr. SPRATT, hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 3954, the Florida National Forest Land Adjustment Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 3954, THE FLORIDA NATIONAL FOREST LAND ADJUSTMENT ACT OF 2009, AS PROVIDED BY THE HOUSE COMMITTEE ON THE BUDGET ON MARCH 17, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (−) in the Deficit													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

Pursuant to Public Law 111–139, Mr. SPRATT, hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 4851, the Continuing Extension Act of 2010, for printing in the CONGRESSIONAL RECORD. Section 4 of the bill has been scored using a current policy adjustment. The bill also includes emergency designations.

H.R. 4851, THE CONTINUING EXTENSION ACT OF 2010, AS AMENDED

[By fiscal year, in millions of dollars]

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
NET INCREASE IN THE DEFICIT													
Total Changes	7,831	759	176	165	116	58	44	0	0	0	0	9,108	9,151
Less:													
Designated as Emergency Requirements [a]	6,773	759	176	165	116	58	44	0	0	0	0	8,050	8,093
Current-Policy Adjustment [b]	1,058	0	0	0	0	0	0	0	0	0	0	1,058	1,058
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0
Memorandum: Components of the Emergency Designations:													
Change in Outlays	6,119	324	8	0	0	0	0	0	0	0	0	6,453	6,453

H.R. 4851, THE CONTINUING EXTENSION ACT OF 2010, AS AMENDED—Continued

[By fiscal year, in millions of dollars]

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Changes in Revenues	−654	−435	−168	−165	−116	−58	44	0	0	0	0	−1,597	−1,640

[a] Section 11(c) of the Continuing Extension Act of 2010 would designate all sections of the Act, except section 4, as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.

[b] Section 7(c) of the Statutory Pay-As-You-Go Act of 2010 provides for current-policy adjustments related to Medicare payments to physicians.

Notes: Components may not sum to totals because of rounding.

Sources: Congressional Budget Office and Joint Committee on Taxation.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6631. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Beauveria bassiana HF23; Amendment of Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2005-0316; FRL-8814-6] received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6632. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota [EPA-R05-OAR-2009-0369; FRL-9125-3] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6633. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to Chapter 116 which relate to the Application Review Schedule [EPA-R06-OAR-2006-0850; FRL-9123-7] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6634. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to Chapter 116 which relate to the Permit Renewal Application and Permit Renewal Submittal [EPA-R06-OAR-2008-0192; FRL-9125-9] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6635. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virgina; Revision to Clean Air Interstate Rule Sulfur Dioxide Trading Program [EPA-R03-OAR-2009-0599; FRL-9125-2] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6636. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment, Approval and Promulgation of Air Quality Implementation Plans; Indiana [EPA-R05-OAR-2009-0512; FRL-9125-6] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6637. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District [EPA-R09-OAR-2009-0859; FRL-9123-3] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6638. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; NSR Reform Regulations — Notice of Action Denying Petition for Reconsideration and Request for Administrative Stay [EPA-RO5-OAR-2006-0609; FRL-9123-4] received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6639. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; 1-Hour Oxone Extreme Area Plan for San Joaquin Valley, California [EPA-R09-OAR-2008-0693; FRL-9108-4] received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6640. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [EPA-R07-OAR-2010-0011; FRL-9122-4] received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6641. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Nonattainment and Reclassification of the Atlanta, Georgia, 8-Hour Ozone Nonattainment Area; Correction [EPA-R04-OAR-2007-0958-201005(C); FRL-9122-1] received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6642. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Michigan: Final Authorization of State Hazardous Waste Managememt Program Revision [Docket No. EPA-R05-RCRA-2009-0762; FRL-9129-2] received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6643. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Paints and Allied Products Manufactuing —— Technical Amendment [EPA-HQ-OAR-2008-0053; FRL-9122-9] received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6644. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List, Final Rule — Gowanus Canal [EPA-HQ-SFUND-2009-0063; FRL-9120-8] received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6645. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List, Final Rule No. 49 [EPA-HQ-SFUND-2009-0579, EPA-HQ-SFUND-2009-0581, EPA-HQ-SFUND-2009-0582, EPA-HQ-SFUND-2009-0583, EPA-HQ-SFUND-2009-0586, EPA-HQ-SFUND-2009-0587, EPA-HQ-SFUND-2009-0590, EPA-HQ-SFUND-2009-0591, EPA-HQ-SFUND-2005-0005; FRL-9120-7] (RIN: 2050-AD75) received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6646. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Source-Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation [EPA-R09-OAR-2006-0185; FRL-9122-3] (RIN: 2009-AA00) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6647. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Technical Amendment to the Outer Continental Shelf Air Regulations Consistency Update; Correction [EPA-R10-OAR-2009-0799; FRL-9123-1] received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6648. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the March 2010 International Narcotics Control Strategy Report, pursuant to 22 U.S.C. 2291(b)(2); to the Committee on Foreign Affairs.

6649. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting various reports in accordance with Sections 36(a) and 26(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6650. A letter from the Public Printer, Government Printing Office, transmitting the Office's annual report for fiscal year 2009; to the Committee on House Administration.

6651. A letter from the Ombudsman for the Energy Employees, Occupational Illness Compensation Program, Department of Labor, transmitting the Department's 2009 Annual Report of the Ombudsman for the Energy Employees Occupational Illness Compensation Program, pursuant to 42 U.S.C. 7385s-15(e); to the Committee on the Judiciary.

6652. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category; Correction [EPA-HQ-OW-2008-0465; FRL-9118-7] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6653. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal entitled, ''Federal Civilian Employees in Zones of Armed Conflict Benefits Act of 2010''; jointly to the Committees on Oversight and Government Reform, Armed Services, and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCGOVERN: Committee on Rules. House Resolution 1190. Resolution providing for consideration of motions to suspend the rules (Rept. 111–441). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 4715. A bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes (Rept. 111–442). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPRATT: Committee on the Budget. H.R. 4872. A bill to provide for reconciliation pursuant to section 202 of the concurrent resolution on the budget for fiscal year 2010 (Rept. 111–443). Referred to the Committee of the Whole House on the State of the Union.

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. LYNCH (for himself and Mr. CHAFFETZ):

H.R. 4865. A bill to amend title 5, United States Code, to provide that an employee of the Federal Government or member of the uniformed services may contribute to the Thrift Savings Fund any payment that the employee or member receives for accumulated and accrued annual or vacation leave, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. COFFMAN of Colorado:

H.R. 4866. A bill to reestablish a competitive domestic rare earths minerals production industry; a domestic rare earth processing, refining, purification, and metals production industry; a domestic rare earth metals alloying industry; and a domestic rare earth based magnet production industry and supply chain in the United States; to the Committee on Armed Services, and in addition to the Committees on Ways and Means, and Financial 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. JONES (for himself, Mr. WHITFIELD, and Mr. CONNOLLY of Virginia):

H.R. 4867. A bill to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge; to the Committee on Natural Resources.

By Mr. FRANK of Massachusetts (for himself, Ms. WATERS, Mr. GUTIERREZ, Ms. VELÁZQUEZ, Mr. CAPUANO, Mr. HINOJOSA, Mr. AL GREEN of Texas, Mr. BACA, Mr. LYNCH, Ms. KILROY, Mr. HIMES, Ms. CLARKE, and Mr. DELAHUNT):

H.R. 4868. A bill to prevent the loss of affordable housing dwelling units in the United States; to the Committee on Financial Services, and in addition to the Committees on the Budget, 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. TOWNS (for himself, Mr. ISSA, Mr. VISCLOSKY, and Ms. CLARKE):

H.R. 4869. A bill to provide for restroom gender parity in Federal buildings; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POLIS (for himself, Mr. ANDREWS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CARNAHAN, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLEAVER, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. ELLISON, Mr. FILNER, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. HIRONO, Ms. JACKSON LEE of Texas, Ms. KILPATRICK of Michigan, Ms. LEE of California, Mr. MEEKS of New York, Mr. MORAN of Virginia, Ms. NORTON, Mr. PAYNE, Ms. RICHARDSON, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SIRES, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WASSERMAN SCHULTZ, Ms. WATSON, and Mr. KUCINICH):

H.R. 4870. A bill to provide plant-based commodities under the school lunch program under the Richard B. Russell National School Lunch Act and the school breakfast program under the Child Nutrition Act of 1966, and for other purposes; to the Committee on Education and Labor.

By Mr. KRATOVIL (for himself, Mr. CHILDERS, Mr. MOORE of Kansas, Ms. MARKEY of Colorado, Mr. SCHRADER, Mr. BACA, Mr. COSTA, Mr. THOMPSON of California, Mr. HOLDEN, Mr. SHULER, Mr. MATHESON, Mr. HILL, Mr. WILSON of Ohio, Mr. COOPER, Mr. MARSHALL, Mr. BOSWELL, Ms. HERSETH SANDLIN, Mr. DONNELLY of Indiana, Mr. TANNER, Mrs. DAHLKEMPER, Mr. BOYD, Mr. MINNICK, Mr. MELANCON, Mr. BRIGHT, Mr. CARDOZA, Mr. DAVIS of Tennessee, Mr. TAYLOR, Mr. BARROW, Mr. BOREN, Mr. MCINTYRE, Mr. CARNEY, Ms. GIFFORDS, Ms. LORETTA SANCHEZ of California, Mr. MITCHELL, Mr. SCOTT of Georgia, Mr. MURPHY of New York, Mr. BISHOP of Georgia, Mr. CUELLAR, Mr. ROSS, Mr. ARCURI, Mr. BERRY, Mr. ELLSWORTH, Mr. SPACE, and Mr. NYE):

H.R. 4871. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to establish nonsecurity discretionary spending caps; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHANDLER (for himself, Mr. GUTHRIE, Mr. WHITFIELD, Mr. ROGERS of Kentucky, Mr. DAVIS of Kentucky, and Mr. YARMUTH):

H.R. 4873. A bill to exempt the natural aging process in the determination of the production period for distilled spirits under section 263A of the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. ELLISON:

H.R. 4874. A bill to amend title 23, United States Code, to authorize the Secretary of Transportation to waive, if in the public interest, certain requirements relating to the letting of contracts, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. KANJORSKI (for himself and Mr. CARNEY):

H.R. 4875. A bill to provide for the construction, renovation, and improvement of medical school facilities, and other purposes; to the Committee on Energy and Commerce.

By Mr. GRIFFITH (for himself, Mr. BOEHNER, Mr. CANTOR, Mr. TIAHRT, Mr. BURTON of Indiana, Ms. JENKINS, Mr. INGLIS, Mr. ROE of Tennessee, Mr. LANCE, Mr. BACHUS, Mr. OLSON, Mr. ADERHOLT, Mr. UPTON, Mr. CHAFFETZ, Mr. ROGERS of Michigan, Mr. HELLER, Mrs. CAPITO, Mr. GRAVES, Mr. DUNCAN, Mr. FORTENBERRY, Mrs. MILLER of Michigan, Mr. SHUSTER, Mr. ISSA, Mr. ROSKAM, Mr. CONAWAY, Mr. ROONEY, Mr. BROUN of Georgia, Mr. FLAKE, Mr. REHBERG, Mr. PAUL, Mr. BLUNT, Mrs. SCHMIDT, Mr. BRADY of Texas, Mr. POE of Texas, Mr. WILSON of South Carolina, Mr. JORDAN of Ohio, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. GINGREY of Georgia, Mr. SHIMKUS, Mr. FRANKS of Arizona, Mr. PENCE, Mr. MANZULLO, Mr. GOHMERT, Mr. SHADEGG, Mr. HENSARLING, Mr. NEUGEBAUER, Mr. BILIRAKIS, Mrs. MCMORRIS RODGERS, Mr. HASTINGS of Washington, Mr. CASSIDY, Mr. LOBIONDO, Mr. GOODLATTE, Mr. SCHOCK, Mr. MCCAUL, Mr. ROHRABACHER, Mr. BOOZMAN, Mr. ROGERS of Kentucky, Mr. BUYER, Mr. COLE, Mr. LUETKEMEYER, Mr. MORAN of Kansas, Mr. CULBERSON, Mr. GALLEGLY, Mr. STEARNS, Mr. HALL of Texas, Mr. BARRETT of South Carolina, Mr. KLINE of Minnesota, Mr. SIMPSON, Mr. BONNER, Mr. LEE of New York, Ms. GRANGER, Mr. PLATTS, Mr. WALDEN, Mr. MCCOTTER, Mr. SMITH of Texas, Mr. SENSENBRENNER, Mr. SMITH of Nebraska, Mr. COBLE, Mr. HARPER, Mr. ALEXANDER, Mr. JOHNSON of Illinois, Mr. LATOURETTE, Mr. BUCHANAN, Ms. FALLIN, Mr. YOUNG of Alaska, Mr. BURGESS, Mr. TURNER, Mr. DENT, Mr. PITTS, Mr. WITTMAN, Mr. AKIN, Mr. LEWIS of California, Mr. SOUDER, Mr. TERRY, Mr. SAM JOHNSON of Texas, Mr. SESSIONS, Mr. WESTMORELAND, Mr. AUSTRIA, Mr. SULLIVAN, Mr. SCALISE, Mr. MARCHANT, Mr. PRICE of Georgia, Mr. LINDER, Mr. FORBES, Mr. MCHENRY, Mr. ROGERS of Alabama, Mr. TAYLOR, Mr. FRELINGHUYSEN, Mr. BOUSTANY, Mr. CARTER, Mr. DAVIS of Kentucky, Mrs. BLACKBURN, Mr. COFFMAN of Colorado, Ms. GINNY BROWN-WAITE of Florida, Ms. FOXX, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. FLEMING):

H. Res. 1188. A resolution ensuring an up or down vote on certain health care legislation; to the Committee on Rules.

By Mr. YOUNG of Alaska:

H. Res. 1189. A resolution commending Lance Mackey on winning a record 4th straight Iditarod Trail Sled Dog Race; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. CUMMINGS and Mr. LEWIS of Georgia.

H.R. 158: Mr. HINCHEY and Mr. MCDERMOTT.

H.R. 442: Mr. BOUCHER, Mr. TIAHRT, and Mr. LEWIS of California.

H.R. 816: Mr. SHULER.

H.R. 868: Mr. ENGEL and Mr. ETHERIDGE.

H.R. 953: Mr. MICHAUD.

H.R. 1034: Mr. BISHOP of Utah and Mrs. MCMORRIS RODGERS.

H.R. 1074: Mr. WITTMAN.

H.R. 1077: Mr. BISHOP of Utah.

H.R. 1169: Mr. SESTAK.
H.R. 1210: Mr. GARRETT of New Jersey.
H.R. 1283: Mr. CAO.
H.R. 1339: Mrs. DAVIS of California.
H.R. 1616: Mr. DOGGETT and Mr. SESTAK.
H.R. 1796: Ms. SUTTON.
H.R. 1835: Mr. PASCRELL and Mr. TAYLOR.
H.R. 2156: Mr. ALEXANDER.
H.R. 2296: Mr. FLAKE and Mr. LEWIS of California.
H.R. 2358: Ms. SCHWARTZ.
H.R. 2483: Mr. ANDREWS.
H.R. 2579: Mr. KAGEN.
H.R. 2739: Mr. SCOTT of Georgia.
H.R. 3393: Mrs. DAHLKEMPER and Mr. SPACE.
H.R. 3564: Mr. CLEAVER.
H.R. 3655: Mr. BARROW.
H.R. 3696: Mr. SOUDER.
H.R. 3790: Mr. LEWIS of California, Ms. TITUS, and Mr. LANCE.
H.R. 3943: Ms. ZOE LOFGREN of California.
H.R. 4090: Mr. SCHAUER.
H.R. 4150: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. PAUL, Ms. WATERS, Mr. AL GREEN of Texas, Ms. JACKSON LEE of Texas, Mr. GENE GREEN of Texas, Mr. REYES, Mr. CUELLAR, Mr. POE of Texas, Mr. GOHMERT, and Mr. SESSIONS.
H.R. 4196: Mr. MCNERNEY.
H.R. 4278: Ms. WOOLSEY and Mr. LARSON of Connecticut.
H.R. 4353: Mr. ANDREWS.
H.R. 4354: Ms. ROYBAL-ALLARD.
H.R. 4415: Mr. CARTER.
H.R. 4440: Mr. KAGEN.
H.R. 4486: Mr. OLVER.
H.R. 4494: Mr. RUSH.
H.R. 4598: Mr. QUIGLEY.
H.R. 4603: Mr. CHAFFETZ and Mr. EHLERS.
H.R. 4610: Mr. HOLT.
H.R. 4647: Ms. LINDA T. SÁNCHEZ of California.
H.R. 4653: Mr. PENCE.
H.R. 4684: Mr. KENNEDY and Mr. PASCRELL.
H.R. 4692: Mr. ARCURI.
H.R. 4720: Mr. HODES.
H.R. 4731: Mr. BURTON of Indiana.
H.R. 4732: Mr. MEEKS of New York.
H.R. 4733: Mr. GEORGE MILLER of California.
H.R. 4745: Ms. JACKSON LEE of Texas, Ms. NORTON, Mr. BRADY of Pennsylvania, and Mr. KRATOVIL.
H.R. 4770: Mrs. LOWEY.
H.R. 4789: Ms. CASTOR of Florida, Mr. DELAHUNT, and Mr. WELCH.
H.R. 4794: Mr. ROGERS of Michigan and Mrs. SCHMIDT.
H.R. 4805: Ms. SUTTON.
H.R. 4812: Mr. ANDREWS, Ms. WATSON, Mr. CLYBURN, Mrs. CHRISTENSEN, Mr. CLEAVER, Ms. WOOLSEY, Ms. MOORE of Wisconsin, Mr. RUSH, Mr. KUCINICH, Mr. BISHOP of New York, Ms. SCHAKOWSKY, and Mr. CUMMINGS.
H.R. 4825: Mr. CARNAHAN.
H.R. 4846: Mr. POLIS
H.J. Res. 80: Mr. LANGEVIN, Mr. MICHAUD, Ms. DELAURO, and Mr. BOOZMAN.
H. Con. Res. 252: Mr. KINGSTON, Mr. ROYCE, and Mr. SHULER.
H. Con. Res. 253: Ms. SHEA-PORTER.
H. Res. 173: Mr. ANDREWS.
H. Res. 193: Mr. PRICE of Georgia.
H. Res. 407: Mr. MURPHY of New York.
H. Res. 764: Mr. POE of Texas and Mr. BILIRAKIS.
H. Res. 869: Mr. BILIRAKIS and Mrs. BIGGERT.
H. Res. 1053: Mr. SPACE, Mr. INSLEE, Ms. CASTOR of Florida, Ms. SUTTON, Ms. SCHWARTZ, Mr. SARBANES, Ms. MATSUI, Mr. TIM MURPHY of Pennsylvania, Mr. MURPHY of Connecticut, Ms. ESHOO, Mrs. BONO MACK, and Ms. HARMAN.
H. Res. 1075: Mr. BERRY.
H. Res. 1139: Mr. PENCE, Mr. BARTLETT, Ms. FALLIN, Mrs. BACHMANN, Mr. FRANKS of Arizona, Mr. SHADEGG, Mr. SHIMKUS, Mr. GINGREY of Georgia, Mr. MANZULLO, and Mr. LATTA.
H. Res. 1155: Mr. MCCAUL, Ms. WATSON, and Mr. HIGGINS.
H. Res. 1157: Mr. SESTAK and Ms. WOOLSEY.
H. Res. 1171: Mr. KILDEE, Mr. MARKEY of Massachusetts, Mr. ISRAEL, Mr. HARE, Mr. BISHOP of New York, Mr. CAPUANO, Mr. CROWLEY, Mr. MCDERMOTT, Mr. OWENS, Mr. KING of New York, Mr. POLIS, Mr. NADLER of New York, Mr. MORAN of Virginia, Mr. MURPHY of New York, and Mr. KAGEN.
H. Res. 1174: Mrs. MCMORRIS RODGERS and Ms. TSONGAS.
H. Res. 1176: Mr. FLAKE.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, WEDNESDAY, MARCH 17, 2010 No. 39

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, our loving Heavenly Father, the center of our joy, thank You for Your gracious care for each of us. Help our lawmakers live today with a sense of accountability to You, striving to please You more than others. Awaken them to the fact that You see all they do and hear all they say. May they walk from weakness to strength, growing in ethical fitness day by day in order to fulfill Your purposes for their lives. Lord, give them a special measure of inner peace so that they may be peacemakers during times of tension and conflict.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 17, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the House message to H.R. 2847, the HIRE Act. There will be 10 minutes for debate, equally divided and controlled between Senators GREGG and SCHUMER or their designees. We expect Senator GREGG to make a budget point of order with respect to the bill.

At approximately 9:45, the Senate will proceed to a series of two rollcall votes: the motion to waive the Gregg budget point of order and the motion to concur in the House amendments to the Senate amendment to the House amendment to the Senate amendment to H.R. 2847.

Upon disposition of the HIRE Act, the Senate will resume consideration of FAA reauthorization. The Senate will recess from 12:30 until 2 p.m. for a special Democratic caucus.

When the Senate reconvenes at 2 p.m., there will be a live quorum. Senators are requested to come to the floor at that time. When a quorum is present, the Senate will receive the House managers for the purpose of presenting and exhibiting articles of impeachment against G. Thomas Porteous, judge of the U.S. Eastern District of Louisiana. Once the House managers are received, Senators will be sworn. Then Senators will be required to sign the Secretary's oath book.

In addition, rollcall votes in relation to FAA are expected throughout the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 2847, which the clerk will report.

The assistant legislative clerk read as follows:

House message to accompany H.R. 2847, an act making appropriations for the Departments of Commerce, and Justice and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, with amendments.

Pending:

Durbin motion to concur in the amendments of the House to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill.

Durbin amendment No. 3498 (to the motion to concur in the amendments of the House to the amendment of the Senate to the amendment of the House to the amendment of the Senate), of a perfecting nature.

Durbin amendment No. 3499 (to amendment No. 3498), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, all postcloture time is considered expired and the motion to concur with an amendment is withdrawn.

There will be 10 minutes of debate, equally divided between the Senator from New Hampshire, Mr. GREGG, and the Senator from New York, Mr. SCHUMER, or their designees.

Who yields time?

The Senator from New York.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Mr. SCHUMER. Mr. President, I rise in support of the legislation before us and the motion to waive the point of order.

This is a good day for American workers, for Congress is focusing on what they have asked us to focus on. Congress is focusing on what the American people want us to focus on, which is jobs, jobs, jobs, and Congress will act in a bipartisan way. So this is a break, in several ways, from the past. One, we are focusing on jobs and the economy. That is what we should be doing. Second, we are doing it in a bipartisan way.

The bill before us focuses on private sector jobs. It has four pieces. Each is lean. Each is directed at private sector jobs. Each will give the economy a certain lift. Last quarter, we had growth of 5.9 percent. That sounds great, but that 5.9 percent growth resulted in no new jobs being created. In fact, it resulted in a continued loss of jobs, admittedly less of a loss than in the past.

Our job is to take that growth and translate it into jobs for the American people, plain and simple, and that is what we are doing with this HIRE Act. At the center of it is a bipartisan piece of legislation: a payroll tax holiday for 1 year for any new worker hired who has been unemployed for 60 days, authored by the Senator from Utah, Mr. HATCH, and myself. It is the bipartisan glue which hopefully will stick with us as we move forward on our jobs agenda because this is just the first—certainly not the last—piece of legislation we will put forward in relation to jobs. If we don't create jobs, the economy will not move forward. If we don't create jobs, the American people, American business, and American labor could lose the optimism that has been part of this country since its founding. When you lose that optimism, you lose dollars and cents economically because businesses don't spend, workers don't prepare for the future, people get disconsolate.

So this legislation is admittedly modest and focused and will go far beyond what the specific legislation does because it will show the American people, it will show American business, large and small, it will show American workers Congress is focused on what they want us to focus on and that we will continue to work on our jobs agenda until jobs start growing, until people are being paid decent wages, until the economy roars back on a long and stable trajectory, which can only be done if employment goes up and underemployment goes down.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this isn't so much a jobs bill as it is a debt bill. It has debt, debt, and debt.

I voted against the budget which passed the House of Representatives. I voted against it because it had $1 trillion worth of deficit every year for as far as the eye can see. It basically put our country on a path of unsustainability, where the national debt will double in 5 years and triple in 10 years; where every one of these young men and women sitting before us who are pages, by the time they graduate from college, will have $133,000 in Federal debt on their heads they will have to pay off as they go to work. I voted against it because it was profligate, because it wasn't disciplined, and because it was excessive.

However, it appears it wasn't excessive enough for my colleagues on the other side of the aisle. This will be the third week in a row the leadership of the Democratic Party in this body has brought a bill to this floor that violates their own budget and spends more than their own budget called for. A budget which this year will run $1.6 trillion of deficit isn't running a big enough deficit, according to the other side of the aisle. They have to run up the deficit with this bill by another $3 billion of authorized money, above their own budget. That is on top of last week, when they spent $30 billion this year and $100 billion over 5 years in excess of their own budget.

When is it going to stop? When is it going to stop? When are we going to stop spending money around here as if there is no tomorrow? Because pretty soon there will be no tomorrow for our children as we add this debt to their backs and make it impossible for them to have the standard of living we have had.

Yesterday, Moody's said that although today the AAA rating of this country is not at risk, it may be down the road if we continue to spend money we don't have at the rate we are spending it. That is not a sign of optimism for the future; that is a sign our Nation is in trouble, and it is in trouble because of us.

There is a lot of talk around here about what is the systemic risk to this economy. The systemic risk is this Congress, which continues to spend money it doesn't have, send the bill on to our kids at a rate they can't afford to pay off. As a result, their lifestyle will actually have to be reduced, their quality of life, their standard of living will go down because they will be paying for all this debt we are putting on their backs today.

What is even worse is this Congress isn't even willing to live by the PROFLIGATE—and I hope capital letters will be put in the RECORD on that because it should be all spelled out in capital letters—by the PROFLIGATE budget which passed the House, which projected trillions of dollars of deficits for as far as the eye could see and doubled the debt in 5 years and tripled it in 10 years. That wasn't enough. No. We have to come to the floor again this week, after last week, after the week before, with another bill that breaks their own budget.

So all I am asking for is that the other side of the aisle be willing to at least live by its own budget. Last week I asked that they be willing to live by their own pay-go rules. That didn't pass, and $100 billion was spent that wasn't paid for. So this week I am making a point of order that simply says: Live by your own budget. You passed a budget; at least live by that. Can't you live within a $1.6 trillion deficit? Do you have to add another $3 trillion of authorized dollars to this deficit this year? Gosh, I hope not. So I am making a point of order and asking that we live by the budget that was passed by the Democratic Congress.

The pending amendment would cause the aggregate levels of the budget authority and the outlays for the fiscal year 2010, as set out in the most recently agreed to concurrent resolution on the budget, S. Con. Res. 13, to be exceeded—the Democratic budget, by the way. Therefore, I raise a point of order under section 311(a)2 of the Congressional Budget Act of 1974.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from New York.

Mr. SCHUMER. Mr. President, I will support the motion to waive the point of order. I believe I have 1 minute left.

The world is topsy-turvy. My Republican colleagues are opposing a tax cut to businesses, large and small, that hire people. This is exactly what we should do. We don't want to be saying to workers we can't help them find a job. There are shades of Herbert Hoover in what my colleague is saying, and I don't think many of my colleagues on either side of the aisle would support that.

Let me say this about the budget point of order. The Joint Tax Committee, which we all respect, says these provisions are budget neutral.

We have found a way to hire workers, help businesses with tax cuts to hire them, and keep it budget neutral. Yet there is still opposition. When will it end? When will the bipartisan kind of feeling in this body return? This is a bipartisan measure that lives by many of the tenets the party on the other side has stood for, for decades.

Mr. President, is there any time remaining?

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. SCHUMER. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, the waiver provisions of applicable budget resolutions, and section (4)(g)(3) of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of the pending amendment, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Parliamentary inquiry. I have made a motion that says the

budget point of order stands under section 311, which point of order specifically lies because of the fact that the bill before us spends more in authority and outlay than the Budget Act passed by this Congress allows. Is that not correct? Is that motion not well taken?

The ACTING PRESIDENT pro tempore. The Chair understands that the point of order would be well taken.

Mr. GREGG. Which means that, Mr. President, more money is being spent than is allowed to be spent under our budget rules; is that not correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. GREGG. I thank the Chair.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion. The yeas and nays have been ordered.

Mr. SCHUMER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Republican leader is recognized.

HEALTH CARE

Mr. MCCONNELL. Mr. President, I have been in the Senate for quite a while. I have seen a lot, but I have never seen anything like the plan House Democrats hatched this week to jam their health care bill through Congress and over the objections of the American people.

Americans woke up yesterday thinking they had seen everything in this debate already. Then they heard the latest. They heard that Democrats want to approve the Senate version of the health care bill without actually standing up and taking a vote on it. Let me say that again. They heard that Democrats over in the House want to approve the Senate bill without actually voting on it. These Democrats want to approve a bill that rewrites one-sixth of the economy, forces taxpayers to pay for abortions, raises taxes in the middle of a recession, and slashes Medicare for seniors, without leaving their fingerprints on it. In other words, they want to get around the very purpose of a rollcall vote. They want to hide what they are doing from the American people whom they seem to view as an obstacle. They want to hide what they are doing from the American people whom they see as an obstacle to what they are trying to do.

Well, it won't work. They realized that yesterday when they saw the public reaction to their plan. Americans are more outraged than ever. Americans are shocked at these tactics. They are fed up, and they have had enough. The longer Democratic leaders ignore this outrage and ignore these questions, the worse it is going to get.

Democrats have lost their perspective in this debate. They have lost their way. They do not even seem to care what the public thinks. Speaker PELOSI said yesterday that they will do ''whatever it takes'' to ensure this bill becomes law. While she is at it, she is throwing other legislation into the bill that does not have anything to do with health care—major legislation that would enable the government to take over the student loan industry without any debate whatsoever. That has been their strategy all along. Anytime one of their proposals meets resistance, they look for a way to get around it. But the schemes they have used end up making their proposals even more repellant than they originally were. And this latest scheme is the most outrageous one yet.

What has happened is they are trapped in a vicious cycle that someone over there needs to bring to a halt. This is now a fight between Democrats and their own constituents, and the only way to stop this madness is for a few courageous Democrats to step forward and put a stop to it.

Historians will remember this as a new low in this debate: the week America was introduced to the scheme-and-deem approach to legislating—the scheme-and-deem approach to legislating. They will remember this as the week Congress tried to pull the wool over the eyes of the public in order to get around their will. And they will remember the men and women who stand up and put an end to it.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT) and the Senator from Idaho (Mr. CRAPO).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 63, nays 34, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—63

Akaka	Feinstein	Mikulski
Baucus	Franken	Murray
Bayh	Gillibrand	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inhofe	Reid
Bond	Inouye	Rockefeller
Boxer	Johnson	Sanders
Brown (MA)	Kaufman	Schumer
Brown (OH)	Kerry	Shaheen
Burris	Klobuchar	Snowe
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Conrad	Lieberman	Voinovich
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden

NAYS—34

Alexander	Enzi	McConnell
Barrasso	Graham	Murkowski
Brownback	Grassley	Nelson (NE)
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Isakson	Shelby
Cochran	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	LeMieux	Wicker
DeMint	Lugar	
Ensign	McCain	

NOT VOTING—3

Bennett	Byrd	Crapo

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 63, the nays are 34. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, the Senate has an opportunity today to take another step toward restoring job growth and opportunity for American workers. Others have discussed the importance of this bill's provisions to help put Americans back to work, and I agree: This bill marks important progress in lowering unacceptable levels of unemployment.

But sending the Hiring Incentives to Restore Employment Act to the President's desk would also mark a significant victory for law-abiding U.S. taxpayers. Right now, thousands of U.S. tax dodgers conceal billions of dollars in assets within secrecy-shrouded foreign banks, dodging taxes and penalizing those of us who pay the taxes we owe. The Permanent Subcommittee on Investigations, which I chair, has estimated that these tax-dodging schemes cost the Federal Treasury $100 billion a year.

But under this legislation, for the first time, foreign banks will be required to disclose their U.S. account holders to the U.S. Government or face significant penalties. This provision will make it far more difficult for tax dodgers to conceal assets and income in foreign banks. As more banks set up systems to disclose U.S. account holders, bank secrecy will become increasingly difficult to maintain. With increased transparency will come less tax evasion, less money laundering, and less crime.

Certainly this legislation will not end tax avoidance or money laundering. Its provisions do not take effect for several years, and its impact will depend in large part on the willingness of regulators at the Treasury Department and elsewhere to write strict regulations and enforce them vigorously. It also will not affect banks willing to continue to conceal their U.S. account holders despite the penalties that carries a significant loophole for tax dodgers and the foreign banks that assist them. So this legislation is not a silver bullet. In fact, I believe our tax enforcement regime could be strengthened by provisions of the Stop Tax

Haven Abuse Act, S. 506, which I introduced with Senators MCCASKILL, NELSON, WHITEHOUSE, SHAHEEN, and SANDERS. For example, Treasury should have authority to prohibit U.S. banks from participating in wire transfers with or honoring credit cards from overseas banks that impede U.S. tax enforcement.

I will continue to press for enactment of S. 506 and to build the growing momentum against overseas tax abuses. Make no mistake, today marks an important milestone. For the first time in years, we are poised to approve legislation with a real chance to pull back the curtain of bank secrecy, expose offshore accounts, and ensure that those who owe taxes pay them. Amid the growing concern over our budget deficit and American families' concerns about making ends meet, we can no longer afford to allow tax dodgers to hide behind this curtain, avoiding their obligations and leaving their rightful tax burden for honest taxpayers to carry. I urge my colleagues to approve the HIRE Act, in the interest of America's workers and America's honest taxpayers.

Mr. HATCH. Mr. President, I wish to discuss the jobs legislation, known as the HIRE Act, on which the Senate will be voting tomorrow morning, and to express my deep concerns with the direction this bill has taken over the past few weeks.

Ever since the collapse of the financial markets in late 2008, helping our economy should have been a priority for this deliberative body. However, it has taken more than a year for us to seriously address legislation that would promote permanent job growth.

Several of my Finance Committee colleagues on both sides of the aisle put a lot of time and effort into the creation of a compromise jobs bill that Chairman BAUCUS and Senator GRASSLEY were trying to move forward. I had high hopes that we might help thaw the partisan freeze that has had this Chamber gridlocked for so long. But then, just as it looked like we might see some light at the end of this bitter tunnel, the rug was pulled out from underneath us by the majority leader's inexplicable decision to hijack our work and alter it with a piece of legislation that he knew would replace cooperation with acrimony.

But if that weren't enough, the majority leader added another slap in the face of the minority; he once again filled the amendment tree, thus shutting off the minority's ability to attempt to improve the bill. To those unfamiliar with the Senate process, when the majority leader fills the amendment tree, he prevents anyone else from being able to offer any amendments to the underlying legislation. Thus, he prevents compromise.

I have served in this body for a long time, and I cannot remember an incident that exhibited as much raw political gamesmanship as this one did. The fact that the majority leader chose to choke off the first genuine attempt at cooperation on a major issue of such importance does not bode well for the remainder of this Congress. How are those of us in the minority supposed to have faith that we will not be excluded from future debates? It is easy to label Republicans as the party of no when they are completely excluded from the legislative process. When this happens, ''no'' is the only option that remains.

But what puzzles me the most is what, even if they succeed, will the majority gain from this maneuver? The Senate operates on a level of trust that agreements will be honored, but now even that has come into question.

Less than 2 months ago, I sat in the House Chamber while the President gave his State of the Union Address where he raised the importance of bipartisan cooperation, especially in the area of job creation. The fact that the President hit a nerve with this plea is evident by the effort to build such a bipartisan bill in the Finance Committee in the weeks following. However, it is obvious that many on the other side cannot stand the thought of working with our side when there might be political points to be gained by trying to embarrass us.

Here are a few of the things the President said about the need for bipartisanship in the State of the Union Address:

''And what the American people hope—what they deserve—is for all of us, Democrats and Republicans, to work through our differences;''

''[Americans] are tired of the partisanship and the shouting and the pettiness.''

''These aren't Republican values or Democratic values that they're living by; business values or labor values. They're American values.''

In the same breath, President Obama went on to address the need to promote job growth by saying:

''Now, the true engine of job creation in this country will always be America's businesses.''

''We should start where most new jobs do—in small businesses, companies that begin when an entrepreneur takes a chance on a dream, or a worker decides it's time she became her own boss.''

And finally:

''[We should] Provide a tax incentive for all large businesses and all small businesses to invest in new plants and equipment.''

I certainly believed—as did most Republicans—that the President was being sincere. But soon after President Obama addressed the Nation, Senate Democratic and Republican members of the Finance Committee went to work on a bipartisan solution to creating a jobs growth bill. I worked with Senator SCHUMER to come up with a payroll tax holiday for those companies that hired unemployed workers. Under this incentive, the sooner a company hired someone, the greater the tax incentives the company would receive. This initiative is a perfect example of the kind of bipartisan President Obama was talking about during the State of the Union.

Senators BAUCUS and GRASSLEY joined in this effort by including several other provisions aimed at job growth and remedies to address the symptoms of a failing economy. This was a compromise that included an extension of unemployment insurance, Build America Bonds, and the extension of the expired tax provisions.

Let me be clear, there is no doubt in my mind and in the mind of many of my colleagues that passing a jobs bill is crucial. We have seen our unemployment rate remain stagnant at around 10 percent since last September. The American people sent us here to do a job, and it is way past time we did it.

This is why it was so shocking, then, that on Thursday, February 11, the Senate majority leader suddenly announced that he was scrapping the compromised proposal only hours after it was unveiled, proceeding instead with a scaled-down bill. In minutes, the majority leader pulled the rug out from not only Republicans but also those Democrats who had been working for weeks on a bipartisan solution. Regrettably, because of the majority leader's decision, it looks as though President Obama's hope for a bipartisan solution to job creation only lasted 2 weeks. What a shame.

To illustrate the abruptness and surprise in Senator REID's unexpected action, just look at the headlines the following day:

''Key Dem: Reid scrapped jobs bill because he did not trust Republicans'' the Hill.

''Reid kills Baucus-Grassley jobs bill''—the Politico.

''Senate leader slashes jobs bill; Despite new support''—LA Times.

But it does not end there. The majority leader sent a pretty strong message when he said that he—and I quote—dared Republicans to vote against his bill.

His Democratic colleagues were quick to stand behind this reversal. Some Democratic Senators went so far as to say Republicans are not interested in a bipartisan deal because we were more inclined to play rope-a-dope again. They went on to characterize the tax extenders as only going to people who are making money. They even went so far as to say that what the Democratic caucus is taking to the floor is something that is more focused on job creation than on tax breaks.

Now I know the Senate recently passed the expiring tax extenders package as a part of a broader bill. But what continues to astound me is how quickly so many Democratic Senators were to abandon these tax extenders. In fact, most of them support—and even voted to extend—these tax provisions. The Democratic leadership even erroneously labeled the tax extenders as a solely Republican-supported initiative. And many Democrats, including the majority leader, are cosponsors

of legislation that would extend many of the expiring tax provisions. Look at the bills to extend the research tax credit or the alternative fuels vehicle credit or even the new markets tax credit. These are by no means solely Republican initiatives. The exclusion of these tax extenders caused one Democrat to criticize the majority leader's action by saying ''this bill was carefully crafted to achieve significant bipartisan support and contains several important measures to spur business growth and encourage new hires.'' So to label support for extending these expiring tax provisions as part of a solely Republican agenda is misleading, unfair, and unwarranted. These statements were made only to support a desperate, hasty, and ill-considered decision. The icing on the cake was when the Senate ended up passing these very tax extenders last week by a vote of 70 to 28. In fact, only one Democrat Senator voted against these tax extenders.

Some have questioned how extending these expired tax provisions relate to job creation. It is a fair question but one with easy answers.

The extension of these expired tax provisions only supports proven growth of companies that are slowly beginning to see the light at the end of the tunnel. Government funding would only provide a false sense of job growth because once the government funding is gone so will the jobs.

If we need proof that government spending is not as effective as tax relief, we only have to look to what the Congressional Budget Office said last year about the effects of the year-old economic stimulus package.

> The legislation would increase employment by 0.8 million to 2.3 million by the fourth quarter of 2009, by 1.2 million to 3.6 million by the fourth quarter of 2010, by 0.6 million to 1.9 million by the fourth quarter of 2011, and by declining numbers in later years.

The reason why employment created from the stimulus bill would decline in later years is because government spending does not create permanent lasting jobs. The private sector, however, can create permanent, self-sustaining jobs. The tax incentives give the private sector a much needed boost. If we had included more tax incentives for businesses in last year's economic stimulus bill we would have created jobs that would have lasted well beyond the 2 or 3 years government spending would have created.

Originally projected to provide $787 billion in stimulus, the Congressional Budget Office, CBO, now puts the 10-year costs of the stimulus bill at $862 billion. This does not include interest owed, which would put the total cost at over $1 trillion.

Of the $862 billion stimulus package, only a third has been spent. Another third is expected to be spent in 2010, and the remaining third will be spent after 2010. What ever happened to spending money on projects deemed to be shovel ready?

The administration has claimed the stimulus bill is responsible for creating or saving 1 million jobs. If we take a closer look, we see this claim is very misleading. For example, it was reported that a construction company in Nevada reported creating 20 jobs on a project that has yet to receive money. A school district reported saving 665 jobs, even though it only employs about 600 people. A town in Oregon reported creating eight jobs on a contract for rattlesnake stewardship. In January of 2009, President Obama's economic advisers predicted in a report that with an $800 billion stimulus, the unemployment rate would never go above 8 percent. Without the stimulus, they said, the rate would be at 9 percent. The unemployment rate has been near 10 percent since last September.

The stimulus package was sold to the American people as an immediate fix. I think the exact words were that it would be a ''jolt'' to the economy. Some of the quotes by the administration were ''you'll see the effects immediately,'' from Larry Summers. ''We'll start adding jobs rather than losing them,'' from Christina Romer, the President's Chair of Economic Advisers. ''This will begin creating jobs immediately,'' from House majority leader STENY HOYER.

Back when he was pitching the stimulus bill, then-President-elect Obama said ''90 percent of these jobs will be created in the private sector—the remaining 10 percent are mainly public sector jobs.'' However, in an article dated February 17, the Wall Street Journal reported that government data indicate that most of the jobs supported by stimulus spending belonged to public employees at the State and local level.

In fact, only 2 percent of the entire stimulus bill was dedicated toward tax relief for businesses. The public sector does not create permanent jobs; the private sector does. We need to provide a foundation to allow the private sector to nourish and create better paying jobs.

That is why many supported including these tax extenders in the HIRE Act. For instance, it is estimated that approximately 70 percent or more of the research tax credit benefits are attributable to salaries of performing U.S.-based research. How can some Senators disregard the effectiveness of some of these tax extenders on job growth? And keep in mind that the research credit has traditionally received more Democratic support in this body than it has Republican support. In fact, there is a bill to extend the expiring research tax credit. Of the 18 cosponsors of this bill, 11 are Democrats. Furthermore, this bill was introduced by the Democratic chairman of the Senate Finance Committee.

The President set the tone at the beginning of the year by calling on Congress to put forth a bipartisan solution to creating jobs in this country. In response, both Democrats and Republicans brought innovative ideas to the table. Then, in a sudden change of events, many Republican ideas have been excluded from the jobs bill the majority leader has brought to the floor.

Again, the majority leader has maneuvered this legislation to prevent any amendments from being offered by our side. In fact, the majority leader continues to exclude Republicans from debate. Just look at this chart that shows how many times the majority leader has filled the amendment tree in relation to past majority leaders—25 times. If this is not an arrogance of power, then I do not know what is. I only hope the majority leader heeds to President Obama's plea for a bipartisan solution.

I think one Democrat, learning of the majority leader's action, said it best:

> Most Americans don't honestly believe that a single political party has all the good ideas. I hope the Majority Leader will reconsider.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to concur in the House amendments to the Senate amendment to the House amendment to the Senate amendment to H.R. 2847.

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT) and the Senator from Idaho (Mr. CRAPO).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 29, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—68

Akaka	Feingold	Mikulski
Alexander	Feinstein	Murkowski
Baucus	Franken	Murray
Bayh	Gillibrand	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inhofe	Reid
Bond	Inouye	Rockefeller
Boxer	Johnson	Sanders
Brown (MA)	Kaufman	Schumer
Brown (OH)	Kerry	Shaheen
Burr	Klobuchar	Snowe
Burris	Kohl	Specter
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	LeMieux	Udall (NM)
Cochran	Levin	Voinovich
Collins	Lieberman	Warner
Conrad	Lincoln	Webb
Dodd	McCaskill	Whitehouse
Dorgan	Menendez	Wyden
Durbin	Merkley	

NAYS—29

Barrasso	Cornyn	Gregg
Brownback	DeMint	Hatch
Bunning	Ensign	Hutchison
Chambliss	Enzi	Isakson
Coburn	Graham	Johanns
Corker	Grassley	Kyl

Lugar	Risch	Thune
McCain	Roberts	Vitter
McConnell	Sessions	Wicker
Nelson (NE)	Shelby	

NOT VOTING—3

Bennett	Byrd	Crapo

The motion was agreed to.

Mr. ROCKEFELLER. Mr. President, I move to reconsider the vote and to lay that motion upon the table.

The motion to lay upon the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

ORDER OF PROCEDURE

Mr. JOHANNS. I ask unanimous consent to speak as in morning business, and I would also like to lock in, if you will, that Senator LANDRIEU will follow me.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

USDA ANIMAL IDENTIFICATION SYSTEM

Mr. JOHANNS. I rise today to discuss the U.S. Department of Agriculture's Animal Identification System. Over the past several years, USDA has administered a system called the National Animal Identification System, NAIS.

The ultimate goal of the system was to keep track of animal movements so that we could trace back animals in the event of a disease outbreak. The first step under animal ID was to register farms where animals are housed, also known as premises, and that registration was to occur in a database.

After registering a premise, a producer could identify individual animals or groups of animals that moved to or from a premise, each given an individual ID number. This system worked for those who wanted to use it. But no one was forced to participate. In other words, it was a voluntary system.

If producers wanted to participate in the program so they could keep track of an animal's movements or because a trading partner might be more inclined to buy their product, or for any reason that worked well with their operation, then it was there for them. It was at their disposal.

But as long as NAIS was in existence, it was a voluntary program. Now, recently, on February 5, 2010, USDA announced it was doing away with that and developing a new framework for animal disease traceability in the United States.

It caught my attention as a former Secretary of Agriculture. The Obama administration completed a series of listening sessions held by USDA's Animal and Plant Health Inspection Service—we refer to them as APHIS—and those were done just last year.

Having held farm bill forums across the country as the Secretary of Agriculture, I applaud any effort to hear directly from farmers and ranchers. I applaud USDA for seeking input on NAIS. I was very appreciative that, at my request, one of those animal ID listening sessions was, in fact, held in my own home State of Nebraska.

But I must admit, after the listening sessions I was very surprised at the new framework that the USDA has developed. USDA says the new program is not a mandatory program except for animals that travel to a different State from where they were born.

Think about that. With that little caveat, that basically means the program is a mandatory program for a whole lot of livestock in the United States. You see, anybody who has any farm background or agricultural experience will tell you that the vast majority of animals in this country move to a different State in their lifetime.

It is just simply a fact. Additionally, the program is mandatory not only for premise registration but for the actual tracking of the animal. Here is the real kicker. State governments will be tasked with keeping track of the livestock under the new system.

It is almost like this administration realized how much opposition there was to a mandatory system—and, believe me, there is—and decided to hand the hot potato to the States. But in doing that, they said, thou shalt do it but keep the headache off our desks.

States are genuinely and rightfully concerned about this new program potentially being dumped on them. I am already hearing from officials and producers in my home State, and they are enormously concerned by this proposal. Some groups are even urging the Nebraska Department of Agriculture, which would be tasked with administering the program, to refuse to participate. And, believe me, this is not the last State that will weigh in on this very controversial proposal.

Later this week, there is a meeting of State departments of agriculture, State veterinarians, and other interested parties to further examine this issue. That is why I am on the Senate floor. I am going to be very anxious to hear their input and to hear the outcome of that meeting because there is great concern in farm country for this proposal. My hope is that conference participants can get some answers to some basic questions.

Consider this: Let's say a Nebraska farmer buys a Nebraska calf with no tracking number and puts it out in a Nebraska pasture. So that is in state. That is pretty clear. No need to comply.

Sometime later, after that calf has gained some weight, it is then taken to the auction barn, the sale barn. At this point, in the sale barn, there are multiple buyers from all over the country typically. There could be buyers from Nebraska and Kansas, Iowa, and other States. They are all in the arena to bid on their calves.

But apparently only buyers from Nebraska could make bids even though other buyers from other States might offer more money. Let's say by chance a Nebraska feedlot is the highest bidder and buys the calf, still in state, can feed that calf out—still no need to comply with the animal ID program. But now, some months later, the steer is ready to go to the packing plant, but the plant is on the other side of the river in another State, and they will pay more than a plant instate for that animal. Wait a second. Can the feedlot owner sell to the Iowa meat processor? Apparently not because the two owners prior to him chose to not participate in the program.

The bottom line: Many livestock auctions attract bidders from in state and States all over the country. So one can assume all animals sold through an auction barn will be required to have animal ID. For those who have been to these sales, can you imagine literally the auctioneer stopping the sale and saying: These animals are not registered; only Nebraska purchasers can buy the animals. If they were not ID'd, auctioneers would literally have to stop the bidding and announce where the potential seller resides for each animal without a tracking number. Then many of the buyers must sit on the sidelines, visit the bathroom, go to the vending machine, anything but bid on their calf. Can you imagine. It just doesn't make any sense. What will be the viability of the cattle operations in this country for that sale barn? What about the rancher who sells some of his cattle in state and some of it goes to facilities in other States? Will that person be required to tag some of the animals in the feedlot but not others? He or she is going to spend more time trying to figure out how to comply with the USDA program than he or she will spend ranching. Producers are basically going to be forced to fully participate in the program. I think the USDA knows it. If a potential buyer is from another State, there can be no deal unless the animal has the tracking number.

This looks like a backdoor mandate that is being packaged as something else. Worse yet, the package is being delivered and dropped on the doorstep of our States. Let's face facts. This so-called new animal ID plan is a mandatory system, when it was promoted as a voluntary one. In my judgment, to be blunt, this is a wolf in sheep's clothing, but America's farmers and ranchers are not going to be fooled. They know better than anyone that the vast majority of agricultural commerce occurs across State lines and even country to country. They deserve better.

Let me be clear. I did not come here to be critical of the fact that USDA is considering new approaches. In fact, I acknowledge that when I was the Secretary, I called a timeout to fully understand the complexities of the animal ID and to hear from producers. I openly said: I am considering making this a mandatory program. I thought a mandatory approach might be necessary, and we listened and studied it very closely.

Then we went to the countryside. We listened to farmers and ranchers. What we heard overwhelmingly is: Mike, do not make this a mandatory program. We realized that producers already comply with a laundry list of Federal regulations. In this administration, it grows by the day. They take numerous steps to ensure the safety of their animals. That is their livelihood. Mandating an animal identification system would have been one more costly burden dictated on the rancher by the Federal Government.

I appeal to my friend Secretary Vilsack. We were Governors together. I know where you are coming from. I went down that road too. I can tell you, Mr. Secretary, it is a dead end. On one hand, USDA has acknowledged the broad and deep opposition in the countryside when the administration seemed to say: We are going to go forward anyway. Our producers themselves have spent years trying to understand what NAIS is about. There is no repackaging that will convince them another Federal mandate is a good idea. Does this administration think States will embrace this hot potato with all the costs and the unanswered questions that go with it? I don't see it. The old NAIS system was not perfect. We always acknowledged that. This is hugely complicated. But calling it voluntary and then leaving producers no real choice is far from perfect, and, most importantly, it is not a solution.

I urge the USDA to reconsider.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Louisiana is recognized.

SMALL BUSINESS

Ms. LANDRIEU. I am pleased to speak as chair of the Small Business Committee with several of my colleagues from the committee who have been hard at work coming up with ideas, drafting and passing legislation in the Small Business Committee over the last 3 months, particularly to get ready for this time. It is time that this Senate and Congress moved a third jobs bill with a focus on small business in America.

I acknowledge the members of the Small Business Committee. Two of them will join me this morning, and we will all, hopefully, be on the floor in the next couple of days talking about the importance of focusing on small business job creation. My ranking member, of course, is the great Senator from Maine, Ms. SNOWE; JOHN KERRY, former chair of the committee; CHRIS BOND, former chair; CARL LEVIN; DAVID VITTER; TOM HARKIN; JOHN THUNE; JOE LIEBERMAN; MIKE ENZI; MARIA CANTWELL; JOHNNY ISAKSON; EVAN BAYH; ROGER WICKER; MARK PRYOR; JAMES RISCH; BEN CARDIN; JEANNE SHAHEEN; and KAY HAGAN. Let me say that these members have been extraordinary. We have passed not one, not two, not three, not four, but five fairly significant pieces of legislation in a completely bipartisan fashion. The bills I will highlight this morning have been passed by our committee by large and convincing margins: 18 to 0, 15 to 3, 16 to 4. We are proud of the work we have done.

My call to the Senators this morning is to get our eyes off of Wall Street and onto Main Street. If we really want to dig out of this recession, created by a number of things—failed policies from the past administration, a confluence of the crash of the stock market and the financial sector, poor regulation from us over time—the people who have really suffered are the small business owners who, unlike large businesses and public companies, have put everything at risk—their future, their house, their children's future—everything at risk to create business because that is what Americans do, and we do it better than any country on Earth.

We recognize the strength of American business. It is about entrepreneurship. That is what the Small Business Committee is focused on. We want attention—and we will get it—to this issue.

I thank the members for their hard work and support. In this toxic environment, to get anything out of a committee with that kind of vote, we deserve a round of applause before we even start. But that is another story for another day.

Now we have to move the bills through the process. I want to share this graph, which is telling. Of the share of net new jobs created, 65 percent of the new jobs created by everything we do here will be created by small business, not by big business. Large firms are shrinking, reorganizing, sort of waiting for the market to come back. I understand that. They have a fiduciary responsibility. These folks are out there taking the big risk. When the way is not clear, when it is still cloudy, it is small businesses taking a chance that maybe things will turn around. These are the people we have to get our eyes on.

As chair of the Small Business Committee, I have heard for months that small businesses want to hire new workers. They need to hire new workers. They can expand their business, but they don't have the ability.

Small business owner Ray Meche, who owns several neighborhood pharmacies in southwest Louisiana, has an excellent track record. He has been in business for over 20 years. He has never missed a payment. He can't get a loan because he uses the small business lending program and he is capped at $2 million. One of our bills would raise that cap to $5 million. That is something we must do now. Until we do, business owners such as Ray wait. They wait to get larger loans to expand their businesses. They wait for a government contract. They wait for opportunities for counseling as they attempt to boost sales by tapping into potential markets overseas.

I want to show an export chart which is also telling. When I saw this, I had my staff use it at every townhall I do because I actually didn't believe it. I made them go back and do it several times because it was so contrary to my notion of the world. But it is true. This is the truth. Of all small businesses in America, of every one we know, less than 1 percent export their goods out of the country. Think about that. When the market in America is soft and our businesses are trying to create jobs, we can do what we can to energize these markets at home, but we most certainly should be looking overseas. I can tell you why small businesses would be a little nervous about it. Because they have never negotiated with big trade representatives China and Korea and Germany and France. It could be a little intimidating. They have great products. With the Internet, they have the world at their fingertips. What they don't have is an export bill by their own Congress that gives them an opportunity to get the training and technical assistance through departments we already pay for, departments that are already set up but just aren't focused on small business and helping them trade.

I want to see this pie chart expanded. I don't know if we can expand it to 10 percent of small businesses or 20 percent, but we can't sit at 1 percent while our people lose jobs here. That is why this package is important.

I thank Senator SHAHEEN for her extraordinary leadership and also my ranking member, Senator SNOWE, who has spent a great deal of time talking in the committee and in hearings about the opportunity for trade. That is what this package does as well.

I want to present the Access to Capital Coalition that is behind us. We did not come here to the floor alone. We have an extraordinary coalition for a jobs agenda from small business groups all over America, from the small business groups represented by the Chamber of Commerce, to the Federation of Small Business, to the San Francisco Small Business Network, to the Greater Providence Chamber of Commerce, the Marin Builders Association, the Main Street Alliance, just to read a few, Oregon Small Business for Responsible Leadership.

This list represents hundreds of thousands of businesses that say to me every day: Senator, does anybody know we are here? Every day we pick up the paper and we read about AIG, Goldman Sachs, General Motors, Exxon. We think those companies are great. We hope maybe to be as big as they are one day. But does anybody know we are here?

I know you are there. We are going to fight hard for you, and we are going to pull this coalition together to focus on the one group of people in America who can actually create jobs, which would be the small businesses, found in every neighborhood, on every Main Street, in urban areas, suburban areas. And, yes,

even rural areas can create the kind of jobs we need to lift this Nation out of the worst recession since the Great Depression.

I say to the Presiding Officer, you were a banker. You understand the importance of lending money to small businesses and getting it to them when they need it quickly. You established extraordinary opportunities in your home State of Illinois. That is what this package of bills does that has passed out of the Small Business Committee and is pending for action in this Senate.

Small businesses have borne the greatest burden in this economy. They are the business that have the greatest potential to improve it. By making these simple, inexpensive, and commonsense proposals to help small businesses, we can turn pink slips into paychecks for American workers, and we can lift our entire Nation out of this terrible recession into a brighter day in the future.

So, again, I thank my colleagues on the committee for working in such a bipartisan manner.

Mr. President, I ask unanimous consent to have printed in the RECORD an outline of the five bills that make up this package, S. 2869, the Small Business Job Creation and Access to Capital Act; S. 2862, the Small Business Export Enhancement and International Trade Act; S. 2989, the Small Business Contracting Improvement Act; S. 1229, the Entrepreneurial Development Act; and S. 1233 the SBIR/STTR Reauthorization Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDRESSING SMALL BUSINESS NEEDS TO CREATE JOBS

S. 2869, the Small Business Job Creation and Access to Capital Act of 2009. (Landrieu/Snowe).	Increases 7(a) loans limits from $2 million to $5 million; 504 loans from $1.5 million to $5.5 million, and microloans from $35,000 to $50,000. Allows the 504 loan program to refinance short-term commercial real estate debt into long-term, fixed rate loans. Extends the authorization to provide 90 percent guarantees on 7(a) loans and fee elimination for borrowers on 7(a) and 504 loans through December 31, 2010. CBO Score: $23 million over six years—loan limit increase and refinance programs are budget neutral. Passed the Committee on December 17, 2009. Vote of 17–1. SBA has estimated the loan increase would increase lending to small businesses by $5 billion the 1st year.
S. 2862, the Small Business Export Enhancement and International Trade Act of 2009. (Snowe/Landrieu).	Improves the SBA's trade and export finance programs. Elevates the Office of International Trade within the SBA and adds export finance specialists to the SBA's trade counseling programs. Establishes the State Export Promotion Grant Program (STEP), which would increase the number of small businesses that export. Improves coordination between federal and state agencies and SBA resource partners. CBO Score: $69 million over six years. Passed the Committee on December 17, 2009. Vote of 18–0. Leverages more than $1 billion in export capital for small businesses, creating/saving as many as 40,000–50,000 jobs in 2010.
S. 2989, the Small Business Contracting Improvement Act of 2010 (Landrieu/Snowe).	Closes loopholes in bundling. Eases payment concerns for subcontractors. Eases restrictions on teaming agreements and JV arrangements so small businesses have an opportunity to go after larger contracts. CBO Score: TBD Passed the Committee on March 4. Vote was unanimous. Increasing contracts to small businesses by just 1 percent can create more than 100,000 jobs.
S. 1229, the Entrepreneurial Development Act of 2009. (Landrieu/Snowe).	Reauthorizes for three years and strengthens the SBA's counseling programs: Small Business Development Centers, Women's Business Centers, SCORE, the Program for Investment in Microentrepreneurs (PRIME). Creates initiatives to increase business opportunities for veterans and Native Americans. CBO Score: $614 million over five years. Passed the Committee on July 2, 2009. Vote of 18–0. Estimated to creating/saving more than 190,000 jobs in 2010.
S. 1233, the SBIR/STTR Reauthorization Act of 2009. (Landrieu/Snowe).	Reauthorizes the SBIR and STTR programs for eight years. Increases the allocation from 2.5 to 3.5 percent over ten years for the SBIR program. Increases from .3 to .6 percent for the STTR program. Adjusts the awards sizes for inflation and caps jumbo awards. Makes eligible a certain percentage of SBIR projects for firms majority owned and controlled by multiple venture capital firms. CBO Score: $229 million over five years. Passed the Committee on July 2, 2009. Vote of 18–0. Estimated to provide more than $2 billion in R&D funding for public-private partnerships between the government and small, high-technology firms and to create more than 500 new small businesses a year.

Ms. LANDRIEU. We will take them up, hopefully, in a package at a later date, but I want to call my colleagues' attention to the package of bills that will expand loan limits, expand contracting opportunities with the Federal Government, which, by the way, spends billions of dollars right now with business. If we just spend a little bit more with small business, these small businesses—instead of absorbing the contracts, which the big businesses do—will have to hire up.

Mr. President, I ask unanimous consent for 30 more seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Small businesses, when they get a contract from the Federal Government, will staff up because that is what small businesses do. They are very flexible. They are very agile. They will scale down, and they can scale up quickly.

So I am proud of this package. I want to recognize two of my members who are on the Senate floor: former Governor and now a Senator from New Hampshire, JEANNE SHAHEEN, who has been a great leader on this issue—I thank you, Senator—and also Senator BEN CARDIN from Maryland. He has been a particularly strong leader on the contracting for small businesses. So I would like to ask the Senator to join me in her remarks this morning.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, I am so pleased to join Chairman LANDRIEU and my colleague, Senator BEN CARDIN. Hopefully, he will be able to speak after me to talk about the importance of small businesses and what we have to do to support small business in this country.

Small businesses in New Hampshire and across the country, as Senator LANDRIEU has said, are struggling. Of

the jobs lost last year, almost 40 percent came from businesses with 50 or fewer employees. While we have taken important steps to bring back the economy from the brink of depression, sales and consumer demand are still too low and too many small business owners remain frozen out of credit markets.

This economy is not going to fully recover until our small businesses fully recover. In the past, it has been small businesses that have created most of the jobs coming out of a recession, and this recovery is going to be no different. If we want to see job growth in this country, we need to take action to help small businesses get back on their feet.

Now, as a former small business owner, I know it is business and not government that creates jobs and drives innovation and new ideas. But I also know government has an important role to play in helping small business create jobs, especially in these very difficult economic times.

Under the leadership of our chair, Senator LANDRIEU, who has done a great job, along with our ranking member, Senator SNOWE, in the last several months the Small Business Committee has produced five major pieces of legislation to help small companies create jobs again, and Senator LANDRIEU has laid those out for people. I am proud to be a sponsor of all five of these bills.

They spur research and innovation. They ensure small businesses get their fair share of government contracts. They expand SBA lending programs so small businesses can obtain affordable credit. They strengthen the technical services the SBA can provide. And they help small businesses gain access to international markets to sell their goods and services.

These bills, as we have heard Senator LANDRIEU say, are bipartisan efforts that passed the committee with nearly unanimous votes from both Republican and Democratic members. I hope we are soon going to see these bills on the floor of the Senate and that they will pass unanimously.

All of the bills are important. But today I want to focus on what we can do to help open global markets to small business because I strongly believe that in order to have a sustained recovery from this recession, we need to expand exports. Domestic consumer demand in the United States simply will not rise to the level it was before the recession.

The good news is that the potential for export growth is enormous. Over 95 percent of the world's customers live outside of the United States. But as we saw so dramatically on that chart Senator LANDRIEU just showed, only about 1 percent of small businesses export their goods and services, and small companies that do export usually only sell to one foreign market, while larger companies typically sell to five or more foreign markets.

Emerging markets in developing countries such as China, India, and Brazil offer great opportunities for growth. By 2020, about 90 percent of the world's population will live in emerging markets. There is a huge potential for smaller companies to tap these markets to grow their businesses and to create jobs.

I have long been an advocate for exporting because international markets are very important to New Hampshire. I was the first Governor to lead a trade mission from New Hampshire overseas, and those trade missions I led brought back about $500 million in sales for New Hampshire businesses.

Small business generates almost half of New Hampshire's total exports, and we have some great success stories.

Dartware, a software developer in West Lebanon, on the western side of our State, first started exporting to Canada—which neighbors New Hampshire, for those people who are not sure on their geography. Now they sell to more than 80 countries. During this recession, exporting has made a huge difference on their bottom line. Last year, their international sales were 33 percent of their total sales. This past January, export sales represented 63 percent or almost double their total sales.

Another company, a small business called Sky-Skan, in Nashua, designs and produces state-of-the-art technologies for planetariums. You would not think there would be that many planetariums around the world, but they have exported their products and services to over 120 countries. Even in the midst of one of the most difficult economies in our Nation's history, Sky-Skan was able to bring on 10 new employees.

In his State of the Union speech, President Obama set a goal of doubling American exports in the next 5 years. He recently signed an executive order creating an Export Promotion Cabinet. I strongly support those efforts. I know other members of the Small Business Committee do as well.

A recent World Bank study found that each dollar spent on export promotion and assistance brought a fortyfold return. Right now, the United States spends considerably less than the international average in helping small businesses export. Government export promotion and assistance is a smart investment that helps create jobs. One of the important actions we need to take in the Senate to help improve export promotion is to quickly enact the Small Business Export Enhancement and International Trade Act of 2009—one of those five pieces of legislation Senator LANDRIEU laid out.

We need to make the SBA a more valuable resource for small businesses looking to export their goods and services, and this bill does just that. I hope as these bills come to the floor of the Senate, we will take a close look and we will recognize that if we are going to help small businesses export, then we have to give them the tools to do that. This legislation does that. It helps small companies finance their exports by increasing loan limits and guarantees in SBA export loan programs and expanding the number of SBA finance specialists who are posted around the country.

This bill directs the SBA to collaborate more with other agencies that provide services and programs for small exporters—something the SBA has begun doing under the leadership of Administrator Karen Mills.

More U.S. exports abroad mean more jobs at home. We can and must do more. We must do it smarter to help small companies compete globally. If we do not, we risk falling behind, and our economy, our businesses, and our families will lose out.

Mr. President, I yield the floor and look forward to hearing from my colleague, Senator CARDIN.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I also ask unanimous consent to speak as in morning business as part of the comments made by Senator LANDRIEU and Senator SHAHEEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, we are here today to talk about the importance of job creation in our economy. We all know we need to create jobs. The way to create jobs is to help small businesses. Too much of the focus over the last couple years has been in helping the large companies, the large banks. We need to focus on small companies in order to create new job opportunities for Americans.

I compliment Senator SHAHEEN for her comments. She is absolutely right. Small businesses can create many jobs in the United States by creating products that are wanted around the globe. The problem is, it is very complicated for a small business owner to have the type of staff to deal with the difficulties of entering the international marketplace.

Senator SHAHEEN pointed out very clearly that the legislation Senator LANDRIEU has been instrumental in bringing forward in the Small Business Committee that deals with enhancing international trade for small companies, S. 2862, will provide more jobs in America by helping smaller companies be able to get their products into the international marketplace. That makes common sense.

As I said in the beginning, we need to create more jobs. Senator LANDRIEU, in her leadership on the Small Business Committee, has made that our top priority, and I congratulate her for bringing this to our attention.

We know over 50 percent—over 50 percent—of private sector jobs are with small companies. We know 64 percent of the net new jobs during the past 15 years have come from small companies. That is where the job growth will be. We are talking about creating jobs. We create more jobs through small companies, but we have to help them because they have many obstacles

today to be able to create those new jobs.

Forty percent of high-tech workers work for small companies. This is a very interesting statistic. There are 13 times more patents per employee in small companies than in larger companies. Innovation comes from our smaller companies. It does not mean we ignore larger companies. They have opportunities small companies do not have. But if we are going to create the jobs and innovation, we have to have a healthy atmosphere for small businesses today, and we need to do a better job.

What is the problem? Problem No. 1 is credit. Small companies cannot get traditional credit. Many large banks have just closed out giving loans to small companies. I can tell you of the calls I have gotten in my office, the letters I have gotten. There is a high-tech company located in Hunt Valley, MD. It is a small business that cannot get a bank to make a refinancing loan so that high-tech company can expand. They are doing very well. Their customer base would be very familiar to many of the Members of the Senate. But they cannot get a bank to be their partner in this environment because they are a small company.

As a result, many small companies, many small businesses resort to the use of their personal credit cards—their personal credit cards—in order to finance their business. One-third of small companies have over 25 percent of their overall debt from credit cards. Fifty percent of small businesses' interests rates are 15 percent or higher. That is not sustainable. You can't run a business based upon that type of financing. We have to do much better in that regard.

That is why I was particularly pleased by S. 2869, which Chairman LANDRIEU has brought forward with Senator SNOWE, that would strengthen the SBA's capacity to make credit available to small businesses. It would increase the 7(a) loan program. The 7(a) loans are the traditional loans small businesses get in order to finance their operations. It would increase the amount from $2 million to $5 million and continue the 90-percent Federal guarantee. The 504 loans, which are used primarily for bricks and mortar, would increase from $1.5 million to $5.5 million. The microloans, which give a business the opportunity for working capital so they can move forward with an innovation and an idea and create jobs, increase from $35,000 to $50,000. That tells us how important that is to a small business. That extra $15,000 can be the difference between developing an idea to create jobs or not.

I congratulate Chairman LANDRIEU for bringing forward that legislation. It passed our committee by a 17-to-1 vote. This is a strong bipartisan bill that we hope will be made permanent.

I think we need to do more. I have introduced legislation that follows in the direction of the President. President Obama has suggested we take some of the TARP funds and use it to help community banks make loans to small businesses. I think we should look at having direct loans by the SBA to small businesses, certainly as a backup, if the private sector is not going to show enough interest to help our small businesses.

I know there are other suggestions to help our States. Governor O'Malley has suggested a program that could use some additional Federal support and get money out quickly to small businesses for credit. We need to focus on that because there is a credit crisis for small businesses. We need to be able to do better than we are doing today if we are going to be able to create jobs. In every State in the Nation, I know my colleagues have heard from their small business owners that they can't get affordable credit. We need to act in order to bring us out of this current economic downturn.

There are other bills I wish to mention briefly. Chairman LANDRIEU mentioned the bill I have been involved with, S. 2989, the Small Business Contracting Improvement Act. Small businesses depend upon government procurement as an effort to get started and to grow. The problem is, there is this cozy relationship between procurement officers and larger companies, so they have developed into practices that have hurt small companies in being able to get the set-asides that we in Congress said they should get. So what the contractor for the government agency does is bundle a lot of contracts that should be offered individually, but they bundle them to make them too large for small businesses to be able to bid on. This legislation deals with the abuses of bundling. I congratulate our chair for bringing that forward.

It also deals with the abuses between subcontractors and prime contractors. It is no surprise to anyone here that small businesses are more likely to be subs. Well, we don't have transparency and openness and timely payments to the subs. The prime contractor is abusing privileges, and we have a responsibility to make sure the law is carried out with the set-asides to small businesses in our procurement policies. This legislation, which passed our committee by a unanimous vote earlier this month, I think will go a long way to helping small businesses create jobs in our community.

There is other legislation that is out there to strengthen the SBA counseling program that Chairman LANDRIEU mentioned. I think that is an important bill. It passed our committee by a 19-to-0 vote—again, strong bipartisan support.

There is another program I wish to mention quickly, because during the Recovery Act there should have been funds set aside for the SBIR/STTR programs. They were not. We have spoken about that before in this body. The legislation that passed our committee by an 18-to-0 vote would increase the allocations for the SBIR and STTR programs, which are high-tech set-asides for small high-tech companies, which help us develop innovation technology here in America, keeping jobs in America and expanding jobs in America. It would increase that set-aside from a modest 2.5 percent to 3.5 percent. It passed our committee by an 18-to-0 vote.

These are all important bills that I hope we will have an opportunity to take up shortly as we look at the next jobs bill. I hope these provisions can be incorporated into legislation we consider. This is bipartisan. I think all my colleagues understand we have to create more job opportunities in America. The way to do it is to help small businesses deal with their current needs.

I will mention one other bill before yielding the floor; that is, the health care bill which will help small businesses. The problem I used to hear the most from my small businesses was about paying health care costs. Now I hear credit. Credit is their No. 1 problem. But we provide a credit—Senator LANDRIEU was helpful in getting this started earlier—to our small businesses so they can afford to provide health care for their employees. I thank Senator LANDRIEU for that provision. That is going to help small companies and help job growth.

We also created the exchanges. These are the exchanges where a small company can go in and buy health insurance policies. I can't tell my colleagues how many times I have heard from a small business owner saying: I am getting ripped off. I have no choice with an insurance plan I can take. I have a 30-percent increase, a 40-percent increase in premiums. My employees' health didn't deteriorate. Our costs didn't go up by that, but I have no choice. There is no other company I can get a policy with.

Well, under health reform, we provide options and choice and competition for the small business owner. Today, they are paying, on average, 20 percent more than large companies pay for comparable insurance coverage for their employees. That practice needs to end. We shouldn't be discriminating against small businesses in America, and we take major steps forward to eliminate that discrimination.

These are all things we can do to create jobs in America, to help our small businesses, help our Nation, help our recovery, and help us grow as a nation, to be even more competitive, offering good jobs to the people in our communities who are seeking employment.

With that, let me yield the remainder of my time to the chairman of the Small Business Committee, the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, again, I thank my colleagues both, and particularly Senator CARDIN, for that impassioned plea to focus this place on small business. If we are serious about

creating jobs, then our focus, our effort, our work should be for the millions of small businesses out there that with just a little bit of tweaking, a little bit of help from an export initiative here, some regulation reform here, loan pools here, changing current law, could help them do what they want to do, which is expand and grow jobs.

I see my colleagues are here to speak, so I am just going to take 1 minute to conclude.

I wish my colleagues to know that while this package is five major bills, there is an initiative that is not in bill form yet, but we are very serious about bringing it forward. It is going to include a provision for there to be a pool of capital available. It may be the way Senator CARDIN has envisioned it, which is direct loans from the SBA. It may be the way Senator LEVIN and Senator WARNER have been talking about, which is an idea to provide guaranteed loan pools to leverage private capital in the country. It may be something Bill Clinton spoke with us about yesterday, which is creating a dynamic new opportunity to retrofit public buildings in America and put people to work and use the savings in energy efficiency to pay back the loans so there is no new taxpayer money spent. It is leveraging the private sector to do two great things: provide jobs immediately and make more efficient every public building in America.

There is more we can do. So as the chairman, let me be very clear. I am very proud of this package. It is five bills. It has passed our committee almost unanimously. As we move this package to the floor, I hope we will get the same cooperation from Republican Members on this floor as we did from the Republican Members who serve on our committee. We have been very open, very sincere in our efforts to pull this package together, and we will continue to work in that good spirit. I hope we are met with that same feeling.

Two more things, briefly. I am probably not going to push to put in this bill a reform piece on credit cards to small businesses because it is not the jurisdiction of our committee; it is primarily the jurisdiction of the Banking Committee. However, I want this Senate to know I am on record today. Senator CARDIN says—and he is correct—how in the world are small businesses in America going to stay in business if they have to pay 15 and 20 percent interest rates? Could anybody tell me this? Is there any small business in America that thinks they can make money, hire people, and pay 20 percent interest rates? It is a shame. It is wrong. We are going to do something about small business credit card rates. I will tell my colleagues why. Because in the old days, not too long ago when the housing market was strong, which it is not today, Americans—who believe in the American dream because we tell them about it when they are 4 years old and they actually believe it when they grow up—their house had $200,000 or $300,000 or $400,000 or $50,000 in equity. So when they wanted to start a business, they went to their banker and their banker said: How much equity do you have in your house? They said: $50,000. They wrote them a check that day for $20,000. They took that amount of money and they bought a stove and they started a business, maybe cooking a little scrambled eggs and ham.

Those days are over with. There is no equity in their homes anymore. When they go to their bank, they don't see a sign that says welcome—and I am not talking about community banks, I am talking about big banks that got all the money from us—they see a sign that says come back next year when things are better. So they have to then dig in their pocket and pull out their credit card. We have done them a great favor. We allow the companies to charge them not 3 percent, not 6 percent, not 10 percent but 20 percent.

I can't put that bill in this package, but I promise my colleagues it is coming. We cannot ask small business to pay 20 percent on their loans. Yes, we have to give them tax relief. But do my colleagues know what they need right now? They need borrowing relief.

So I am going to conclude with that. It is going to be a good package, and we are going to be very smart about how we put it forward. I know we have to take the tough things maybe separately so as to not detain this. But I am on record, and we are going to fight for it until we get it done.

I yield the floor. I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, before I get into the main topic, I obviously appreciate the passion of the Senator from Louisiana. It is unfortunate that she and the majority on the other side refuse to vote for the most important thing we could have done immediately for small business; that is, give them payroll tax relief and take the money out of the stimulus package, so much of which is being wasted on issues such as Davis-Bacon and environmental impact statements. We ought to give small businesses payroll tax relief immediately.

DEMOCRACY AND HUMAN RIGHTS IN RUSSIA

Mr. MCCAIN. Now I wish to take this opportunity to speak about the ongoing cause of human rights and democracy in Russia. These are not issues we hear much about from the current Russian Government, unfortunately, unless it is to denounce those Russian citizens who aspire to these universal values.

I had an opportunity the other week to meet with one of these brave Russian champions of human rights, human dignity, and freedom—a man by the name of Boris Nemtsov. I know several other people and other Members of Congress had a similar opportunity to speak with him. Mr. Nemtsov is but one of the many Russians who believe their country deserves a government that enhances and enshrines the human rights of its people in an inviolable rule of law, that allows citizens to hold their leaders accountable through a real Democratic process. This Saturday, March 20, many Russian human rights activists are planning public demonstrations all across their great country—I might add at great risk, since there is very little doubt that the Russian Government may even forcibly repress some of these public demonstrations, which will be peaceful. I asked Mr. Nemtsov what we in Washington could do to support the cause of human rights in Russia, and he simply said: ''Speak up for it. Speak up for us.''

It is my pleasure to do that today.

The Russian Government will surely take whatever I say here and similar things said by others and try to paint Russia's champions of human rights and democracy as puppets and proxies of the United States. Of course, they would say and do the exact same thing even if no Americans spoke up for the human rights of Russia's citizens. So we should refrain from internalizing the Kremlin's talking points, especially when Russians themselves are requesting our moral support for their cause. Because the fact is, this isn't about particular individuals or particular demonstrations held this week or any week in Russia. This is about universal values—values that we in the United States embody but do not own, values that should shape the conduct of every government, be it ours or Russia's or any other country's. When we see citizens of conviction seeking to hold their governments to the higher standard of human rights, we should speak up for them.

This is all the more necessary when we realize the obstacles those citizens face, especially in Russia. I wish to read a passage from the 2009 Country Report on Human Rights Practices, which was recently released by our State Department. Here is how they described the human rights situation in Russia:

> Direct and indirect government interference in local and regional elections restricted the ability of citizens to change their government through free and fair elections. During the year, there were a number of high-profile killings of human rights activists by unknown persons, apparently for reasons related to their professional activities. There were numerous credible reports that law enforcement personnel engaged in physical abuse of subjects. Prison conditions were harsh and could be life threatening. Eight journalists, many of whom reported critically on the government, were killed during the year. With one exception the government failed to identify, arrest, or prosecute any suspects. Beating and intimidation of journalists remained a problem. The government limited freedom of assembly, and

police sometimes used violence to prevent groups from engaging in peaceful protest.

It will be very interesting to see how the police and the government treat these demonstrations that will take place across Russia on March 20. These conditions would be intolerable in any country, and this conduct would be unacceptable for any government. Clearly, Russia today is not the Soviet Union, neither in its treatment of Russia's people nor in its foreign policy. But I fear that may be damning with faint praise, and Russians themselves are right to hold their country and their government up to higher standards.

Russia is a great nation, and like all Americans of good will, I want Russia to be strong and successful. I want Russia's economy to be a vibrant source of wealth and opportunity for all Russians. I want Russia to play a proud and responsible role in world affairs. I will continue to affirm in public and in private that the best way for Russians to secure what they say they care about most—reduced corruption, a strengthened and equitable rule of law, economic modernization—is by nurturing a pluralistic and free civil society, by building independent and sustainable institutions of democracy, and by respecting the human rights of all.

I was happy to see that Russian political parties not aligned with the Kremlin actually won more seats in regional parliamentary elections this week. Perhaps this signals a growing recognition among Russians that the authoritarian tendencies of the Kremlin need to be rolled back through popular opposition. Perhaps the Russian Government could allow future elections at all levels to be freer and fairer. Perhaps. But there is still a long way to go for the cause of democracy in Russia, and I hope these small electoral gains only embolden democracy's defenders.

As we speak up for the rights of Russia's dissidents, we must do the same for the rights of Russia's neighbors as well—neighbors such as the country of Georgia. I visited Georgia in January, and I had a chance to travel to the so-called ''administrative boundary line'' with the breakaway region of Abkhazia. On the other side of that boundary line is sovereign Georgian territory occupied by Russian troops, as it has been since the 2008 invasion. When I was in Munich last month for an annual security conference, I heard several Russian officials speaking from the same script, alleging acts of aggression by Georgian forces against Russian peacekeepers—the same kind of rhetoric we heard before the 2008 invasion. This should give us all pause. I know Washington has a lot of foreign policy challenges at the moment, but we cannot forget Georgia and the support it deserves amid a continuing threat from its neighbor to the north.

A Russian government that better protects the human dignity of its people would be more inclined to deal with its neighbors in peace and mutual respect. That is why we should all say a silent prayer and a public word of support for Russia's courageous human rights activists, as they make their voices heard this Saturday. These brave men and women want the best for their country. They want a government that is not only strong but just, peaceful, inclusive, and democratic. I urge Russia's leaders to recognize that peaceful champions of universal values are not a threat to Russia, and that groups such as this should not face the kinds of violence, repression, and intimidation that Russian authorities have used against similar demonstrators in the past. The eyes of the world will be watching.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3467, AS MODIFIED

Mr. ROCKEFELLER. I ask unanimous consent that notwithstanding the adoption of amendment No. 3467, that it be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3467), as modified, is as follows:

On page 130, after line 24, insert the following:

SEC. 434. AUTHORIZATION OF USE OF CERTAIN LANDS IN THE LAS VEGAS MCCARRAN INTERNATIONAL AIRPORT ENVIRONS OVERLAY DISTRICT FOR TRANSIENT LODGING AND ASSOCIATED FACILITIES.

(a) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subsection (b), Clark County, Nevada, is authorized to permit transient lodging, including hotels, and associated facilities, including enclosed auditoriums, concert halls, sports arenas, and places of public assembly, on lands in the Las Vegas McCarran International Airport Environs Overlay District that fall below the forecasted 2017 65 dB day-night annual average noise level (DNL), as identified in the Noise Exposure Map Notice published by the Federal Aviation Administration in the Federal Register on July 24, 2007 (72 Fed. Reg. 40357), and adopted into the Clark County Development Code in June 2008.

(b) LIMITATION.—No structure may be permitted under subsection (a) that would constitute a hazard to air navigation, result in an increase to minimum flight altitudes, or otherwise pose a significant adverse impact on airport or aircraft operations.

SIGNING AUTHORIZATION

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the majority leader be authorized to sign any duly enrolled bills or joint resolutions today, Wednesday, March 17, and Thursday, March 18.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. ROCKEFELLER. I ask unanimous consent that the Senate stand in recess until 2 p.m.

There being no objection, the Senate, at 12:27 p.m., recessed until 2 p.m. and reassembled when called to order by the Acting President pro tempore.

Mr. UDALL of Colorado. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. INOUYE). A quorum is present.

The majority leader is recognized.

Mr. REID. Thank you, Mr. President.

EXHIBITION OF ARTICLES OF IMPEACHMENT AGAINST G. THOMAS PORTEOUS, JR., JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA

Mr. REID. Mr. President, I ask unanimous consent that the Secretary inform the House of Representatives that the Senate is ready to receive the managers appointed by the House for the purpose of exhibiting Articles of Impeachment against G. Thomas Porteous, Jr., Judge of the United States District Court for the Eastern District of Louisiana, agreeably to the notice communicated to the Senate, and at the hour of 2 p.m., today, Wednesday, March 17, 2010, the Senate will receive the honorable managers on the part of the House of Representatives in order that they may present and exhibit the said Articles of Impeachment against the said G. Thomas Porteous, Jr., Judge of the United States District Court for the Eastern District of Louisiana.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the following counsel and staff of the House of Representatives be permitted the privileges of the floor during the proceedings with respect to the trial of the impeachment of Judge Porteous. They are as follows: Danielle Brown, Allison Halataei, Alan Baron, Harry Damelin, Mark Dubester, Kirsten Konar, Jessica Klein, Branden Ritchie, Michael Len, Phil Tahtakran, Ryan Clough, and Elisabeth Stein.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will be in order.

I will now call upon the Secretary for the majority.

The Secretary to the majority, Lula J. Davis, announced the presence of the House managers, as follows:

Mr. President, I announce the presence of the managers on the part of the House of Representatives to conduct proceedings on behalf of the House concerning the impeachment of G. Thomas

Porteous, Jr., Judge of the United States District Court for the Eastern District of Louisiana.

The PRESIDING OFFICER. The managers on the part of the House will be received and assigned their seats.

The managers (Mr. SCHIFF, Ms. ZOE LOFGREN of California, Mr. JOHNSON of Georgia, Mr. GOODLATTE, and Mr. SENSENBRENNER) were thereupon escorted by the Sergeant at Arms of the Senate, Terrance W. Gainer, to the well of the Senate.

The PRESIDING OFFICER. The Sergeant at Arms will make a proclamation.

The Sergeant at Arms, Terrance W. Gainer, made the proclamation, as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States Articles of Impeachment against G. Thomas Porteous, Jr., Judge of the United States District Court for the Eastern District of Louisiana.

The PRESIDING OFFICER. The managers on the part of the House will proceed.

Mr. Manager SCHIFF. Mr. President, the managers on the part of the House of Representatives are here present and ready to present the Articles of Impeachment, which have been preferred by the House of Representatives against G. Thomas Porteous, Jr., Judge of the United States District Court for the Eastern District of Louisiana.

The House adopted the following resolution which, with the permission of the President of the Senate, I will read:

H. RES. 1165

Resolved, That Mr. Schiff, Ms. Zoe Lofgren of California, Mr. Johnson of Georgia, Mr. Goodlatte, and Mr. Sensenbrenner are appointed managers on the part of the House to conduct the trial of the impeachment of G. Thomas Porteous, Jr., a Judge for the United States District Court for the Eastern District of Louisiana, that a message be sent to the Senate to inform the Senate of these appointments, and that the managers on the part of the House may exhibit the articles of impeachment to the Senate and take all other actions necessary in connection with preparation for, and conduct of, the trial, which may include the following:

(1) Employing legal, clerical, and other necessary assistants and incurring such other expenses as may be necessary, to be paid from amounts available to the Committee on the Judiciary under House Resolution 15, One Hundred Eleventh Congress, agreed to January 13, 2009, or any other applicable expense resolution on vouchers approved by the Chairman of the Committee on the Judiciary.

(2) Sending for persons and papers, and filing with the Secretary of the Senate, on the part of the House of Representatives, any subsequent pleadings which they consider necessary.

NANCY PELOSI,
Speaker of the House of Representatives.

With the permission of the President of the Senate, I will now read the Articles of Impeachment.

H. RES. 1031

Resolved, That G. Thomas Porteous, Jr., a judge of the United States District Court for the Eastern District of Louisiana, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and all of the people of the United States of America, against G. Thomas Porteous, Jr., a judge in the United States District Court for the Eastern District of Louisiana, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I

G. Thomas Porteous, Jr., while a Federal judge of the United States District Court for the Eastern District of Louisiana, engaged in a pattern of conduct that is incompatible with the trust and confidence placed in him as a Federal judge, as follows:

Judge Porteous, while presiding as a United States district judge in Lifemark Hospitals of Louisiana, Inc. v. Liljeberg Enterprises, denied a motion to recuse himself from the case, despite the fact that he had a corrupt financial relationship with the law firm of Amato & Creely, P.C. which had entered the case to represent Liljeberg. In denying the motion to recuse, and in contravention of clear canons of judicial ethics, Judge Porteous failed to disclose that beginning in or about the late 1980s while he was a State court judge in the 24th Judicial District Court in the State of Louisiana, he engaged in a corrupt scheme with attorneys, Jacob Amato, Jr., and Robert Creely, whereby Judge Porteous appointed Amato's law partner as a ''curator'' in hundreds of cases and thereafter requested and accepted from Amato & Creely a portion of the curatorship fees which had been paid to the firm. During the period of this scheme, the fees received by Amato & Creely amounted to approximately $40,000, and the amounts paid by Amato & Creely to Judge Porteous amounted to approximately $20,000.

Judge Porteous also made intentionally misleading statements at the recusal hearing intended to minimize the extent of his personal relationship with the two attorneys. In so doing, and in failing to disclose to Lifemark and its counsel the true circumstances of his relationship with the Amato & Creely law firm, Judge Porteous deprived the Fifth Circuit Court of Appeals of critical information for its review of a petition for a writ of mandamus, which sought to overrule Judge Porteous's denial of the recusal motion. His conduct deprived the parties and the public of the right to the honest services of his office.

Judge Porteous also engaged in corrupt conduct after the Lifemark v. Liljeberg bench trial, and while he had the case under advisement, in that he solicited and accepted things of value from both Amato and his law partner Creely, including a payment of thousands of dollars in cash. Thereafter, and without disclosing his corrupt relationship with the attorneys of Amato & Creely PLC or his receipt from them of cash and other things of value, Judge Porteous ruled in favor of their client, Liljeberg.

By virtue of this corrupt relationship and his conduct as a Federal judge, Judge Porteous brought his court into scandal and disrepute, prejudiced public respect for, and confidence in, the Federal judiciary, and demonstrated that he is unfit for the office of Federal judge.

Wherefore, Judge G. Thomas Porteous, Jr., is guilty of high crimes and misdemeanors and should be removed from office.

ARTICLE II

G. Thomas Porteous, Jr., engaged in a longstanding pattern of corrupt conduct that demonstrates his unfitness to serve as a United States District Court Judge. That conduct included the following: Beginning in or about the late 1980s while he was a State court judge in the 24th Judicial District Court in the State of Louisiana, and continuing while he was a Federal judge in the United States District Court for the Eastern District of Louisiana, Judge Porteous engaged in a corrupt relationship with bail bondsman Louis M. Marcotte, III, and his sister Lori Marcotte. As part of this corrupt relationship, Judge Porteous solicited and accepted numerous things of value, including meals, trips, home repairs, and car repairs, for his personal use and benefit, while at the same time taking official actions that benefitted the Marcottes. These official actions by Judge Porteous included, while on the State bench, setting, reducing, and splitting bonds as requested by the Marcottes, and improperly setting aside or expunging felony convictions for two Marcotte employees (in one case after Judge Porteous had been confirmed by the Senate but before being sworn in as a Federal judge). In addition, both while on the State bench and on the Federal bench, Judge Porteous used the power and prestige of his office to assist the Marcottes in forming relationships with State judicial officers and individuals important to the Marcottes' business. As Judge Porteous well knew and understood, Louis Marcotte also made false statements to the Federal Bureau of Investigation in an effort to assist Judge Porteous in being appointed to the Federal bench.

Accordingly, Judge G. Thomas Porteous, Jr., has engaged in conduct so utterly lacking in honesty and integrity that he is guilty of high crimes and misdemeanors, is unfit to hold the office of Federal judge, and should be removed from office.

ARTICLE III

Beginning in or about March 2001 and continuing through about July 2004, while a Federal judge in the United States District Court for the Eastern District of Louisiana, G. Thomas Porteous, Jr., engaged in a pattern of conduct inconsistent with the trust and confidence placed in him as a Federal judge by knowingly and intentionally making material false statements and representations under penalty of perjury related to his personal bankruptcy filing and by repeatedly violating a court order in his bankruptcy case. Judge Porteous did so by—

(1) using a false name and a post office box address to conceal his identity as the debtor in the case;

(2) concealing assets;

(3) concealing preferential payments to certain creditors;

(4) concealing gambling losses and other gambling debts; and

(5) incurring new debts while the case was pending, in violation of the bankruptcy court's order.

In doing so, Judge Porteous brought his court into scandal and disrepute, prejudiced public respect for and confidence in the Federal judiciary, and demonstrated that he is unfit for the office of Federal judge.

Wherefore, Judge G. Thomas Porteous, Jr., is guilty of high crimes and misdemeanors and should be removed from office.

ARTICLE IV

In 1994, in connection with his nomination to be a judge of the United States District Court for the Eastern District of Louisiana, G. Thomas Porteous, Jr., knowingly made material false statements about his past to both the United States Senate and to the Federal Bureau of Investigation in order to obtain the office of United States District Court Judge. These false statements included the following:

(1) On his Supplemental SF–86, Judge Porteous was asked if there was anything in his personal life that could be used by someone to coerce or blackmail him, or if there was anything in his life that could cause an embarrassment to Judge Porteous or the President if publicly known. Judge Porteous answered ''no'' to this question and signed the form under the warning that a false statement was punishable by law.

(2) During his background check, Judge Porteous falsely told the Federal Bureau of Investigation on two separate occasions that he was not concealing any activity or conduct that could be used to influence, pressure, coerce, or compromise him in any way or that would impact negatively on his character, reputation, judgment, or discretion.

(3) On the Senate Judiciary Committee's ''Questionnaire for Judicial Nominees'', Judge Porteous was asked whether any unfavorable information existed that could affect his nomination. Judge Porteous answered that, to the best of his knowledge, he did ''not know of any unfavorable information that may affect [his] nomination''. Judge Porteous signed that questionnaire by swearing that ''the information provided in this statement is, to the best of my knowledge, true and accurate''.

However, in truth and in fact, as Judge Porteous then well knew, each of these answers was materially false because Judge Porteous had engaged in a corrupt relationship with the law firm Amato & Creely, whereby Judge Porteous appointed Creely as a ''curator'' in hundreds of cases and thereafter requested and accepted from Amato & Creely a portion of the curatorship fees which had been paid to the firm and also had engaged in a corrupt relationship with Louis and Lori Marcotte, whereby Judge Porteous solicited and accepted numerous things of value, including meals, trips, home repairs, and car repairs, for his personal use and benefit, while at the same time taking official actions that benefitted the Marcottes. As Judge Porteous well knew and understood, Louis Marcotte also made false statements to the Federal Bureau of Investigation in an effort to assist Judge Porteous in being appointed to the Federal bench. Judge Porteous's failure to disclose these corrupt relationships deprived the United States Senate and the public of information that would have had a material impact on his confirmation.

Wherefore, Judge G. Thomas Porteous, Jr., is guilty of high crimes and misdemeanors and should be removed from office.

NANCY PELOSI,
Speaker of the House of Representatives.

Mr. President, the House of Representatives by protestation, saving to themselves the liberty of exhibiting at any time hereafter any further articles of accusation or impeachment against the said G. Thomas Porteous, Jr., Judge of the United States District Court for the Eastern District of Louisiana, and also of replying to his answers which he shall make unto the articles preferred against him, and of offering proof to the same and every part thereof, and to all and every other article of accusation or impeachment which shall be exhibited by them as the case shall require, do demand that the said G. Thomas Porteous, Jr., may be put to answer the misdemeanors in office which have been charged against him in the articles which have been exhibited to the Senate, and that such proceedings, examinations, trials, and judgments may be thereupon had and given as may be agreeable to law and justice.

Mr. President, the managers on the part of the House of Representatives, by the adoption of the Articles of Impeachment which have just been read to the Senate, do now demand that the Senate take order for the appearance of the said G. Thomas Porteous, Jr., to answer said impeachment and do now demand his conviction and appropriate judgment thereon.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, at this time the oath should be administered in conformance with article I, section 3, clause 6 of the Constitution of the United States and the Senate's impeachment rules. I move that the Senator from Kentucky, Mr. MCCONNELL, be designated by the Senate to administer the oath to the Presiding Officer of the Senate, the Senator from Hawaii, Mr. INOUYE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Do you solemnly swear that in all things appertaining to the trial of the impeachment of G. Thomas Porteous Jr., Judge of the United States District Court for the Eastern District of Louisiana, now pending, you will do impartial justice according to the Constitution and laws, so help you God?

Mr. INOUYE. I do.

Mr. REID. Mr. President, the oath shall now be administered by the Presiding Officer to all Senators. This is an appropriate time for any Senator who has cause to be excused from service in this impeachment to make that fact known.

If there is no Senator who desires to be excused, I move that the Presiding Officer administer the oath to Members of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Senators shall now be sworn. Will Senators rise and raise your hand.

Do you solemnly swear that in all things appertaining to the trial of the impeachment of G. Thomas Porteous, Jr., Judge of the United States District Court for the Eastern District of Louisiana, now pending, you will do impartial justice according to the Constitution and laws, so help you God?

SENATORS: I do.

The following named Senators are recorded as having subscribed to the oath this day:

Daniel K. Akaka, Lamar Alexander, John Barrasso, Max Baucus, Evan Bayh, Mark Begich, Michael Bennet, Jeff Bingaman, Christopher S. Bond, Barbara Boxer, Scott Brown of Massachusetts, Sherrod Brown of Ohio, Sam Brownback, Jim Bunning, Richard Burr, Roland W. Burris, Maria Cantwell, Benjamin L. Cardin, Thomas R. Carper, Robert P. Casey, Jr., Saxby Chambliss, Tom Coburn, Thad Cochran, Susan M. Collins, Kent Conrad, Bob Corker, John Cornyn, Mike Crapo, Jim DeMint, Byron L. Dorgan, Richard Durbin, John Ensign, Michael B. Enzi, Russell D. Feingold, Dianne Feinstein, Al Franken, Kirsten E. Gillibrand, Lindsey Graham, Chuck Grassley, Judd Gregg, Kay R. Hagan, Tom Harkin, Orrin G. Hatch, Kay Bailey Hutchison, James M. Inhofe, Daniel K. Inouye, Johnny Isakson, Mike Johanns, Tim Johnson, Edward E. Kaufman, John F. Kerry, Amy Klobuchar, Herb Kohl, Jon Kyl, Mary L. Landrieu, Frank R. Lautenberg, George S. LeMieux, Carl Levin, Joseph I. Lieberman, Blanche L. Lincoln, Richard G. Lugar, John McCain, Claire McCaskill, Mitch McConnell, Robert Menendez, Jeff Merkley, Barbara A. Mikulski, Lisa Murkowski, Patty Murray, Ben Nelson of Nebraska, Bill Nelson of Florida, Mark L. Pryor, Jack Reed, Harry Reid, James E. Risch, Pat Roberts, John D. Rockefeller IV, Bernard Sanders, Charles E. Schumer, Jeff Sessions, Jeanne Shaheen, Richard C. Shelby, Olympia J. Snowe, Arlen Specter, Debbie Stabenow, Jon Tester, John Thune, Mark Udall of Colorado, Tom Udall of New Mexico, David Vitter, George V. Voinovich, Mark R. Warner, Jim Webb, Sheldon Whitehouse, Roger F. Wicker.

Mr. REID. Mr. President, any Senator who was not in the Senate Chamber at the time the oath was administered to the other Senators will make that fact known to the Chair so that the oath may be administered as soon as possible to that Senator. The Secretary will note the names of the Senators who have been sworn and will present to them for signing a book, which will be the Senate's permanent record of the administration of the oath. I will remind all Senators who were administered this oath that they must now sign the oath book, which is at the desk, before leaving the Chamber.

ISSUANCE OF A SUMMONS AND FOR RELATED PROCEDURES CONCERNING THE ARTICLES OF IMPEACHMENT AGAINST G. THOMAS PORTEOUS, JR.

Mr. REID. Mr. President, on behalf of myself and the distinguished Republican leader, Mr. MCCONNELL, I send to the desk a resolution that provides for the issuance of a summons to Judge G. Thomas Porteous, Jr., for Judge Porteous's answer to the Articles of Impeachment against him, and for a replication by the House, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 457) to provide for issuance of a summons and for related procedures concerning the articles of impeachment against G. Thomas Porteous, Jr.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 457) was agreed to, as follows:

S. RES. 457

Resolved, That a summons shall be issued which commands G. Thomas Porteous, Jr. to file with the Secretary of the Senate an answer to the articles of impeachment no later than April 7, 2010, and thereafter to abide by, obey, and perform such orders, directions, and judgments as the Senate shall make in the premises, according to the Constitution and laws of the United States.

SEC. 2. The Sergeant at Arms is authorized to utilize the services of the Deputy Sergeant at Arms or another employee of the Senate in serving the summons.

SEC. 3. The Secretary shall notify the House of Representatives of the filing of the answer and shall provide a copy of the answer to the House.

SEC. 4. The Managers on the part of the House may file with the Secretary of the Senate a replication no later than April 21, 2010.

SEC. 5. The Secretary shall notify counsel for G. Thomas Porteous, Jr. of the filing of a replication, and shall provide counsel with a copy.

SEC. 6. The Secretary shall provide the answer and the replication, if any, to the Presiding Officer of the Senate on the first day the Senate is in session after the Secretary receives them, and the Presiding Officer shall cause the answer and replication, if any, to be printed in the Senate Journal and in the Congressional Record. If a timely answer has not been filed, the Presiding Officer shall cause a plea of not guilty to be entered.

SEC. 7. The articles of impeachment, the answer, and the replication, if any, together with the provisions of the Constitution on impeachment, and the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, shall be printed under the direction of the Secretary as a Senate document.

SEC. 8. The provisions of this resolution shall govern notwithstanding any provisions to the contrary in the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials.

SEC. 9. The Secretary shall notify the House of Representatives of this resolution.

Mr. REID. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MCCONNELL. Mr. President, I move to lay the motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT OF A COMMITTEE TO RECEIVE AND TO REPORT EVIDENCE WITH RESPECT TO ARTICLES OF IMPEACHMENT AGAINST JUDGE G. THOMAS PORTEOUS, JR.

Mr. REID. Mr. President, on behalf of myself and the distinguished Republican leader, Mr. MCCONNELL, I send a resolution to the desk on the appointment of an impeachment trial committee and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 458) to provide for the appointment of a committee to receive and to report evidence with respect to articles of impeachment against Judge G. Thomas Porteous, Jr.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 458) was agreed to, as follows:

S. RES. 458

Resolved, That pursuant to Rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, the Presiding Officer shall appoint a committee of twelve senators to perform the duties and to exercise the powers provided for in the rule.

SEC. 2. The majority and minority leader shall each recommend six members, including a chairman and vice chairman, respectively, to the Presiding Officer for appointment to the committee.

SEC. 3. The committee shall be deemed to be a standing committee of the Senate for the purpose of reporting to the Senate resolutions for the criminal or civil enforcement of the committee's subpoenas or orders, and for the purpose of printing reports, hearings, and other documents for submission to the Senate under Rule XI.

SEC. 4. During proceedings conducted under Rule XI the chairman of the committee is authorized to waive the requirement under the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials that questions by a Senator to a witness, a manager, or counsel shall be reduced to writing and put by the Presiding Officer.

SEC. 5. In addition to a certified copy of the transcript of the proceedings and testimony had and given before it, the committee is authorized to report to the Senate a statement of facts that are uncontested and a summary, with appropriate references to the record, of evidence that the parties have introduced on contested issues of fact.

SEC. 6(a). The actual and necessary expenses of the committee, including the employment of staff at an annual rate of pay, and the employment of consultants with prior approval of the Committee on Rules and Administration at a rate not to exceed the maximum daily rate for a standing committee of the Senate, shall be paid from the contingent fund of the Senate from the appropriation account ''Miscellaneous Items'' upon vouchers approved by the chairman of the committee, except that no voucher shall be required to pay the salary of any employee who is compensated at an annual rate of pay.

(b). In carrying out its powers, duties, and functions under this resolution, the committee is authorized, in its discretion and with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

SEC. 7. The committee appointed pursuant to section one of this resolution shall terminate no later than 60 days after the pronouncement of judgment by the Senate on the articles of impeachment.

SEC. 8. The Secretary shall notify the House of Representatives and counsel for Judge G. Thomas Porteous, Jr. of this resolution.

Mr. REID. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MCCONNELL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT OF IMPEACHMENT TRIAL COMMITTEE

Mr. REID. Mr. President, in accordance with the resolution on the appointment of an impeachment trial committee, I recommend to the Chair the appointment of Senators MCCASKILL, as chair, KLOBUCHAR, WHITEHOUSE, UDALL of New Mexico, SHAHEEN, and KAUFMAN.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, in accordance with the resolution on the appointment of an impeachment trial committee, I recommend to the Chair the appointment of Senator HATCH, who will serve as vice chairman, and Senators BARRASSO, DEMINT, JOHANNS, RISCH, and WICKER.

The PRESIDING OFFICER. Pursuant to the resolution on the appointment of an impeachment trial committee and impeachment rule XI, the Chair appoints upon the recommendation of the two leaders the following Senators to be members of the committee to receive and report evidence in the impeachment of Judge G. Thomas Porteous, Jr.: Senators MCCASKILL (chairman), KLOBUCHAR, WHITEHOUSE, UDALL of New Mexico, SHAHEEN, KAUFMAN, HATCH (vice chairman), BARRASSO, DEMINT, JOHANNS, RISCH, and WICKER. The Senate will take further proper order and notify the House of Representatives and counsel for Judge Porteous.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TAX ON BONUSES RECEIVED FROM CERTAIN TARP RECIPIENTS—Resumed

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (H.R. 1586) to impose an additional tax on bonuses received from certain TARP recipients.

Pending:

Rockefeller amendment No. 3452, in the nature of a substitute.

Sessions/McCaskill modified amendment No. 3453 (to amendment No. 3452), to reduce the deficit by establishing discretionary spending caps.

McCain/Bayh amendment No. 3475 (to amendment No. 3452), to prohibit earmarks in years in which there is a deficit.

McCain amendment No. 3527 (to amendment No. 3452), to require the Administrator of the Federal Aviation Administration to develop a financing proposal for fully funding the development and implementation of technology for the Next Generation Air Transportation System.

McCain amendment No. 3528 (to amendment No. 3452), to provide standards for determining whether the substantial restoration of the natural quiet and experience of the Grand Canyon National Park has been achieved and to clarify regulatory authority with respect to commercial air tours operating over the Park.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, Senator ROCKEFELLER will be back on the floor shortly. We are on the FAA reauthorization bill. This is the fourth day in the Senate that we have been trying to pass the FAA reauthorization bill. We have accepted many amendments. We have had many amendments offered that have nothing at all to do with this legislation. I understand that. I think we voted on three or four of them last night. But the process of trying to get something through the Senate these days is slow and difficult. It is a little like watching paint dry to see activity on the floor of the Senate. We are trying very hard to do this.

This is not and should not be a controversial bill. Every American who gets on a commercial airplane in this country has a stake in this bill. This bill includes modernization of the air traffic control system which will allow people to fly in the skies more safely, more direct routes, save energy, and save pollution.

Modernization of the air traffic control system, to go from ground-based radar to a GPS navigation system—we should have done that a while ago. We have not. We need to catch up with the Europeans and others. We need to move with some dispatch.

This bill should have been done long ago, but it has been extended 11 times.

Ms. KLOBUCHAR. Will the Senator yield for a question?

Mr. DORGAN. I am happy to yield.

Ms. KLOBUCHAR. Mr. President, I serve on the Commerce Committee with Senator DORGAN. I thank him for his leadership.

During the time we waited and dithered and didn't get this done—not you but others—have other countries modernized their air traffic control systems?

Mr. DORGAN. Other countries are making good progress on this, going to a GPS system. GPS is not a new technology, as many of us know. You see many vehicles, automobiles around town using a GPS to navigate. You have people using GPS on their cell phones. But on a jet airliner flying across the country, hauling a couple of hundred people behind the cockpit, they are using World War II technology, ground-based radar for navigation, not GPS, which is the modernization approach.

This is called NextGen, modernizing the air traffic control system. Europe is moving on it, other parts of the world are moving on it, and we need to move. This is about safety. It is about modernizing the system. But more than that, it is about investing in the infrastructure for aviation in the country, building the airports and the runways. It is about the issue of the passenger bill of rights, which is in this bill, saying to the airlines: Here are the new rules. You can't have somebody in an airplane 6 or 7 hours sitting on a runway someplace; 3 hours and then you have to bring them back to the gate. I know some do not like that, but that is the passenger bill of rights, giving passengers some rights as well.

I have spoken at length about this legislation, as has Senator ROCKEFELLER. I guess our hope would be that, if there are those who have additional amendments and wish to debate them, they might come to the floor or engage in the discussion on the floor so we can get this piece of legislation passed. It makes no sense for us to continue to talk and to continue to wait and not pass legislation when we have so much ahead of us to do.

COBELL SETTLEMENT

I want to mention a couple of other issues we need to address while I am waiting. One is the proposed settlement of the Cobell v. Salazar litigation. The parties to the Cobell settlement asked Congress to pass legislation approving the settlement by April 16th. It needs to be done by April 16th or the parties may return to litigation.

Let me tell you what the Cobell settlement is. It is about American Indians, the people who were here first in this country, the first Americans. American Indians ceded certain property as a result of treaties and other agreements, and reserved lands for their communities. The federal government promised to manage these reservations and hold the lands in trust. Well, over the last century, Indians watched as timber companies would come in and produce timber from those lands, mineral companies would come in and produce minerals, and drill for oil on those lands. All the while, the government was managing these lands and holding monies earned from that land in trust for the Indians.

Then the Indians asked the question: What has happened to our money? We see all these timber, grazing, and mineral activities going on and we are supposed to get money from these lands—that the government is holding in trust—but the money never quite shows up.

The Cobell case is named after a remarkable woman, Elouise Cobell, from Montana. She is an American Indian, a member of the Blackfeet Nation, and a banker. She filed a lawsuit against the United States and she asked for one thing. She said to the Federal government: Give me an accounting of the monies that you collected from my lands, my lands that you held and managed in trust for me. And do the same for all other Native Americans.

The fact is, nobody knew how much money was owed her. When they took a look at the records that the Federal government had, and held for Indian property and income, it was shameful.

For example, Mary Fish, an Oklahoma Indian, lived on her land in a very small, humble house, and she lived next to an oil well pump that was constantly pumping oil off of her land. She received just a pittance of money from that oil. Where did the money go? Who would account for that money? Why is it that Mary lived in such a humble manner, in a very small home, when on her land, an oil well was producing oil. Why is it that the money being managed by the Federal Government somehow never got to Mary?

When the lawsuit was filed by Elouise Cobell, the judges in the Federal courts asked: Where are the trust records for all these timber, grazing, and mineral activities?

Here is what they found: the Federal Government could not produce the records necessary for an accounting. For example, there were 162 boxes of case-related documents that were shredded after the trial began—a procedure that the U.S. Justice Department lawyers withheld from the court for 3 months. Other records were in Louisiana, and in a rat-infested warehouse in New Mexico.

Still more records were in North Dakota, and scattered in sheds across the country. I have photographs of what they saw when they opened up the warehouses in North Dakota. You can see piles of worn and damaged boxes of what were supposed to have been records. And, this is how the Federal Government cared for the information that was going to tell American Indians how their trust lands were used. It is unbelievable.

After years of litigation, the Parties in the Cobell case have reached a $3.4 billion settlement. The settlement needs to be approved by Congress, and the parties have an April 16th deadline for Congress to approve the settlement. I have mentioned this on the floor of the Senate before. This Congress has a responsibility to proceed by the April 16th deadline to avoid further, unnecessary litigation.

The President, the Secretary of Interior—whom I commend, by the way, who negotiated this settlement—have asked us to get this done, and we have a responsibility to get this done.

DISABILITY CLAIMS

I also have another point which we will get to in a short period of time on appropriations. I will mention those Americans who have filed disability claims under Social Security and are now waiting over 16 months to have the Federal Government determine whether their claims are valid, waiting 490 days after a claim is filed. That is pretty unbelievable to me. This Congress has included about $2.5 billion of additional funding for the Social Security Administration in the last 4 to 5 years. The expectation was that we would reduce the giant backlog that existed of cases, disability claims filed by people who have paid for this insurance.

American people pay for disability insurance out of their paycheck under

OASDI. When someone who is disabled files a claim in this country, on average it takes 491 days to process it. That, after we have given more than $2.5 billion in increased funding to the Social Security Administration.

Precious little progress has been made. They say it used to be 514 days, now it is 491 days. That is not much progress as far as I am concerned if you are disabled and you are expecting to file a claim and have a claim processed in a reasonable period of time.

In my State there are 2,800 claims that are awaiting action. The number of administrative law judges—we have two vacancies now out of five. One gave his notice almost a year ago and has not been replaced.

None of this makes any sense to me. Congress should expect, of an agency like this, especially when you get $2.5 billion in extra funding over five years, to understand why has no progress been made. I sent a letter to the head of Social Security asking what happened to the $2.5 billion. On the appropriations side, I want some understanding of what happened to that money and why significant progress has not been made in these disability claims that resulted from the funding given the administration by the Congress.

Let me withhold for a moment and yield the floor so my colleague can take the floor with an agreement.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

UNANIMOUS CONSENT AGREEMENT

EXECUTIVE CALENDAR

Mr. WHITEHOUSE. As in executive session I ask unanimous consent that today at 3 p.m. the Senate proceed to executive session to consider Calendar No. 653, the nomination of O. Rogeriee Thompson to be a U.S. circuit judge for the First Circuit, and there be up to 30 minutes of debate with respect to the nomination with the time equally divided and controlled between Senators WHITEHOUSE and SESSIONS or their designees; with Senator REED of Rhode Island controlling up to 5 minutes; that at 3:30 p.m. the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid on the table and any statements relating to the nomination be printed in the RECORD as if read, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WHITEHOUSE. I thank the distinguished Senator for yielding for that unanimous consent.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, In the remaining couple of minutes, let me say it is my hope and the hope of Senators ROCKEFELLER and HUTCHISON that we will be able to make progress and complete the FAA reauthorization bill. This is the fourth day. We have seen so many interminable delays in the Senate. Let's not delay legislation that has bipartisan support, that deals with the issue of air safety in this country, and has so many important provisions. Let's not at this point decide to delay this, of all pieces of legislation, something that should have been done long ago and has had 11 extensions instead of a reauthorization bill, when we finally have a bipartisan reauthorization bill brought to the floor of the Senate.

It is my hope if we are going to get cooperation on anything, at least we could expect it on this piece of legislation. My hope would be in the half-hour debate—I guess 1-hour debate and subsequent vote on the judge, we might make some progress in seeing whether we could get cooperation to be able to complete this bill today.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Will the Senator withhold the request?

Mr. DORGAN. I will withhold.

EXECUTIVE SESSION

NOMINATION OF O. ROGERIEE THOMPSON TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIRST CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will go to executive session. The clerk will report the nomination.

The legislative clerk read the nomination of O. Rogeriee Thompson, of Rhode Island, to be United States Circuit Judge for the First Circuit.

Mr. LEAHY. Mr. President, I congratulate Justice Thompson on what should be her confirmation by the Senate today as a judge on the United States Court of Appeals for the First Circuit. President Obama has made another outstanding judicial nomination. The Senators from Rhode Island have worked tirelessly to bring this matter to conclusion with a Senate vote since her nomination was reported by the Senate Judiciary Committee 2 months ago.

It has been 2 weeks since the Senate has acted on any of the 18 judicial nominations approved by the Senate Judiciary Committee that are being stalled by Republican obstruction on the Senate Executive Calendar. It has been almost 4 months since I began publicly urging the Senate Republican leadership to abandon its strategy of obstruction and delay of the President's judicial nominees. Regrettably, their practices continue. Even though Justice Thompson is a well-respected judge who has more than two decades of experience on her State's courts, and whose nomination was reported by the Senate Judiciary Committee without a single dissenting vote, her nomination has been stuck on the Senate Executive Calendar for nearly 2 months. Justice Thompson's nomination is not the only one being stalled despite having been reported without opposition by the Senate Judiciary Committee. There are a dozen such nominations ready for consideration and confirmation that have been stalled without reason or explanation. They could and should all be considered and confirmed without further delay.

In addition there are another half dozen judicial nominees awaiting final consideration by the Senate that were reported with just a single, or a few, negative votes. Those should be debated and voted upon without more delay. If Republicans would enter into time agreements, they would be considered. We should not have to go through another filibuster and cloture vote like that on Judge Barbara Keenan of Virginia, whose nomination was stalled for 4 months and then approved 99 to 0. There was no reason for that delay. Yet it amounted to a Republican filibuster until it was finally ended 2 weeks ago by the majority leader and that Senate vote.

Just yesterday, more than a dozen Senators spoke about the delays and obstruction of the President's nominees. Many Senators spoke about the recent Republican filibuster of Judge Barbara Keenan. The Senator from Pennsylvania spoke about the nominee stalled since December to fill a Pennsylvania vacancy on the Third Circuit. The Senators from North Carolina and Maryland noted that two well-qualified nominees to vacancies on the Fourth Circuit remain stalled. And the Senator from Rhode Island, a hardworking member of the Judiciary Committee, spoke of the nomination on which we are finally being allowed to vote today, that of Justice Rogeriee Thompson.

When the Senate confirms Justice Thompson, we will be confirming the first African American to serve on the First Circuit, and only the second woman. She is a trailblazer and an extraordinary woman. She will be an outstanding Federal judge.

The Judiciary Committee has favorably reported 35 of President Obama's Federal circuit and district court nominees to the Senate for final consideration and confirmation. Only 17 of these have been confirmed. Justice Thompson's nomination will be the 18th. There are another five judicial nominations set to be reported by the Judiciary Committee this week, bringing the total awaiting final action by the Senate to 22.

Despite skyrocketing vacancies—now totaling over 100, more than 30 of which are ''judicial emergencies''—we are far behind the pace for considering nominations set by the Democratic majority during President Bush's first 2 years in office. By this date during President Bush's first term, the Senate had confirmed 41 Federal circuit and district court nominations and there was only a single judicial nomination pending on the Senate's Executive Calendar. Only a single nomination was

pending. In stark contrast, to date the Senate has confirmed just 17 of President Obama's district and circuit court nominees, with an embarrassing backlog of 18 judicial nominations on the calendar awaiting Senate action. We are currently on pace to confirm fewer than 30 Federal circuit and district court nominees during this Congress, which would easily be the lowest in memory. We have to do far more to address this growing crisis of unfilled judicial vacancies.

The Republican strategy to stall, obstruct, and delay the Senate from considering President Obama's nominations is working, at great cost to the American people. Their failure to do their constitutional duty of considering the President's nominations is encumbering judges across the country with overloaded dockets and preventing ordinary Americans from seeking justice in our overburdened Federal courts. This is wrong. We owe it to the American people to do better.

The refusal by Republicans to make progress considering judicial nominations is hard to understand given the work President Obama has done to reach across the aisle to work with Republican Senators in making judicial nominations. Unlike the often partisan and divisive picks of his predecessor, President Obama deserves praise for working closely with home State Senators, whether Democratic or Republican, to identify and select well-qualified nominees to fill vacancies on the Federal bench. Yet Senate Republicans delay and obstruct even nominees chosen after consultation with Republican home State Senators.

Senate Republicans unsuccessfully filibustered the nomination of Judge David Hamilton of Indiana to the Seventh Circuit, despite support for his nomination from the senior Republican in the Senate, DICK LUGAR of Indiana. Republicans delayed for months Senate consideration of Judge Beverly Martin of Georgia to the Eleventh Circuit despite the endorsement of both her Republican home State Senators. The nomination of Jane Stranch of Tennessee to the Sixth Circuit, endorsed by home State Republican Senator LAMAR ALEXANDER and reported by the committee with bipartisan support, has remained stalled on the calendar since last year. The nominations of Judge James A. Wynn and Albert Diaz of North Carolina to the Fourth Circuit both have Senator BURR's strong support and yet have remained on the calendar for more than 6 weeks. The list goes on.

President Obama has worked closely with home State Republicans Senators, but Senate Republicans have still chosen to treat his nominees badly. Indeed, the demand for consultation with home State Senators was the purported basis for the threat from Senate Republicans to filibuster President Obama's judicial nominations before he had made a single one. They wrote in their March 2, 2009, letter to the President: ''[I]f we are not consulted on, and approve of, a nominee from our states, the Republican Conference will be unable to support moving forward on that nominee.'' Yet despite the fact that they were consulted and that Senator LUGAR did approve, Senate Republicans insisted on filibustering Judge Hamilton's nomination. Despite consultation, there are still a dozen and one-half judicial nominations stalled on the Executive Calendar.

After Republican Senators pocket-filibustered more than 60 of President Clinton's judicial nominations, denying them even hearings and votes in committee and creating a vacancy crisis on the Federal bench, Democrats did not do the same to President Bush's nominees. We treated them much more fairly. We worked hard through 2001, even after 9/11 and the anthrax attacks, holding hearings even during Senate recess periods, in order to swiftly consider President Bush's nominees. That is why by this date in 2002 the Senate had confirmed 41 judicial nominees. By contrast the confirmation of Justice Thompson will be only the 18th Federal circuit or district court judge nominated by President Obama to be confirmed. At this date in March 2002 there was a single judicial nominee awaiting Senate consideration. By contrast, today there are 18 stacked up because Senate Republicans refuse to consent to their consideration.

Yet when Democrats refused to rubberstamp a handful of the most extreme, ideological, and divisive of President Bush's nominees—not the 60 nominations of President Clinton's that Senate Republicans pocket-filibustered, or the 18 we have stalled on the calendar right now—Republican Senators changed their tune, disavowed any responsibility for their obstruction of President Clinton's nominees, and contended that filibusters of judicial nominations were ''unconstitutional'' and ''offensive.'' The Republican leadership of the Senate Judiciary Committee broke virtually every precedent and rule we had in order to force nominees through the committee, and the Republican leadership of the Senate sought to activate the ''nuclear option'' to break Senate rules and precedent in order to ram through each and every nominee.

Unfortunately, those same Republican Senators that once threatened to blow up the Senate unless every nominee received an up-or-down vote are now engaged in another attempt to abuse the rules of the Senate and undermine the democratic process. Republican Senators who just a few years ago insisted that ''elections have consequences'' have now made the use of filibusters, holds, and excessive procedural delays the new normal in the Senate in order to thwart our ability to make progress addressing issues that affect all Americans. Those who just a short time ago said that a majority vote is all that should be needed to confirm a nomination, and that filibusters of nominations are unconstitutional, have reversed themselves and now employ every delaying tactic they can, imposing on the Senate a requirement to find 60 Senators to overcome a filibuster on issue after issue.

A bipartisan group of Senators joined together in 2005 to end that last attempt by Republican leadership to abuse the rules of the Senate by joining in a bipartisan memorandum of understanding to head off the ''nuclear option'' that the Republican Senate leadership was intent on activating. Those same Republican Senators who agreed in that memorandum of understanding that nominees should only be filibustered under ''extraordinary circumstances,'' have abandoned all that they said they stood for by engaging in an effort to stall or prevent an up-or-down vote on nomination after nomination.

We saw that with their attempt to filibuster the nomination of Judge Hamilton. Just 2 weeks ago a Republican filibuster of Justice Barbara Keenan of Virginia to be a Fourth Circuit judge resulted from Senate Republicans refusing to agree to debate and vote on that nomination. The majority leader was required to proceed through a time-consuming procedure to end the obstruction. The votes to end debate and on her confirmation were both 99 to 0. That nomination had been reported in October. So after more than 4 months of stalling, there was no justification, explanation, or basis for the delay. That is wrong. That was the 17th filibuster of President Obama's nominations. And that does not include the many other nominees who were delayed or who are being denied up-or-down votes by Senate Republicans refusing to agree to time agreements to consider even noncontroversial nominees.

So why are Republicans so insistent on reversing themselves and applying new standards to halt our progress filling vacancies on the Federal courts? Why have they insisted on departing so radically from the standards set by the Democratic majority during the first two years of the Bush Administration when we confirmed 100 of President Bush's judicial nominations in 17 months? Why have they rejected President Obama's efforts to reach across the aisle and nominate well-qualified mainstream nominees? Why are they intent on constructing procedural hurdles to delay and deny up-or-down votes to nominee after nominee?

The American people should see this for what it is: More of the partisan, narrow, ideological tactics that Senate Republicans have been engaging in for decades as they try to pack the courts with ultraconservative judges. What is at stake for the American people are their rights, their access to the courts, and their ability to seek redress for wrongdoing.

For all the talk we heard about ''judicial modesty'' and ''judicial restraint'' from the nominees of President Bush at their confirmation hearings, we have seen Federal courts—most notably the Supreme Court—these last 5 years that has been anything but modest and restrained. Conservative activist judges are time and time again substituting their personal beliefs to the law and the judgment of elected officials.

That is what we saw in the recent decision by a narrow five-justice majority of the Supreme Court in Citizens United v. Federal Election Commission, a decision that gutted bipartisan laws enacted to protect the ability of individual Americans to participate in elections and not have their voices drowned out by corporations. Regrettably, that decision is only the latest example of the willingness of a narrow majority of the Supreme Court to render decisions from the bench to suit their own agenda.

The Citizens United decision reinforces the profound concern I have had about the real-world consequences of recent court decisions for hardworking Americans. On issues like equal pay for equal work; the power of Congress under the 14th and 15th amendments to pass civil rights laws like the Voting Rights Act; and issues thought to be long settled like the meaning of Brown v. Board of Education, the current conservative majority on the Supreme Court seems determined to accrue to itself the powers given by the Constitution to Congress and to rewrite long-established precedents. The lower courts must follow suit. Make no mistake, this is the product of years of work by Republicans catering to the far right to remake the courts and reshape the law from the bench.

Republican Senators who demanded up-or-down votes for even the most extreme and ideological nominees of a Republican President now balk at the consideration of well-qualified, mainstream nominees of a Democratic President. The many years Democratic Senators worked to be fairer to President Bush's nominees than the Republican majority had been to President Clinton's nominees have been cast aside and forgotten by the Republican minority.

Justice Thompson's nomination is noncontroversial and should easily be confirmed. I urge the Senate also to take responsible action to consider the other 17 judicial nominations still awaiting a vote by the Senate. The Senate can more than double the total number of judicial nominations it has confirmed by considering not only Justice Thompson's nomination but the other judicial nominees on the calendar. We should do that now, without more delay, without additional obstruction, to put us back on track. Senators should work together to do our jobs for the American people.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that time be charged equally.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY.) Without objection, it is so ordered.

Mr. REED. Mr. President, shortly, we will have the honor and privilege, myself and Senator WHITEHOUSE, to join in supporting and confirming the nomination of Justice Rogeriee Thompson, who will be confirmed today to the First Circuit Court of Appeals.

Justice Thompson is an eminent member of our Rhode Island courts. She has been an Associate Justice of the Rhode Island Superior Court since 1997. She is a path breaker in many respects in terms of her talent, but also because she is the first woman of African-American descent to serve on the Rhode Island Superior Court. She will be the first African American to serve on the First Circuit Court of Appeals and only the second woman.

She has achieved these remarkable results because of her intellect, her character, her integrity, and her deep commitment to fairness and to justice. She is a remarkable woman. We are pleased and delighted that her nomination has been forwarded to us by the President. He has made a wise choice. Today, we will have the opportunity to consider the nomination and confirm her. She will do a remarkable job on the First Circuit Court of Appeals.

Originally, Justice Thompson was born in South Carolina, but she came to Rhode Island to attend Brown University. She earned her J.D. from the Boston University School of Law and began her career as a staff attorney at Rhode Island Legal Services.

So her progression to the First Circuit is one that has carried her a long way. I think it has included, very importantly, a strong commitment not just to the most fortunate in our country, but also to those who desperately need help and assistance.

She will bring that sense of fairness and decency to the First Circuit Court of Appeals. I urge all of my colleagues to support this worthy woman and her nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, the Senate is considering the nomination of O. Rogeriee Thompson to the United States Court of Appeals for the First Circuit. I join my distinguished senior colleague, Senator JACK REED, in applauding President Obama's selection of this very talented nominee. Judge Thompson's nomination has been an uncontroversial one and for good reason: She is a dedicated public servant, a highly experienced and respected judge, and a credit to our home State of Rhode Island. I congratulate Judge Thompson on coming to this point in the process. I look forward to an uneventful confirmation vote in the next few moments.

I express to my colleagues my thorough confidence that she will have a distinguished career as a U.S. circuit court of appeals judge.

I also thank some of my colleagues. I am grateful to majority leader HARRY REID, to our chairman, PATRICK LEAHY, of the Judiciary Committee, and to Senators on the other side of the aisle, in particular Judiciary Committee Ranking Member SESSIONS, for clearing the path for us to vote on Judge Thompson's nomination today. I also am grateful that my senior Senator, JACK REED, gave me the opportunity to assist him in identifying the best possible nominee to recommend to President Obama to serve on the first circuit. As my colleagues know, it has been a great honor to serve with Senator REED since coming to the Senate. This experience with him was another great privilege for which I am deeply grateful.

After the Senate's action today, after a lifetime of achievement, Judge Thompson will make history as the first African American and only the second woman to serve on the U.S. Court of Appeals for the First Circuit. This will not be the first barrier broken by Judge Thompson, as she was the first African-American woman on each of the Rhode Island courts on which she has served. These were great moments in the history of our State. Her arrival will be a wonderful addition in the history of the first circuit. Judge Thompson has given our State 21 years of distinguished judicial service, first as an associate judge on the Rhode Island district court and subsequently as an associate justice on the Rhode Island superior court.

Judge Thompson has long scrupulously adhered to the proper role of a judge, respecting the role of the legislature as the voice of the people, deciding cases based on the law and the facts, not prejudging any case but listening to every party before her, respecting precedent and limiting herself to the issues properly before the court. Her courtroom deservedly has come to be known as a place in which every party can expect a fair hearing. I know she will earn the same reputation for fairness and excellence as a judge on the first circuit.

I should add that Judge Thompson has also made great contributions to our home State of Rhode Island outside of the courtroom. She has chaired or been a member of important court committees that have improved the quality of justice in our State. She has given back to her alma mater, Brown University, by serving as a trustee of that great university. She also has provided mentoring to innumerable students, given her time to countless law

school programs, and served on the boards of valuable and important nonprofit groups such as the Rhode Island Children's Crusade for Higher Education, a board on which I was privileged to serve with Judge Thompson. Her willingness to give back to our Rhode Island community is characteristic of her entire family. Judge Thompson's husband, Bill Clifton, is a judge on the Rhode Island district court. Her brother-in-law, Bill's brother, Edward Clifton, is a judge on the Rhode Island superior court. It is a very judicial family.

I had the occasion to appear before Judge Clifton. He was the first judge when we began our Rhode Island drug court, when I was attorney general. I have had firsthand experience of his qualities as well. We in Rhode Island are very fortunate to be blessed by the service and excellence of this family. I am sure this is a very proud day for them all. I extend my best wishes and my congratulations.

I anticipate we will have a strong vote in favor of Judge Thompson. She passed without incident or opposition through the review of the Judiciary Committee. There were no questions raised about her at her hearing. The voice vote in her favor was unanimous. The track record to date is an indication of a likely resounding confirmation. I might add, if that happens, that is yet another evidence of how talented she is and how well she deserves this seat on the Court of Appeals for the First Circuit. It is an important circuit for our State. It is a very distinguished court. It has had very distinguished Rhode Islanders sit on it in the past. A friend of Senator JACK REED's and mine, the honorable Bruce Selya, has served on that court with immense distinction for many years. So there is an important Rhode Island tradition on the first circuit.

I can assure all of my colleagues in the Senate that as a justice of this court, O. Rogeriee Thompson will discharge all of her duties with the greatest of distinction.

I yield the floor, suggest the absence of a quorum, and ask unanimous consent that the time be divided between the minority and majority.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask for the yeas and nays on the nomination of Judge Thompson.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of O. Rogeriee Thompson, of Rhode Island, to be United States Circuit Judge for the First Circuit?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 56 Ex.]

YEAS—98

Akaka	Enzi	Menendez
Alexander	Feingold	Merkley
Barrasso	Feinstein	Mikulski
Baucus	Franken	Murkowski
Bayh	Gillibrand	Murray
Begich	Graham	Nelson (NE)
Bennet	Grassley	Nelson (FL)
Bingaman	Gregg	Pryor
Bond	Hagan	Reed
Boxer	Harkin	Reid
Brown (MA)	Hatch	Risch
Brown (OH)	Hutchison	Roberts
Brownback	Inhofe	Rockefeller
Bunning	Inouye	Sanders
Burr	Isakson	Schumer
Burris	Johanns	Sessions
Cantwell	Johnson	Shaheen
Cardin	Kaufman	Shelby
Carper	Kerry	Snowe
Casey	Klobuchar	Specter
Chambliss	Kohl	Stabenow
Coburn	Kyl	Tester
Cochran	Landrieu	Thune
Collins	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Corker	LeMieux	Vitter
Cornyn	Levin	Voinovich
Crapo	Lieberman	Warner
DeMint	Lincoln	Webb
Dodd	Lugar	Whitehouse
Dorgan	McCain	Wicker
Durbin	McCaskill	Wyden
Ensign	McConnell	

NOT VOTING—2

Bennett	Byrd

The nomination was confirmed.

The PRESIDING OFFICER. The President will be notified of the Senate's action.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

TAX ON BONUSES RECEIVED FROM CERTAIN TARP RECIPIENTS—Continued

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I want people to understand that the Federal aviation reauthorization process is moving slowly but steadily. We take several steps forward but none backward. Yesterday we approved 14 amendments. There was a tremendous amount of work done by the staff to work those out. We have another large group we hope to be able to do this afternoon. So large chunks of the bill are actually getting done. Then, we have a number of controversial amendments, or potentially controversial, and we are in the process of getting those locked down so the Presiding Officer can pronounce a unanimous consent agreement with 2 minutes equally divided.

I yield the floor to the Senator from Texas.

Mrs. HUTCHISON. Mr. President, my distinguished colleague and chairman of the committee and I are working very hard to clear further amendments as well as get a vote on the Sessions amendment, with a Pryor amendment connected to that, and a McCain amendment, so that we can try to finish this bill by tomorrow. So that is what we are working on. We are of the same mind on that. I hope very much that we will be able to get the amendments cleared that are very important. I would ask all of our colleagues to work with us to expedite matters so that we can finish this bill early tomorrow.

Thank you, Mr. President. I thank the chairman as well for working with us on this issue.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I think the distinguished chairman of the Judiciary Committee wishes to speak, but he is waiting for something, so I will proceed.

This Federal aviation bill is enormous in scope, but we are doing it in little pieces and with little amendments, so sometimes it is hard. It has seven different titles in it. One of them has to do with community air service to rural, underserved areas, which is very important in my State and in the Presiding Officer's State—really all of our States. Even California and New York have many very rural areas where they need air service.

I spent 10 years chairing the Aviation Subcommittee, and I enjoyed it enormously. I now chair the full committee, which I enjoy enormously. But one focus throughout has been trying to protect small and rural communities and give them air service. They travel. If the local airport promotes itself, as a product must—it is not just a place people go to; they have to announce themselves to the public and say: We can take you here, we can take you there, while others of us try to get flights in. It is tremendously important, so they are worth fighting for, and we do that.

Large and urban States sometimes question that, but if they look in their hearts, they have a lot of the same requirements themselves. It is really about equality, and it is about the economy, and it is about fairness. What is the difference between somebody from a city and somebody from a smaller community? They both do business. One may not have a big jet and therefore may require a smaller airplane, a commuter airplane to get to

where he or she wishes to go, but it is important that they be able to get there. So it is vital to our economy.

Every single business considers, along with the school system, the so-called quality of life, the crime rate, all of this, they consider air service when they are deciding whether to locate or to expand in a particular State. And so for that, we have this wonderful program called the Essential Air Service—the EAS. It is a program which has proved vital to communities across this country. It has allowed them to keep air service they might not otherwise be able to keep, and literally so. It doesn't bail them out to do that. I mean, it doesn't pay the cost of that, but it helps them and they use it.

The first option of air carriers, naturally, but regrettably, as far as a small community is concerned—if they are in distress, as our airlines, our legacy airlines in particular, have been in recent years—is they go to the end of the food chain to make their first cuts, and that is always the small communities—the small airports and the small centers. That doesn't make them less important.

Every time I think about that, I think about the time I ran for Governor and I was defeated. I became president of a wonderful small private college which had a grass airfield. They didn't get any Federal help, because you can't do that with grass. But I always remember there was a little yellow farmhouse when I drove out there, and it is still the same little yellow farmhouse today. But if you go inside it has a worldwide educational CD, video. It is the highest possible technology company you can imagine. It just doesn't happen to want to build a big building. It is happy in this little yellow farmhouse. You don't have to have tall skyscrapers to do business. So the small community air service development program has helped people.

My bill takes several important steps toward KAY BAILEY HUTCHISON's bill. We worked side by side—and I can't say this enough—every step of the way. It is sort of a perfect combination of a ranking member and chairman. We do several things here: We increase the authorized funding for the Essential Air Service to $175 million. That is an increase of $48 million. That is not a whole lot of money, but on a nationwide basis that does a lot. That keeps many small airfields open and allows them to have control towers and run air service.

We permit the Federal Aviation Administration to incorporate financial incentives into contracts with the Essential Air Service carriers to encourage better service. You have to keep your eye on them. It is not just the question that Senator DORGAN has talked about; that is, what is the name on the airplane. Sometimes there are two names and you don't know which one you are riding on—is it United or Colgan or what—and you need to know that. We correct that elsewhere, in another title in our bill.

We also authorize the Federal Aviation Administration to negotiate longer term Essential Air Service contracts. That makes sense because that gives a sense of stability and predictability to an airfield—to a small airfield—and to the public which is interested in it.

We authorize the development of financial incentives for carriers to improve their service, as I indicated. It is quite amazing, the whole structure of what people get paid to fly, from these little carriers to commuter airlines. I am not going to give numbers to their salaries, because you would be shocked at what they get paid—a lot less than teachers. But they accept that because the seniority system says if you have flown a long time, you get paid a lot. And they have accepted that because people who know how to fly love to fly, and they want to fly. But you have to keep your eye always on the quality of service.

Maintenance is a very high order, because that is the kind of thing which could be neglected and people might not notice. It is like keeping up your house. You can't defer maintenance or you pay a terrible price. In the case of airlines, the price is very obvious.

We also authorize the Airport Improvement Program to convert Essential Air Service; that is, small airports, into general aviation airports. That turns out to be very convenient. There are thousands of general aviation—big jets, little jets, and King Airs—all over this country, and they fly everywhere, and we want them to. So we try to encourage the EAS to do well by them.

We have increasing funding for contract towers. That is important. You have to have a tower. I had a 9:30 appointment this morning, and from not a large airport. Before taking off, there was fog, so they couldn't take off. I assume they could see the fog themselves. But if they were in doubt, the air traffic controller said: You aren't taking off. That is called a service to them; less to me but to them, and that is what counts.

In closing, I will mention something very important to West Virginia and to other States. Our global economy is growing and we are much more interconnected. It becomes very important now, for example, that commuter services don't just take you from, let's say, Charleston, WV, to Cincinnati. Sometimes, more importantly for business, they can take you to Dulles Airport and you can connect to the international air flight business, so that somebody from Bloomfield, WV, or Beckley, WV, can be flying and go see his or her customers, or potential customers, from a little commuter airport and a little commuter airplane, which then turns into a much larger airport and international flow. I am proud of this. And this is just part of our bill.

In the absence of other business, as we wait for amendments to be worked out, we will do three of those this afternoon. Then we will have, as I say, a tranche of agreed-to amendments—a very large tranche. In the tranche of yesterday, which was 14 amendments, and the tranche of today, which is almost that, that will be the bulk of the bill.

We have been 3 years waiting on this bill. It has been sort of held over or extended 11 times. Indeed, it will be 12 times by the time we pass it, which will be, hopefully, tomorrow evening.

I thank the Chair and yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURRIS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I offered, along with Senator CLAIR MCCASKILL, my Democratic colleague, an amendment that will help contain our tendency in this body—a bipartisan tendency, unfortunately—to bust the budget, to spend more than we state we are going to spend. It is a temptation that is all too real. We are faced with competing choices to spend and spend, and some of our Members just find it hard to say no.

We have to be careful about that because each time we do that, the baseline of the budget or the emergency spending goes up, and we have gotten into a habit of it that is surging us on an unsustainable path. Mr. Bernanke, the head of the Federal Reserve, the Obama administration's leaders, independent economists, and Republicans across-the-board are saying we are on a spending path that is unsustainable, that we cannot keep on. But I have to tell you, a lot of this is bad because we budgeted it; but a lot of it is bad because we break the budget and spend more than the budget says.

We have a historical incident in which this Congress passed statutory caps on spending to support the budget. In effect, Congress passed laws that said this is our budget for the next several years. We have actual spending dollar limits in our budget. Let's pass a law that says if we go above that, it takes a supermajority.

Our bill says it would take a two-thirds vote to exceed the spending the budget allows. Some say: A two-thirds vote? That is a high vote. But it is based on the budget and the passage of a budget, and the budget is passed by a 50-vote majority. So the budget essentially will be the Democratic colleagues' budget. What they pass is what they expect the levels of spending should be and where we should cap it and where we should not go any further.

This legislation would enhance our ability and state with clarity, as a bipartisan act of this Senate and Congress, that this is where we are going to stay and that we are serious about it

this time and we are going to do something about spending that is out of control.

The simple truth is, we cannot continue to spend as we are. The simple truth is, we are spending into debt, deficit, more than we ever have in our history. Let me just show this chart. I think it is a pretty indicative chart that should cause the average person to lose their appetite—maybe even have their hair stand up. I used this chart a week or so ago. I was meeting later with a Foreign Minister from a European country.

He said: I happened to be watching C–SPAN. I saw you yesterday on the floor with this chart. He said: Do you use charts on the floor often?

I said: Yes, sir, we do, Mr. Minister.

He said: I thought it made a lot of sense. You ought to go all over the country and show that.

This is the Congressional Budget Office numbers based on the budget that is out there. It shows what our debt held by the public is. The debt held by the public is the debt where we sell Treasury bills and people give us their money. They loan us their money, and we promise to pay them back—over 10 years or 2 years or 30 years—at a certain rate of interest. Some people say: You should not count the internal debt; that is not exactly accurate. The only thing that really counts is the public debt.

The internal debt, the gross debt is much larger than this, but let's just use these numbers. In 2008 the total public debt of the United States was $5.8 trillion. Since the founding of our Republic—in 1789, I guess, since the Constitution was written. In 2013, according to CBO staff, it will double to $11.8 trillion. That is just 3 years from now—double. Then, in 2019, it is projected to go to $17.3 trillion, more than triple. This is not a little-bitty matter. That is why people are saying we cannot continue this way. That is why Moody's, the debt rating agency, is continuing to discuss whether to downgrade the American debt.

There are entities out there that insure debt. Some people are so nervous about debt they want to insure the Federal Government debt and they pay an actual insurance premium to make sure if the government doesn't pay them what they owe, the insurance companies will pay them what they owe. I am not sure that is a smart deal. Maybe it is in a smaller country. At any rate, people pay this.

The amount of insurance that has been paid on the American debt has tripled. It is not a lot, but it says something about what independent people are valuing.

The debt of Greece amounts to 12.9 percent. The 1-year deficit for Greece amounts to 12.9 percent of their total economy—GDP. We are at 9.9 percent, our debt. This year—the year ending September 30, last year—that deficit was $1.4 trillion, three times the largest debt in the history of the American Republic—three times.

Is this year going to be better? No. This year they are projecting when September 30 arrives, our deficit for that one fiscal year will be $1.6 trillion. According to some of the estimates, the debt would drop down to about $600 billion over the next 10 years, through 2019. But now we are seeing numbers that indicate that was too rosy a scenario and we probably will not drop below $700 billion, and then it starts up in 2018, 2019, 2017—almost $1 trillion a year annual deficits.

These numbers are low by any estimate. Already this year's deficit was supposed to be a little over $1 trillion, but it is going to be $1.5 trillion; maybe $1.6 trillion. That is a lot of money. We just passed another bill that added another $104 billion to the debt for a jobs bill.

What we are saying is, we are on a pathway that is unsustainable. We cannot continue to run trillion-dollar deficits. We are going to average almost $1 trillion a year deficit for the next 10 years—probably it will average maybe more than that. That is why I think all of us are concerned about it.

Senator MCCASKILL and I, as a first step, offered legislation that said we are going to stick with our budget. If we will just stick with our budget things will be better than they would be if we do not stick with our budget. It is not a cure-all. It does not deal with entitlements and all the things with which we are confronted, but at least our discretionary spending will stick with our budget.

The first vote was 56 voted for it. We made some changes to accommodate concerns of some of our colleagues, and 59 voted for it—18 Democrats joined in voting for that amendment. So we need one more vote to make it law, and I am pleased to work with Senator MCCASKILL because we are serious about this good step.

When it was done, similar legislation was passed in the early 1990s and continued throughout the 1990s. That was a factor, no doubt, in going from substantial deficits in the early part of the 1990s and in the 1980s to surpluses in the latter part of the 1990s. That was a big part of it because we stuck to our budget numbers and we made progress.

Again, what number are you saying—is it a freeze on spending? Not really. The President talked about a freeze on spending. I will support that aggressively, but we are talking about a 1-percent or 2-percent increase, according to the budget. So it will give us a hard limit on how much increase in spending we will have. It will not require a cut in spending.

How does this play out in terms of our economy? Well, what is a $1 trillion? We used to talk about millions, and then billions, now we are talking about trillions. Is that really a lot of money? Yes, it is. One trillion dollars is one thousand billion.

In Alabama State, we are almost 1/50 of the American population, and Alabama's general fund budget is about $2 billion. Alabama, counting education, is less than 10. One trillion dollars is an amount of money difficult for us to comprehend. We have never, ever dealt with numbers as dramatic as these numbers.

What is wrong with borrowing? Why don't we just borrow? We have to pay interest on it. This is public debt. We do not have any internal surpluses anymore, or very little, from Social Security and Medicare. We have to go out and borrow this money on the marketplace and we pay interest on it. We pay interest every year on what we borrow. Congress passed, over my objection, an $800 billion stimulus package. Every dollar of that was borrowed because we were already in debt, and when we spend $800 billion more we have to borrow it and we pay somebody interest on it. It comes out of our money that we collect in taxes. We have to pay interest first just like you do on your mortgage. The first thing, you pay your house note, otherwise they are coming to foreclose and out in the street you will go.

How much interest do we pay? That is a question I think drives home how serious our unsustainable course is. A simple truth is that the interest on the national debt is growing in an incredible rate and will soon surpass defense budgets and everything else in our budgetary items. Look at these numbers.

In 2009, last year, we paid $187 billion in interest. What about the highway program? The Federal highway program that we talk so much about and argue and debate about exactly how much that should be is $40 billion a year, just $40 billion. We paid last year $187 billion in interest. This is a lot of money. But as I told you, since we have an unsustainable annual deficit every year, huge deficits on top of the debt we have already accumulated, our interest payment on the public debt will go up. Look at these numbers.

In 2020—from 2009 to 2020 the number hits $840 billion in 1 year we will have to pay in interest because we borrowed so much money. That is why we hear people say time and again this is immoral. We are borrowing from our future, from our children and grandchildren, so we can spend today and live well today without worrying about the impact it is going to have in the future. Do not think this will not impact the economy adversely also. This money is all a product of borrowing from the economy, so the government is now crowding out private borrowing by sucking up the money itself.

If you are a private person and you needed to borrow money and you say: I promise to pay you back, and the guy said: I think you will pay me back, but the U.S. Government will pay me 5 percent on a T-bill. Why should I loan you money at 5 percent? If I loan to you, you are less secure. I want 7 or 8 percent from you, big boy. That is how things happen. It drives up our wealth

and capital for the expansion of businesses and home buyers and that sort of thing.

So look at that chart. It is a stunning chart, and it is a chart that has the numbers on President Obama's budget that he submitted to Congress, as scored by the Congressional Budget Office.

Well, that is why we have to do something. There are a lot of things we need to do. But I am hopeful that in our debate and discussion in recent days that we have had this vote up, this will be the third time we vote on it. I am hopeful my colleagues will see this as at least one firm step we will take that will help us contain our tendency to not stay with our budget.

If we were to stay with spending increases that did not exceed 1 or 2 percent that is in the budget of the next 4 years now, according to the budget passed last year, we would see a positive impact on spending.

Unfortunately, in the last year, we had bills such as Agriculture increased to 10 percent; we had bills such as Interior get about 15 or 20 percent; we had bills such as EPA, the Environmental Protection Agency, a 30-percent increase; State Department, a 30-percent increase.

A 30-percent increase in a budget, the budget is going to double in about 3 or 4 years. At 7 percent, money will double in 10 years. So I just would say, this is a dangerous thing. This will help us contain that spending. That is why Senator MCCONNELL and I are so interested in seeing if we can be successful with this legislation.

I understand Senator PRYOR has an alternative; they call it a side by side. ''Vote for mine, do not vote for theirs'' kind of amendment. I am not exactly sure what it says. Hopefully, I can support his too. I understand his may be just a 1-year binding cap. It provides no point of order to waive the cap. It increases spending in a number of accounts. So we will look at that. I would like to be able to support his too.

But what I would say to my colleagues is, the advantages of the amendment Senator MCCASKILL and I are offering are, it is a proven procedure, it requires a two-thirds vote to break the budget, it allows us to tell ourselves, tell our constituents, and the world financial markets that we get it, we are willing to begin to contain this spending and that we can do better and we will do better in the future and there will be other steps we will want to take.

But I do believe this amendment will be one of the first things we can do, in a bipartisan way, to help control the growth of spending and put us back on track. In the 1990s, it led to actual surplus. So I urge my colleagues to support the Sessions-McCaskill amendment. I believe it is the right thing for our country. It is a significant step that will work. It is not going to solve all our problems, but it will be a big help.

I yield the floor.

Mr. ROCKEFELLER. Mr. President, I would ask if Senator SESSIONS notes the absence of a quorum.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I ask unanimous consent to be recognized to speak as in morning business for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, first of all, let me say that I do like all the guys I am opposing on this legislation. I have been particularly close to JIM DEMINT for quite some time. It happens that Senator DEMINT and I, almost every rating that comes along, are considered always in the top five most conservative Members of the Senate.

In fact, I tell the occupier of the chair who already knows this, that just last week I was declared by the National Journal to be the most conservative Member of the Senate. I say that because I am disagreeing with a lot of my friends who have come forth to try to do something about what they call earmarks.

Let me try to make a couple points that I think are significant. First of all, an earmark that is in a current underlying bill, if it is defeated, does not save one cent, not one.

People out there believe—and I have heard the talks on the floor where they say: Well, we have to do something about the next generation and all that. Look, I have 20 kids and grandkids. I am the guy who is concerned about the next generation.

So when you try to make people believe you are doing something that is saving money and doing something about the horrible spending that is going on, it is not sincere, because an earmark does not add money. What you do when you kill an earmark is redirect it or you might say you have an earmark, but you do not like what they put in, so you are going to reearmark it to something else.

I will give you a couple examples. These examples, I know the Chair is familiar with this because he serves on the Armed Services Committee. They are two earmarks that Senator MCCAIN had; one was the earmark for the F–22, where the President had had an amount of money for the F–22, our fifth-generation fighter. I thought it was not enough. Several of us added more, about $1.75 billion to that program.

Senator MCCAIN—and I respect the fact that he disagreed—disagreed on this issue. But he had an amendment to strike that earmark, which was a successful effort. So he struck it. However, that did not change the fact that the NDAA, that is the National Defense Authorization Act, was still at $679.8 billion, the same as it would have been had that earmark not been struck.

What happens to that money? That was the $1.75. Well, that goes back into the defense system, into the Pentagon, where President Obama and his people can make a determination as to how to spend that.

Using another example very similar to that, when we had the appropriations bill—that was authorization—when we had the appropriations bill, it was at $625.8 billion. We had an earmark that—you can call it an earmark because we increased the amount of money within the bill, and we offset it to increase the number of C–17s. We felt, in our judgment, that is what should happen. That would have been $2.5 billion.

So Senator MCCAIN tried to get that out of it, and he was unsuccessful. So I have given you two examples, one where you successfully defeat an earmark, one where you are not successful. But neither one changes the underlying bill.

So for that reason, it does not happen. Another one the Senator had was having to do with transportation. I respect him. I do not agree with him. But he had an amendment that would strike some things from the Transportation bill amounting to about $1.7 billion. He redirected that to NextGen. NextGen is a program I am very familiar with because it has to do with the next generation of avionics and all of it. I know the Chair is aware of this; that when Senator Glenn retired, that left me as the only active pilot in the Chamber or the only commercial pilot. So I stay on those issues.

I found out I disagreed with Senator MCCAIN on that because CBO said we could do the NextGen without this additional money. So the point I am trying to make is, eliminating earmarks does not save any money.

Here is another thing that I think is significant. Sean Hannity had a three-night report that I enjoyed. What he did, he had a list of 102 earmarks. He went down these earmarks, and everyone enjoyed it. Last night he had the last 20. So he went: Earmark No. 20, 19, 18, 17, 16—went all the way down to earmark No. 1. There is not time to cover all 102 of these. I did this on Monday on the floor, by the way.

But it was such things as the $3.4 million to the Florida Department of Transportation to build an ecopassage to allow turtles to cross under the highway so they would not get hit by a car. That was $3.4 million; $450,000 for 22 concrete toilets in the Mark Twain National Forest; another earmark, $325,000, to study the mating decisions of female cactus bugs. That was another one. This country needs that, of course; $300,000 to buy a helicopter equipped to detect radioactive rabbit

droppings; $400,000 to study whether adults with attention deficit disorder smoke more than other adults. This is one that really wound me up: $500,000 in a grant to a researcher named in the climategate scandal. Here is a guy who has been cooking the science, and we are going to give him half a million dollars. Then there is $500,000 to study the impact of global warming on wildflowers in Colorado.

I could go through all 102. But there is one thing they all have in common. I will bet you not many people know what that is. Not one of these 102 was a congressional earmark. These were all Presidential or bureaucratic earmarks. There is where the problem is. But they won't talk about it because the public has been duped into thinking congressional earmarks are a problem.

Let me tell you what happened over in the other House. I am criticizing my own Republicans now. The Republican caucus got together and they had a resolve. They said:

> Resolved, that it is the policy of the Republican Conference that no Member shall request a congressional earmark, limited tax benefit, or limited tariff benefit, as such terms are used in clause 9, rule XXI of the Rules of the House . . .

That finally defines what an earmark is. I was thankful for that. Even though their policy was bad, at least they talked about what an earmark is. Here is what it is. Clause 9, rule XXI applies to all legislation in the House of Representatives, whether it be authorization or appropriation. That is what we do for a living around here.

There is an old document nobody pays any attention to anymore. It is called the Constitution. If you look up article I, section 9 of the Constitution, it says that no money shall be drawn from the Treasury but in consequence of the appropriations made by law. That is us.

Besides, if you remember studying about this—I know the Chair and I have talked about his knowledge of the Constitution—it was James Madison who was the father of the Constitution. He was the one who came up with the three coequal branches of government—the judiciary, executive, and legislative. He is the one who coined the phrase ''power of the purse.'' That was James Madison. If you read the Federalist Papers, he made it clear what we were supposed to do. What we in the House and we in the Senate are supposed to do is pass laws that are necessary to have appropriations and authorization.

The Chair and I are both on the Senate Armed Services Committee. That is the authorization committee. We go through and study what we need to defend America—missile defense, for example. We need to have redundancy in all phases—the boost face, the midcourse face, the terminal phase. All these things are complicated, and we really can't expect the general public to be aware of it because they are too busy making money to pay for all this fun we are having up here. We have this authorization. That is what the Constitution says we are supposed to be doing.

Then appropriations. After we authorize something, study as to whether it should be a priority, then we have an appropriation to put it into law. That is, again, what we are supposed to be doing. The Constitution tells us we have to appropriate and authorize.

The oath of office—everyone here has taken the oath of office. In that oath, we say we solemnly swear we will support and bear true allegiance to the Constitution of the United States.

Wait a minute. They are going to uphold the Constitution, but they have just said by their own resolution that they are going to break the Constitution.

I look at this, and I think about how people, if they only knew this was going on, if they only knew that all these earmarks Sean Hannity talked about, all 102 were earmarks that came from unelected bureaucrats—people not responsible.

There was an interesting article in the Hill paper the other day. It was from February 4. They say lobbyists are now going to Federal agencies because of all these efforts because of earmarks and all that. So we have turned over and given to unelected bureaucrats what we are supposed to be doing under our sworn oath.

I know Senator MCCAIN is going to have an amendment coming up tomorrow. I would like to suggest that people who talk about not doing earmarks have done earmarks. In the case of Senator MCCAIN, there was an article titled ''McCain Breaks Own Pork Rule.'' This was from November 7, 2003.

Then we have Senator DEMINT, who—again, I really value him. He is one of my closest friends. I remember when he was first running for office. I went to South Carolina, and they talked about how roads were so important down there, and he swore he would support them. So he did. He kept his word. These are earmarks. Senator DEMINT: $10 million for the construction of I–73 at Myrtle Beach; $15 million to widen U.S. 278 to six lanes; $10 million, engineering, design, and construction of a port access road; $10 million in improvements to U.S. 17; $5 million, widening SC 9; $3 million to complete construction. These are earmarks that were done by Senator DEMINT. I don't blame him. That is what we are supposed to be doing. I have done the same thing. You add up all these earmarks on just that bill, and it comes to $110 million. Those are Senator DEMINT's earmarks on that one bill.

What I am saying is, these guys all earmark, but somehow the public thinks there is something wrong with earmarks. I say: Fine. Define earmarks. Be as honest as the House of Representatives. The House of Representatives says earmarks are authorizations and appropriations.

What we need to do is remember what our jobs are here. Again, the thing that frustrates me is that there are so many people writing editorials thinking earmarks are going to somehow cut spending. They don't cut any spending. Eliminating an earmark merely transfers it from our constitutional responsibility to the executive branch. I am hoping people will understand this.

I can remember 8 years ago. Everyone said at that time that global warming was caused by manmade gases, anthropogenic gases. I thought, it must be true; everybody says it is true, until the Wharton School of Economics came along and did a study during the Kyoto Treaty days. They said: What would it cost America if we were to sign and ratify that treaty and live by its emissions restrictions? The range they gave us was between $300 and $400 billion a year. We are talking about $300 to $400 billion a year.

I see my friend from Arkansas. I suggest to him, that $300 to $400 billion a year would cost every taxpayer he has who files a return in the State of Arkansas just under $3,000 a year. That is what it would cost. We didn't ratify that.

Along came, in 2003, the McCain-Lieberman bill—another cap-and-trade bill to do essentially the same thing Kyoto did—and then the McCain-Lieberman bill in 2005 and the Warner-Lieberman bill in 2008 and the Sanders-Boxer bill in 2009. All of these have one thing in common; that is, cap and trade. Right now, we have Senator LINDSEY GRAHAM and Senator JOHN KERRY trying to change the word, not use ''cap and trade,'' but essentially it would be cap and trade.

All of that would have cost between $300 and $400 billion a year. I bring that up because it is pertinent to this. I brought it up because 8 years ago nobody believed me when I said it is going to cost that much money and it will not accomplish anything.

Then, as the years went by, finally the Environmental Protection Agency director, appointed by President Obama, in response to a question I had—I asked: Let me ask you this. If we were to pass this bill—that was the Markey bill; they are all the same; cap and trade is cap and trade—how much would it reduce the emissions of CO_2? Her answer was: It wouldn't reduce it.

Common sense tells us it wouldn't. If we do something unilaterally in America, it will not reduce the worldwide amount. As we lose our jobs here, they to go China and Mexico, places where they are generating more electricity. It will have the effect of increasing not reducing it.

It took America 7 years. I was a bad guy for 7 years because in advance I said that this is what it was going to cost. It was a phony issue. Finally, they agreed.

This has endured 3 years. I have been trying to explain to people for the last 3 years that you don't save any money

if you kill earmarks. We need to define what they are. The House has been honest. They have defined it as authorization and appropriation, which is what the Constitution says we are supposed to do. Everybody who says they are against earmarks has been introducing earmarks.

The bottom line is, we need to really address something meaningful.

What I have done is I have introduced a bill that will do what President Obama said he was going to do; that is, freeze the nondefense discretionary spending at the 2010 levels. The only problem with that is he increased it in his budget by 20 percent. You are talking about increasing the nondiscretionary or the discretionary nondefense spending after you have increased it by 20 percent. So I introduced a bill that says let's take it back.

This President is always talking about what he inherited from the Bush administration. In 2008, the amount of money that was called discretionary spending was 20 percent less than 2010. If it is good for 2010, let's bring it down to 2008. We have an opportunity that would save just under $1 trillion in the next 10-year budget cycle. That is the answer. That is what I think we ought to be doing instead of sitting around and deceiving the public into thinking that just because the media doesn't understand it, somehow earmarks are going to accomplish something worthwhile.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 3548 TO AMENDMENT NO. 3452

Mr. PRYOR. I move to set aside the pending amendment and call up amendment No. 3548.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR], for Mr. REID, for himself and Mr. PRYOR, proposes an amendment numbered 3548.

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. PRYOR. Mr. President, I know this Nation is in a fiscal crisis. Anybody who is paying attention to the details understands that. We have to get serious about deficit reduction. I believe that in order to do so, we have to look at the full picture. We can't just look at discretionary spending.

I thank the President for saying he wants to freeze discretionary spending. It is going to be an unpopular decision, but we need to start taking steps like that. I also thank Senators SESSIONS and MCCASKILL because they have offered an amendment that is going to be voted on in a few minutes that freezes discretionary spending and puts a cap on it. It is for fiscal years 2011, 2012, and 2013. I voted for that on a couple occasions and still support the concept.

But in order for us to get serious about getting our fiscal house in order, we have to put everything on the table. That is the bottom line. When we do the fiscally responsible thing, it is going to be hard. It is going to be difficult politically. It will take determination and political will. But we have to put everything on the table.

The multiyear discretionary spending caps were a key part of the 1990, 1993, and 1997 deficit-reduction packages. However, one of the differences in those packages and what Senators SESSIONS and MCCASKILL are offering today is those deficit-reduction packages looked at all spending, mandatory and discretionary, as well as revenues. That is what my amendment, the Reid-Pryor amendment we will also vote on this afternoon, does. It puts everything—almost everything on the table.

We have to get serious about fiscal discipline and restoring fiscal order in the United States. There is a story in yesterday's New York Times—I am sure it was widely reported—that Moody's is considering downgrading our bond rating from AAA down to something lower because of the enormous national debt we have.

By establishing limits only on discretionary funding sources, we greatly reduce the likelihood of any bipartisan agreement we can make in this Chamber to fix our long-term deficits and long-term debt problem. I think for us to fix this and to get our fiscal house where it needs to be, we have to approach this in a bipartisan way. My concern is, if we just do discretionary spending, we will never get to a bipartisan agreement.

The other thing about this: If the Reid-Pryor amendment were adopted today, I think the markets would like it. I think Wall Street and the global markets and all these folks such as Moody's and all these other people who are watching would see this as a very positive signal and it would help the U.S. economy in many ways beyond just the pure numbers in the budget.

I trust the members of the President's National Commission on Fiscal Responsibility and Reform. I trust they will provide very viable options and solutions. I look forward to their hearings and all of their suggestions as they go through this year and try to address some of the fiscal challenges we have.

The Senate has six Members on this commission: Senators BAUCUS, COBURN, CONRAD, CRAPO, DURBIN, and GREGG. All of these people bring great experience. They all bring to the commission great depth of knowledge on these issues. I am afraid if we do the cap on discretionary spending, as we talked about before, it might actually serve to undermine the commission's very challenging work.

I have a chart here that lays out a few things. This actually comes from CQ Today, from Tuesday, February 2, so it is a little more than a month old. But it paints a couple of pictures that I think we need to emphasize today as we compare these two amendments.

The first picture shows these pie charts. I do not know if the cameras can pick these up for the folks back home, but, as shown on these two pie charts these are the 2011 revenue estimates and the 2011 proposed outlays.

One thing that I think is critically important is that when we look at the Sessions-McCaskill amendment—you can see this purple slice of the pie right here. You can see it is much less than half of the Federal budget. You can see that very easily. But in the fine print here—this is discretionary spending—that is nondefense and national defense right there. Of course, they are carving out for national defense. So my guess is, they are only talking about, I will guess, 20 percent of the Federal budget. I am not quite sure how much. So they are trying to fix all of our problem with just about 20 percent of the budget.

What our proposal does is it actually includes almost everything in this pie, instead of saying 20 percent, probably 80 percent, 85 percent, 90 percent of the Federal budget will be included in trying to address the fiscal challenges we have.

There is another thing I want to point out on this chart. It has been around a long time. I have seen it in many publications. On this chart, you can see our deficit spending, starting with the Jimmy Carter administration, going through the Reagan years, the George Bush years, the Clinton years, the George W. Bush years, and the Obama years. You will see that, of course, the Obama years are mostly projections.

But what you see in these purple lines, all down here—under zero—those are our deficits. Then they actually go up during the Clinton years above zero. We go into surplus spending for the first time in a long time, paying off national debt, trying to be fiscally responsible, making tough choices. Not everybody was happy about that. We were trying to do that. Then you see what happened after 2000, where our numbers plummeted.

This yellow line—that maybe is hard to pick up on television—is the percentage of GDP. But, nonetheless, you see on this chart a sharp dropoff, and then you see this other sharp dropoff. So we have to understand, when this President came into office, President Obama, he did inherit a lot of problems, a lot of fiscal problems. But it is also because of the recession, because of the near global economic collapse, because of two wars and just because of some of these fiscal policies of the previous administration and because of the stimulus and because of some of his priorities. But you see the numbers going way down.

To President Obama's credit, he is moving the purple lines back up, and that is great. But it is not enough. It is not enough. We need to move these lines on up here, and we need to get above zero. We have to get back to surpluses in this government so we can

pay off the national debt, and do this before our children and our grandchildren are stuck with us living beyond our means.

I think that is the bottom line. I think the Reid-Pryor amendment is the amendment that does that. We can talk about how we have an annual deficit this year of—I think it is $1.2 trillion. I have forgotten the number. We can talk about the national debt of—I think it is $13 trillion, and growing every single year. We have to get that turned around. We are on an unsustainable course. We have heard the chairman of the Budget Committee. We have heard the ranking member of the Budget Committee. We have heard people who care about this issue say time and again: We are on an unsustainable course.

I would ask my colleagues to look at the Reid-Pryor amendment. In some ways, it is structured like what Senator SESSIONS and Senator MCCASKILL have offered. Again, I voted for previous versions of that. They changed it a little bit this time. But I think the greatest liability for the Sessions-McCaskill amendment is it does not take in the whole picture. Like the pie chart, it takes in a little bit of this pie chart but not the whole thing.

If we are going to get serious—get serious—about fixing our fiscal equation, we have to put everything on the table. That is discretionary spending, mandatory spending, as well as revenues. We have to put it all on the table, and we have to work through this together, hopefully in a very bipartisan way.

I do not think we can fix this overnight. Even if our amendment were to pass this evening, it does not mean we are out of the woods yet. What it does is set the table for the deficit commission and others in future Congresses to come in and do the things we need to do and get us back where we need to be.

The last point I want to make about this chart right here is, if you look at this purple line, this chart is basically a graph of political courage. That is what this is. Because the easiest thing in the world for a politician to do—the easiest thing for a politician to do—is to cut taxes and raise spending. That is exactly what you see on this chart. You see tax cuts coming in at various times, and you see spending going up at various times. These purple numbers get way out of balance when Congress and the White House take the easy way out, and that is exactly what you see on this chart.

That is why we are in this situation today. It is not one President's fault. I do not want to blame it all on this President or on the previous President. This has been going on for a long time. It is not one Congress's fault. It has been going on for a long time. But we have to have the political will to change the way we do things around here.

I hope tonight will be a very important step in that process. I hope my colleagues on both sides of the aisle will look at the Reid-Pryor amendment that contains all three fixes—and that is discretionary spending, mandatory spending, as well as revenues—and try to get this passed tonight and get us moving in the right direction.

I say to the chairman, I think we are waiting on Senator INOUYE. So until he gets here, all I wish to say is, what the Pryor amendment does is to freeze all discretionary spending caps at the levels proposed by President Obama for fiscal year 2011. It freezes all discretionary spending caps for fiscal years 2012 and 2013 at 40 percent of the difference between President Obama's budget proposal and last year's budget resolution. The reason we do that is because Senator SESSIONS and Senator MCCASKILL used last year's budget numbers, and it may be fair under the circumstances this year. We are splitting the difference there.

The third thing is that these two freezes will reduce discretionary spending by at least $77 billion over 3 years—reduce discretionary spending by $77 billion over 3 years—a pretty substantial cut.

When we talk about discretionary spending, we are talking about mostly the popular programs the government has. It may be things such as auto safety. It may be things such as child product safety. It may be things such as the Federal Trade Commission and some of the oversight they have to keep consumers safe. It could be the EPA. There are a lot of things—clean drinking water, clean air. That is what we are talking about when we talk about discretionary spending. So we are doing cuts there. Those are going to hurt. Again, people are not going to be happy about that.

It also requires the National Commission on Fiscal Responsibility and Reform to find at least an additional $77 billion of deficit reductions over the 3 years to close the gap between the projected revenues and entitlement spending. It basically says they have to find some spending cuts as they do their work.

It also requires Congress to enact the debt commission's recommendations by January 2, 2011, for fiscal years 2012 and 2013 discretionary spending caps to go into effect. It has a sense of the Senate that the total amount of deficit reduction by the debt commission shall be at least equal to the reductions in discretionary spending.

One of the differences between the Reid-Pryor amendment and the Sessions-McCaskill amendment is theirs is just about spending. And listen, spending is important, and that is half of the equation. We are spending too much money, and I recognize that, a lot of other people recognize that. I know a lot of people in Arkansas recognize that. But that is only half the equation. The other half is how much we are taking in, and can we do better and smarter all around the board and put everything on the table to try to fix this.

The real problem we face, in my view, is not spending alone but it is the spending that is leading to these enormous deficits every year and this enormous national debt. So I think our approach is more comprehensive. I think it is fairer. I hope many of my colleagues, once they see the language of the legislation, will consider voting for it.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, while we are continuing to wait, as we have basically waited all day for amendments to be offered and debated and voted on to the FAA reauthorization bill, Senator ROCKEFELLER has remained on this floor most of this day. This is a very important piece of legislation. It is disappointing that it has slowed down, as have most of the issues we have dealt with in recent months, in the past year.

Apparently, we will vote either later tonight or likely tomorrow on an amendment to the FAA reauthorization bill that has nothing to do with the bill. It is so characteristic of the Senate that we bring a bill on air safety and modernizing the air traffic control system, on essential air service, on passengers bills of rights, and an amendment is offered that has nothing to do with those subjects. The rules of the Senate allow that.

Let me at least talk for a moment about an amendment that will be voted on probably next and probably tomorrow, I guess, by Senator SESSIONS and Senator MCCASKILL. I know Senator SESSIONS spoke about this recently. He used a very large chart to show the growth in Federal budget deficits and also debt. There is no question that the level of budget deficits and debt are unsustainable and dangerous to this country. There is no question about that.

What we ought to do is understand, No. 1, how did we get here and, No. 2, how do we get to a different direction that addresses these issues. Let me describe briefly the first part and then the second part.

Ten years ago, there was a budget surplus in this country—the first time in 30 years, a budget surplus 10 years ago. Then President Bush was elected, and President George W. Bush said at the time: There is a budget surplus, and it is expected now there will be a surplus for the next 10 years. He had Alan Greenspan, then-Chairman of the Federal Reserve Board, whispering in his ear and saying: And, by the way, if we have surpluses for 10 years, I worry

a lot about paying down the Federal debt too quickly. I worry that may be a real problem for our economy. I hope he did not spend a lot of sleepless nights worrying about that. He needn't have, I guess.

The President then, with that kind of counsel, said: I am going to cut taxes, and I am going to cut taxes for 10 years at least. What I am going to do is cut taxes for the wealthiest Americans because I believe this economic engine works best by putting something in at the top and letting it trickle down to everybody else.

We had a tax cut proposal that was very generous to the people at the top. I stood on this floor and said: I don't think that makes any sense at all. I think we ought to be a little conservative. First of all, these are budget estimates of surplus. They don't exist. They are just estimates by economists who cannot remember their home telephone numbers, let alone what is going to happen 3 years from now. So let's be a little conservative.

The President and those in the Chamber who voted for it in 2001 said: Nonsense. Katy, bar the door; we are going to have budget surpluses forever. We are giving big tax cuts and, yes, we are giving big tax cuts to the wealthiest because they are the ones who make this economic engine hum. And they did. I did not vote for it.

Very shortly then we found out we were in a recession.

That was a problem. Six months after that, we found out terrorists were bent on injuring this country, and we had the 9/11 attack that killed several thousand innocent Americans. Then we were at war with terrorists—at war in Afghanistan and then at war in Iraq—none of it paid for, not a penny. We sent men and women off to fight and did not ask anybody to pay for a penny of it and put all of those costs on the Federal budget debt. Just put it right on top of the debt.

In the meantime, as that decade—which I think will be known perhaps as ''the lost decade'' of lost opportunity in some ways—moved on, we also had people come into this town who were to be regulators and were paid to be regulators who boasted: We are going to be willfully blind for a few years. You do what you want. We won't watch. We won't tell.

The result was a field day for the biggest financial interests in America, creating the most exotic financial instruments, such as credit default swaps, CDOs, derivatives—by the way, synthetic derivatives. What does that mean? That means you have an instrument that has nothing on either side. It is just flatout gambling.

We have some of the biggest financial institutions that were spending a decade trading trillions of dollars of derivatives, synthetic derivatives, much of it by hedge funds and other financial entities that were unregulated.

Again, Mr. Greenspan said, when those of us in the Senate pushed for regulations: No, they don't need to be regulated. It will all work out fine. Self-regulation—they are not going to do anything stupid. Self-regulation will work just fine.

In the meantime, we had the home loan scandal, massive amounts of money in subprime loans put out there to people who could not afford them by companies that were making billions of dollars. Mr. Mozilo ran Countrywide, the single largest home lender in America. He left with a couple hundred million dollars. He is now under investigation. They were putting teaser loans out.

They said: By the way, you have bad credit, no credit, don't pay your bills, no pay, slow pay. They said: Come to us. We want to give you a loan.

All of us understand that does not work. Yet that is what was going on. They were awash in money by moving all these assets and securities around. Unbelievable. That is the subprime loan scandal.

All of this transpired, and then it collapsed. When you create a house of cards, the slightest little wind blows the house of cards down. That is exactly what happened. We discovered that some of the biggest financial institutions in this country had much more leverage than they were able to sustain, and the entire thing came crashing down.

The Federal Reserve Board now has spent untold amounts of money—untold because they would not tell us. We asked them. They said: You don't deserve to know nor do the American people deserve to know how many trillions of dollars have gone out the back door to sustain investment banks and others who made bad judgments. Those too-big-to-fail institutions, no-fault capitalism, they were too big to fail, and the American taxpayers got stuck. The American taxpayers and American citizens lost about $15 trillion in value, and at the same time had to bail out big financial institutions that made massive amounts of money.

By the way, right now they are paying, once again, bonuses of $120 billion, $140 billion in some of those same industries, and they are showing record profits while some 15 million, 17 million people went out to look for work and could not find it. Small- and medium-size businesses are still having difficulties. Those at the top, too big to fail, who received massive amounts of government help, are now making record profits and paying record bonuses. All of that exists.

When we hit this ditch, this financial wreck, we lost a substantial amount of income coming into the Federal Government—about $400 billion. The economic stabilizers we have, such as unemployment insurance, food stamps, and others, the cost of them went way up. Had Barack Obama, winning the Presidency, done nothing—walking across the threshold into the White House for the first day, had he done nothing for the next 10 to 12 months he would have had a $1.3 trillion Federal budget deficit not of his making. That was his inheritance when he won the Presidency.

We have these giant budget deficits. I find it interesting, people come out and talk about these big budget deficits who have spent the last 10 years saying: You know what. Let's go ahead and send men and women to war, and we will just charge it. We will not ask anybody to pay for it, ratcheting up this deficit, helping create these problems.

Now, all of a sudden they are having an apoplectic seizure over budget deficits and the increased level of debt. We should have a seizure over it because it is unsustainable, and we should fix it.

We need to understand what happened to create it and making sure we fix it so that it does not happen again. That means financial reform. That means paying for wars we are fighting, and so on, which is not happening yet. Even more than that, the question is, What is the medicine or the solution? So our colleagues bring an amendment that we will vote on tomorrow that says what we should do is to freeze domestic discretionary spending for 3 years—domestic discretionary spending. Well, people who don't work around here don't know what that means so much. What it means is they are proposing to freeze that portion of Federal spending that has not blown through the lid here. What is out of control are the entitlements—massive increases in Medicare and Medicaid. What is out of control is the substantial increase in defense spending that is not paid for. What is out of control is the dramatically less revenue that comes from giving tax cuts to people who didn't need it.

If you have a million dollar income a year—which would be a good thing to have—and somebody says: You know what, you just won the lottery. Our government says: We are going to give you a $79,000 tax cut. So a proposal that says: You know what we are going to do, we are going to take that smaller portion of the budget and we are going to freeze that for 3 years—you know, the kinds of things that educate kids, the sort of things that invest in people's lives, human capital, human potential, the kinds of things that make life better. We are going to freeze all that, but we are not going to touch anything on the revenue side. No, we want to protect those tax cuts for the biggest interests. We are not going to do anything in the entitlement areas, despite the fact that we have dramatic growth in Medicare. There is nothing in this that says: Let's take a look at all spending. They say: Let's take a look at a bit of spending. And there is nothing in here that says: Let's take a look at revenues.

You have to look at all of these things. If you are serious, if you are a deficit hawk and you are about getting your hands around this deficit problem and getting rid of this problem, then

you have to be serious out here and say we are going to do it all; that we are going to take a look at every single area of spending and we are going to take a look at revenues as well.

Let me mention one example. In 2008, the highest income earner, pure income, in America is a man who made $3.6 billion—$3.6 billion—running a hedge fund. So he goes home at night and his spouse says: How are you doing, honey? Pretty good. I made $10 million today. It is a lot of money for a day, isn't it? Well, $3.6 billion is $300 million a month, and so $10 million a day. But that is not his only success. It wasn't just that he made $3.6 billion. It was that he gets to pay a lower income tax than almost anybody in the State of Minnesota—the State of the Presiding Officer—because most of the constituents of the Presiding Officer pay income tax rates that are much higher than 15 percent. But that $3.6 billion earner gets to pay an income tax rate of 15 percent because it is defined as carried interest. That is a loophole that you can drive a Humvee through, and it is one that we ought to close right now.

You say you want to do something about deficits. How about making somebody like that pay a fair share of taxes? If somebody is going to work all day as a drill press operator and come home and shower after work and try to figure out how he is going to pay the bills and so on, if that person is paying a 20-percent, 28-percent, 30-percent, 35-percent income tax rate, how about the person who is making $3.6 billion?

Somebody will listen to this and say: That is that old populism again. That is not populism, to talk about things that are necessary and right. It is not populism. It is deciding that everybody ought to be treated fairly, and it is not fair if those who are at the low end of the income ladder are paying the highest tax rates and those who are at the high end are paying the lowest tax rates.

Warren Buffett, the second or third richest man in the world—a guy I like and whom I have known a long time. He is a wonderful man. He did an experiment at his office in Omaha, NE. I think he said they had something like 20 or 40 or 50 people working at Berkshire Hathaway at the office. So he asked them, I believe voluntarily, to disclose what their income was—although his company pays them—and what their tax rate was. What he discovered was this: Of all the people in his office, the person who paid the lowest combined tax rate of income taxes and payroll taxes was the third or second wealthiest man in the world: Warren Buffet. He paid a lower tax rate than his receptionist. Warren Buffett said to me: That is so unbelievably wrong. It has to change. You all have to change that. I am paying what I should pay, but he said: It is not right that you have a Tax Code that has me paying a lower tax rate than the receptionist in my office.

My point simply is this: We could change that, and should, and increase some revenue as a result by making the tax system fairer and having those who should, pay their fair share. That is one way to reduce the deficit, isn't it? Except it will never be done with this resolution because it looks at that portion of the budget that would be used to fund a school or to build a water project or to build a flood protection project—just that domestic discretionary in which you invest in America. Well, that doesn't make any sense at all.

Senator PRYOR came to the floor and said he is going to offer an alternative, which I am going to support, which includes all of these things. It says: Yes, tackle this budget deficit, do it now, don't delay, but tackle it with seriousness, seriousness of purpose, not just taking one piece that hasn't exploded and ignoring the other pieces. Take the piece of domestic discretionary spending that has not exploded and say: Let's take all the savings out there. I don't understand that.

I understand the motive. The motive is to say: Well, we have a bunch of people who don't want to touch taxes in any way, even asking the $3.6 billion person who pays a 15-percent rate to start paying his fair share. I understand they want to protect that. I don't. I want that person to pay a fair rate of taxes to our government. They would call that a tax increase. I don't. I think it is just evening up the score, saying: You want all the benefits America has to offer but don't want to pay the full obligation of being a citizen? The same is true with some corporate interests that decide they want everything America has to offer them but they want to run their employees through the Grand Caymans so they can avoid paying payroll taxes.

By the way, the same people who are paying a 15-percent income tax rate on carried interest running hedge funds are setting up deferred compensation accounts in the Bahamas to avoid paying even that 15 percent. So is that something we can shut down? Of course. Would that help reduce the budget deficit? Yes. Is that tackling domestic discretionary? No. It is more effective than doing that, because we know where this money is and we know how we could reduce the budget this way.

I am in favor of tackling every part of the Federal budget and seeing what works and what doesn't. There are a whole number of things this government does that it doesn't need to do anymore.

I know Senator KAUFMAN wants to speak, but I want to mention one thing first. I have been here at this desk a long time now, and let me describe how unbelievable it is that even waste has its constituency in this Chamber—even waste. We are doing this: We broadcast television signals into the country of Cuba every single day that the Cuban people can't see. We do it every single day. We have spent $¼ billion doing it. We broadcast from 3 in the morning until about 7 in the morning and the Cubans routinely block them. The purpose of it was to broadcast—under what is called Television Marti—and to inform the Cubans about how wonderful freedom is. They are pretty well aware of that by listening to Miami radio stations. And we know they understand freedom because they get on rafts trying to find their way to this country. But we have Television Marti, which is a big group of people that is pretty well funded, about $20 million a year, or $25 million a year now, and so we send television signals to the Cuban people that they can't see. We first did it with a big blimp called Fat Albert, way up in the air shooting signals down that the Cubans could block. Then Fat Albert got off its tethers and landed in the Everglades, and what a mess that was. Then they bought an airplane and they send the signal by flying these planes, which the Cubans routinely block.

I have offered amendment after amendment after amendment to try to stop spending to send television signals to no one, but you can't get it done. Isn't that unbelievable? I will continue to do that because that is an area of spending, it seems to me, where it takes a nanosecond of thought to say: That is just stupid. That is just dumb. So stop it. Except government doesn't quite work that way, or that well.

But if the Pryor amendment is offered tomorrow, I fully intend to support that aggressively because we are on an unsustainable path. Most of us know how we got here, but not everybody yet knows how we are going to get out of it, and I think that is a decent step in the right direction. I would say that the Sessions-McCaskill amendment is seriously deficient and is not, in my judgment, the serious way to address what is a very serious problem.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN PRAISE OF JEFFREY AMOS, MARVIN CARAWAY, JR., AND COLIN RICHARDS

Mr. KAUFMAN. Mr. President, I rise once more to highlight some of our Nation's outstanding Federal employees. I have spoken before about those who, in serving our Nation, place their lives in danger in order to protect others. On March 4, a lone gunman opened fired near the main entrance to the Pentagon, wounding two security officers before being quickly subdued. These two officers and a third who assisted them provide an example of the bravery and excellence of Federal employees, and especially Federal employees in law enforcement who take risks every day.

These three men all worked for the Pentagon Force Protection Agency,

which oversees security for the Defense Department's headquarters as well as several other Defense facilities in the Washington area. It was created after the attacks of September 11, 2001, to provide comprehensive threat prevention for one of the buildings targeted on that fateful day. Like those serving in other law enforcement and security agencies, the men and women of the Pentagon Force Protection Agency undergo rigorous training. Many are veterans of the Armed Forces or have worked previously as police officers for States and municipalities. They train to be ready at a moment's notice for scenarios they pray will never come. Often these security officers will stand at a checkpoint for hours at a time at the ready during days and weeks and months of quiet.

As a youth, I worked two summers as a lifeguard in Philadelphia, and we always used to say it was hours of boredom interspersed with seconds of sheer terror. Well, sheer terror happened for these great Federal employees. For these three officers from the Pentagon Force Protection Agency such a moment came just before 7 o'clock in the evening of March 4, 2010.

Officers Marvin Caraway, Jr. and Colin Richards were standing guard at the main entrance to the building—the Pentagon—when a suspicious figure approached. Marvin sensed something was amiss, so he walked toward him to check out his identification. When the man pulled a gun from his jacket and began firing, one of the bullets grazed Marvin's thigh. Undeterred, he held his ground and fired back. Later, his fellow officer would tell reporters that Marvin was like ''Superman''—''a man of steel.''

Colin ducked behind a barricade and began to return fire. Hearing the shots, a third officer, Jeffrey Amos, ran over from his post nearby and joined the effort to subdue the gunman. In the process, he was wounded in the shoulder. The whole incident took only a minute and the three officers fatally shot the assailant.

The quick reaction and undeterred professionalism of these three are inspiring. All brought to the job a strong background in law enforcement and public service. Marvin, who lives in Clinton, MD, is a former marine, who served in the first Persian gulf war, and has experience protecting our embassies overseas. Jeffrey, from Woodbridge, VA, is a retired member of the Air Force Reserve. He spent 11 years in the New Orleans Police SWAT team.

Colin, who resides in Arlington, VA, recalled how his experience and training prepared him to act quickly. He said: ''My vision was big; my hearing—I could hear everything. When the shooter started running, he looked like a big target. At that point I felt like I couldn't miss.''

Federal security officers, such as Marvin, Jeffrey, and Colin, are our modern-day ''Minutemen''—trained and ready to keep us safe from threats to our liberty and security. We owe all of them our constant appreciation.

I must add that we see the same dedication and professionalism right here each day in our very own Capitol Police force as well. I know how proud Majority Leader REID is of his own service as a Capitol Police officer when, as a young man, he stood guard at one of the entrances to this building.

I hope my colleagues will join me in thanking Marvin Caraway, Jr., Jeffrey Amos, and Colin Richards for their bravery and a job well done—as well as all those who serve as Federal security officers standing at the ready. They are reminders of our great Federal employees.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURRIS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURRIS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, so ordered. The Senator from Illinois.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEW PHILADELPHIA

Mr. BURRIS. Mr. President, in 1777, when our Republic was just a year old and the Revolutionary War was raging, a man named Frank McWorter was born in South Carolina.

In 1795, when the war was over and George Washington was President, he moved to Kentucky. He married a woman named Lucy.

And in 1830, he and his family moved to Illinois—the very same year that a man named Thomas Lincoln, along with his son Abraham, moved to there from Indiana.

Frank McWorter decided he would settle down, and so he bought a farm in Pike County's Hadley Township, and he began to plan out the town of New Philadelphia. Other settlers moved in. Soon, there were family homes, businesses, and even a school.

And when Frank McWorter died of natural causes in 1854, having lived more than three-quarters of a century, he died in the town he founded and guided to prosperity.

The community of New Philadelphia continued to thrive until it was bypassed by the expanding railroad in 1869. Left behind by the steam engine, and the wave of expansion it pushed across the western frontier, the residents of New Philadelphia began to disperse by the late 1880's, and the town gradually disappeared again into the Illinois prairie.

The story of Frank McWorter and New Philadelphia is an extraordinary one.

But as I told this story a moment ago, here on the Senate floor, I left out one defining detail.

If Frank McWorter had been a farmer, or a banker, or a soldier, his tale would be remarkable because of the era in which he lived—but in many ways, he would have been no different from thousands of others who grew up in the early days of our country.

But Frank McWorter's story is extraordinary because he was not a farmer, or a banker, or a soldier—no, he was a slave.

When he moved to Kentucky in 1795, he did not go voluntarily. He went with his owners. On the day he met Lucy, his future wife, the two of them were slaves on neighboring farms.

Eventually, Frank was allowed to work odd jobs, and hire out his own time and labor. He learned to mine a major component of gunpowder, which proved profitable.

By 1817, he had earned enough money to purchase freedom for his wife. And in 1819, he bought his own freedom—and set out to build a life for himself, as a free American. That is the story of Frank McWorter.

So, when he started the town of New Philadelphia in 1836, he accomplished something truly remarkable and unique. He became the first known free African American in history to legally found and plan a town.

And he used the proceeds from land sales to purchase freedom for 15 of his family members.

I invite my colleagues to imagine what life must have been like in New Philadelphia in the mid-1800s. In pre-Civil War America—in a time when this country still legally permitted slavery—New Philadelphia, IL, was a place where people of all races lived and worked side by side.

Federal census records indicate that the town was populated by teachers, blacksmiths, merchants, cabinetmakers, and shoemakers. There was a seamstress, a doctor, a wheelwright, and a carpenter. New Philadelphia even had its own post office, which also served as a stagecoach stop.

Imagine what we could learn from studying this unique place, which existed during such an important time.

An in-depth study of New Philadelphia could yield important information about what life was like in an integrated community during that period. It could add new dimensions to our understanding of the history we share.

I urge my colleagues to join with me in preserving this historic site, which was designated a National Historic Landmark last year.

But I believe it's time to take the next step to ensure that the extraordinary story of Frank McWorter and New Philadelphia is preserved for generations to come.

I ask my colleagues to support S. 1629, a bill I have introduced to direct the Secretary of the Interior to begin a Special Resource Study, which would determine whether the New Philadelphia site can be managed as a unit of the National Park Service.

Today, not much remains of the structures where the town's residents

lived and worked. For passersby, the site is an open field just southeast of Springfield, IL.

But in 2004, a three-year National Science Foundation grant allowed archaeologists to explore this site for the first time. They found building foundations, wells, pit cellars, and a total of more than 65,000 artifacts. They recognized that these exciting discoveries have the potential to yield even more information.

And if we pass this bill, and allow the Secretary of the Interior to evaluate the national significance and suitability of this site, we could pave the way for its preservation as part of the National Park Service.

We can re-discover the incredible history that has been hidden among the prairie grass for more than a century.

We can reclaim the spirit that drove Frank McWorter—a man born into slavery—to reach for equality and opportunity, to establish himself and his family as free African Americans, in a time when freedom was extremely hard to come by, and to establish a thriving community—a place of inter-racial peace and cooperation—in a dark period for race relations in America.

I believe we must act to preserve this legacy. I believe we owe it to ourselves—and to future generations of Americans—to examine the history of New Philadelphia, and the life of pioneers like Frank McWorter.

Let us pass S. 1629, so we can better understand those who came before us. In the process, I have no doubt we will discover some remarkable things about ourselves.

I yield the floor.

SOCIAL JUSTICE

Mr. SANDERS. Mr. President, as a result of the greed, recklessness, and illegal behavior by a small number of executives on Wall Street, the American people today are suffering through the most serious economic conditions we have seen since the Great Depression of the 1930s. Since the recession started in December of 2007, 8.4 million Americans have lost their jobs and, while the official unemployment rate is 9.7 percent, according to the latest Gallup Poll, nearly 20 percent of the American workforce is either unemployed or underemployed. In other words, we have people who are working, but they are working 20 hours when they need to be working 40 hours.

Further, long-term unemployment is soaring. Today, over 6 million Americans have been unemployed for over 6 months, the highest on record. This is not a situation where people are losing their jobs and a few weeks later they go out and get another job. People are losing their jobs and they cannot find another job, which is why it is so important that we extend unemployment benefits and so reprehensible that there are those in this Chamber who have resisted that effort.

Today, there are fewer jobs in the United States than there were in the year 2000, even though the workforce has grown by 12 million since that time.

Today, we have the fewest manufacturing jobs than at any time since April 1941, 8 months before the start of World War II.

Today, home foreclosures are the highest on record, turning the American dream of home ownership into an American nightmare for millions of our people.

Further—and we do not discuss this enough—in the United States today, we have the most unequal distribution of wealth and income of any major country on Earth. That means that while the middle class is in rapid decline, while poverty is increasing, the gap between the people on top and everybody else is wider than in any other major country on Earth and growing wider.

The reality is, today the top 1 percent now earns more income than the bottom 50 percent and the top 1 percent owns more wealth than the bottom 90 percent. Meanwhile, while the folks on Wall Street give themselves tens and tens of millions of dollars in bonuses for having destroyed our economy, the United States has, by far, the highest rate of childhood poverty among major countries. Almost one-quarter of our children today are dependent on food stamps. Approximately 19 percent of our kids are living in poverty, and one out of four kids in the United States, in order not to be hungry, is dependent on food stamps.

While the Fed Chairman, Ben Bernanke, recently talked about how ''the recession is likely over,'' I urge him to meet with America's blue-collar workers or those few people left who do manufacturing in this country. As the Boston Globe reported several months ago:

> The recession has been more like a depression for blue-collar workers, who are losing jobs much more quickly than the nation as a whole. . . . [T]he nation's blue-collar industries have slashed one in six jobs since 2007, compared with about one in 20 for all industries, leaving scores of the unemployed competing for the rare job opening in construction or manufacturing, with many unlikely to work in those fields again. . . .
>
> Up to 70 percent of unemployed blue-collar workers have lost jobs permanently, meaning their old jobs won't be there when the economy recovers . . .

That is a staggering fact.

So when talking about the recession hurting people, it is hurting some of the people who already are in the most serious trouble; people who do not have a whole lot of money to begin with. That is what is going on in the real world today. But, sadly and significantly, what is going on today simply is an acceleration of what was going on the previous 8 years. It is not like, oh, times were good, the middle class was doing well, and, oops, the reckless behavior of Wall Street plunges us into a major recession.

What is not talked about enough is that this continues and accelerates a trend that has been going on for a number of years. During the 8 years of the Bush administration, here is what happened: Over 8 million Americans slipped out of the middle class and into poverty. Over 7 million Americans lost their health insurance.

Our Republican friends are vehemently objecting to us going forward in terms of health care. When they had the power, when they had the Presidency, when they had control over the House and the Senate, during that period millions of Americans lost their health insurance. Do you recall them coming forward and saying: We have to do something about this crisis; more and more people are losing their insurance; more and more people are unable to afford their insurance? I did not hear a word. But they are very vocal now. They are very loud: Stop it. We cannot do anything. No. No. No. They had their chance, and it is sad to say that right now, all they can do is play the obstructionist role and be the party of no.

I make this point not to just relive history but to understand where the anger comes from today. It is not just in the last year and a half millions more people lost their jobs, lost their health insurance. During the 8 years of President Bush, median household income declined by over $2,100—$2,100. So people came out of that period, from 2000 to 2008, staggering. They were earning less than they did before that decade began, and than they walked into the greed and recklessness of Wall Street, which created a massive recession.

The Washington Post reported last January: The past decade was the worst for the U.S. economy in modern times. That was before the Wall Street crash.

Let me say it again. The Washington Post last January: The past decade was the worst for the U.S. economy in modern times. It was, according to a wide range of data, a lost decade for American workers—a lost decade for American workers.

There has been zero net job creation since December 1999. Imagine that. Since December 1999, the country has grown zero jobs. Middle-income households made less in 2008, when adjusted for inflation, than they did in 1999. The number is sure to have declined further during a difficult 2009.

So there you have it. You want to know why people are angry, why people are frustrated, why people are pointing their finger at Washington and us and saying: Hey, we are in trouble: massive unemployment; real wages have gone down; people are working incredibly hard, if they are lucky enough to have a job; and, at the end of the day, they are worse off than they were 10 years ago.

According to a September 2009 article in USA Today—this is quite incredible—and these are statistics that we do not talk about enough: from 2000 to 2008, middle-class men experienced an 11.2-percent drop in their incomes. Can you imagine that. From 2000 to 2008,

middle-class men experienced an 11.2-percent drop in their incomes, which amounts to a reduction of $7,700 after adjusting for inflation.

So imagine that you work hard for 8 years. At the end of those 8 years, you have lost $7,700. Even worse, the USA Today article goes on to report that many age group Americans are poorer today than they were in the 1970s. We talk about the American dream and that parents work hard so that their kids will do better than they did.

Well, we are moving in the wrong direction. Today the average American worker, or at least millions of American workers, in terms of inflation-accounted-for dollars are worse off than they were in the 1970s.

Without going through all of the reasons the middle class is collapsing and poverty is increasing, without going into great length about the growing gap between the very rich and everyone else, I think it is important to say a few words about our good friends on Wall Street, people who have made it clear to everybody in this country that the only thing they care about is making as much money as they possibly can in any way they possibly can.

Recently, in the last several years, 40 percent of all profits in this country went to the relatively few people in the financial industry—40 percent of the profits. We have seen hedge fund managers and owners earning billions of dollars. We have seen CEOs of major Wall Street banks being worth hundreds and hundreds of millions of dollars, all the while the middle class collapsed.

We have the highest rate of childhood poverty. Millions of people are losing their health insurance.

We talk about people living in a gated community, people living in very expensive homes protected by armed guards and surrounded by gates, driving around in their chauffeured limousines, getting into their private jets, having no clue about what is going on in the real world. That is what Wall Street is about. They are engaged in producing esoteric financial instruments which very few people understand which are producing nothing real in the real world. They are not creating real jobs. They are not creating real products, real services. They are a gambling casino whose function in life is to make more money for the people who own that casino.

Now, after we deal with health care, and I hope we can finish that as soon as possible, the issue of financial reform is going to come into this Chamber. I hope very much that we can respond to the frustration and the anger of the American people about what Wall Street has done and promise them, through legislation, that those people will never again get away with the crimes they have committed against the working families of this country.

Let me suggest a few of the areas I think a serious and real financial reform bill should address. Every week I hear from constituents in Vermont, and I suspect you hear from constituents in Illinois who say: How in God's name can these large financial institutions we bailed out with our tax dollars now charge us 25 or 30 percent interest rates on their credit cards?

I hear this all of the time. And let's be clear. When a large bank—and about two-thirds of the credit cards in this country are issued by the four largest financial institutions in America—when a large financial institution is charging a working American 25 or 30 percent interest on their credit cards, we have to be very clear and call that what it is. That is loan sharking; that is usury; that is immoral.

The Bible, in all of the major religions—Christianity, Judaism, Islam, all of them—talk about the fact that usury is immoral; that you cannot lend money at excessive rates to struggling people who need that money to survive. That is what is happening today.

The loan sharks today are not gangsters out on the street who break kneecaps. These are guys in three-piece suits who, in some cases, make hundreds of millions of dollars a year by stealing money from working people through excessively high interest rates.

The middle class is collapsing, poverty is increasing, and often, in order to deal with the day-to-day needs of a family, whether it is food, whether it is gas to get to work, whether it is money to heat their homes, people are using credit cards. To be charged 25 or 30 percent is simply immoral, in my view, and it is something that has to be eliminated.

As you know, a number of States all over the country have passed usury laws. But as a result of the Marquette Supreme Court decision a number of years ago, these credit card companies go to certain States—South Dakota—where there are no usury laws and charge anything they want, all over the country. They have nullified State usury laws.

Well, you know what. We need a national usury law. We have to say straight out it is immoral; it is wrong to be charging working people 20, 25, 30, 35 or more percent interest rates on their credit cards. As part of any serious finance reform legislation, the American people have to know we are going to end usury.

My view is—and I have introduced legislation to this effect—that we should do for the private banks what we do with credit unions right now: 15 percent max, except under certain circumstances, which now take them up to 18 percent. No more 25 percent. No more 30, 40, 50 percent. No more payday lending. We are going to end that.

I think that has to be incorporated into any serious financial reform legislation. Any part of a serious financial reform bill has to deal with the need to increase transparency at the Federal Reserve.

I will never forget, about a year ago, the Chairman of the Fed, Ben Bernanke, came before the Budget Committee on which I serve. I asked him if he could tell us which banks received trillions of dollars in zero interest or almost-zero interest loans, trillions of dollars, placing the taxpayers of this country at risk.

Mr. Bernanke said: No, I am not going to tell you that. Well, we have introduced legislation to demand that he tell us. The American people have a right to know which financial institutions have received trillions of dollars in loans. One of the great scams of our time—you want to talk about welfare. There is abuse. These are ''welfare queens.'' We have heard that expression before. Those guys are getting zero-interest loans from the Fed, or maybe they were paying one-half of 1 percent, and then they go out and lend that money to the Federal Government, they buy government securities at 3½ or 4 percent, having taken money from the government at zero percent or half a percent. How is that? You get a nice spread there. You have a 3-percent spread on that. The money that you are lending is guaranteed by the faith and credit of the United States, never once failed. That is a pretty good deal. We give you money at zero interest, and you go out and get guaranteed money at 3 percent. Not a bad deal. That is welfare for billionaires, and that is unacceptable.

We have a right to know which financial institutions are engaged in that. Most importantly, we have to end that right now. So we need transparency at the Fed. They cannot continue to operate in that kind of secrecy.

We also have to end the too-big-to-fail phenomena. Here is a fact that I think many Americans do not know; that is, while we bailed out Wall Street because institutions were too big to fail—if they went down, they would take the whole economy with them—well, guess what. A year later, three out of the four financial institutions are bigger today than before we bailed them out.

Now, what am I missing? It does not make a whole lot of sense to me. Not only that, not only are they a greater danger to the economy today than they were before, but there is something else which is going on which we also do not talk about too much. Maybe as the only Independent in the Senate—I am not a Democrat or Republican. Maybe it is my job to be raising these issues, but somebody has to raise them; that is, the top four financial institutions in this country have enormous amounts of economic power over this country.

As I mentioned earlier, they issue two-thirds of all of the credit cards in this country. Does that sound like a very competitive situation to you? The four largest financial institutions issue two-thirds of the credit cards in America. I do not think that is a healthy thing for our economy.

So not only do we have to end this, these huge financial institutions, because they are too big to fail, but we

also have to allow for increased competition within the banking industry, in doing away with this huge concentration of ownership. Not only do the top four—which is JPMorgan Chase, Bank of America, Wells Fargo, and Citigroup—issue two-thirds of the credit cards, they also issue half of the mortgages. I don't think that is a healthy state for this country. We have to start breaking up these guys.

The last point I would make is maybe the most important. In Vermont and all over the country, small and medium-size businesses are in desperate need of capital, of affordable loans so they can better produce the products and services they need and, in fact, create the jobs our economy desperately needs. I am sure the case is similar in Illinois, but in Vermont, I have small businesses coming into my office saying they can't get the credit they need to expand and create jobs.

You have Wall Street operating as a gambling casino, selling and playing with esoteric financial instruments. It is time they started investing in a productive economy and creating jobs.

The American people are hurting. They are suffering through a terrible moment economically. People are wondering whether, for the first time in the modern history of America, our kids will have a lower standard of living than their parents. This is the reverse of what the American dream is about. People are wondering how they will be able to afford to send their kids to college, how they will pay for childcare, how they will pay for the mortgage on their home, when they are either losing their jobs or real wages are going down.

They are looking to Washington. They are becoming increasingly frustrated by the Republican party of no which seems to gain satisfaction every time they can stop legislation which attempts to address real problems, whether it is health care, jobs, extending unemployment benefits. It is no, no, no from the Republicans.

The American people are beginning to catch on that there have been a record number of filibusters in this session, a recordbreaking number of obstructionist tactics. What the American people are saying is: Hey, Congress, Mr. President, we are hurting. We need action or else the middle class is not going to survive.

As difficult as it is, as much as we understand that when we deregulated Wall Street, they spent $5 billion in 10 years in lobbying and campaign contributions, making sure the Congress did what Wall Street wanted—in 2009, Wall Street spent $300 million on lobbying. I don't know how you spend $300 million on lobbying. There are 100 Members in the Senate and 435 in the House. These guys will spend and spend and spend to make sure Congress does nothing to prevent them from going on their merry way of doing whatever they want without any serious kind of regulation.

In these difficult moments, I hope the Senate and the House will summon the courage to do the job we were elected to do and what we are paid to do, and that is to represent working families and the middle class and not only big money and Wall Street.

AMENDMENT NO. 3548

Mr. SANDERS. Mr. President, I ask unanimous consent that amendment No. 3548 be designated as a Pryor amendment.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, earlier today the senior Senator from Oklahoma incorrectly claimed that an article entitled, ''McCain Breaks Own Pork Rule'' that ran in Roll Call on November 6, 2003, proved that I had broken my pledge against requesting earmarks. However, the Senator failed to mention that Roll Call subsequently ran a correction to this article on November 17, 2003, stating that, ''the article inaccurately stated that Sen. John McCain (R-Ariz.) violated his own rules against so-called ''pork barrel'' spending.'' I ask unanimous consent that the entirety of the original story and, more importantly, the correction published in Roll Call be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Roll Call, Nov. 6, 2003]

CORRECTION APPENDED

(By Emily Pierce)

After years of crusading against ''pork-barrel'' spending projects in Congressional appropriations bills, Sen. John McCain (R–Ariz.) may be breaking his own rules.

McCain pushed for, and got, $14.3 million for Arizona's Luke Air Force Base inserted into the just-completed fiscal 2004 military construction appropriations conference report.

The only problem is the project to acquire more land near the base was not requested by President Bush or fully authorized by the Senate Armed Services Committee—two of McCain's criteria for identifying so-called ''pork.''

''Even though this project is in clear violation of the McCain rule because it was not authorized nor requested, we are happy to provide the funds at his request and the request of other members of the Arizona delegation,'' said House Appropriations Committee spokesman John Scofield.

Scofield also noted that the provision may violate other tenets of McCain's ''pork'' rules because the purpose of the funds—to acquire land to prevent the encroachment of residential development near the base's live-fire range—is not included in Defense's long-term strategic plans and may not be achievable within a five-year time frame.

Senate Appropriations Chairman Ted Stevens (R–Alaska), who has bitterly fought McCain's repeated attempts to strike even the smallest of pork projects during Senate floor debate on appropriations, was blithe about the news that McCain had secured an earmark for his own state.

''One man's pork is another man's alternate white meat,'' said Stevens. ''We don't discriminate. . . . If he asked for it, we put it in.''

McCain defended his actions, saying he first sought authorization for the measure in the fiscal 2004 Defense Department authorization bill.

''The fact that the appropriations bill may [be sent to the president] before the authorization bill is not relevant to my point of view, because we did the authorization before we did the appropriations bill,'' McCain said of the order the bills came to the Senate floor.

McCain, who sits on the Armed Services Committee in charge of devising the Defense Department authorization, said he has little control over the process once it passes the Senate floor.

''It was my job to get it authorized,'' he said. ''So I had no involvement after that.''

Part of the problem is that the Defense authorization bill, which gives the Appropriations committees the official authority to dole out money to the Pentagon, has been stalled in conference negotiations for months over various issues, most notably McCain's insistence that an Air Force-Boeing lease deal be scrapped.

McCain has charged that the Boeing deal to lease 100 tanker planes over several years would cost much more than simply buying the planes outright. Meanwhile, the Defense Department has argued that the plan will expend less money in the short-term and that they don't currently have enough money to buy the planes.

While Armed Services negotiators in both chambers say they have made some progress toward resolving their differences on the Boeing lease deal and other issues, it is unclear whether the bill will actually become law this year.

CORRECTION: NOV. 17, 2003

The article inaccurately stated that Sen. John McCain (R–Ariz.) violated his own rules against so-called ''pork barrel'' spending. The Senate Parliamentarian's office maintains that the provision was properly authorized in the Senate-passed version of the fiscal 2004 Defense authorization bill and did not need to be signed by the president to be considered ''authorized,'' as the article suggested. Sen. Kay Bailey Hutchison (R–Texas), chairwoman of the Appropriations subcommittee on military construction, told Roll Call that McCain never specifically asked her to put the $14.3 million project for Arizona's Luke Air Force Base into the fiscal 2004 military construction bill.

MORNING BUSINESS

Mr. DURBIN. 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.

HONORING OUR ARMED FORCES

SERGEANT VINCENT L.C. OWENS

Mrs. LINCOLN. Mr. President, today I honor Sergeant Vincent L.C. Owens, 21, of Fort Smith, who died on March 1 in Afghanistan from injuries sustained in combat. My heart goes out to the family of Sergeant Owens, who made the ultimate sacrifice on behalf of our Nation.

According to those who knew him best, Sergeant Owens was a gifted student who enjoyed attending school in Greenwood, Fort Smith, and Van Buren. He also was an avid athlete who liked to play soccer and football. His

hobby was motorcycles, with a special interest in trick riding.

Sergeant Owens' awards and decorations include two Army Commendation Medals; two Army Achievement Medals; a Valorous Unit Award; a National Defense Service Medal; an Iraq Campaign Medal; and a Global War on Terrorism Service Medal. He is survived by his wife Kaitlyn Owens; his mother Sheila Real of Spiro, OK; his father Keith Owens of Missouri; a stepson Paxton Lee Owens; one sister; and three brothers.

Along with all Arkansans, I am grateful for Sergeant Owens' service and for the service and sacrifice of all of our military servicemembers and their families. More than 11,000 Arkansans on active duty and more than 10,000 Arkansas reservists have served in Iraq or Afghanistan since September 11, 2001.

It is the responsibility of our Nation to provide the tools necessary to care for our country's returning servicemembers and honor the commitment our Nation made when we sent them into harm's way. Our grateful Nation will not forget them when their military service is complete. It is the least we can do for those whom we owe so much.

SERGEANT JONATHAN J. RICHARDSON

Mr. President, today I also honor Sergeant Jonathan J. Richardson, 24, of Bald Knob, who died from combat wounds incurred in Khowst Province, Afghanistan. My heart goes out to the family of Sergeant Richardson, who made the ultimate sacrifice on behalf of our Nation.

Sergeant Richardson is survived by his grandparents, Ken and Edna Martin of Mountain Home, AR; his wife Rachel Richardson of Clarksville, TN; his mother Sharon Dunigan of Bridgeport, WV; and his father Jeffery Richardson of Germany.

Along with all Arkansans, I am grateful for Sergeant Richardson's service and for the service and sacrifice of all of our military servicemembers and their families. More than 11,000 Arkansans on active duty and more than 10,000 Arkansas reservists have served in Iraq or Afghanistan since September 11, 2001.

It is the responsibility of our Nation to provide the tools necessary to care for our country's returning servicemembers and honor the commitment our Nation made when we sent them into harm's way. Our grateful Nation will not forget them when their military service is complete. It is the least we can do for those whom we owe so much.

VOTE EXPLANATION

Mr. CRAPO. Mr. President, during two votes this morning, I was unavoidably absent and unable to cast my vote. Had I been present, I would have voted as follows: No—The motion to waive the Budget Act with respect to the House message to accompany H.R. 2847, the HIRE Act. No—The motion to concur with the House amendments to H.R. 2847, the HIRE Act.

HEALTH CARE

Mr. BURRIS. Mr. President, I rise today to call attention to the important and essential role that health care professionals play in providing quality health care across our Nation. Our Nation's health care system is complex and people with many different health needs are served by the diverse group of caring, qualified professionals in the allied health fields. Some of these important health practitioners include respiratory therapists, music therapists, athletic trainers, clinical laboratory scientists, radiologic technologists, medical assistants and many others. There are more than 100 distinct occupations in the health professions, in addition to physicians and nurses.

These dedicated health professionals are expert in a multitude of therapeutic, diagnostic, and preventive health interventions and wellness initiatives in diverse settings. These professionals work in disease prevention and control, dietary and nutritional services, mental and physical health promotion, rehabilitation and health systems management. They can be found in community, school and athletic training clinics, long-term and rehabilitation facilities, hospitals, laboratories, hospice, and private homes.

These health professionals represent about 60 percent of the health care workforce and approximately 6 million jobs. According to the Bureau of Labor Statistics, 10 of the 20 fastest growing occupations for 2008–2018 are in the health professions.

With many of these fields facing critical workforce shortages, it is essential that we work to increase awareness of the great career opportunities they offer, especially for racial/ethnic minorities. We also need to support the educational programs that will produce our future caregivers. Recent stimulus funding, for example, will go to train 15,000 people nationwide in job skills for careers in health care, IT, and other high-growth fields. In Park Forest, IL, Governors State University will use its $4.9 million grant to help unemployed, dislocated, and low-wage incumbent workers pursue careers in health care.

I strongly support the vital role health care professionals play in our health care system, which could not function without their tireless efforts. I urge my colleagues to join me in recognizing this important group of professionals.

TRANSPARENCY AND SUNSHINE WEEK

Mr. CARDIN. Mr. President, this week we celebrate Sunshine Week, not as a seasonal way to welcome the spring weather but as a time to mark the importance of transparency in our government.

At the U.S. Helsinki Commission we monitor 56 countries, including the United States, to ensure compliance with human rights and other commitments made under the Helsinki Final Act.

A major part of that compliance rests on governments being open and acting transparently—the same focus that is at the heart of the American Society of Newspaper Editors' Sunshine Week.

Practicing open governance is not something countries, States, and cities should do because they have to comply with some international agreement or public records law; rather, being transparent should be an organic part of providing a democratic government and empowering citizens.

When President Obama began his Presidency he called for unprecedented transparency. In his Open Government Directive, he outlined a clear plan for government to become more transparent, participatory, and collaborative.

The logic is clear—only through transparency can people gain the knowledge needed to participate and hold their governments accountable. And only if the people participate can government collaborate with them to glean the best ideas.

This directive was bold and action-oriented, but sadly we have not seen the U.S. bureaucracy react with the same swiftness with which this directive was made. Most agencies, in fact, have not made concrete changes to comply with the directive, according to a government-wide audit released earlier this week by the National Security Archive based at the George Washington University.

It seems for all the White House is doing disclosing its visitors log, broadcasting policy meetings, increasing interactivity through townhall meetings and YouTube interviews—a lot of work remains at the agencies.

Most glaring to me are the delays and in some cases outright denials of Freedom of Information Act requests. I was surprised to learn in the National Security Archive audit that some requests have been pending for 18 years when the law very clearly calls for responses within 20 business days when possible.

Most baffling from the audit may be what files still remain locked in government vaults. For example, today—more than 20 years after the fall of the Berlin Wall—the Pentagon still has not responded to a request for records detailing the military's reaction in 1961 to the building of the wall.

When it comes to diplomacy, this President and Secretary of State Clinton deserve great praise for the work they have done around the world to strengthen dialogue and improve U.S. relationships abroad. This successful record, however, is slightly tarnished by the Department of State's efforts on open governance. The Department more than doubled the number of denials it issued to people filing Freedom of

Information Act requests last year—the largest increase of any agency except for the Social Security Administration, which tripled its denials.

Fourteen months is a short time to change a bureaucracy charged with managing countless records. But a handful of agencies have already shown it is possible and committed to open government changes. On top of other positive reforms, the Departments of Agriculture and Justice, the Small Business Administration, and the Office of Management and Budget all increased how much information they released and decreased how many requests they denied last year. These agencies have embraced the spirit of transparency ushered in by President Obama, and as we mark Sunshine Week, I hope others will follow suit with their own innovative ways to increase transparency and spur citizen involvement. And once agencies adopt these practices, I hope they stick with them—not because they fulfill any Presidential directive but because they give us a better democracy.

TRIBUTE TO MITCH ALBOM

Mr. LEVIN. Mr. President, 25 years ago, an article appeared in the Detroit Free Press sports section headlined, ''Give Me a Sporting Chance, And I'll Give It Right Back.'' It was the debut column from a young writer just arrived from Florida, and he admitted to some nerves about writing for his new audience. ''Starting tomorrow, I ask your attention, your reaction, your letters, your laughter and, once in a while, the benefit of the doubt,'' he wrote.

I doubt many Free Press readers knew that morning that they held the beginning of a journalistic legend in their hands. And the writer himself surely didn't know what he was starting. But thousands of columns, millions of laughs, more than a few tears, 28 million books, and dozens of awards later, Free Press sports columnist Mitch Albom has become a Detroit institution right alongside the beloved athletes he has covered.

Recently, it was announced that Mitch Albom will receive the ultimate award for a sportswriter, the Red Smith Award from the Associated Press Sports Editors. Smith, the legendary New York writer, once said his demanding craft was really simple: ''All you do is sit down at a typewriter and open a vein.'' And Mitch Albom is a worthy successor to that legacy of writing with heart and emotion as well as style and precision. In thrilling victories and painful losses, fans of Michigan's sports teams have seen 25 years of sports history through Albom's observant eyes. They have gotten to know the State's towering sports figures—be they heroic, tragic, or both—through Albom's perceptive character sketches.

That careful attention to the human element of sports allowed Albom to branch out into other areas. His ''Tuesdays with Morrie'' is one of the 100 best-selling books of all time. He is one of Michigan's most listened-to radio hosts, and a regular on ESPN television. And as his success has grown, so have his contributions to his community. His charitable endeavors include efforts to help disadvantaged students study the arts, get health care to homeless families, and gather volunteers for worthy local service projects. Recently, he labored mightily and successfully to get aid to earthquake victims in Haiti.

In winning the Red Smith Award, Albom joins a list of the most honored names in sports journalism. The award speaks forcefully to the respect of his professional peers. For Michigan readers, however, Albom's ongoing legacy is his remarkable writing on the games and athletes who are so much a part of our State's identity and DNA and his contributions to improving his community. I congratulate him on this latest honor, and I thank him for 25 years of great journalism. The readers of Michigan and the Nation look forward to many, many years more.

TRIBUTE TO RON DZWONKOWSKI

Mr. LEVIN. Mr. President, it is a truism, a belief espoused by those of all political parties and persuasions, that the functioning of our democracy depends on an informed citizenry to make wise decisions at the ballot box and hold elected officials accountable.

That means our system depends on careful, thoughtful, impartial journalists, those who bring to their work as much passion for knowledge and understanding as we bring to our advocacy for policies we support. In that difficult and necessary work, few Michigan journalists have succeeded more than Ron Dzwonkowski of the Detroit Free Press, which is why the recent announcement of his selection to the Michigan Journalism Hall of Fame is so well-deserved.

For nearly three decades, Dzwonkowski has served the Free Press as an editor, editorialist, and columnist. His professional peers have awarded him a host of awards, including a Pulitzer Prize and a National Headliner Award for work to which he has contributed. As an editor and writer for the Free Press's editorial pages, he has shown a remarkable commitment to accuracy, but just as important, a remarkable passion for solving the problems of our city and State.

Whether he is praising an elected official or criticizing one, his writing is grounded in a thorough understanding of the facts and a commitment to looking out, above all, for the interests of Michigan's citizens. His reporting, writing, and editing have made a significant and lasting difference in the lives of the readers he serves, and his selection to the State's hall of fame for journalists is a much-deserved reward for a career of distinguished service, one I hope will continue for many, many years to come.

ADDITIONAL STATEMENTS

TRIBUTE TO BOB SCOTT

• Mr. CARDIN. Mr. President, I would like to take this opportunity to recognize the 80th birthday of a Maryland lacrosse legend, Mr. Bob Scott, a former Johns Hopkins University athlete, coach, and athletic director.

Lacrosse is the official team sport of Maryland and there is perhaps no other Marylander who has done as much for the game as Mr. Scott. His 41-year career at Johns Hopkins, spanning from 1955 to 1995, were years of great success for Hopkins lacrosse as well as Blue Jays athletics in general.

At a university that expects nothing less than dominance on the lacrosse field, Mr. Scott more than lived up to the high expectations. As the head lacrosse coach from 1955 to 1974, Mr. Scott left a legacy that will be hard to match. He led the Blue Jays to an unparalleled seven national championships, his players were recognized as first-team All-Americans an outstanding 42 times, and he left his position with 158 wins, more than any other head coach in program history.

Mr. Scott was a successful lacrosse player for Johns Hopkins from 1948 to 1952 as well. During his playing days, he received national recognition as the winner of the Penniman Award for outstanding play as a midfielder and as an honorable mention All-American.

In addition to his playing and coaching acumen, Mr. Scott also wrote the premier lacrosse book. ''Lacrosse: Technique and Tradition,'' written in 1976, still sits in lacrosse players' lockers and on coaches' desks to this day. The book has since been translated into other languages and has given Mr. Scott the vehicle to become the sport's unofficial ambassador.

Mr. Scott is more than just a lacrosse legend, however. He helped build Hopkins into the division III powerhouse it is today. During his 22-year tenure as director of athletics, the Blue Jays emerged as national contenders in many different sports—including baseball, basketball, fencing, swimming, and soccer—and Mr. Scott played a pivotal role in successfully developing the women's athletics program that continues to thrive today.

Most of Mr. Scott's life has been dedicated to sports, but he also spent 2 years in the U.S. Army after graduating from Johns Hopkins. He rose to the position of instructor in the Ranger Department and was stationed at Fort Benning, GA.

In honor of Mr. Scott's 80th birthday today—St. Patrick's Day—I ask my colleagues to join me in recognizing the life of a great Marylander who has served our country and has given so much of his time to help mold our Nation's student-athletes.•

TRIBUTE TO ARTHUR E. KATZ

• Mr. ISAKSON. Mr. President, I wish to honor in the RECORD of the Senate an honorable American and a great Georgian, Mr. Arthur E. Katz.

Arthur graduated from the U.S. Coast Guard Academy in 1963. In Vietnam, he served as the commanding officer, USCGC Point Cypress, a unit attached to Division 13, Coast Guard Squadron One, from December 1965 to September 1966. For his meritorious service, Arthur received the Bronze Star Medal, with Combat Distinguishing Device ''V''.

Arthur attended Rutgers University, where he earned a masters degree in business administration. He is a successful small business owner, and his commitment to volunteerism and community service is evident through his roles as past president of Temple Emanu-Els Board of Trustees and board member of the Marcus Jewish Community Center of Atlanta.

A longtime resident of Sandy Springs, GA, Arthur is an avid tennis player, fisherman, and a committed runner of the annual Peachtree Road Race. A dedicated and loving husband of 46 years, Arthur is the father of three daughters and is blessed with seven grandchildren.

On April 23, 2010, Arthur will be inducted to the Wall of Gallantry at the Coast Guard Academy in New London, CT. I cannot think of anyone more deserving of such an honor than this true champion of patriotism and a countryman, Arthur E. Katz.•

TRIBUTE TO TERRY LINDSEY

• Mr. ISAKSON. Mr. President, I wish to honor in the RECORD of the Senate Terry Lindsey, who is a great Georgian, a great American, and a great citizen of Polk County. I honor Terry upon his retirement from Engineered Fabrics after 31 remarkable years and for his many contributions to the quality of life in Polk County, GA.

On March 31, 2010, Terry will retire from Engineered Fabrics Corporation in Rockmart, GA. He started with the company in 1979 as the manager of contract management, and he ends his impressive tenure as its vice president of marketing. I know he will be deeply missed by his colleagues at Engineered Fabrics, which is one of the largest employers in Rockmart.

In addition to his impressive career, Terry has a long history of community involvement in Polk County, where he is a well-respected and dedicated leader. Terry is a member of the Rotary and has been active in the Polk County Chamber of Commerce for a number of years. In particular, he has served as an inspiration and a role model to the young men and women in the chambers Youth Leadership committee.

Terry has been a familiar face during the Polk Chambers annual trip to Washington, DC, over the years. He has been instrumental in ensuring members of the Polk County delegation had the opportunity to come to Washington and discuss important issues affecting the community with the Georgia congressional delegation through his role as a host or sponsor of these Washington fly-ins.

It gives me a great deal of pleasure and it is a privilege to recognize on the floor of the Senate, Terry Lindsey for his service to Polk County and to our great State of Georgia. He and his wife Jean have earned the many happy years of retirement ahead of them.•

REMEMBERING PATRICIA MALONE

• Mr. ISAKSON. Mr. President, I wish to honor in the RECORD of the Senate the life of a wonderful lady and a great Georgian, Mrs. Patricia Malone. Her commitment to the aviation industry spanned more than 50 years, affecting thousands of pilots through training standards.

Patricia ''Mother'' Malone began her introduction into aviation began during World War II when she was a link instrument training instructor for the U.S. Navy, training fighter pilots in instrument flight procedures. After the war, she was a civilian instructor for the U.S Air Force.

She went to work for Delta Air Lines in 1972 and moved her family from Quincy, MA, to Atlanta, GA. During her long career with Delta, she created the operations specification curriculum for the airline and served as the manager of certificate compliance by the time she retired in 1994.

Patricia affected countless numbers of aviators through her work in aeronautical charting, and she trained pilots from most of the major airlines as well as military pilots. She earned the nickname ''Mother'' Malone from her pilots because she did more than teach them instrument flying and FAA regulatory compliance; she was truly invested in the lives of those she taught.

During her retirement years she consulted with pilots and airline industry professionals as well as lending her time to volunteering in her community. She selflessly gave her time to the YWCA of Cobb County, the Delta Pioneer, American Business Womens Association, Goodwill Industries, the American Red Cross, and her local board of elections.

Patricia W. ''Mother'' Malone passed away on August 12, 2008, at the age of 84. She is survived by her daughters, Alison, Peggy and Tricia, nine grandchildren, and one great grandson.

This year, Patricia will be posthumously inducted into the Georgia Aviation Hall of Fame, and I cannot think of anyone more deserving of this honor. It is only right that her accomplishments are permanently enshrined in Georgia's aviation history.•

TRIBUTE TO THEODORE ELDRIDGE

• Mrs. LINCOLN. Mr. President, today I congratulate Theodore Eldridge of Moro for receiving the John Gammon Award for his dedication and service to the Arkansas agriculture industry. The award is presented each year by the Arkansas office of the U.S. Department of Agriculture's Farm Service Agency.

Theodore represents the best of our Arkansas values: hard work, dedication, and perseverance. He currently serves as the coordinator of the University of Arkansas at Pine Bluff's 52–Acre Demonstration Farm. He also works part-time for the UAPB Demonstration Outreach Center in Marianna and the East Arkansas Enterprise Community.

I have had the privilege of working closely with Theodore on several projects for the USDA Rural Development Program, where he served as district director in Forrest City, and later as the director of water and wastewater programs.

This past December, I was pleased to announce his appointment to serve on the Arkansas Farm Service Agency State Committee. He has since been elected chairman by the committee and has shown exemplary leadership for our State's farmers and ranchers as he ensures our producers have the tools in place to produce a safe and affordable food supply. Theodore plays a vital role in our State's rural communities as he works to facilitate programs that will spur local economic development. He also oversees and informs local producers about USDA programs.

As a seventh-generation Arkansan and farmer's daughter, and as chairman of the Senate Agriculture Committee, I understand firsthand and appreciate the hard work and contributions of our Arkansas agriculture community. Agriculture is the backbone of Arkansas's economy, creating more than 270,000 jobs in the State and providing $9.1 billion in wages and salaries. In total, agriculture contributes roughly $15.9 billion to the Arkansas economy each year.

I salute Theodore and the entire Arkansans agriculture community for their hard work and dedication.•

TRIBUTE TO ROBERT MOORE

• Mrs. LINCOLN. Mr. President, today I congratulate Arkansas State Representative Robert Moore on his recent selection to serve as Speaker of the House for the next Arkansas General Assembly.

Born in Dumas and raised in Arkansas City, Representative Moore exemplifies our Arkansas values of hard work, dedication, and leadership. Throughout his 25-year career in public service, Representative Moore has worked to keep Arkansas strong. Since 2007, he has proudly served the residents of southeast Arkansas in the Arkansas General Assembly.

Not only is Representative Moore one of our State's dedicated leaders, he has also helped keep the farm family tradition alive in Arkansas. As the owner

and operator of Moore Farms in Arkansas City, he produces rice and soybeans, with an additional focus on wildlife management. He is also a member of the Arkansas House Committee on Agriculture, Forestry and Economic Development.

As a seventh-generation Arkansan and farmer's daughter from Helena, and as chairman of the Senate Agriculture Committee, I understand firsthand and appreciate the hard work and contributions of our Arkansas agriculture community. Agriculture is the backbone of Arkansas's economy, creating more than 270,000 jobs in the state and providing $9.1 billion in wages and salaries.

Mr. President, I commend Representative Moore and all members of the Arkansas Legislature for their hard work and dedication on behalf of the people of our great State. I commend their efforts, and I remain dedicated to working with them to help keep Arkansas strong.●

TRIBUTE TO PEGGY LALLY MUNCY

● Mrs. LINCOLN. Mr. President, today I commend fellow Arkansan Peggy Lally Muncy for raising $25,000 for the Boys and Girls Club of Central Arkansas.

Peggy recently completed a 7-week, 3,415-mile cross-country bicycle tour from Los Angeles to Boston. Through per-mile monetary pledges made by friends and family, Peggy was able to double her initial goal of raising $10,000 for the club.

A North Little Rock resident, Peggy represents the best of our Arkansas values of service, compassion, and commitment. Her efforts have helped countless children and youth in central Arkansas take part in activities that promote social, cultural, educational, recreational and physical development.

Volunteer efforts like Peggy's can literally change lives. I salute Peggy and all Arkansans who give back to their communities each and every day. Together, we can make a real difference for the people of our State.●

TRIBUTE TO JAMES O. POWELL

● Mrs. LINCOLN. Mr. President, today I pay tribute to the life and career of respected Arkansas journalist James O. Powell, who served as the long-time editorial page editor and columnist for the Arkansas Gazette newspaper. James passed away on March 10 at the age of 90. He is survived by his wife of 58 years, Ruth Powell, and son Lee Powell of Washington, DC, who I have worked with in his role as the executive director of the Mississippi Delta Grassroots Caucus.

During his 30-year tenure at the Gazette, James fought to preserve the journalistic principles of integrity and honesty. Among his memorable writings, James penned a series of editorials during the 1950s and 60s in support of the civil rights movement and opposing school segregation. He chronicled Arkansas politics with clarity and thoughtfulness, including extensive coverage of Arkansas Governors Winthrop Rockefeller, Dale Bumpers, and Bill Clinton.

After retiring from the Gazette in 1987, James continued to write a syndicated column published in many Arkansas papers until 2000. Through his reporting, Arkansans learned the news of the day, along with insight and analysis, to help them make informed decisions about local, state, and national events.

Mr. President, I honor the life and legacy of James O. Powell for his dedication to Arkansas and his commitment to excellence in journalism. His work helped educate and inspire a generation of Arkansans.●

TRIBUTE TO JUDGE MARY ANN GUNN

● Mr. PRYOR. Mr. President, I rise today to congratulate Judge Mary Ann Gunn for her personal commitment and innovative approach to public service in northwest Arkansas. Judge Gunn, who serves on the Washington County Circuit Court, received the 2009 FBI Director's Community Leadership Award.

The award, presented on behalf of the Director of the FBI, was established in 1990 to recognize individuals and organizations for their efforts in combating terrorism, drugs, and violence in America. In addition to her duties as a circuit judge, Judge Gunn voluntarily serves as a judge for the Washington and Madison County Drug Court, in Arkansas. Since 2000, the drug court has accepted first-time, nonviolent drug offenders into a nine month program of intensive counseling and close supervision. When offenders successfully complete the program, their criminal records are cleared of the drug offense.

Judge Gunn's courtroom is one of the most successful in the nation. Her drug court is regularly televised in Washington and Madison Counties, and is an excellent example of how the community, the courts, and law enforcement work together to reduce crime. In addition, she has held drug court sessions in school gymnasiums to show students just where drug use can lead. According to the FBI, Judge Gunn manages ''one of the most effective public services available in Northwest Arkansas.''

We congratulate Judge Mary Ann Gunn on her personal accomplishment, and we thank her for her commitment to reducing crime and protecting citizens of Arkansas.●

RECOGNIZING FUEL

● Ms. SNOWE. Mr. President, restaurants in my home State recently celebrated the second annual Maine Restaurant Week from March 1 through 10. This creative event is designed to offer Mainers and visitors alike the opportunity to spend an evening out to try a new restaurant at an affordable fixed price. After last year's success, where nearly 98 percent of attendees said the event met or exceeded their expectations, over 100 restaurants participated in this year's celebration. I rise today to recognize one restaurant that took part in Restaurant Week, Fuel, that has helped to lead a renaissance in downtown Lewiston.

In 2005, Eric Agren and his wife Carrie purchased the old Lyceum Hall in downtown Lewiston with the purpose of renovating the 135-year-old theater, which is listed on the National Historic Register. The goal was to transform the theater, vacant for over 50 years, into a cozy, welcoming space while maintaining the historical nature of the building. Mr. Agren, who is originally from the Lewiston-Auburn area, spent several years in Chicago working for a kitchen design company, which piqued his interest in the culinary arts, before returning home to pursue his longtime dream of opening a restaurant. The couple also turned the upstairs of the building into a 5,000-square-foot apartment. Because of the Agrens' dedicated efforts, Fuel received historic preservation awards from the State of Maine and the city of Lewiston, both in 2007.

Fuel's menu features French country cuisine with a close-to-home twist. Starting with French classics like escargot, fondue, and French onion soup, the menu includes an eclectic mix of dishes from braised short ribs and steak frites to roasted chicken and homemade macaroni and cheese. The Agrens describe Fuel's interior décor as ''urban cozy,'' with French vintage art, leather chairs in the bar, and butcher paper topping the tables. The restaurant received a 2008 Editor's Choice Award from Yankee Magazine, as well as Wine Spectator magazine's Award of Excellence for its exceptional wine list of over 100 selections. Fuel has also been the recipient of the Androscoggin County Chamber of Commerce's President's Award and has received recognition as Downeast Magazine's Best Dining in Lewiston.

Since the opening of Fuel, several other restaurants have opened across Lewiston, resulting in a burgeoning revival of the city's downtown. Nearly a dozen new restaurants have entered the Lewiston dining scene in recent years, leading to increased traffic and a more vibrant atmosphere downtown, as well as creating new jobs. Indeed, to continue this trend, the Agrens soon plan to open another restaurant just down Lisbon Street from Fuel called Marché. In the process of refurbishing the building, the couple also created a two-bedroom, 2,000-square-foot apartment upstairs from the restaurant. As Mr. Agren recently explained, he hopes these efforts bring new people to the downtown area, and expects '' to see a small core of affiliated businesses sprout up—such as dry cleaners and specialty markets—that would cater to a growing downtown population.''

Additionally, over the years, Fuel and other local eateries have participated in numerous community events, raising money for charities like the Sisters of Charity Food Pantry and the American Heart Association. While these restaurants engage in healthy competition, they are also team players when it comes to helping the community.

The renaissance of downtown Lewiston is well-documented, and a welcome sign during these difficult economic times. And Eric and Carrie Agren have played a central role in spurring this critical development. I thank the Agrens for their commitment to the Twin Cities of Lewiston and Auburn, and I look forward to hearing about the continued success of their investments.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:08 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4628. A bill to designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the ''Sergeant Christopher R. Hrbek Post Office Building''.

At 2:10 p.m., a message from the House of Representatives, delivered by Mr. Schiff, a manager on the part of the House to conduct the trial of the impeachment of G. Thomas Porteous, Jr., a Judge for the United States District Court for the Eastern District of Louisiana, announcing that the House has agreed to the following resolutions:

H. Res. 1031. Resolution impeaching G. Thomas Porteous, Jr., judge of the United States District Court for the Eastern District of Louisiana, for high crimes and misdemeanors.

H. Res. 1165. Resolution appointing managers on the part of the House to conduct the trial of the impeachment of G. Thomas Porteous, Jr., a Judge for the United States District Court for the Eastern District of Louisiana.

ENROLLED BILL SIGNED

At 4:36 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2847. An act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore, Mr. REID, pursuant to the order of today, March 17, 2010.

At 6:20 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4851. An act to provide a temporary extension of certain programs, and for other purposes.

H.R. 4853. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4628. An act to designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the ''Sergeant Christopher R. Hrbek Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

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–5070. 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 ''Tetraethoxysilane, Polymer with Hexamethyldisiloxane; Tolerance Exemption'' (FRL No. 8814–3) received in the Office of the President of the Senate on March 11, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5071. 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 ''S-Abscisic Acid, (S)-5-(1-hydroxy-2,6,6-trimethyl-4-oxo-1-cyclohex-2-enyl)-3-methyl-penta-(2Z,4E)-dienoic Acid; Amendment to an Exemption from the Requirement of a Tolerance'' (FRL No. 8814–5) received in the Office of the President of the Senate on March 11, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5072. 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 ''Hexythiazox; Pesticide Tolerances'' (FRL No. 8813–7) received in the Office of the President of the Senate on March 11, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5073. 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 ''Agricultural Inspection and AQI User Fees Along the U.S./Canada Border'' (Docket No. APHIS–2006–0096) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5074. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; Amendment to Electric Generating Unit Multi-Pollutant Regulation'' (FRL No. 9127–2) received in the Office of the President of the Senate on March 11, 2010; to the Committee on Environment and Public Works.

EC–5075. 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 ''Hazardous Waste Technical Corrections and Clarifications Rules'' (FRL No. 9127–9) received in the Office of the President of the Senate on March 11, 2010; to the Committee on Environment and Public Works.

EC–5076. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mandatory Reporting of Greenhouse Gases: Minor Harmonizing Changes to the General Provisions'' (FRL No. 9127–6) received in the Office of the President of the Senate on March 11, 2010; to the Committee on Environment and Public Works.

EC–5077. 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 ''Transportation Conformity Rule PM2.5 and PM10 Amendments'' (FRL No. 9127–7) received in the Office of the President of the Senate on March 11, 2010; to the Committee on Environment and Public Works.

EC–5078. 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 ''Chile Earthquake Occurring in February 2010 Designated as a Qualified Disaster under §139 of the Internal Revenue Code'' (Notice 2010–26) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Finance.

EC–5079. 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 ''Deemed Dispositions by Individuals Emigrating from Canada'' (Rev. Proc. 2010–19) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Finance.

EC–5080. 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–2010–0003)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5081. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67)(Docket No.

FEMA–2010–0003)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5082. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010–0037—2010–0046); to the Committee on Foreign Relations.

EC–5083. 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 ''Name Change of Two DHS Components'' (CBP Dec. 10–03) received in the Office of the President of the Senate on March 10, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–5084. A communication from the Chairman, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Funds Received in Response to Solicitations; Allocation of Expenses by Separate Segregated Funds and Nonconnected Committees'' (Notice 2010–08) received in the Office of the President of the Senate on March 15, 2010; to the Committee on Rules and Administration.

EC–5085. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the redesignating the Air Force's Small Diameter Bomb Increment I (SDB I) Program as an ACAT II program; to the Committee on Armed Services.

EC–5086. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 10–011, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible effects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–5087. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 10–002, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible effects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–5088. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the U.S. engagement with Iran; to the Committee on Armed Services.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. GILLIBRAND:

S. 3131. A bill to direct the Secretary of the Interior to conduct a special resource study to evaluate resources in the Hudson River Valley in the State of New York to determine the suitability and feasibility of establishing the site as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN:

S. 3132. A bill to amend the Child Nutrition Act of 1966 to promote and support breastfeeding through the special supplemental nutrition program for women, infants, and children; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CASEY (for himself, Mr. SCHUMER, and Mr. SPECTER):

S. 3133. A bill to provide for the construction, renovation, and improvement of medical school facilities, and other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself, Ms. STABENOW, Mr. GRAHAM, Mr. BROWNBACK, Mr. BROWN of Ohio, Ms. SNOWE, Mr. FEINGOLD, Mr. SPECTER, Mr. CASEY, Mr. BAYH, Mr. LEVIN, Mr. CARDIN, Mrs. GILLIBRAND, Mr. WEBB, Mr. REED, Mrs. LINCOLN, and Ms. COLLINS):

S. 3134. A bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; to the Committee on Finance.

By Mr. DURBIN:

S. 3135. A bill to enhance global healthcare cooperation and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 457. A resolution to provide for issuance of a summons and for related procedures concerning the articles of impeachment against G. Thomas Porteous, Jr; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 458. A resolution to provide for the appointment of a committee to receive and to report evidence with respect to articles of impeachment against Judge G. Thomas Porteous, Jr; considered and agreed to .

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. Res. 459. A resolution congratulating KICY Radio for 50 years of service to western Alaska and the Russian Far East; considered and agreed to.

By Mr. LEAHY (for himself and Mr. SANDERS):

S. Res. 460. A resolution recognizing the importance of the Long Trail and the Green Mountain Club on the 100th anniversary of the Long Trail; considered and agreed to.

ADDITIONAL COSPONSORS

S. 334

At the request of Mr. LUGAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 334, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Moldova.

S. 704

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 704, a bill to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes.

S. 910

At the request of Mr. WARNER, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 910, a bill to amend the Emergency Economic Stabilization Act of 2008, to provide for additional monitoring and accountability of the Troubled Asset Relief Program.

S. 1255

At the request of Mr. SCHUMER, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1255, a bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to extend the authorized time period for rebuilding of certain overfished fisheries, and for other purposes.

S. 1408

At the request of Mr. MENENDEZ, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 1408, a bill to amend the Internal Revenue Code of 1986 to encourage alternative energy investments and job creation.

S. 1481

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1481, a bill to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1611

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1611, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 1966

At the request of Mr. DODD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1966, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 2743

At the request of Ms. SNOWE, the name of the Senator from Wisconsin

(Mr. FEINGOLD) was added as a cosponsor of S. 2743, a bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War, and for other purposes.

S. 2755

At the request of Mr. MENENDEZ, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 2755, a bill to amend the Internal Revenue Code of 1986 to provide an investment credit for equipment used to fabricate solar energy property, and for other purposes.

S. 2835

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2835, a bill to reduce global warming pollution through international climate finance, investment, and for other purposes.

S. 2847

At the request of Mr. WHITEHOUSE, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2847, a bill to regulate the volume of audio on commercials.

S. 2974

At the request of Mr. LUGAR, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2974, a bill to establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict or natural disaster reconstruction, and for other purposes.

S. 3036

At the request of Mr. BAYH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3059

At the request of Mr. BINGAMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3059, a bill to improve energy efficiency of appliances, lighting, and buildings, and for other purposes.

S.J. RES. 28

At the request of Mr. DODD, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S.J. Res. 28, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 412

At the request of Mrs. GILLIBRAND, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. Res. 412, a resolution designating September 2010 as ''National Childhood Obesity Awareness Month''.

S. RES. 451

At the request of Mr. BURR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 451, a resolution expressing support for designation of a ''Welcome Home Vietnam Veterans Day''.

S. RES. 452

At the request of Mr. JOHANNS, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 452, a resolution supporting increased market access for exports of United States beef and beef products to Japan.

AMENDMENT NO. 3477

At the request of Ms. CANTWELL, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 3477 intended to be proposed to H.R. 1586, a bill to impose an additional tax on bonuses received from certain TARP recipients.

AMENDMENT NO. 3493

At the request of Ms. CANTWELL, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 3493 intended to be proposed to H.R. 1586, a bill to impose an additional tax on bonuses received from certain TARP recipients.

AMENDMENT NO. 3506

At the request of Mr. MENENDEZ, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of amendment No. 3506 intended to be proposed to H.R. 1586, a bill to impose an additional tax on bonuses received from certain TARP recipients.

AMENDMENT NO. 3522

At the request of Ms. CANTWELL, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 3522 intended to be proposed to H.R. 1586, a bill to impose an additional tax on bonuses received from certain TARP recipients.

AMENDMENT NO. 3523

At the request of Ms. CANTWELL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 3523 intended to be proposed to H.R. 1586, a bill to impose an additional tax on bonuses received from certain TARP recipients.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 3135. A bill to enhance global healthcare cooperation and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise today to introduce the Global Healthcare Cooperation Act of 2010. This legislation takes measured but important steps to enhance global healthcare cooperation and help developing countries address public health challenges. The Global Healthcare Cooperation Act will bolster the ranks of healthcare workers serving in developing countries by enabling American legal permanent residents to assist with overseas public health emergencies, and by responsibly regulating the ''brain drain'' of skilled healthcare workers from underdeveloped countries to the U.S. I look forward to working with my colleagues to see these provisions enacted into law.

While many nations are currently experiencing shortages of healthcare personnel, the lack of doctors, nurses and other healthcare workers in the world's poorest nations is an urgent crisis. There are many factors contributing to this crisis, but the massive ''brain drain'' of trained healthcare workers from the poorest nations to the richest is a central cause. According to the World Health Organization, Africa loses 20,000 health professionals a year as part of this brain drain. In Ethiopia, for example, there are only 1,806 doctors serving a population of 80 million. By comparison, there are 5,074 doctors serving the 600,000 residents of Washington D.C., and 17,507 doctors serving the 5.3 million residents of Cook County in my home state of Illinois. The shortage of healthcare personnel is considered the single biggest obstacle to fighting HIV/AIDS in Africa. Healthcare worker shortages are particularly devastating when nations are confronted with natural disasters and other humanitarian crises, such as the recent Haiti earthquake.

I again saw this problem first hand during a trip to east Africa that I took last month with Senator SHERROD BROWN. In places such as Tanzania and Ethiopia the story was the same—in countries already in desperate need of health workers, many were instead leaving for work in other countries. Many are being recruited to work in the U.S. and in other wealthy nations.

We should do what we can here in the U.S. to make sure these talented health professionals are free to return temporarily to help in countries with urgent health needs without jeopardizing their immigration status. We should also ensure they have met all medical care obligations in their home countries that may have been tied to their health training.

The Global Healthcare Cooperation Act would take two steps to address these challenges. The first part of the bill would allow a healthcare worker who is a legal permanent resident in the U.S. to temporarily provide healthcare services in a country that is underdeveloped or that has suffered a disaster or public health emergency without jeopardizing his or her immigration status in the U.S. Specifically, the bill would allow legal permanent resident healthcare workers to work in qualifying countries for up to 36 months without running afoul of the continuous residency requirement for naturalization. This provision will allow immigrants in our country to lend their skills to overseas disaster relief and public health crises while still pursuing their dream of American citizenship.

The second part of this legislation would require a foreigner who is petitioning to work in the U.S. as a healthcare worker to attest that he or she has satisfied any outstanding obligation to his or her home country

under which the foreigner received money for medical training in return for a commitment to work in that country for a period of years. In exchange for financial support for their education or training, some foreign doctors, nurses, and other healthcare workers have signed voluntary bonds or made promises to their governments to remain in their home countries or to return from their studies abroad and work in the healthcare profession. The bill provides that the petitioner must satisfy any outstanding obligation in order to be eligible for admission into the U.S., though the bill is flexible in allowing the petitioner to reach agreement with the home country in order to satisfy his or her commitment. The legislation provides a waiver in cases of coercion by the home country government or other extraordinary circumstances. The goal of this provision is to ensure that foreign countries do not invest money in healthcare workers who then renege on commitments to work in their country without satisfying their commitment.

The small but important steps contained within the Global Healthcare Cooperation Act will help save lives, and will demonstrate America's leadership in the effort to improve the health of people across the globe. The provisions in this legislation have previously passed the Senate twice, as part of the 2006 immigration reform bill and the 2007 Labor-HHS appropriations bill, but have not yet become law. I urge my colleagues to support the enactment of these important provisions.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3135

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Global Health Care Cooperation Act''.

SEC. 2. GLOBAL HEALTH CARE COOPERATION.

(a) IN GENERAL.—Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

''SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTH CARE IN DEVELOPING COUNTRIES.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall allow an eligible alien and the spouse or child of such alien to reside in a candidate country during the period that the eligible alien is working as a physician or other health care worker in a candidate country. During such period the eligible alien and such spouse or child shall be considered—

''(1) to be physically present and residing in the United States for purposes of naturalization under section 316(a); and

''(2) to meet the continuous residency requirements under section 316(b).

''(b) DEFINITIONS.—In this section:

''(1) CANDIDATE COUNTRY.—The term 'candidate country' means a country that the Secretary of State determines to be—

''(A) eligible for assistance from the International Development Association, in which the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the applicable fiscal year, as defined by the International Bank for Reconstruction and Development;

''(B) classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and having an income greater than the historical ceiling for International Development Association eligibility for the applicable fiscal year; or

''(C) qualified to be a candidate country due to special circumstances, including natural disasters or public health emergencies.

''(2) ELIGIBLE ALIEN.—The term 'eligible alien' means an alien who—

''(A) has been lawfully admitted to the United States for permanent residence; and

''(B) is a physician or other healthcare worker.

''(c) CONSULTATION.—The Secretary of Homeland Security shall consult with the Secretary of State in carrying out this section.

''(d) PUBLICATION.—The Secretary of State shall publish—

''(1) not later than 180 days after the date of the enactment of this section, a list of candidate countries;

''(2) an updated version of the list required by paragraph (1) not less often than once each year; and

''(3) an amendment to the list required by paragraph (1) at the time any country qualifies as a candidate country due to special circumstances under subsection (b)(1)(C).''.

(b) RULEMAKING.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out the amendments made by this section.

(2) CONTENT.—The regulations promulgated pursuant to paragraph (1) shall—

(A) permit an eligible alien (as defined in section 317A of the Immigration and Nationality Act, as added by subsection (a)) and the spouse or child of the eligible alien to reside in a foreign country to work as a physician or other healthcare worker as described in subsection (a) of such section 317A for not less than a 12-month period and not more than a 24-month period, and shall permit the Secretary to extend such period for an additional period not to exceed 12 months, if the Secretary determines that such country has a continuing need for such a physician or other healthcare worker;

(B) provide for the issuance of documents by the Secretary to such eligible alien, and such spouse or child, if appropriate, to demonstrate that such eligible alien, and such spouse or child, if appropriate, is authorized to reside in such country under such section 317A; and

(C) provide for an expedited process through which the Secretary shall review applications for such an eligible alien to reside in a foreign country pursuant to subsection (a) of such section 317A if the Secretary of State determines a country is a candidate country pursuant to subsection (b)(1)(C) of such section 317A.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 101(a)(13)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)(C)(ii)) is amended by adding ''except in the case of an eligible alien, or the spouse or child of such alien, who is authorized to be absent from the United States under section 317A,'' at the end.

(2) DOCUMENTARY REQUIREMENTS.—Section 211(b) of such Act (8 U.S.C. 1181(b)) is amended by inserting '', including an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate,'' after ''101(a)(27)(A),''.

(3) INELIGIBLE ALIENS.—Section 212(a)(7)(A)(i)(I) of such Act (8 U.S.C. 1182(a)(7)(A)(i)(I)) is amended by inserting ''other than an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate,'' after ''Act,''.

(4) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 317 the following:

''Sec. 317A. Temporary absence of aliens providing health care in developing countries.''.

SEC. 3. ATTESTATION BY HEALTH CARE WORKERS.

(a) ATTESTATION REQUIREMENT.—Section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) is amended by adding at the end the following:

''(E) HEALTH CARE WORKERS WITH OTHER OBLIGATIONS.—

''(i) IN GENERAL.—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other health care worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding obligation to the government of the alien's country of origin or the alien's country of residence.

''(ii) OBLIGATION DEFINED.—In this subparagraph, the term 'obligation' means an obligation incurred as part of a valid, voluntary individual agreement in which the alien received financial assistance to defray the costs of education or training to qualify as a physician or other health care worker in consideration for a commitment to work as a physician or other health care worker in the alien's country of origin or the alien's country of residence.

''(iii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—

''(I) the obligation was incurred by coercion or other improper means;

''(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien's obligation has been deemed satisfied, or the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means; or

''(III) the obligation should not be enforced due to other extraordinary circumstances, including undue hardship that would be suffered by the alien in the absence of a waiver.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(c) APPLICATION.—Not later than the effective date described in subsection (b), the Secretary of Homeland Security shall begin to carry out subparagraph (E) of section 212(a)(5) of the Immigration and Nationality Act, as added by subsection (a), including the requirement for the attestation and the granting of a waiver described in clause (iii) of such subparagraph (E), regardless of whether regulations to implement such subparagraph have been promulgated.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 457—TO PROVIDE FOR ISSUANCE OF A SUMMONS AND FOR RELATED PROCEDURES CONCERNING THE ARTICLES OF IMPEACHMENT AGAINST G. THOMAS PORTEOUS, JR.

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 457

Resolved, That a summons shall be issued which commands G. Thomas Porteous, Jr. to file with the Secretary of the Senate an answer to the articles of impeachment no later than April 7, 2010, and thereafter to abide by, obey, and perform such orders, directions, and judgments as the Senate shall make in the premises, according to the Constitution and laws of the United Stats.

SEC. 2. The Sergeant of Arms is authorized to utilize the services of the Deputy Sergeant at Arms or another employee of the Senate in serving the summons.

SEC. 3. The Secretary shall notify the House of Representatives of the filing of the answer and shall provide a copy of the answer to the House.

SEC. 4. The Managers on the part of the House may file with the Secretary of the Senate a replication no later than April 21, 2010.

SEC. 5. The Secretary shall notify counsel for G. Thomas Porteous, Jr. of the filing of a replication, and shall provide counsel with a copy.

SEC. 6. The Secretary shall provide the answer and the replication, if any, to the Presiding Officer of the Senate on the first day the Senate is in session after the Secretary receives them, and the Presiding Officer shall cause the answer and replication, if any, to be printed in the Senate Journal and in the Congressional Record. If a timely answer has not been filed, the Presiding Officer shall cause a plea of not guilty to be entered.

SEC. 7. The articles of impeachment, the answer, and the replication, if any, together with the provisions of the Constitution on impeachment, and the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, shall be printed under the direction of the Secretary as a Senate document.

SEC. 8. The provisions of this resolution shall govern notwithstanding any provisions to the contrary in the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials.

SEC. 9. The Secretary shall notify the House of Representatives of this resolution.

SENATE RESOLUTION 458—TO PROVIDE FOR THE APPOINTMENT OF A COMMITTEE TO RECEIVE AND TO REPORT EVIDENCE WITH RESPECT TO ARTICLES OF IMPEACHMENT AGAINST JUDGE G. THOMAS PORTEOUS, JR.

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 458

Resolved, That pursuant to Rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, the Presiding Officer shall appoint a committee of twelve senators to perform the duties and to exercise the powers provided for in the rule.

SEC. 2. The majority and minority leader shall each recommend six members, including a chairman and vice chairman, respectively, to the Presiding Officer for appointment to the committee.

SEC. 3. The committee shall be deemed to be a standing committee of the Senate for the purpose of reporting to the Senate resolutions for the criminal or civil enforcement of the committee's subpoenas or orders, and for the purpose of printing reports, hearings, and other documents for submission to the Senate under Rule XI.

SEC. 4. During proceedings conducted under Rule XI the chairman of the committee is authorized to waive the requirement under the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials that questions by a Senator to a witness, a manager, or counsel shall be reduced to writing and put by the Presiding Officer.

SEC. 5. In addition to a certified copy of the transcript of the proceedings and testimony had and given before it, the committee is authorized to report to the Senate a statement of facts that are uncontested and a summary, with appropriate references to the record, of evidence that the parties have introduced on contested issues of fact.

SEC. 6(a). The actual and necessary expenses of the committee, including the employment of staff at an annual rate of pay, and the employment of consultants with prior approval of the Committee on Rules and Administration at a rate not to exceed the maximum daily rate for a standing committee of the Senate, shall be paid from the contingent fund of the Senate from the appropriation account ''Miscellaneous Items'' upon vouchers approved by the chairman of the committee, except that no voucher shall be required to pay the salary of any employee who is compensated at an annual rate of pay.

(b). In carrying out its powers, duties, and functions under this resolution, the committee is authorized, in its discretion and with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

SEC. 7. The committee appointed pursuant to section one of this resolution shall terminate no later than 60 days after the pronouncement of judgment by the Senate on the articles of impeachment.

SEC. 8. The Secretary shall notify the House of Representatives and counsel for Judge G. Thomas Porteous, Jr. of this resolution.

SENATE RESOLUTION 459—CONGRATULATING KICY RADIO FOR 50 YEARS OF SERVICE TO WESTERN ALASKA AND THE RUSSIAN FAR EAST

Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted the following resolution; which was considered and agreed to:

S. RES. 459

Whereas KICY Radio is owned and operated by the Arctic Broadcasting Association, a nonprofit affiliate of the Evangelical Covenant Church;

Whereas KICY Radio has been broadcasting since April 17, 1960, on an AM frequency of 850 kilohertz;

Whereas KICY Radio is primarily staffed by volunteers;

Whereas KICY Radio broadcasts from Nome, Alaska to more than 40 Alaska Native villages throughout the Seward Peninsula and Yukon-Kuskokwim Delta;

Whereas KICY Radio serves the Chukotkan, Kamchatkan, and Siberian regions of the Russian Far East for 5 hours each day, 7 days each week, from 11 p.m. to 4 a.m.;

Whereas the signal strength of KICY Radio has expanded from 5,000 watts to 50,000 watts during the past 50 years;

Whereas 1 of the most popular KICY Radio programs over the 50-year history of the station is ''Ptarmigan Telegraph,'' which allows listeners to send in brief messages to be read on the air for friends and relatives; and

Whereas, even today, when much of the region served by KICY Radio is connected by telephone, ''Ptarmigan Telegraph'' remains a vital means of connecting the people of western Alaska: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates KICY Radio for 50 years of service to western Alaska and the Russian Far East;

(2) recognizes the volunteer staff who have kept KICY Radio on the air for the past 50 years; and

(3) wishes the staff of KICY Radio well with the continued efforts of the staff to serve the people of western Alaska and the Russian Far East with culturally relevant programming.

SENATE RESOLUTION 460—RECOGNIZING THE IMPORTANCE OF THE LONG TRAIL AND THE GREEN MOUNTAIN CLUB ON THE 100TH ANNIVERSARY OF THE LONG TRAIL

Mr. LEAHY (for himself and Mr. SANDERS) submitted the following resolution; which was considered and agreed to:

S. RES. 460

Whereas the Long Trail is the oldest long-distance hiking trail in the United States;

Whereas the Long Trail stretches over 273 miles, from the Massachusetts to Canadian borders, with approximately 175 miles of side trails and more than 65 shelters;

Whereas the Long Trail has achieved the dream of founder James Taylor of creating ''a high highway, a mountain footpath over the skyline of Vermont'';

Whereas the Green Mountain Club is the founder, sponsor, defender, and protector of the Long Trail;

Whereas the Green Mountain Club has delivered 100 years of conservation, community education, and outreach on local ecology;

Whereas the Long Trail has protected the habitat of many important species for future generations, including the black bear, the moose, the bobcat, and migratory songbirds;

Whereas the thousands of members and dedicated volunteers of the Green Mountain Club have worked to maintain, manage, and protect the Long Trail for the benefit of the people of the State of Vermont during the last century;

Whereas the Long Trail is a popular tourist destination for people from around the world, including Senators, a Secretary of Agriculture, and even a President;

Whereas the Long Trail allows the people of the State of Vermont and tourists to enjoy the Green Mountain State and all the beauty and history the State has to offer;

Whereas the Green Mountain Club has successfully conserved the entire corridor of the Long Trail, fought efforts to build highways or commercial developments that intersect

with the Long Trail, and helped to maintain pristine Vermont forestland for future generations to enjoy; and

Whereas the Green Mountain Club has recognized members regardless of sex or race since the founding of the club: Now, therefore, be it

Resolved, That the Senate recognizes the 100th anniversary of the Long Trail of the State of Vermont, the oldest long-distance hiking trail in the United States, and applauds the Green Mountain Club and the many volunteers of the Green Mountain Club for a century of service and for creating, protecting, and enjoying the Long Trail.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3542. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table.

SA 3543. Mrs. HUTCHISON (for herself, Mr. ROCKEFELLER, and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, supra; which was ordered to lie on the table.

SA 3544. Mr. INHOFE (for himself, Mr. WYDEN, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, supra; which was ordered to lie on the table.

SA 3545. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, supra; which was ordered to lie on the table.

SA 3546. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, supra; which was ordered to lie on the table.

SA 3547. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, supra; which was ordered to lie on the table.

SA 3548. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 1586, supra.

SA 3549. Mr. INHOFE (for himself, Mr. SESSIONS, and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 3475 proposed by Mr. MCCAIN (for himself and Mr. BAYH) to the amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586 , supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3542. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

On page 279, after line 24, add the following:

SEC. 723. PROJECT COMPLIANCE WITH NATIONAL AVIATION PRIORITIES.

(a) AIRPORT IMPROVEMENT PROGRAM.—The Administrator of the Federal Aviation Administration shall ensure that any amount made available for airport improvement under subchapter 1 of chapter 471 of title 49, United States Code, is for a project that—

(1) has a National Priority Rating of not less than 41; and

(2) is included in the Airports Capital Improvement Plan.

(b) TOWER/TERMINAL AIR TRAFFIC CONTROL FACILITY REPLACEMENT PROGRAM.—The Administrator shall ensure that any amount made available for the replacement of air traffic control facilities under such subchapter is for a project that is on the priority list of the Administration.

(c) INSTRUMENT LANDING SYSTEMS PROGRAM FUNDS.—The Administrator shall ensure that any amount made available for instrument landing systems under such subchapter is for a project that—

(1) has a higher benefit than cost; and

(2) complies with such other requirements of the Administration as the Administrator considers appropriate.

(d) OTHER PROJECTS.—The Administrator shall ensure that any amount made available under such subchapter for a purpose not described in subsection (a), (b), or (c) is for a project that the Administrator considers a national priority.

(e) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31, 2010, and annually thereafter, the Administrator shall submit to Congress a report that lists each project of the Administration that failed to comply with the provisions of this section in the most recent fiscal year ending before the date of such submittal.

(2) CONTENTS.—For each report submitted under paragraph (1), the Administrator shall include, for each project listed in such report, the following:

(A) A description of the project.

(B) A type classification of the project.

(C) The cost of the project.

(D) The impact of the project on the aviation priorities of the United States.

SA 3543. Mrs. HUTCHISON (for herself, Mr. ROCKEFELLER, and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. ____. FINANCIAL INCENTIVES FOR NEXTGEN EQUIPAGE.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into agreements to fund the costs of equipping aircraft with communications, surveillance, navigation, and other avionics to enable NextGen air traffic control capabilities.

(b) FUNDING INSTRUMENT.—The Administrator may make grants or other instruments authorized under section 106(l)(6) of title 49, United States Code, to carry out subsection (a).

SA 3544. Mr. INHOFE (for himself, Mr. WYDEN, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

After title VII, insert the following:

TITLE VIII—ACCESS TO GENERAL AVIATION AIRPORTS

SEC. 801. SHORT TITLE.

This title may be cited as the ''Community Airport Access and Protection Act of 2010''.

SEC. 802. AGREEMENTS GRANTING THROUGH-THE-FENCE ACCESS TO GENERAL AVIATION AIRPORTS.

(a) IN GENERAL.—Section 47107 of title 49, United States Code, is amended by adding at the end the following:

''(t) AGREEMENTS GRANTING THROUGH-THE-FENCE ACCESS TO GENERAL AVIATION AIRPORTS.—

''(1) IN GENERAL.—Subject to paragraph (2), a sponsor of a general aviation airport shall not be considered to be in violation of this subtitle, or to be in violation of a grant assurance made under this section or under any other provision of law as a condition for the receipt of Federal financial assistance for airport development, solely because the sponsor enters into an agreement that grants to a person that owns residential real property adjacent to the airport access to the airfield of the airport for the following:

''(A) Aircraft of the person.

''(B) Aircraft authorized by the person.

''(2) THROUGH THE FENCE AGREEMENTS.—

''(A) IN GENERAL.—An agreement described in paragraph (1) between an airport sponsor and a property owner shall be a written agreement that prescribes the rights, responsibilities, charges, duration, and other terms determined necessary to establish and manage the airport sponsor's relationship with the property owner.

''(B) TERMS AND CONDITIONS.—An agreement described in paragraph (1) between an airport sponsor and a property owner shall require the property owner, at minimum—

''(i) to pay airport access charges that are not less than those charged to tenants and operators on-airport making similar use of the airport;

''(ii) to bear the cost of building and maintaining the infrastructure necessary to provide aircraft located on the property adjacent to the airport access to the airfield of the airport;

''(iii) to operate and maintain the property, and conduct any construction activities on the property, at no cost to the airport and in a manner that—

''(I) is consistent with subsections (a)(7) and (a)(9);

''(II) does not alter the airport, including the facilities of the airport;

''(III) does not adversely affect the safety, utility, or efficiency of the airport;

''(IV) is compatible with the normal operations of the airport; and

''(V) is consistent with the airport's role in the National Plan of Integrated Airport Systems;

''(iv) to maintain the property for residential, noncommercial use for the duration of the agreement; and

''(v) to prohibit access to the airport from other properties through the property of the property owner.

''(3) GENERAL AVIATION AIRPORT DEFINED.—In this subsection, the term 'general aviation airport' means a public airport that is located in a State and that, as determined by the Secretary of Transportation—

''(A) does not have scheduled service; or

''(B) has scheduled service with less than 2,500 passenger boardings each year.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to an agreement between an airport sponsor and a property owner entered into before, on, or after the date of enactment of this Act.

SA 3545. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

On page 61, strike lines 1 through 8 and insert the following:

(c) STUDY BY BOARD.—

(1) IN GENERAL.—The Air Traffic Control Modernization Oversight Board, established by section 106(p) of title 49, United States Code, shall conduct a study of—

(A) the Administrator's recommendations for realignment; and

(B) the opportunities, risks, and benefits of realigning services and facilities of the Administration to reduce capital, operating, maintenance, and administrative costs without adversely affecting safety.

(2) CONSIDERATIONS.—In carrying out the study under paragraph (1), the Board shall consider—

(A) the commercial and noncommercial use of airspace, including Department of Defense operations, Forest Service operations, and the operations of other Government agencies with irregular flight times and patterns; and

(B) the safety of aircraft operations in adverse weather, terrain, and other limiting physical factors relevant to the airspace surrounding airports whose aviation services and facilities have been recommended for realignment by the Administrator.

SA 3546. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

On page 10, after the matter following line 5, insert the following:

(c) PASSENGER ENPLANEMENT REPORT.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall prepare a report on every airport in the United States that reported between 10,000 and 15,000 passenger enplanements during each of the 2 most recent years for which such data is available.

(2) REPORT OBJECTIVES.—In carrying out the report under paragraph (1), the Administrator shall document the methods used by each subject airport to reach the 10,000 passenger enplanement threshold, including whether airports subsidize commercial flights to reach such threshold.

(3) REVIEW.—The Inspector General of the Department of Transportation shall review the process of the Adminstrator in developing the report under paragraph (1).

(4) REPORT.—The Administrator shall submit the report prepared under paragraph (1) to Congress and the Secretary of Transportation.

(5) RULEMAKING.—After reviewing the report prepared under paragraph (1), the Secretary of Transportation shall promulgate regulations for measuring passenger enplanements at airports that—

(A) include the method for determining which airports qualify for Federal funding under the Airport Improvement Program (AIP);

(B) exclude artificial enplanements resulting from efforts by airports to trigger increased AIP funding; and

(C) sets forth the consequences for tampering with the number of passenger enplanements.

SA 3547. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

On page 44, after line 25, add the following:

SEC. 219. STUDY ON APPORTIONING AMOUNTS FOR AIRPORT IMPROVEMENT IN PROPORTION TO AMOUNTS OF AIR TRAFFIC.

(a) STUDY AND REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) complete a study on the feasibility and advisability of apportioning amounts under section 47114(c)(1) of title 49, United States Code, to the sponsor of each primary airport for each fiscal year an amount that bears the same ratio to the amount subject to the apportionment for fiscal year 2009 as the number of passenger boardings at the airport during the prior calendar year bears to the aggregate of all passenger boardings at all primary airports during that calendar year; and

(2) submit to Congress a report on the study completed under paragraph (1).

(b) REPORT CONTENTS.—The report required by subsection (a)(2) shall include the following:

(1) A description of the study carried out under subsection (a)(1).

(2) The findings of the Administrator with respect to such study.

(3) A list of each sponsor of a primary airport that received an amount under section 47114(c)(1) of title 49, United States Code, in 2009.

(4) For each sponsor listed in accordance with paragraph (3), the following:

(A) The amount such sponsor received, if any, in 2005, 2006, 2007, 2008, and 2009 under such section 47114(c)(1).

(B) An explanation of how the amount awarded to such sponsor was determined.

(C) The average number of air passenger flights serviced each month at the airport of such sponsor in 2009.

(D) The number of enplanements for air passenger transportation at such airport in 2005, 2006, 2007, 2008, and 2009.

SA 3548. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; as follows:

At the end, insert the following:

SEC. __01. DISCRETIONARY SPENDING LIMITS AND OTHER DEFICIT REDUCTION MEASURES.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by inserting at the end the following:

''DISCRETIONARY SPENDING LIMITS

''SEC. 316. (a) DISCRETIONARY SPENDING LIMITS.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would cause the discretionary spending limits as set forth in this section to be exceeded.

''(b) LIMITS.—In this section, the term 'discretionary spending limits' has the following meaning subject to adjustments in subsection (c):

''(1) For fiscal year 2011—

''(A) for the defense category (budget function 050), $573,793,000,000 in budget authority; and

''(B) for the nondefense category, $533,159,000,000 in budget authority.

''(2) For fiscal year 2012—

''(A) for the defense category (budget function 050), $580,811,000,000 in budget authority; and

''(B) for the nondefense category, $559,621,000,000 in budget authority.

''(3) For fiscal year 2013—

''(A) for the defense category (budget function 050), $593,516,000,000 in budget authority; and

''(B) for the nondefense category, $549,562,000,000 in budget authority.

''(4) With respect to fiscal years following 2013, the President shall recommend and the Congress shall consider legislation setting limits for those fiscal years.

''(c) ADJUSTMENTS.—

''(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

''(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, the budgetary aggregates in the concurrent resolution on the budget most recently adopted by the Senate and the House of Representatives, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing there from; and

''(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

''(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

''(A) OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013, that provides funding for overseas deployments and other activities, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that purpose but not to exceed—

''(i) with respect to fiscal year 2011, $50,000,000,000 in new budget authority;

''(ii) with respect to fiscal year 2012, $50,000,000,000 in new budget authority; and

''(iii) with respect to fiscal year 2013, $50,000,000,000 in new budget authority.

''(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—

''(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013, that includes the amount described in clause (ii)(I), plus an additional amount for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

''(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

''(I) For fiscal year 2011, $7,171,000,000, for fiscal year 2012, $7,243,000,000, and for fiscal year 2013, $7,315,000,000.

''(II) For fiscal year 2011, $899,000,000, for fiscal year 2012, and $908,000,000, for fiscal year 2013, $917,000,000.

''(C) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—

''(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes the amount described in clause (ii)(I), plus an additional amount for Continuing Disability Reviews and Supplemental Security Income Redeterminations for the Social Security Administration described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

''(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

''(I) For fiscal year 2011, $276,000,000, for fiscal year 2012, $278,000,000, and for fiscal year 2013, $281,000,000.

''(II) For fiscal year 2011, $490,000,000; for fiscal year 2012, and $495,000,000; for fiscal year 2013, $500,000,000.

''(iii) ASSET VERIFICATION.—

''(I) IN GENERAL.—The additional appropriation permitted under clause (ii)(II) may also provide that a portion of that amount, not to exceed the amount specified in subclause (II) for that fiscal year instead may be used for asset verification for Supplemental Security Income recipients, but only if, and to the extent that the Office of the Chief Actuary estimates that the initiative would be at least as cost effective as the redeterminations of eligibility described in this subparagraph.

''(II) AMOUNTS.—For fiscal year 2011, $34,340,000, for fiscal year 2012, $34,683,000, and for fiscal year 2013, $35,030,000.

''(D) HEALTH CARE FRAUD AND ABUSE.—

''(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes the amount described in clause (ii) for the Health Care Fraud and Abuse Control program at the Department of Health & Human Services for that fiscal year, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed the amount described in clause (ii).

''(ii) AMOUNT.—The amount referred to in clause (i) is for fiscal year 2011, $314,000,000, for fiscal year 2012, $317,000,000, and for fiscal year 2013, $320,000,000.

''(E) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes $10,000,000, plus an additional amount for in-person reemployment and eligibility assessments and unemployment improper payment reviews for the Department of Labor, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed—

''(i) with respect to fiscal year 2011, $51,000,000 in new budget authority;

''(ii) with respect to fiscal year 2012, $51,000,000 in new budget authority; and

''(iii) with respect to fiscal year 2013, $52,000,000 in new budget authority.

''(F) LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP).—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes $3,200,000,000 in funding for the Low-Income Home Energy Assistance Program and provides an additional amount up to $1,900,000,000 for that program, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed $1,900,000,000.

''(d) EMERGENCY SPENDING.—

''(1) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this subsection.

''(2) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this subsection, in any bill, joint resolution, amendment, or conference report shall not count for purposes of this section, and sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), and section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits).

''(3) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this subsection, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (6).

''(4) DEFINITIONS.—In this subsection, the terms 'direct spending', 'receipts', and 'appropriations for discretionary accounts' mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

''(5) POINT OF ORDER.—

''(A) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

''(B) SUPERMAJORITY WAIVER AND APPEALS.—

''(i) WAIVER.—Subparagraph (A) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

''(ii) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this paragraph shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

''(C) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of subparagraph (A), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this paragraph.

''(D) FORM OF THE POINT OF ORDER.—A point of order under subparagraph (A) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

''(E) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this paragraph, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

''(6) CRITERIA.—

''(A) IN GENERAL.—For purposes of this subsection, any provision is an emergency requirement if the situation addressed by such provision is—

''(i) necessary, essential, or vital (not merely useful or beneficial);

''(ii) sudden, quickly coming into being, and not building up over time;

''(iii) an urgent, pressing, and compelling need requiring immediate action;

''(iv) subject to clause (ii), unforeseen, unpredictable, and unanticipated; and

''(v) not permanent, temporary in nature.

''(7) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

''(e) LIMITATIONS ON CHANGES TO EXEMPTIONS.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would exempt any new budget authority, outlays, and receipts from being counted for purposes of this section.

''NATIONAL COMMISSION ON FISCAL RESPONSIBILITY AND REFORM

''SEC. 317. (a) IN GENERAL.—The National Commission on Fiscal Responsibility and Reform (referred to in this section as the 'Commission') established by Executive Order 13531 shall not later than December 1, 2010, include in the report of the Commission recommendations to improve the fiscal sustainability of the Federal Government and close the gap between the projected revenues and entitlement spending sufficient to reduce the deficit by not less than $77,000,000,000 for the period of fiscal years 2011 through 2013.

''(b) ENACTMENT BY CONGRESS OF THE COMMISSION RECOMMENDATIONS.—If the Commission fails to submit a final report by December 1, 2010, and if Congress does not enact the Commission recommendations in subsection (a) by January 2, 2011, then the discretionary spending limits in section 316(b) for fiscal years 2012 and 2013 shall not apply.

''(c) SENSE OF CONGRESS.—It is the sense of Congress that the total amount of deficit reduction recommended by the Commission for fiscal years 2011 through 2013 shall at least be equal to the reductions in discretionary spending achieved in section 316 for fiscal years 2011 through 2013, and used solely for deficit reduction.''.

(b) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

''Sec. 316. Discretionary spending limits.
''Sec. 317. National Commission on Fiscal Responsibility and Reform.''.

SA 3549. Mr. INHOFE (for himself, Mr. SESSIONS, and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 3475 proposed by Mr. MCCAIN (for himself and Mr. BAYH) to the amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE _____—HELP ACT

SEC. _01. HELP ACT.

(a) SHORT TITLE.—This title may be cited as the ''Honest Expenditure Limitation Program Act of 2010'' or the ''HELP Act''.

(b) EXPIRATION.—This title shall expire at the end of fiscal year 2020.

Subtitle A—Congressional Non-Security Discretionary Spending Limits

SEC. 101. NON-SECURITY DISCRETIONARY SPENDING LIMITS.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by inserting at the end the following:

''NON-SECURITY DISCRETIONARY SPENDING LIMITS

''SEC. 316. (a) NON-SECURITY DISCRETIONARY SPENDING LIMITS.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would cause the non-security discretionary spending limits as set forth in subsection (b) to be exceeded.

''(b) LIMITS.—The non-security discretionary spending limits are as follows:

''(1) For fiscal years 2011 through 2015, the spending level for such spending in fiscal year 2010 reduced each year thereafter on a pro rata basis so that the level for fiscal year 2015 does not exceed the level for fiscal year 2008.

''(2) For fiscal years 2016 through 2020, the spending level for fiscal year 2015.

''(c) NON-SECURITY SPENDING.—In this section, the term 'non-security discretionary spending' means discretionary spending other than spending for the Department of Defense, homeland security activities, intelligence related activities within the Department of State, the Department of Veterans Affairs, and national security related activities in the Department of Energy.

''(d) LIMITATIONS ON CHANGES TO THIS SECTION.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would—

''(1) repeal or otherwise change this section; or

''(2) exempt any new budget authority, outlays, and receipts from being counted for purposes of this section.

''(e) POINT OF ORDER IN THE SENATE.—

''(1) WAIVER.—The provisions of this section shall be waived or suspended in the Senate only—

''(A) by the affirmative vote of two-thirds of the Members, duly chosen and sworn; or

''(B) in the case of the defense budget authority, if Congress declares war or authorizes the use of force.

''(2) APPEAL.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the measure. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.''.

(b) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

''Sec. 316. Non-security discretionary spending limits.''.

Subtitle B—Statutory Non-Security Discretionary Spending Limits

PART I—DEFINITIONS, ADMINISTRATION, AND SEQUESTRATION

SEC. 211. DEFINITIONS.

In this subtitle:

(1) ACCOUNT.—The term ''account'' means—

(A) for discretionary budget authority, an item for which appropriations are made in any appropriation Act; and

(B) for items not provided for in appropriation Acts, direct spending and outlays therefrom identified in the program and finance schedules contained in the appendix to the Budget of the United States for the current year.

(2) BREACH.—The term ''breach'' means, for any fiscal year, the amount by which discretionary budget authority enacted for that year exceeds the spending limit for budget authority for that year.

(3) BUDGET AUTHORITY; NEW BUDGET AUTHORITY; AND OUTLAYS.—The terms ''budget authority'', ''new budget authority'', and ''outlays'' have the meanings given to such terms in section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622).

(4) BUDGET YEAR.—The term ''budget year'' means, with respect to a session of Congress, the fiscal year of the Government that starts on October 1 of the calendar year in which that session begins.

(5) CBO.—The term ''CBO'' means the Director of the Congressional Budget Office.

(6) CURRENT.—The term ''current'' means—

(A) with respect to the Office of Management and Budget estimates included with a budget submission under section 1105(a) of title 31, United States Code, the estimates consistent with the economic and technical assumptions underlying that budget;

(B) with respect to estimates made after that budget submission that are not included with it, the estimates consistent with the economic and technical assumptions underlying the most recently submitted President's budget; and

(C) with respect to the Congressional Budget Office, estimates consistent with the economic and technical assumptions as required by section 202(e)(1) of the Congressional Budget Act of 1974.

(7) CURRENT YEAR.—The term ''current year'' means, with respect to a budget year, the fiscal year that immediately precedes that budget year.

(8) DISCRETIONARY APPROPRIATIONS AND DISCRETIONARY BUDGET AUTHORITY.—The terms ''discretionary appropriations'' and ''discretionary budget authority'' shall have the meaning given such terms in section 3(4) of the Congressional Budget Act of 1974.

(9) NON-SECURITY DISCRETIONARY SPENDING LIMIT.—The term ''non-security discretionary spending limit'' shall mean the amounts specified in section 222.

(10) OMB.—The term ''OMB'' means the Director of the Office of Management and Budget.

(11) SEQUESTRATION.—The term ''sequestration'' means the cancellation or reduction of budget authority (except budget authority to fund mandatory programs) provided in appropriation Acts.

SEC. 212. ADMINISTRATION AND EFFECT OF SEQUESTRATION.

(a) TIMETABLE.—The timetable with respect to this subtitle is as follows:

On or before:	Action to be completed:
5 days before the President's budget submission required under section 1105 of title 31, United States Code.	CBO Discretionary Sequestration Preview Report.
The President's budget submission	OMB Discretionary Sequestration Preview Report.
10 days after end of session	CBO Final Discretionary Sequestration Report.
15 days after end of session	OMB Final Discretionary Sequestration/Presidential Sequestration Order.

(b) PRESIDENTIAL ORDER.—

(1) IN GENERAL.—On the date specified in subsection (a), if in its Final Sequestration Report, OMB estimates that any sequestration is required, the President shall issue an order fully implementing without change all sequestrations required by the OMB calculations set forth in that report. This order shall be effective on issuance.

(2) SPECIAL RULE.—If the date specified for the submission of a Presidential order under subsection (a) falls on a Sunday or legal holiday, such order shall be issued on the following day.

(c) EFFECTS OF SEQUESTRATION.—The effects of sequestration shall be as follows:

(1) Budgetary resources sequestered from any account shall be permanently cancelled, except as provided in paragraph (5).

(2) Except as otherwise provided, the same percentage sequestration shall apply to all programs, projects, and activities within a budget account (with programs, projects, and activities as delineated in the appropriation Act or accompanying report for the relevant fiscal year covering that account).

(3) Administrative regulations or similar actions implementing a sequestration shall be made within 120 days of the sequestration order. To the extent that formula allocations differ at different levels of budgetary resources within an account, program, project, or activity, the sequestration shall be interpreted as producing a lower total appropriation, with the remaining amount of the appropriation being obligated in a manner consistent with program allocation formulas in substantive law.

(4) Except as otherwise provided in this part, obligations or budgetary resources in sequestered accounts shall be reduced only in the fiscal year in which a sequester occurs.

(5) Budgetary resources sequestered in special fund accounts and offsetting collections sequestered in appropriation accounts shall not be available for obligation during the fiscal year in which the sequestration occurs, but shall be available in subsequent years to the extent otherwise provided in law.

(d) SUBMISSION AND AVAILABILITY OF REPORTS.—Each report required by this section shall be submitted, in the case of CBO, to the House of Representatives, the Senate, and OMB and, in the case of OMB, to the House of Representatives, the Senate, and the President on the day it is issued. On the following day a notice of the report shall be printed in the Federal Register.

PART II—NON-SECURITY DISCRETIONARY SPENDING LIMITS

SEC. 221. DISCRETIONARY SEQUESTRATION REPORTS.

(a) DISCRETIONARY SEQUESTRATION PREVIEW REPORTS.—

(1) REPORTING REQUIREMENT.—On the dates specified in section 212(a), OMB shall report to the President and Congress and CBO shall report to Congress a Discretionary Sequestration Preview Report regarding discretionary sequestration based on laws enacted through those dates.

(2) DISCRETIONARY.—The Discretionary Sequestration Preview Report shall set forth estimates for the current year and each subsequent year through 2014 of the applicable discretionary spending limits and a projection of budget authority exceeding discretionary limits subject to sequester.

(3) EXPLANATION OF DIFFERENCES.—The OMB reports shall explain the differences between OMB and CBO estimates for each item set forth in this subsection.

(b) DISCRETIONARY SEQUESTRATION REPORTS.—On the dates specified in section 212(a), OMB and CBO shall issue Discretionary Sequestration Reports, reflecting laws enacted through those dates, containing

all of the information required in the Discretionary Sequestration Preview Reports.

(c) FINAL DISCRETIONARY SEQUESTRATION REPORTS.—

(1) REPORTING REQUIREMENTS.—On the dates specified in section 212(a), OMB and CBO shall each issue a Final Discretionary Sequestration Report, updated to reflect laws enacted through those dates.

(2) DISCRETIONARY SPENDING.—The Final Discretionary Sequestration Reports shall set forth estimates for each of the following:

(A) For the current year and each subsequent year through 2014; the applicable discretionary spending limits.

(B) For the current year, if applicable, and the budget year; the new budget authority and the breach, if any.

(C) The sequestration percentages necessary to eliminate the breach.

(D) For the budget year, for each account to be sequestered, the level of enacted, sequesterable budget authority and resulting estimated outlays flowing therefrom.

(3) EXPLANATION OF DIFFERENCES.—The OMB report shall explain—

(A) any differences between OMB and CBO estimates for the amount of any breach and for any required discretionary sequestration percentages; and

(B) differences in the amount of sequesterable resources for any budget account to be reduced if such difference is greater than $5,000,000.

(d) ECONOMIC AND TECHNICAL ASSUMPTIONS.—In all reports required by this section, OMB shall use the same economic and technical assumptions as used in the most recent budget submitted by the President under section 1105(a) of title 31, United States Code.

SEC. 222. LIMITS.

(a) DISCRETIONARY SPENDING LIMITS.—As used in this subtitle, the term ''non-security discretionary spending limit'' shall have the same meaning as in section 316 of the Congressional Budget Act of 1974.

(b) ENFORCEMENT.—

(1) SEQUESTRATION.—On the date specified in section 212(a), there shall be a sequestration to eliminate a budget-year breach.

(2) ELIMINATING A BREACH.—Each non-security discretionary account shall be reduced by a dollar amount calculated by multiplying the enacted level of budget authority for that year in that account at that time by the uniform percentage necessary to eliminate a breach of the discretionary spending limit.

(3) PART-YEAR APPROPRIATIONS.—If, on the date the report is issued under paragraph (1), there is in effect an Act making continuing appropriations for part of a fiscal year for any budget account, then the dollar sequestration calculated for that account under paragraph (2) shall be subtracted from—

(A) the annualized amount otherwise available by law in that account under that or a subsequent part-year appropriation; and

(B) when a full-year appropriation for that account is enacted, from the amount otherwise provided by the full-year appropriation.

(4) LOOK-BACK.—If, after June 30, an appropriation for the fiscal year in progress is enacted that causes a breach for that year (after taking into account any previous sequestration), the discretionary spending limit for the next fiscal year shall be reduced by the amount of that breach.

(5) WITHIN-SESSION SEQUESTRATION REPORTS AND ORDER.—If an appropriation for a fiscal year in progress is enacted (after Congress adjourns to end the session for that budget year and before July 1 of that fiscal year) that causes a breach, 10 days later CBO shall issue a report containing the information required in section 221(c). Fifteen days after enactment, OMB shall issue a report containing the information required in section 221(c). On the same day as the OMB report, the President shall issue an order fully implementing without change all sequestrations required by the OMB calculations set forth in that report. This order shall be effective on issuance.

(c) ESTIMATES.—

(1) CBO ESTIMATES.—As soon as practicable after Congress completes action on any legislation providing discretionary appropriations, CBO shall provide an estimate to OMB of that legislation.

(2) OMB ESTIMATES.—Not later than 7 calendar days (excluding Saturdays, Sundays, and legal holidays) after the date of enactment of any discretionary appropriations, OMB shall transmit a report to the Senate and to the House of Representatives containing—

(A) the CBO estimate of that legislation;

(B) an OMB estimate of that legislation using current economic and technical assumptions; and

(C) an explanation of any difference between the 2 estimates.

(3) DIFFERENCES.—If during the preparation of the report under paragraph (2), OMB determines that there is a difference between the OMB and CBO estimates, OMB shall consult with the Committees on the Budget of the House of Representatives and the Senate regarding that difference and that consultation, to the extent practicable, shall include written communication to such committees that affords such committees the opportunity to comment before the issuance of that report.

(4) ASSUMPTIONS AND GUIDELINES.—OMB and CBO shall prepare estimates under this paragraph in conformance with scorekeeping guidelines determined after consultation among the House and Senate Committees on the Budget, CBO, and OMB.

NOTICE OF HEARING

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has scheduled a hearing entitled, ''Wall Street and the Financial Crisis: The Role of High Risk Home Loans'' This hearing will be the first in a series of Subcommittee hearings examining some of the causes and consequences of the recent financial crisis. This first hearing will focus on the role of high risk home loans in the financial crisis, using as a case history high risk home loans originated, sold, and securitized by Washington Mutual Bank. A witness list will be available Monday, March 22, 2010.

The Subcommittee hearing has been scheduled for Thursday, March 25, 2010, at 9:30 a.m., in Room 216 of the Hart Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at 224–9505.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on March 17, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on March 17, 2010, at 10:30 a.m., in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 17, 2010, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Reauthorization: The Obama Administration's ESEA Reauthorization Priorities'' on March 17, 2010. The hearing will commence at 10 a.m. in room 216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 17, 2010, at 10 a.m. to conduct a hearing entitled ''The Lessons and Implications of the Christmas Day Attack: Intelligence Reform and Interagency Integration.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts, be authorized to meet during the session of the Senate, on March 17, 2010, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Could Bankruptcy Reform Help Preserve Small Business Jobs?''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to hold a

meeting during the session of the Senate on March 17, 2010, at 3 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate on March 17, 2010 at 3:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on March 17, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on March 17, 2010, at 2:30–5 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING KICY RADIO

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 459, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 459) congratulating KICY Radio for 50 years of service to western Alaska and the Russian Far East.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. 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. 459) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 459

Whereas KICY Radio is owned and operated by the Arctic Broadcasting Association, a nonprofit affiliate of the Evangelical Covenant Church;

Whereas KICY Radio has been broadcasting since April 17, 1960, on an AM frequency of 850 kilohertz;

Whereas KICY Radio is primarily staffed by volunteers;

Whereas KICY Radio broadcasts from Nome, Alaska to more than 40 Alaska Native villages throughout the Seward Peninsula and Yukon-Kuskokwim Delta;

Whereas KICY Radio serves the Chukotkan, Kamchatkan, and Siberian regions of the Russian Far East for 5 hours each day, 7 days each week, from 11 p.m. to 4 a.m.;

Whereas the signal strength of KICY Radio has expanded from 5,000 watts to 50,000 watts during the past 50 years;

Whereas 1 of the most popular KICY Radio programs over the 50-year history of the station is ''Ptarmigan Telegraph,'' which allows listeners to send in brief messages to be read on the air for friends and relatives; and

Whereas, even today, when much of the region served by KICY Radio is connected by telephone, ''Ptarmigan Telegraph'' remains a vital means of connecting the people of western Alaska: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates KICY Radio for 50 years of service to western Alaska and the Russian Far East;

(2) recognizes the volunteer staff who have kept KICY Radio on the air for the past 50 years; and

(3) wishes the staff of KICY Radio well with the continued efforts of the staff to serve the people of western Alaska and the Russian Far East with culturally relevant programming.

RECOGNIZING THE 100TH ANNIVERSARY OF THE LONG TRAIL

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 460, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 460) recognizing the importance of the Long Trail and the Green Mountain Club on the 100th anniversary of the Long Trail.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Mr. President, I am pleased that the Senate will agree to this resolution commemorating the 100th anniversary of the Long Trail and the Green Mountain Club. In March 1910, James P. Taylor, a teacher from Vermont, fulfilled a dream held by many when he founded the Green Mountain Club, and created a long-distance trail to extend from Massachusetts to Canada.

Spanning over 273 miles, the Long Trail is the oldest long-distance hiking trail in the United States, and has survived many floods, hurricanes, and harsh Vermont winters. The Long Trail's scenic and varied landscapes, from the alpine peaks of Camel's Hump and Mount Mansfield, to quiet woodland trails and mountain streams, have delighted countless tourists who have visited the Green Mountain state. Several Senators, a Secretary of Agriculture, and even a President have all enjoyed the trail.

It is only through the hard work of the thousands of Green Mountain Club volunteers that the Long Trail has flourished and grown during the last century. The Green Mountain Club has resisted efforts to build highways or commercial developments that intersect with the Long Trail, and helped to maintain pristine Vermont forestland that we all love for future generations to enjoy. They have protected the habitat of many important woodland species, including the black bear, the moose, the bobcat, and migratory songbirds.

I was pleased to secure funding to help the Green Mountain Club renovate their headquarters and visitors center in 2008 in anticipation of the centennial, so that Vermonters and tourists alike can enjoy Vermont's natural beauty for another 100 years. I join with all Vermonters, and the thousands of people from across the United States and around the world who have enjoyed the beauty of the Long Trail, in celebrating this centennial celebration.

Mr. DURBIN. 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, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 460) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 460

Whereas the Long Trail is the oldest long-distance hiking trail in the United States;

Whereas the Long Trail stretches over 273 miles, from the Massachusetts to Canadian borders, with approximately 175 miles of side trails and more than 65 shelters;

Whereas the Long Trail has achieved the dream of founder James Taylor of creating ''a high highway, a mountain footpath over the skyline of Vermont'';

Whereas the Green Mountain Club is the founder, sponsor, defender, and protector of the Long Trail;

Whereas the Green Mountain Club has delivered 100 years of conservation, community education, and outreach on local ecology;

Whereas the Long Trail has protected the habitat of many important species for future generations, including the black bear, the moose, the bobcat, and migratory songbirds;

Whereas the thousands of members and dedicated volunteers of the Green Mountain Club have worked to maintain, manage, and protect the Long Trail for the benefit of the people of the State of Vermont during the last century;

Whereas the Long Trail is a popular tourist destination for people from around the world, including Senators, a Secretary of Agriculture, and even a President;

Whereas the Long Trail allows the people of the State of Vermont and tourists to enjoy the Green Mountain State and all the beauty and history the State has to offer;

Whereas the Green Mountain Club has successfully conserved the entire corridor of the Long Trail, fought efforts to build highways or commercial developments that intersect with the Long Trail, and helped to maintain pristine Vermont forestland for future generations to enjoy; and

Whereas the Green Mountain Club has recognized members regardless of sex or race since the founding of the club: Now, therefore, be it

Resolved, That the Senate recognizes the 100th anniversary of the Long Trail of the

State of Vermont, the oldest long-distance hiking trail in the United States, and applauds the Green Mountain Club and the many volunteers of the Green Mountain Club for a century of service and for creating, protecting, and enjoying the Long Trail.

CONGRESSIONAL AWARD PROGRAM REAUTHORIZATION ACT OF 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 317, S. 2865.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2865) to reauthorize the Congressional Award Act (2 U.S.C. 801 et seq.), and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I further ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2865) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2865

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Congressional Award Program Reauthorization Act of 2009''.

SEC. 2. CONGRESSIONAL AWARD PROGRAM.

(a) IMPLEMENTATION AND PRESENTATION.—Section 102 of the Congressional Award Act (2 U.S.C. 802) is amended—

(1) in the matter following subsection (b)(5), by striking ''under paragraph (3)''; and

(2) in subsection (c), in the second sentence, by striking ''during'' and inserting ''in connection with''.

(b) TERMS OF APPOINTMENT AND REAPPOINTMENTS.—Section 103 of the Congressional Award Act (2 U.S.C. 803) is amended by striking subsection (b) and inserting the following:

''(b) TERMS OF APPOINTED MEMBERS; REAPPOINTMENT.—

''(1) Appointed members of the Board shall continue to serve at the pleasure of the officer by whom they are appointed, and (unless reappointed under paragraph (2)) shall serve for a term of 4 years.

''(2)(A) Subject to the limitations in subparagraph (B), members of the Board may be reappointed, except that no member may serve more than 2 full consecutive terms. Members may be reappointed to 2 full consecutive terms after being appointed to fill a vacancy on the Board.

''(B) Members of the Board shall not be subject to the limitation on reappointment in subparagraph (A) during their period of service as Chairman of the Board and may be reappointed to an additional full term after termination of such Chairmanship.

''(3)(A) Notwithstanding paragraph (1) or (2), the term of each member of the Board shall begin on October 1 of the even numbered year which would otherwise apply with one-half of the Board positions having terms which begin in each even numbered year.

''(B) Subparagraph (A) shall apply to appointments made to the Board on or after the date of enactment of the Congressional Award Program Reauthorization Act of 2009.''.

(c) REQUIREMENTS REGARDING FINANCIAL OPERATIONS.—Section 104(c) of the Congressional Award Act (2 U.S.C. 804(c)) is amended—

(1) in paragraph (1), in the third sentence, by striking '', in any calendar year,'' and inserting ''in any fiscal year''; and

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

''(2)(A) The Comptroller General of the United States shall determine for each fiscal year whether the Director has substantially complied with paragraph (1). The findings made by the Comptroller General under the preceding sentence shall be included in the reports submitted under section 107(b).

''(B) If the Director fails to substantially comply with paragraph (1), the Board shall instruct the Director to take such actions as may be necessary to correct such deficiencies, and shall remove and replace the Director if such deficiencies are not promptly corrected.''.

(d) FUNDING AND EXPENDITURES.—Section 106(a) of the Congressional Award Act (2 U.S.C. 806(a)) is amended by striking paragraph (1) and inserting the following:

''(1) the Board shall carry out its functions and make expenditures with—

''(A) such resources as are available to the Board from sources other than the Federal Government; and

''(B) funds awarded in any grant program administered by a Federal agency in accordance with the law establishing that grant program.''.

(e) STATEWIDE CONGRESSIONAL AWARD COUNCILS.—Section 106(c) of the Congressional Award Act (2 U.S.C. 806(c)) is amended by striking paragraph (4) and inserting the following:

''(4) Each Statewide Council established under this section may receive contributions, and use such contributions for the purposes of the Program. The Board shall adopt appropriate financial management methods in order to ensure the proper accounting of these funds. Each Statewide Council shall comply with subsections (a), (d), (e), and (h) governing the Board.''.

(f) CONTRACTING AND USE OF FUNDS FOR SCHOLARSHIPS.—Section 106 of the Congressional Award Act (2 U.S.C. 806) is amended—

(1) in subsection (d), by inserting ''to be'' after ''expenditure is''; and

(2) in subsection (e)(1)(A), by inserting ''or for scholarships'' after ''local program''.

(g) NONPROFIT CORPORATION.—Section 106 of the Congressional Award Act (2 U.S.C. 806) is amended by striking subsection (i) and inserting the following:

''(i)(1) The Board shall provide for the incorporation of a nonprofit corporation to be known as the Congressional Award Foundation (together with any subsidiary nonprofit corporations determined desirable by the Board, collectively referred to in this title as the 'Corporation') for the sole purpose of assisting the Board to carry out the Congressional Award Program, and shall delegate to the Corporation such duties as it considers appropriate, including the employment of personnel, expenditure of funds, and the incurrence of financial or other contractual obligations.

''(2) The articles of incorporation of the Congressional Award Foundation shall provide that—

''(A) the members of the Board of Directors of the Foundation shall be the members of the Board, with up to 24 additional voting members appointed by the Board, and the Director who shall serve as a nonvoting member; and

''(B) the extent of the authority of the Foundation shall be the same as that of the Board.

''(3) No director, officer, or employee of any corporation established under this subsection may receive compensation, travel expenses, or benefits from both the Corporation and the Board.''.

(h) TERMINATION.—

(1) IN GENERAL.—Section 108 of the Congressional Award Act (2 U.S.C. 808) is amended by striking ''October 1, 2009'' and inserting ''October 1, 2013''.

(2) EFFECTIVE DATE.—This subsection shall take effect as of October 1, 2009.

FAIR SENTENCING ACT OF 2009

Mr. DURBIN. Mr. President, prior to making the next unanimous consent request, I wish to make a statement on the RECORD relative to the bill that I will be asking for unanimous consent on. It is S. 1789.

This bill is known as the Fair Sentencing Act. It is bipartisan legislation which has cleared both sides. At the conclusion of my remarks, I will, of course, ask for unanimous consent, but will ask permission, if possible, that the statement of Senator SESSIONS be printed in the RECORD. I don't know if he will be able to make it this evening, but if not, we will do our best to accommodate him.

The Fair Sentencing Act would reduce the sentencing disparity between crack and powder cocaine and increase penalties for serious drug offenders. Crack and powder cocaine have a devastating effect on families in America, and tough anti-cocaine legislation is definitely needed, but the law must also be fair. Current law is based on an unjustified distinction between crack and powder cocaine. Simply possessing five grams of crack—the equivalent of five tiny packets of sugar that you find in restaurants—carries the same sentence as selling 500 grams of powder cocaine. That is 500 packets of sugar. Five packets for crack; 500 packets for powder, the same sentence. This is known as the 100-to-1 disparity.

I can remember as a Member of the House of Representatives when we enacted this legislation. Crack cocaine had just appeared on the scene and it scared us, because it was cheap and it was addictive. We thought it was more dangerous than many narcotics and left the legacy of crack babies and broken lives. In our response to this terrible new narcotic at the time, we enacted this sentencing disparity, saying that 5 five grams of crack cocaine would lead to the same sentence as 500 grams of powder cocaine. What it has meant is that, unfortunately, in the years that followed, we have seen people sent to prison for extended periods of time for possessing—merely possessing—the smallest amount of crack.

Disproportionately, African Americans who are addicted use crack cocaine. The use of powder cocaine is spread across the population among Whites, Hispanics, and others. So the net result of this was that the heavy

sentencing we enacted years ago took its toll primarily in the African-American community. It resulted in the incarceration of thousands of people because of this heavy sentencing disparity and a belief in the African-American community that it was fundamentally unfair. It was the same cocaine, though in a different form, and they were being singled out for much more severe and heavy sentences. This debate went on and on and on. African Americans make up about 30 percent of crack users in America, but they make up more than 80 percent of those who have been convicted of Federal crack offenses.

Law enforcement experts say that the crack-powder disparity undermines trust in the criminal justice system, especially in the African-American community. In a hearing I held last year, Asa Hutchinson, a former Member of Congress who was also head of the Drug Enforcement Administration during the Bush administration, testified and he said:

> Under the current disparity, the credibility of our entire drug enforcement system is weakened.

The bipartisan U.S. Sentencing Commission and the Judicial Conference of the United States support reducing this disparity. According to the Sentencing Commission, this:

> would better reduce the gap in sentencing between blacks and whites than any other single policy change, and it would dramatically improve the fairness of the Federal sentencing system.

That comes from the Sentencing Commission.

The Fair Sentencing Act, which I will call up for unanimous consent momentarily, would reduce the current 100-to-1 disparity to basically 18 to 1. The Fair Sentencing Act would also eliminate the 5-year mandatory minimum sentence for simple possession of crack cocaine.

Incidentally, this is the only mandatory minimum for simple possession of a drug by a first-time offender. For this one form of narcotics, persons who were found in simple possession of crack cocaine literally faced years in prison for that possession without any evidence that they were selling it or involved in any other way.

There is a bipartisan consensus that current cocaine sentencing laws are unjust. Now Democrats and Republicans have come together to address the issue in a bipartisan way. Last week, the Senate Judiciary Committee reported the Fair Sentencing Act by a unanimous 19-to-0 vote. The bill is cosponsored by 16 of the 19 members of the Senate Judiciary Committee. This is the first time the Senate Judiciary Committee has ever reported a bill to reduce the crack-powder disparity, and if this bill is enacted into law, it will be the first time since 1970—40 years ago—that Congress has repealed a mandatory minimum sentence.

Here is what Attorney General Eric Holder said last week in response:

> The bill voted unanimously out of the Senate Judiciary Committee today makes progress toward achieving a more just sentencing policy while maintaining the necessary law enforcement tools to appropriately punish violent and dangerous drug traffickers. I look forward to the Senate and the House approving this legislation quickly so that it can be signed into law.

The Fair Sentencing Act is supported by law enforcement groups, including the National District Attorneys Association, representing 40,000 State and local prosecutors; the National Association of Police Organizations, representing 240,000 law enforcement officers; and the International Union of Police Associations, representing more than 100,000 law enforcement officials.

I wish to thank my colleagues on the Senate Judiciary Committee for supporting the Fair Sentencing Act. I especially wish to thank the following Members who have done an extraordinary job over the last year during which we have worked to reach this bipartisan agreement. First, the chairman of the Senate Judiciary Committee PAT LEAHY. He is a great leader and a patient man. This bill has been sitting on a calendar for weeks and he keeps coming to me and saying: DURBIN, when are we going to have this ready?

I said: Mr. Chairman, we are working on it.

He had the patience of Job.

I especially wish to thank my friend from Alabama, the Judiciary Committee ranking member, JEFF SESSIONS. If asked if there are two politicians on the floor of the Senate who are dramatically different, you couldn't find two any more different than DICK DURBIN and JEFF SESSIONS. We seldom agree on things, but we came together on this, and we made mutual concessions to come up with a good bipartisan bill. JEFF, I think, went the extra mile to find some agreement here. He held to his principles, but we worked it out.

In the process of reaching that agreement, I wish to also thank some Republican Members who were invaluable. LINDSEY GRAHAM was one of the first to come up to me and say, I want to work with you on this. There has to be a way we can work this out to the satisfaction of law enforcement and to reach the standards of justice. I thank Senator LINDSEY GRAHAM, the Republican from South Carolina, for all the work he put into it.

TOM COBURN of Oklahoma is another Senator I disagree with so many times politically. He went the extra mile on this. I know it meant a lot to him and he was very helpful.

Finally, ORRIN HATCH from Utah. Senator HATCH from the beginning said, Don't quit, stick with it, we can reach an agreement. He was an inspiration to us as we brought this to a conclusion.

We have talked about the need to address the crack-powder disparity for too long. Every day that passes without taking action to solve this problem is another day that people are being sentenced under a law that virtually everyone agrees is unjust. I wish this bill went further. My initial bill established a 1-to-1 ratio, but this is a good bipartisan compromise. If this bill is enacted into law, it will immediately ensure that every year, thousands of people are treated more fairly in our criminal justice system. I hope my colleagues, when they hear about our efforts on this, will join in supporting our efforts to deal with this disparity.

I ask unanimous consent to have printed in the RECORD a statement by Wade Henderson, president of The Leadership Conference, in support of the bill that is currently being considered by the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> Wade Henderson, president of The Leadership Conference on Civil and Human Rights, issued the following statement regarding the Senate Judiciary Committee's vote on March 11 to amend and pass The Fair Sentencing Act (S. 1789).
>
> For nearly two decades, The Leadership Conference has fought for the complete elimination of the unjustified and racially discriminatory disparity in sentencing between the crack and powder forms of cocaine. This disparity subverts justice, undermines confidence in our criminal justice system, and wreaks havoc on the African-American community. We strongly supported Senator Dick Durbin's bill, S. 1789, which would have completely eliminated the disparity.
>
> While we are disappointed that the goal of complete elimination has not yet been accomplished and that discrimination will remain, The Leadership Conference considers the Senate Judiciary Committee's unanimous passage of the amended version of S. 1789, which reduces the disparity from a ratio of 100-to-1 to 18-to-1, to be a step forward.
>
> This legislation represents progress but not the end of the fight. As Dr. King said, An unjust law is a code that is out of harmony with the moral law. We are committed to redoubling our efforts to obtain complete elimination of this sentencing disparity—the only fair and just solution.
>
> We applaud Senator Durbin for his persistence in seeking real reform, along with Chairman Patrick Leahy and Senator Jeff Sessions for their steadfast commitment to addressing this issue. We appreciate the contributions of Senator Lindsey Graham toward finding a resolution. We want to note Senator Ben Cardin's continued commitment to the complete elimination of the disparity and Senator Russ Feingold's courageous vote against the amendment. We also want to recognize the leadership of Representative Bobby Scott and the Congressional Black Caucus, who have served as the conscience of Congress on this issue.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 316, S. 1789.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (S. 1789) to restore fairness to Federal cocaine sentencing.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment

to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fair Sentencing Act of 2010''.

SEC. 2. COCAINE SENTENCING DISPARITY REDUCTION.

(a) CSA.—Section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) is amended—

(1) in subparagraph (A)(iii), by striking ''50 grams'' and inserting ''280 grams''; and

(2) in subparagraph (B)(iii), by striking ''5 grams'' and inserting ''28 grams''.

(b) IMPORT AND EXPORT ACT.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (1)(C), by striking ''50 grams'' and inserting ''280 grams''; and

(2) in paragraph (2)(C), by striking ''5 grams'' and inserting ''28 grams''.

SEC. 3. ELIMINATION OF MANDATORY MINIMUM SENTENCE FOR SIMPLE POSSESSION.

Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by striking the sentence beginning ''Notwithstanding the preceding sentence,''.

SEC. 4. INCREASED PENALTIES FOR MAJOR DRUG TRAFFICKERS.

(a) INCREASED PENALTIES FOR MANUFACTURE, DISTRIBUTION, DISPENSATION, OR POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE, OR DISPENSE.—Section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended—

(1) in subparagraph (A), by striking ''$4,000,000'', ''$10,000,000'', ''$8,000,000'', and ''$20,000,000'' and inserting ''$10,000,000'', ''$50,000,000'', ''$20,000,000'', and ''$75,000,000'', respectively; and

(2) in subparagraph (B), by striking ''$2,000,000'', ''$5,000,000'', ''$4,000,000'', and ''$10,000,000'' and inserting ''$5,000,000'', ''$25,000,000'', ''$8,000,000'', and ''$50,000,000'', respectively.

(b) INCREASED PENALTIES FOR IMPORTATION AND EXPORTATION.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (1), by striking ''$4,000,000'', ''$10,000,000'', ''$8,000,000'', and ''$20,000,000'' and inserting ''$10,000,000'', ''$50,000,000'', ''$20,000,000'', and ''$75,000,000'', respectively; and

(2) in paragraph (2), by striking ''$2,000,000'', ''$5,000,000'', ''$4,000,000'', and ''$10,000,000'' and inserting ''$5,000,000'', ''$25,000,000'', ''$8,000,000'', and ''$50,000,000'', respectively.

SEC. 5. ENHANCEMENTS FOR ACTS OF VIOLENCE DURING THE COURSE OF A DRUG TRAFFICKING OFFENSE.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines to ensure that the guidelines provide an additional penalty increase of at least 2 offense levels if the defendant used violence, made a credible threat to use violence, or directed the use of violence during a drug trafficking offense.

SEC. 6. INCREASED EMPHASIS ON DEFENDANT'S ROLE AND CERTAIN AGGRAVATING FACTORS.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines to ensure an additional increase of at least 2 offense levels if—

(1) the defendant bribed, or attempted to bribe, a Federal, State, or local law enforcement official in connection with a drug trafficking offense;

(2) the defendant maintained an establishment for the manufacture or distribution of a controlled substance, as generally described in section 416 of the Controlled Substances Act (21 U.S.C. 856); or

(3)(A) the defendant is an organizer, leader, manager, or supervisor of drug trafficking activity subject to an aggravating role enhancement under the guidelines; and

(B) the offense involved 1 or more of the following super-aggravating factors:

(i) The defendant—

(I) used another person to purchase, sell, transport, or store controlled substances;

(II) used impulse, fear, friendship, affection, or some combination thereof to involve such person in the offense; and

(III) such person had a minimum knowledge of the illegal enterprise and was to receive little or no compensation from the illegal transaction.

(ii) The defendant—

(I) knowingly distributed a controlled substance to a person under the age of 18 years, a person over the age of 64 years, or a pregnant individual;

(II) knowingly involved a person under the age of 18 years, a person over the age of 64 years, or a pregnant individual in drug trafficking;

(III) knowingly distributed a controlled substance to an individual who was unusually vulnerable due to physical or mental condition, or who was particularly susceptible to criminal conduct; or

(IV) knowingly involved an individual who was unusually vulnerable due to physical or mental condition, or who was particularly susceptible to criminal conduct, in the offense.

(iii) The defendant was involved in the importation into the United States of a controlled substance.

(iv) The defendant engaged in witness intimidation, tampered with or destroyed evidence, or otherwise obstructed justice in connection with the investigation or prosecution of the offense.

(v) The defendant committed the drug trafficking offense as part of a pattern of criminal conduct engaged in as a livelihood.

SEC. 7. INCREASED EMPHASIS ON DEFENDANT'S ROLE AND CERTAIN MITIGATING FACTORS.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and policy statements to ensure that—

(1) if the defendant is subject to a minimal role adjustment under the guidelines, the base offense level for the defendant based solely on drug quantity shall not exceed level 32; and

(2) there is an additional reduction of 2 offense levels if the defendant—

(A) otherwise qualifies for a minimal role adjustment under the guidelines and had a minimum knowledge of the illegal enterprise;

(B) was to receive no monetary compensation from the illegal transaction; and

(C) was motivated by an intimate or familial relationship or by threats or fear when the defendant was otherwise unlikely to commit such an offense.

SEC. 8. EMERGENCY AUTHORITY FOR UNITED STATES SENTENCING COMMISSION.

The United States Sentencing Commission shall—

(1) promulgate the guidelines, policy statements, or amendments provided for in this Act as soon as practicable, and in any event not later than 90 days after the date of enactment of this Act, in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note), as though the authority under that Act had not expired; and

(2) pursuant to the emergency authority provided under paragraph (1), make such conforming amendments to the Federal sentencing guidelines as the Commission determines necessary to achieve consistency with other guideline provisions and applicable law.

SEC. 9. REPORT ON EFFECTIVENESS OF DRUG COURTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report analyzing the effectiveness of drug court programs receiving funds under the drug court grant program under part EE of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797–u et seq.).

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) assess the efforts of the Department of Justice to collect data on the performance of federally funded drug courts;

(2) address the effect of drug courts on recidivism and substance abuse rates;

(3) address any cost benefits resulting from the use of drug courts as alternatives to incarceration;

(4) assess the response of the Department of Justice to previous recommendations made by the Comptroller General regarding drug court programs; and

(5) make recommendations concerning the performance, impact, and cost-effectiveness of federally funded drug court programs.

SEC. 10. UNITED STATES SENTENCING COMMISSION REPORT ON IMPACT OF CHANGES TO FEDERAL COCAINE SENTENCING LAW.

Not later than 5 years after the date of enactment of this Act, the United States Sentencing Commission, pursuant to the authority under sections 994 and 995 of title 28, United States Code, and the responsibility of the United States Sentencing Commission to advise Congress on sentencing policy under section 995(a)(20) of title 28, United States Code, shall study and submit to Congress a report regarding the impact of the changes in Federal sentencing law under this Act and the amendments made by this Act.

Mr. LEAHY. Mr. President, today, I join Senators from both sides of the aisle to pass the historic and bipartisan Fair Sentencing Act.

The racial imbalance that has resulted from the cocaine sentencing disparity disparages the Constitution's promise of equal treatment for all Americans. Although this bill is not perfect, its passage marks a significant step forward in making our drug laws fairer and more rational. Despite my belief that parity was the better policy, I have joined with Senator DURBIN and support the progress represented by his compromise with Senator SESSIONS. It reduces the disparities that leave some in jail for years while their more privileged counterparts go home after relatively brief sentences. Today, that compromise means we are one step closer to fixing this decades-old injustice. I commend Senators DURBIN, SESSIONS, GRAHAM, COBURN, and HATCH for negotiating the compromise that allowed this important piece of legislation to pass the Senate Judiciary Committee by a unanimous vote. As chairman, I was able to report on behalf of the Senate Judiciary Committee the first measure we have ever been able to approve that begins to undo the unjust sentencing disparity.

For more than 20 years, our Nation has used a Federal cocaine sentencing policy that treats ''crack'' offenders 100 times more harshly than other cocaine offenders, without a legitimate basis for the difference. We know that there is little or no pharmacological distinction between crack and powder cocaine, yet the resulting punishments for these offenses is radically different

and unjust. This policy is wrong and unfair, and it has needlessly swelled our prisons, wasting precious Federal resources.

These disproportionate punishments have had a disparate impact on minority communities. This is unjust and runs contrary to our fundamental principles of equal justice under law. According to the latest statistics of the independent and nonpartisan United States Sentencing Commission, African Americans continue to make up the large majority of Federal crack cocaine convictions, accounting for 80 percent of all Federal crack cocaine offenses, while they represent a much smaller fraction of those who use the drug. In a letter to our committee, John Payton, the president of the NAACP Legal Defense Fund, called this disparity ''one of the most notorious symbols of racial discrimination in the modern criminal justice system.''

These disparate penalties, which Congress created in the mid-1980s, have failed to address basic concerns. The primary goal underlying the crack sentence structure was to punish the major traffickers and drug kingpins who were bringing crack into our neighborhoods. But the law has not been used to go after the most serious offenders. In fact, just the opposite has happened. The Sentencing Commission has reported for many years that more than half of Federal crack cocaine offenders are low-level street dealers and users, not the major traffickers Congress intended to target.

The Fair Sentencing Act of 2009 returns the focus of Federal cocaine sentencing policy to drug kingpins, rather than street level dealers, and eliminates the mandatory minimum sentence for possession of crack cocaine. The 5-year mandatory minimum sentence penalty for simple possession of crack is unique under Federal law. There is no other mandatory minimum for mere simple possession of a commonly abused drug.

This bill does not legalize drugs, nor does it eliminate harsh sentences. In fact, this bill toughens some penalties. It increase fines for major drug traffickers and provides sentencing enhancements for acts of violence committed during the course of a drug trafficking offense. But this bill also helps to ensure that our system will no longer affect many minority and urban communities more harshly than offenders who use drugs in the suburbs and corporate offices. That inequality has reduced trust in law enforcement and cooperation with police, which makes us all less safe.

American justice is about fairness for each individual. To have faith in our system, Americans must have confidence that the laws of this country, including our drug laws, are fair and administered fairly. We must be smarter in our Federal drug policy. Law enforcement has been and continues to be a central part of our efforts against illegal drugs, but we must also find meaningful, community-based solutions which enable people to feel they are being treated fairly. I look forward to working with Chief Kerlikowske, the director of the President's Office of National Drug Control Policy, to develop and deploy such a strategy.

Since 1995, the United States Sentencing Commission has issued report after report calling on Congress to address this unfair sentencing disparity. We would not be making the progress we are today without the leadership of the United States Sentencing Commission. I thank them and their chairman, Judge William Sessions.

I thank the U.S. Department of Justice for the testimony of Assistant Attorney General Lanny Breuer at our hearing on this matter last year. Attorney General Eric Holder also reminded us that ''the stakes are simply too high to let reform in this area wait any longer.'' I agree. It is time for the Senate and House to act.

After more than 20 years, the Senate has finally acted on legislation to correct the crack-powder disparity and the harm to public confidence in our justice system it created. Although this bill is not perfect and it is not the bill we introduced in order to correct these inequalities, I believe the Fair Sentencing Act moves us one step closer to reaching the important goal of equal justice for all. I urge the House to act quickly so that the President can sign this historic legislation into law.

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1789), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. DURBIN. 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. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 1586

Mr. DURBIN. Mr. President, I ask unanimous consent that on Thursday, March 18, after the Senate resumes consideration of H.R. 1586, the Senate then debate concurrently the Sessions-McCaskill amendment No. 3453 and the Pryor amendment No. 3548; that the amendments be debated concurrently until 11:30 a.m., with the time equally divided and controlled between Senators SESSIONS and PRYOR or their designees, with no amendments in order prior to the vote; that the amendments then be set aside until 2 p.m., and at 2 p.m., the Senate proceed to vote in relation to the amendments, with the Sessions-McCaskill amendment voted first in the sequence; that prior to each vote, there be 2 minutes of debate, equally divided and controlled in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MARCH 18, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, March 18; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of H.R. 1586, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, tomorrow we will resume consideration of the FAA reauthorization legislation. Senators should expect at least two votes to begin at 2 p.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:20 p.m., adjourned until Thursday, March 18, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

LEONARD PHILIP STARK, OF DELAWARE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF DELAWARE, VICE KENT A. JORDAN, ELEVATED.

AMY TOTENBERG, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA, VICE JACK T. CAMP, JR., RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. EDWARD A. RICE, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL DAVID W. ALLVIN
COLONEL BALAN R. AYYAR
COLONEL THOMAS W. BERGESON
COLONEL JACK L. BRIGGS II
COLONEL JAMES S. BROWNE
COLONEL ARNOLD W. BUNCH, JR.
COLONEL THERESA C. CARTER
COLONEL SCOTT L. DENNIS
COLONEL JOHN W. DOUCETTE
COLONEL SANDRA E. FINAN
COLONEL DONALD S. GEORGE
COLONEL JERRY D. HARRIS, JR.
COLONEL KEVIN J. JACOBSEN
COLONEL SCOTT W. JANSSON
COLONEL RICHARD A. KLUMPP, JR.
COLONEL LESLIE A. KODLICK
COLONEL GREGORY J. LENGYEL
COLONEL JAMES F. MARTIN, JR.
COLONEL ROBERT D. MCMURRY, JR.
COLONEL EDWARD M. MINAHAN
COLONEL JON A. NORMAN
COLONEL JAMES N. POST III
COLONEL STEVEN M. SHEPRO
COLONEL JAY B. SILVERIA
COLONEL DAVID D. THOMPSON
COLONEL WILLIAM J. THORNTON
COLONEL KENNETH E. TODOROV
COLONEL LINDA R. URRUTIA-VARHALL
COLONEL BURKE E. WILSON

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DANIEL P. BOLGER

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DUANE D. THIESSEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. REX C. MCMILLIAN

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. DAVID J. VENLET

CONFIRMATION

Executive nomination confirmed by the Senate, Wednesday, March 17, 2010:

THE JUDICIARY

O. ROGERIEE THOMPSON, OF RHODE ISLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIRST CIRCUIT.

EXTENSIONS OF REMARKS

HONORING ASHLEY HOWERY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. GRAVES. Madam Speaker, I rise to recognize Ashley Howery, a very special young lady who has exemplified the finest qualities of service and citizenship. Ashley has recently been named one of the top youth volunteers in Missouri for 2010 in the 15th annual Prudential Spirit of Community Awards.

Ashley is recognized for this prestigious award because of the positive impact she has made in her community. Her initiative, creativity, and selfless volunteerism make her a worthy recipient. Ashley should be proud to be a model citizen amongst the youth in her community and my congressional district.

Madam Speaker, I am confident Ashley will continue to use her many talents as tools for the betterment of her community and our nation. I respectfully urge you to join me in commending Ashley on this monumental achievement.

HONORING BLAIR ROBERTS

HON. MARY FALLIN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Ms. FALLIN. Madam Speaker, I rise today to congratulate and pay tribute to a fine American, Blair Roberts, on an occasion when he and his business have received a prestigious honor: the International Circle of Excellence Award for 2009.

The Circle of Excellence, which is awarded by the international dealer organization of Navistar, Inc., honors international truck dealerships that achieve the highest level of dealer performance with respect to operating and financial standards, market representation, and most importantly, customer satisfaction. It is the highest honor a dealer principal can receive from the company.

Blair's business, Roberts Truck Center, is headquartered in Oklahoma City, Oklahoma, and has grown into one of the preeminent truck dealerships in the Southwest and the entire nation. He currently manages five of the 13 dealer locations within the Roberts Truck Center family business, which he owns with his brother Blaine. It employs a total of 467 in Texas, New Mexico, Oklahoma and Kansas. With this most recent award, Roberts Truck Center has received the Circle of Excellence, under Blair's leadership, a total of five times.

Blair has achieved this level of accomplishment and recognition through many years of hard work and service to his industry and community. Active in the industry, he is chairman of the International Dealer Council and was past co-chairman of the International Product Advisory Board. Today, in addition to his leadership of Roberts Truck Center, he has also built a successful truck leasing business, Roberts Idealease, which is a multi-year winner of the IdealGold Award for Excellence.

Through his commitment to hard work and outstanding customer service, he has built an economically vital business of which he can be justly proud. Madam Speaker, I ask you and my colleagues to join with me in congratulating Blair Roberts for his record of accomplishment and for his many contributions to his community, State and Nation.

RECOGNIZING DUANE KYRISH, WINNER OF NAVISTAR'S CIRCLE OF EXCELLENCE AWARD FOR 2009

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. ROSKAM. Madam Speaker, I rise today to honor Duane Kyrish, a winner of Navistar's Circle of Excellence Award for 2009. Located in Illinois, Navistar employs many of my constituents and is an important economic engine for my district, undoubtedly so because of suppliers like Mr. Kyrish.

The Circle of Excellence, which is awarded by the international dealer organization of Navistar, Inc., honors international truck dealerships that achieve the highest level of dealer performance with respect to operating and financial standards, market representation, and most importantly, customer satisfaction. It is the highest honor a dealer principal can receive from the company.

Mr. Kyrish's business, Longhorn International Trucks, is headquartered in Austin, Texas, and was acquired by the family in 1976. Under his leadership, it has grown into one of the preeminent truck dealerships in the Southwest and the entire nation, with 105 employees and two dealer locations. In 1999, Duane was named the first International Dealer of the Year, an honor awarded to the one International dealer who exhibits the highest commitment to best-in-class customer services. With this most recent award, Longhorn International Trucks has now received the Circle of Excellence Award a total of 27 times.

Duane has achieved this level of accomplishment and recognition through many years of hard work and service to his industry and community. He got his commercial operator's license at 17 and began driving trucks for the International Harvester Fort Worth branch. In August 1976, Duane began his professional careers in the truck business at the Austin dealership. Both Duane, and his twin brother Wayne, work for the family business. Today, in addition to leading Longhorn International Trucks, he has also built a successful truck leasing business, Longhorn Idealease, which is a multi-year winner of the IdealGold Award for Excellence.

Madam Speaker and distinguished colleagues, please join me in honoring Mr. Kyrish for his contributions to his community and to the nation as a whole.

RECOGNIZING THE SIGNIFICANCE OF NOWRUZ AND CONTRIBUTIONS OF IRANIAN-AMERICANS

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 2010

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today to support H. Res. 267 "Recognizing the cultural and historical significance of Nowruz, expressing appreciation to Iranian-Americans for their contributions to society, and wishing the Iranian-Americans and the people of Iran a prosperous new year."

As a cosponsor of this resolution, I am proud to recognize the contributions of Iranian Americans on their day of celebration. Nowruz is celebrated by nearly 300 million Iranians and other peoples all over the world, including in the United States, Iran, and other countries in Central Asia, South Asia, Caucasus, Crimea, and Balkan Regions. Nowruz, which means new day, is celebrated on 21 March, the day of the vernal equinox. Nowruz is celebrated by more than 1,000,000 Iranian-Americans of all backgrounds, including those with Baha'i, Christian, Jewish, Muslim, Zoroastrian, and non-religious backgrounds. The people of Iran have a long history of celebrating Nowruz—a holiday that embodies the tradition that each individual's thinking, speaking, and conduct should always be virtuous, and the ideal of compassion for our fellow human beings regardless of ethnicity or religion, and symbolizes a time of renewal and community.

This resolution not only reminds us all of the contributions made by our Iranian constituents, but also of the trying times faced by Iranians in Iran and in the Iranian diaspora. During this time of renewal, my thoughts are with the residents of Camp Ashraf and their families—some of whom reside in my district.

Late last year, three months after U.S. forces turned over control of Camp Ashraf, Iraqi security forces violated the human rights of the People's Mujahideen of Iran (PMOI). Camp Ashraf detains over 3,400 exiled Iranian political dissidents, who are members of the PMOI, including over 1,000 women. The PMOI opposes the current Iranian regime, and for their political beliefs they have been exiled from Iran and sequestered in Camp Ashraf. Several women detained at Camp Ashraf have reported acts of intimidation and threats of physical and sexual violence by members of the Iraqi security forces.

On July 28, 2009, Iraqi security forces conducted a raid on the detainees at Camp Ashraf. The raid occurred fewer than three months after the U.S. passed control of Camp Ashraf to the government of Iraq. The raid began on Tuesday, July 28th when Iraqi armored vehicles began attacks against the Iranian prisoners. The attacks continued for two

full days and resulted in the death of 11 exiles and the injury of over 400 more. As a result of the raid on Camp Ashraf, 36 men were arrested under allegations of violent behavior. The 36 arrested Camp Ashraf residents have since been freed, but the United States has a continuing interest in ensuring that the events of July 28th never occur again.

The Iraqi government's treatment of the camp's residents sets a dangerous precedent for future treatment of minority groups. In recent years, there have been alarming numbers of religiously motivated killings, abductions, beatings, rapes, threats, intimidation, forced conversions, marriages, and displacement from homes and businesses, and attacks on religious leaders, pilgrims, and holy sites, in Iraq, with the smallest religious minorities in Iraq having been among the most vulnerable, although Iraqis from many religious communities, Muslim and non-Muslim alike, have suffered in this violence. In summary, members of small religious minority communities in Iraq do not have militia or tribal structures to defend them, do not receive adequate official protection, and are legally, politically, and economically marginalized.

Madam Speaker, as 300 million people worldwide celebrate the start of a new year, it is my hope that Iranians around the world find peace and prosperity.

RECOGNIZING GEORGE WILSON FOR A CAREER IN RADIO BROADCASTING IN LUDINGTON

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. HOEKSTRA. Madam Speaker, I rise here today to honor Ludington talk show host George Wilson for a career of service in radio broadcasting in Mason County.

George Wilson joined WKLA radio in June of 1959. Along with his popular morning show, Big George served in a variety of other roles over the years, including sales manager and play-by-play sports announcer. George left WKLA for a brief period to serve as advertising manager at the Ludington Daily News, but returned to WKLA in 1986.

In 2007 Wilson was nominated for induction into the Michigan Broadcasting Hall of Fame, and his name will remain on the Hall of Fame ballot through 2012.

Throughout his morning show broadcasting career, George woke every day at 3 a.m., but despite the hours, he always enjoyed his job, saying, "If you look forward to going to work every day, then that's a good job and I've always looked forward to going to work at WKLA."

I have interviewed with George on countless occasions throughout my 18 years in Congress, and have always enjoyed our conversations on issues of the day.

Whether it was through our conversations, watching him lead the Scottville Clown Band or working with him as mayor of Scottville, my wife Diane and I have always enjoyed our friendship with George.

George Wilson's retirement marks the end of an era in Mason County, and he will be missed by all those who tuned in to listen to his morning show during the weekdays.

RECOGNIZING LYLE BASSETT, WINNER OF NAVISTAR'S CIRCLE OF EXCELLENCE AWARD FOR 2009

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. ROSKAM. Madam Speaker, I rise today to honor Lyle Bassett, a winner of Navistar's Circle of Excellence Award for 2009. Located in Illinois, Navistar employs many of my constituents and is an important economic engine for my district, undoubtedly so because of suppliers like Mr. Bassett.

The Circle of Excellence, which is awarded by the international dealer organization of Navistar, Inc., honors international truck dealerships that achieve the highest level of dealer performance with respect to operating and financial standards, market representation, and most importantly, customer satisfaction. It is the highest honor a dealer principal can receive from the company.

Mr. Bassett's business, Riverview International Trucks, LLC, is headquartered in West Sacramento, California, and has grown sales and revenue from $5 million in 1982 to more than $60 million in 2009, which was a record year for the business. The business employs 78. Lyle started out as a trainee at International Harvester in 1966 and worked his way through various areas of the business, prior to buying Riverview International Trucks in July 1981. With this most recent award, Riverview International Trucks has now received the Circle of Excellence Award a total of three times.

Lyle has achieved this level of accomplishment and recognition through many years of hard work and service to his industry and community. He is active in his community as a member of the Rotary Club of Sacramento, where he supports the club's annual fundraising events and efforts to provide college scholarships to high school students, and as a Meal on Wheels volunteer, providing home-delivered meals to seniors. He is known as a hard working man who takes care of his family, employees and customers each and every day the gates are open at Riverview International Trucks.

Madam Speaker and distinguished colleagues, please join me in honoring Lyle Bassett for his contributions to his community and to the nation as a whole.

HONORING THOMAS JONES

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Thomas Jones, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 374, and in earning the most prestigious award of Eagle Scout.

Thomas has been very active with his troop participating in many Scout activities. Over the many years Thomas has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Thomas Jones for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

2010 BRAIN AWARENESS WEEK

HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. HEINRICH. Madam Speaker, today I rise to commemorate Brain Awareness Week and the benefits of educating students on brain science in Central New Mexico and across the country. Launched in 1996, Brain Awareness Week brings together the Society for Neuroscience, Dana Alliance for Brain Initiatives, and 2,400 other organizations in 76 countries that share a common interest in improving public awareness of brain and nervous system research. During Brain Awareness Week, which is being held March 15–21, neuroscientists around the globe educate K–12 students, senior citizens, and the public at large on the wonders of the human brain. These activities include tours of neuroscience laboratories, museum exhibitions, and classroom discussions on the elements of the human brain.

This year, the New Mexico area members of the Society for Neuroscience hosted the 2010 Neuroscience Day at the School of Medicine at the University of New Mexico, located in my district. During this day-long event, many of my constituents learned about the wonders of the mind and the nature of scientific discovery. Today, in recognition of Brain Awareness Week, I would like to highlight a serious neurological condition that affects many of our men and women in uniform returning from the wars in Iraq and Afghanistan: Post Traumatic Stress Disorder.

Madam Speaker, as a member of the House Armed Services Committee, I recognize the great urgency of understanding and treating PTSD, especially for the new generation of U.S. soldiers returning home after prolonged exposure to combat-related stress and trauma in the war zone. One large study conducted by the RAND Corporation, a nonprofit, non-partisan organization focused on improving policy and decision-making through research and analysis, found that almost 20 percent of returning military personnel who served in Iraq and Afghanistan report symptoms of PTSD or major depression. Our service members aren't the only Americans at risk for this debilitating neuropsychiatric disorder. According to the National Institute of Mental Health, about 3.5 percent of American adults, or 7.7 million individuals, struggle with PTSD during any given year. Unfortunately, current drug and behavioral treatments for PTSD are often unable to reduce or eliminate symptoms that include intrusive memories, emotional numbness, and insomnia. In recent years, however, neuroscientists have begun to piece together some of the neurobiological puzzles behind this complex disorder, offering new hope to its sufferers.

The research dollars allocated in the American Recovery and Reinvestment Act, which I

supported, are providing scientists with opportunities to discover new medical advances that will detect and treat PTSD, Traumatic Brain Injury, and other illnesses that affect our service members. For example, researchers at the University of New Mexico have found that an innovative brain imaging method, diffusion tensor imaging, can be used to reliably detect and track brain abnormalities in patients with mild TBI. This important application received funding from a grant from the National Institute of Neurological Disorders and Stroke. Recently, researchers at the Mind Research Network, an independent non-profit organization dedicated to advancing the diagnosis and treatment of mental illness and brain injury, located in Albuquerque, received a $507,000 Recovery Act grant to continue pursuing similar analyses using magnetoencephalography, a sensitive technique for measuring the brain's electrical activity, which is essential for evaluating and treating TBI patients. As a result of the Recovery Act, scientific research is providing new hope to thousands of service members returning home from the war zone who suffer from PTSD, TBI, and other neurological trauma.

Madam Speaker, today I ask my colleagues to join me in recognizing Brain Awareness Week, which exposes our constituents to the wonders of the brain. I also ask that you join me in continuing to support research for new treatments for our brave men and women returning home from combat with PTSD and other brain injuries and disorders.

RECOGNIZING THE SIGNIFICANCE OF NOWRUZ AND CONTRIBUTIONS OF IRANIAN-AMERICANS

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 2010

Mr. WAXMAN. Madam Speaker, I rise in support of H. Res. 267, a resolution recognizing Nowruz, a festival celebrating the Persian New Year and arrival of spring.

It is a pleasure to join my colleagues in support of the first-ever congressional resolution marking Nowruz, a two-week holiday that is observed by millions of people of Persian descent in the United States, Iran, Iraq, Azerbaijan, and many other nations of the world. The holiday symbolizes renewal, health, happiness, peace and prosperity and is celebrated by adherents of many religions including Islam, Judaism, Zorastrainism, and the Bahai'i faith. It is a special time to share with family and friends and honor cultural traditions that date back more than 3,000 years.

As reflected in this resolution, Nowruz is also a special opportunity to recognize the important contributions of the Iranian-American community to our Nation's social and economic fabric. In Los Angeles, which is home to the largest Iranian-American community in the United States, there is great pride in the community's devotion to civic activism, philanthropy, and entrepreneurship. I would like to take this opportunity to wish all those celebrating Nowruz Aideh Shoma Mobarak, a happy and prosperous new year.

HONORING SEAN MILES EMERY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Sean Miles Emery, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 374, and in earning the most prestigious award of Eagle Scout.

Sean has been very active with his troop participating in many Scout activities. Over the many years Sean has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Sean Miles Emery for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF CHIEF JAMES S. DRISCOLL OF DEDHAM, MASSACHUSETTS FOR HIS DEDICATION AND COMMITMENT TO THE TOWN OF DEDHAM AND THE DEDHAM FIRE DEPARTMENT

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. LYNCH. Madam Speaker, I rise today in honor of Chief James S. Driscoll for his outstanding dedication to the town of Dedham, Massachusetts, and to recognize his achievements during his 37 years with the Dedham Fire Department.

James Driscoll is a lifelong resident of Dedham, Massachusetts. He graduated from Dedham High School in 1965 and then attended Boston College where he earned a Bachelor of Science Degree in Secondary Education in 1969. After graduating, he taught seventh and ninth grade math at Norwood Junior High School North briefly, before following his childhood dream of becoming a firefighter.

On June 28, 1972, he became a member of the Dedham Fire Department. After 6 years he was promoted to fire lieutenant and held this position until he was again promoted to Deputy Fire Chief, a position he held until November 2001. At that time, he was named Acting Fire Chief and served in this capacity until he became the permanent Fire Chief of the Dedham Fire Department in August 2004.

During his tenure with the Dedham Fire Department, Chief Driscoll continued his education, receiving a bachelor of science degree in fire science from Boston State College and a master's degree in public affairs from the University of Massachusetts—Boston in 1985, writing his thesis on fire apparatus purchasing options.

Chief Driscoll and his wife of 35 years, Carol, continue to live in Dedham, where they raised three sons, Michael G., Thomas W., and Stephen J.; all graduates of Dedham High School.

In his retirement, Chief Driscoll enjoys running and reading, although you will most likely find him by the pool or pushing his young grandson, Ryan, in the stroller.

Madam Speaker, I am proud to recognize Chief James. S. Driscoll for his 37 years of service and dedication to the people of Dedham and the Dedham Fire Department. I applaud his commitment to his community and to his family. I wish him my best in all of his future endeavors.

HONORING THE AMERICAN RED CROSS, SOUTH FLORIDA REGION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, just this week, Congress declared March as Red Cross Month. Today I rise to honor the American Red Cross, South Florida Region chapter and its leadership. Since 1917, this chapter has been mobilizing South Floridians to aid those in need and has provided relief in times of crisis.

The American Red Cross is a community funded and supported organization, which arrives on the scene of an emergency, natural disaster or catastrophic event, almost immediately, to offer moral and material support. Volunteers assist all disaster victims, whether that disaster is a house fire or a storm.

Time and time again the South Florida chapter has been at the forefront of meeting our community needs. Last year, they responded to 388 local disasters, providing 727 families with direct emergency assistance. Most recently, the South Florida chapter has played a leading role in providing aid and relief to the people of Haiti in the aftermath of the earthquake. The chapter helped in sending more than 80 American Red Cross Creole-speaking volunteer translators to Haiti to support the medical mission of the USNS *Comfort*. The chapter also fielded volunteers at the three airports in our region to greet and offer assistance to repatriated Haitian Americans, and the Chapter's headquarter office was responding to an average of 500 calls daily in the wake of the earthquake.

Under their excellent leadership the South Florida chapter staff works with professionalism every day and is dedicated to helping those in need. They are local community heroes. As we celebrate Red Cross Month, I thank the South Florida chapter for its service and congratulate its leadership, staff and members for their continued success. I am honored to recognize them and their work and appreciate their invaluable contributions to our community.

HONORING GARRETT BRADLEY RAGLAND

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Garrett Bradley Ragland, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts

of America, Troop 374, and in earning the most prestigious award of Eagle Scout.

Garrett has been very active with his troop participating in many Scout activities. Over the many years Garrett has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Garrett Bradley Ragland for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HIV/AIDS AWARENESS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. TOWNS. Madam Speaker, I rise today to show my support and concern about the widespread of the HIV/AIDS virus. My district of Brooklyn, New York, is considered to be the epicenter of the HIV/AIDS epidemic in the United States for African-Americans, women, adolescents, and children.

According to the New York City Department of Health and Mental Hygiene, in Brooklyn, 87 percent, with 7 percent under the age of 13 are persons of color, live with the HIV/AIDS virus. The city of Brooklyn was home to nearly 30 percent of the people living with HIV/AIDS in New York City who died.

It is important that you get tested regularly, such as, during your yearly physical exam; it is important, even for those who think they are not at risk. Early detection for persons infected with HIV, particularly before the infection progresses to AIDS, is vital for the effectiveness of treatment. There are new testing methods, such as, ''Rapid HIV Testing'', which allows persons to receive results twenty minutes after being tested.

Please take the preventative measures to protect yourself and your loved ones by getting tested. It is far too important not to do; so, please go and get tested.

IN RECOGNITION OF WILLIAM TOLLEY'S 35 YEARS OF SERVICE TO THE AMERICAN CONCRETE INSTITUTE

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. PETERS. Madam Speaker, I rise today to recognize Mr. William Tolley, a resident in Michigan's 9th Congressional District, for his lifelong service to the American Concrete Institute, ACI, headquartered in Farmington Hills, Michigan. As a Member of Congress, I am privileged and honored to recognize Mr. Tolley for his many accomplishments and to thank him for his dedication to strengthening the infrastructure in the United States through his service to the ACI.

ACI is one of the world's leading authorities on concrete technology. Concrete is the second most consumed material in the world after water. It serves as an essential building material found in pavements, bridges, buildings and public works projects around the world. ACI is a nonprofit consensus organization with nearly 20,000 members internationally whose purpose is to further engineering and technical education, scientific investigation and research, and development of standards for design and construction incorporating concrete and related materials. ACI is the premier source for information on concrete construction and uses of ACI codes include adoption by reference in general building codes impacting potentially every concrete project in the United States.

On Monday March 22, ACI friends and colleagues will participate in a celebration dinner and toast in honor of William Tolley's retirement from ACI at their Annual Spring Convention in Chicago. Mr. Tolley's passionate involvement with the ACI includes serving as the manager of Administrative Services, Senior Managing Director and most recently his promotion to Executive Vice President in 2002. For his tireless dedication and service he was awarded ACI's Henry L. Kennedy Award recognizing his outstanding leadership in strengthening and expanding chapter activities and in 2006 he was named one of the ten most influential people in the concrete industry. In addition to his work with the ACI, Mr. Tolley is also the Chairman of the Concrete and Masonry Related Associations and has served as Treasurer, Board member and chair of the Finance Committee for the Council of Engineering and Scientific Society Executives.

Madam Speaker, I ask my colleagues to join me today to honor Mr. William Tolley's service to the American Concrete Institute and his dedication to innovation in strengthening our country's infrastructure and keeping Michigan and ACI on the cutting edge of development of concrete technology. I wish him many more years of health and happiness.

HONORING CHANS EDWARD DYKES

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Chans Edward Dykes, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 374, and in earning the most prestigious award of Eagle Scout.

Chans has been very active with his troop participating in many Scout activities. Over the many years Chans has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Chans Edward Dykes for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING THE JUNIOR LEAGUE OF SUMMIT, NEW JERSEY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. LANCE. Madam Speaker, I rise today to congratulate the Junior League of Summit, New Jersey on celebrating their 80th Anniversary as a women's volunteer organization dedicated to serving the communities of Summit, Berkeley Heights, New Providence, and Chatham.

March 26, 1010 will mark their 80th Anniversary and I hope to join the Junior League of Summit and its members at their planned celebration.

The Junior League of Summit is comprised of more than 400 women in Union County, who are united by a common goal of helping others. Specifically, the organization promotes volunteerism, develops the potential of women and improves the community through effective action and leadership of trained volunteers.

Over the years, the Junior League of Summit has made significant contributions to community service throughout Central New Jersey. In fact, the League has many accomplishments of which to be proud.

For example, the League has raised more than $3 million through its Summit-based Thrift Shop and returned those funds to the community by way of grants, special projects, scholarships and programs. And Junior League members have logged more than one million hours of community service.

Junior League members have volunteered to help scores of causes in New Jersey, including local area schools, Habitat for Humanity, Special Olympics of New Jersey, Children's Specialized Hospital, Interfaith Council for the Homeless, Union County Parks and Recreation, CASA of Union County, the Susan G. Komen Breast Cancer Foundation and the AIDS Resource Foundation.

Madam Speaker, I would like to congratulate all of the members of the Junior League of Summit for their outstanding efforts to help others and make a difference to the larger community.

I am also pleased congratulate the Junior League of Summit on its 80th Anniversary as a distinguished community organization. I am proud to share the League's good efforts with my colleagues here in the United States Congress and with the American people.

HONORING THE 50TH ANNIVERSARY OF THE WARSAW KITCHEN KONFERENCE

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. LEE of New York. Madam Speaker, I ask that the House join me in recognizing the 50th anniversary of the Warsaw Kitchen Konference, held every year for the last 50 years in Warsaw, New York.

The Warsaw Kitchen Konference first met on February 1, 1960, as a group of Wyoming County Farm Bureau members for the purpose of discussing issues affecting the Western New York agricultural community. While

some membership in the Konference has changed over the last 60 years, their dedication to addressing the issues involving agriculture has remained constant, and the group has met every year since its founding.

Over the last 60 years, the Warsaw Kitchen Konference has hosted the Wyoming County Board of Supervisors to discuss agricultural issues, has promoting agriculture in the Wyoming County Fair, has hosted school children at local farms, and have done many other activities to advance the agriculture industry in Western New York.

Agriculture is one of Western New York's most significant industries, and the Warsaw Kitchen Konference and its members have played an important role in furthering this vital industry.

Madam Speaker, I ask that this House join me in honoring the Warsaw Kitchen Konference on their 50th anniversary, and for their work in furthering Western New York's agricultural community.

HONORING JACOB MOZER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. GRAVES. Madam Speaker, I rise to recognize Jacob Mozer, a very special young man who has exemplified the finest qualities of service and citizenship. Jacob has recently been named one of the top youth volunteers in Missouri for 2010 in the 15th annual Prudential Spirit of Community Awards.

Jacob is recognized for this prestigious award because of the positive impact he has made in his community. His initiative, creativity, and selfless volunteerism make him a worthy recipient. Jacob should be proud to be a model citizen amongst the youth in his community and my congressional district.

Madam Speaker, I am confident Jacob will continue to use his many talents as tools for the betterment of his community and our nation. I respectfully urge you to join me in commending Jacob on this monumental achievement.

BRADY HONORS OFFICER MARCELLO MUZZATTI

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. BRADY of Pennsylvania. Madam Speaker, I would like to recognize one of law enforcement's outstanding leaders. Marcello Muzzatti, currently a police officer with the Washington Metropolitan Police Department K9 unit, has been a member of the Fraternal Order of Police since 1981. He currently serves as President of the Washington, DC Fraternal Order of Police Lodge number one, after having served fourteen (14) years as Vice-President.

In 2002, Officer Muzzatti was appointed Chairman of the National Fraternal Order of Police Memorial Committee, by the late FOP President, Steve Young. One of his first orders of business as Chairman was planning the National Police Memorial Service. The Service includes all of the fallen law enforcement officers from across the Country, including those killed during the attacks of 9/11. He made many positive changes to the National Memorial Committee and took the National FOP Memorial Peace Officers Service to a new level of excellence.

Officer Muzzatti has also worked tirelessly to strengthen and improve the relationships with many organizations. He volunteers his own time to reach out to the fallen officers' children by attending various retreats and events sponsored by Concerns of Police Survivors. He is also involved with the planning and implementation of the National Law Enforcement Officers Memorial Fund Museum project.

Madam Speaker, it is an honor to recognize the hard work of police officers like Officer Muzzatti. He serves as an example to all and today, I salute him.

HONORING SITKA NATIONAL HISTORIC PARK

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. YOUNG of Alaska. Madam Speaker, today I would like to recognize the centennial anniversary of the Sitka National Historic Park, which is the oldest federally designated park in Alaska. The park was established in 1890 to commemorate the 1804 Battle of Sitka. All that remains of this last major conflict between Europeans and Alaska Natives is the site of the Tlingit Fort and battlefield, located within this scenic 113-acre park.

In 1808, following this series of battles between the Tlingit natives and Governor Alexandr Baranov, Sitka was established as the capitol of what was then called Russian-America. Following the sale of this land to the United States after the decline of the otter fur trade, Sitka continued to be the seat of government for territorial Alaska until 1906, when the capital was moved to Juneau.

Unofficially called ''lover's lane'' or ''totem park'' by Sitka locals, the Sitka National Historic Park attracts nearly 300,000 visitors a year to its scenic coastal trails, beautiful temperate rainforest, and world-class collection of Northwest coast totem poles. These histories carved in cedar were donated by Native leaders from villages in Southeast Alaska, and were then brought to Sitka by Alaska's then District Governor John G. Brady in 1905. Many poles exhibited along the park's two miles of wooded pathways are replicas of the original totem poles.

The park also boasts a visitor center which contains ethnographic exhibits and houses the Southeast Alaska Indian Cultural Center, where visitors can watch Native artists at work. Here, the park cares for more than 154,000 museum collection items. These include Tlingit ethnographic pieces, Russian American archeological and historical items, historical photos, archives and herbarium specimens. Highlights of the collection include totem poles, Chilkat weaving, Tlingit oral history recordings, 19th Century Russian furniture, Russian Orthodox icons and vestments, and two hundred original glass plate negatives by Sitkan photographer E.W. Merrill. Through these exhibits, visitors of the park get a rare peak into the unique cultures and lifestyles of Tlingit natives and Russian-American creoles.

The experience continues at the Russian Bishop's House, one of the last surviving examples of Russian colonial architecture in North America. This original 1842 log structure conveys the legacy of Russian America through exhibits, refurbished living quarters and the Chapel of the Annunciation. This house was once the center of the Russian Orthodox Church authority in a diocese that stretched from California to Siberian Kamchatka, at a time when Russia was still the dominant power in the Pacific Northwest. Today, it is an artifact of the heritage of Russian Orthodoxy in Alaska, which maintains a strong presence to this day.

Given this unique combination of natural beauty, cultural history, and rare artifacts, it is no wonder that the Park played a significant role in Sitka's recent designation as one of the Dozen Distinctive Destinations by the National Trust for Historic Preservation. Tucked away behind the dormant volcano Mt. Edgcumbe, the Sitka National Historic Park remains one of Alaska's jewels. As the City of Sitka commemorates Sitka National Historic Park month, I would like to join Alaskans in recognizing the Park on its centennial celebration.

RECOGNIZING THE CENTRAL PRESBYTERIAN CHURCH IN GENESEO, NEW YORK ON THEIR 200TH ANNIVERSARY

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. LEE of New York. Madam Speaker, I ask that the House join me in recognizing the 200th Anniversary of the Central Presbyterian Church of Geneseo, New York.

The Central Presbyterian Church of Geneseo has a rich and proud history of service and dedication to the Western New York Community, beginning back in 1810 when Missionary Daniel Oliver organized a small group of Congregationalists in Geneseo.

The Church itself has been housed in several different structures over the last 200 years but its mission and dedication to the community have been constant. From the Reverend Daniel Oliver to its current pastor, the Reverend Beth E. Godfrey, the Central Presbyterian Church has been honoring its mission statement of ''encouraging spiritual growth'' for the last 200 years.

The Church has been serving both the regional and international community since its foundation, through numerous service projects such as organizing food drives and participating in the Livingston County Habitat for Humanity chapter to traveling to Juarez, Mexico to assist in the building of a shelter for abused women.

Madam Speaker, I wish to congratulate and thank the Central Presbyterian Church of Geneseo for their dedication and service to the community for the past 200 years. They are a true asset to Western New York, and I ask that the House please join me in recognizing their tremendous achievement and work they have done during this time.

RECOGNIZING THE SIGNIFICANCE OF RED CROSS MONTH

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. SCOTT of Georgia. Mr. Speaker, I rise today to recognize the 67th annual Red Cross Month. For more than 125 years, the mission of the American Red Cross has been to help individuals and families prevent, prepare for and respond to emergencies, and each year, nearly half a million volunteers respond to more than 70,000 disasters nationwide.

I am particularly proud of the American Red Cross and its Georgia chapters, including Metro Atlanta, for their swift, substantial, and heart-warming aid to my home state of Georgia during the catastrophic floods of last September. In the immediate aftermath, and in the weeks that followed, the American Red Cross opened eight shelters that provided a safe haven for nearly 500 people displaced by the floods. With the aid of over 800 volunteers and employees, health professionals were able to reach out to 3,400 victims in flood-drenched neighborhoods.

Without the help of these dedicated volunteers and employees, flood-affected men, women, and children would not have received more than 44,000 meals, nor, after losing their homes, would they have been given 3,723 clean-up and comfort kits. The kindness of strangers provided emergency financial assistance for more than 1,700 families.

As the Spring flood season begins to take its course, I urge my constituents and fellow Americans to do what they can to support the American Red Cross. The Red Cross relies on donations of time, money and blood to respond quickly to emergencies ranging from hurricanes to earthquakes and from fires to tornadoes. I commend the Red Cross for their efforts.

RECOGNITION OF THE MISS GREATER SPRINGFIELD SCHOLARSHIP ORGANIZATION

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize a community organization serving Northern Virginia, the Miss Greater Springfield Scholarship Organization. The Miss Greater Springfield Scholarship Organization is an affiliate of the Miss Virginia and Miss America Scholarship Organizations. The Miss America Organization, with its State and local affiliates, is the number one resource in the world for women's educational scholarships; in 2006 alone over $45 million dollars was awarded to 12,000 women from throughout the country.

Miss Greater Springfield is now going into its 7th year, and has consistently upheld a high standard for its competitors, attracting participants that have demonstrated a strong commitment to the community and a desire to improve the world around them. The contestants support a variety of issues including autism advocacy and awareness, The Children's Miracle Network, and promoting organ donation. Miss Greater Springfield of 2009, Bethany Munt, has used her title as a platform to address the challenges facing our Nation's schools and education system, and has been active with the Boys and Girls Clubs of America. Ms. Munt received her undergraduate degree in child development and has taught school in New York State and New Zealand.

Madam Speaker, I ask that my colleagues join me in congratulating Ms. Munt and the Miss Greater Springfield Scholarship Organization for their efforts to improve our community and the lives of our young people.

CLAUDE ARTHUR WHARTON, III

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. BARRETT of South Carolina. Madam Speaker, I rise today to recognize Claude Arthur "Skip" Wharton, III, of Seneca, South Carolina, and fellow alumnus of The Citadel, for a lifetime of distinguished service to the citizens of our state and to our country. From his time as a cadet at The Citadel to his current position as Director of Business Operations for the Applied Research and Development Institute, ARDI, of the South Carolina Research Authority, SCRA, Skip has led an admirable life and maintained a strong work ethic. His contributions to South Carolina and the United States in the fields of government contract administration, compliance, finance, budgeting, and costing are truly commendable. In my view, Skip is the embodiment of an upstanding and fine American citizen.

After receiving his undergraduate degree from The Citadel, Skip served our country for four years in the United States Army as an Armored Cavalry Platoon Leader and a Troop Commander in Vietnam and Germany. For his service to our country, Skip was awarded the Silver Star Medal, the third highest medal awarded by the United States Armed Forces, for combat valor.

After his military service, Mr. Wharton spent seven years in management in small business in both California and Louisiana. From 1980 through 1987, Mr. Wharton was with the American Development Corporation, ADCOR, a defense manufacturing contractor located in Charleston, South Carolina. At ADCOR, he was responsible for adhering to the Federal Acquisition Regulations, FAR, in the development of annual corporate and departmental budgets, in excess of $20 million per year; the promulgation and defense of all indirect rates; and the formulation of all pricing proposals. In 1988, Mr. Wharton joined SCRA in Charleston and served as the Director of Budgeting and Costing. In this capacity, he was responsible for financial analyses at the project, group, segment, and company levels; corporate budgeting; management reporting; and tracking performance against stated strategic goals.

In October of 2000, Mr. Wharton was assigned to ARDI as the Director of Contracts and Procurement and was responsible for establishing the contracts administration staff and the administrative functions of the Composites Manufacturing Technology Center, a United States Navy Center of Excellence. Skip also served as the ARDI Facility Security Officer and was responsible for all interaction with the Defense Security Service; physical security of the office; the safeguarding of all classified documents, software and hardware; and the processing and maintenance of individual security clearances.

Through hard work and dedication, Skip has made significant contributions to our state and our country. His distinguished service has been invaluable, and for this, I applaud him. His dedication to his family, friends, and colleagues should stand as an example of what we should all strive to be. I join Skip's colleagues at the Applied Research and Development Institute, the citizens of our state, and his entire family, including his wife, Patricia, his children and grandchild, in commending Skip for his lifetime of service to South Carolina and this great nation. May God bless them all.

RECOGNIZING GRACIA MOLINA DE PICK UPON THE OCCASION OF HER 80TH BIRTHDAY

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mrs. DAVIS of California. Madam Speaker, I rise to honor Gracia Molina de Pick, a distinguished activist, feminist, author, and educator in the San Diego community, upon her 80th birthday.

Born into a politically active family in Mexico, Gracia Molina de Pick moved to San Diego in 1957, and has maintained her spirit of activism through her many years of work and service in our region. Along the way, she received her master's degree from San Diego State University and participated in doctoral studies at the University of California, San Diego and a doctoral fellowship at the University of Southern California.

Gracia Molina de Pick has been fighting for the rights of Latinos and Chicanos since she was a teenager. She is the founder of IMPACT, an early community grassroots organization that fought for the civil rights of Mexican-Americans in San Diego. From 1969 to 1977 she served on the National Council of La Raza, the first civil rights advocacy group for Hispanic Americans. In 1970, she also founded the first national feminist Chicana Association, the Comision Femenil Mexicana Nacional, and the following year she served as the Chicana Caucus Chair of the National Women's Political Caucus. She is the national organizer for Chicana participation at the United Nations World Conferences on Women.

Gracia Molina de Pick has tirelessly persisted in her efforts to secure equality for women. She helped to organize and found the Partido Popular, a Mexican political party that fought to secure voting rights for women. A published author, she has penned numerous articles and co-authored two books. Her most recent book, Mujeres en la Historia & Historias de Mujeres, offers readers biographies of influential women in Mexican history.

Understandably, many prominent organizations have honored Gracia Molina de Pick with well-deserved awards and recognition. In 2001, Assemblymember Christine Kehoe named Gracia "Woman of the Year," and she

was inducted into the San Diego Women's Hall of Fame the year after. In 2004, she received the Jesse de la Cruz Award from the California Rural Legal Assistance, Inc., a venerable legal advocacy and economic justice organization.

Gracia continues to work for equality for those who are underrepresented and underserved, particularly in the areas of service and education. For many years, she served as a professor at Mesa College and a lecturer at the University of California, San Diego, where she helped found the University's Thurgood Marshall College. She served as the Commissioner of the California Post-Secondary Education Commission, and recently initiated the Gracia Molina de Pick Endowed Fund for Chicano/a Studies at the University of California, San Diego. Currently, Gracia is a member of San Diego's Human Relations Commission, where she works to ensure that the city upholds the protections of basic human and civil rights that she herself has worked so hard to establish.

In keeping with her selfless spirit, Gracia is commemorating her birthday with a benefit celebration to raise financial support for the Logan Heights Library in San Diego. On this happy occasion, please join me in honoring Gracia Molina de Pick and her years of hard work making a difference in our community.

RECOGNIZING THE OPENING OF A NEW BB&T BRANCH IN HAYMARKET, VA.

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the opening of a new BB&T branch location in Haymarket, Va.

The branch location at the corner of Heathcote Boulevard and Route 15 serves Western Prince William County and creates six new jobs for the region. The staff of the BB&T Haymarket branch are responsible stewards of their community with affiliations to the Dominion Valley Woman's Club, Gainesville Haymarket Rotary Club, Prince William Chapter of the American Red Cross, Prince William County Greater Manassas Chamber of Commerce, Haymarket Gainesville Business Association, Girl Scouts of America, George G. Tyler Elementary Parent Teacher Association and Haymarket Regional Food Bank.

I would like to extend my personal congratulations to the staff of the new Haymarket branch on the occasion of their ribbon cutting and commend them for their culture of robust civic participation.

BRANCH STAFF

Amelia J. Stansell, Assistant Vice President & Financial Center Leader; Liliana Grassa, Teller Supervisor; LaKeta McSellers, Relationship Banker; Shadia Shaikh, Relationship Teller; Erick Cabrera, Teller; Sherry Bobbitt, Area Operations Officer.

SENIOR LEADERSHIP TEAM

Donald Strehle, Northern Virginia Regional President; Karen Wallis, Regional Banking Manager; Sherri Hagenbuch, Sales & Service Leader for Prince William County; Michael Pybus, City Executive for Prince William County.

Madam Speaker, I ask that my colleagues join me in celebrating the opening of the new BB&T branch in Haymarket, Va. A business that encourages its employees to take an active role in civic life makes an investment far beyond that of bricks and mortar. It strengthens civic bonds and leaves an indelible mark on the character a community. I look forward to having a lasting community partner in BB&T's Haymarket branch.

HONORING BRYANE HEABERLIN AND ALEXANDER COSBY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. MEEK of Florida. Madam Speaker, today I rise to tell a heartwarming story of two young soccer players united in their common humanity.

Bryane Heaberlin is a sixteen-year-old goalkeeper from St. Petersburg, Florida playing on the U.S. under-17 soccer team. Alexandra Cosby is the goalkeeper on Haiti's under-17 team. Last week, after the U.S. defeated Haiti at the Confederation of North, Central American and Caribbean Association Football Cup in Costa Rica, the young women embraced in an emotional moment replayed around the world.

When Alexandra started crying at the end of the game, Bryane immediately understood. Still recovering from the effects of a devastating earthquake in her homeland, Alexandra and her teammates suffered through unspeakable tragedy. Bryane, understanding her team's victory was bittersweet, gave Alexandra a hug. They cried together. Soon after, both teams embraced in an emotional display of solidarity and friendship.

The story of Bryane and Alexandra is a testament to the enduring union and the generosity of spirit between the United States and Haiti. Our nations are neighbors and partners in an increasingly interdependent world. As young Bryane said after the game, "I did not think about the game at that moment . . . I simply thought about the hard times she had faced and everything she had lost. I thought that when the game was over, she had to come back to reality, that the game was her way of forgetting about everything for 90 minutes." Furthermore, Bryane's parents, Bryan and Gretchen along with the Clearwater Soccer Club and their daughter's school, delivered a 70-pound care package to the Haitian women's team.

Madam Speaker, as the representative of more Haitian Americans than any other member of Congress, I am compelled to share this story with my constituents and the broader public. Our community is hurting, but reading this story by John Cotey in the St. Petersburg Times gave me hope that brighter days are ahead for Haiti. These two young women are living examples of how sports bring us together in our common humanity. I applaud their compassion and grace in the face of adversity. Let us not forget their example as our nations move forward together.

CELEBRATING SWEENY COMMUNITY HOSPITAL'S FORTY-FIFTH ANNIVERSARY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. PAUL. Madam Speaker, on March 30, 2010 Sweeny Community Hospital will commemorate its forty-fifth anniversary. Located west of the Brazos River in the city of Sweeny in Brazoria County, which is in my Congressional District, Sweeny Community Hospital is a cornerstone of Brazoria County's health care system.

Sweeny Community Hospital has always been committed to providing top-notch health care to all who walk through its doors. Sweeny Community Hospital has always worked to grow and improve in order to better meet the health care needs of the people of Brazoria County. Today Sweeny Community Hospital employs approximately 150 people and has locations throughout Brazoria County. Having begun my Ob/Gyn medical practice in Brazoria County shortly after Sweeny Community Hospital opened its doors, I am well aware of the quality of the medical services offered at Sweeny Community Hospital. It is therefore my pleasure to offer my congratulations to Sweeny Community Hospital on its forty-fifth anniversary.

COMMENDING THE PUBLIC SERVICE OF NCIS SPECIAL AGENT RICHARD J. CLOONAN

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to pay tribute to Special Agent (SA) Richard J. Cloonan, Deputy Assistant Director, Counterintelligence Program, for the Naval Criminal Investigative Service (NCIS). SA Cloonan retired from that organization on March 3, 2010 after 29 years of service, and following 33 years of Federal Service. I am pleased to say that SA Cloonan is one of my constituents from Manassas, VA.

SA Cloonan began his career with the then named Naval Investigative Service (NIS) in August 1981 at NIS Resident Agency (NISRA) Point Loma, CA. He subsequently transferred to the NISRA Naval Station in San Diego, CA. In August 1984, SA Cloonan transferred to the Washington Field Office (DCWA). During his time at DCWA, SA Cloonan participated in several landmark counterintelligence (CI) investigations including the Walker Family Spy Ring, the Jonathan Pollard Spy case, the Clayton Lonetree investigation and the subsequent BOBSLED Task Force. Also while at DCWA, SA Cloonan was appointed the "Mount Up" team leader. The "Mount Up" team formed the basis of what is now the Navy's Personal Security Operation (PSO).

In 1987, SA Cloonan transferred to NCIS Headquarters and was detailed to the Department of the Navy's Special Programs Office, and while there he provided comprehensive CI protection to the most sensitive Navy research and technology, to include the USS Sea Shadow, the Navy's STEALTH Ship prototype. In

1988, shortly before the Berlin Wall came down, SA Cloonan deployed to East Berlin in support of a sensitive Resource and Technology Protection (RTP) espionage investigation. SA Cloonan recalls most vividly those anxious minutes passing thorough ''Check Point Charley.'' In December 1989, SA Cloonan transferred to NCIS Field Office (NCISFO) Norfolk and was detailed to US Atlantic Command as the Deputy CI Staff Officer. While in that position, SA Cloonan coordinated the force protection support to Operation Uphold Democracy, the US/UN Operation in Haiti.

SA Cloonan was promoted in 1995 and assigned as the Resident Agent in Charge (RAC) at NCISRA London, UK. Under his leadership, NCISRA London received wide recognition for its collection on terrorism in the UK. In coordination with Scotland Yard, SA Cloonan and the late SA Tom Marzilli provided significant high value information concerning Al Qaeda Networks operating within the UK and Europe to the Intelligence Community.

In July 1999, SA Cloonan transferred back to NCISFO Norfolk as the acting Assistant Special Agent in Charge (ASAC) for CI and was promoted in September 2001. At that time, SA Cloonan was the NCIS Senior Representative to FBI Headquarters and his first day was September 10, 2001. Following the tragic events of September 11, 2001, SA Cloonan played a key role for the Department of Defense in the FBI's Special Information Operations Center (SIOC) and the follow on PENTTBOM investigation. SA Cloonan was a plank owner with the new National Joint Terrorism Task Force (NJTTF) and launched the NCIS' Joint Terrorism Task Force and Force Protection Detachment (FPD) programs.

In January 2004, SA Cloonan was promoted to GS–15 and assigned as the Counterintelligence Support Officer (CISO) to US Pacific Command in Hawaii. SA Cloonan orchestrated the CI/FP support to Joint Task Force Provide Promise, the US response to the devastating 2005 Tsunami in Banda Ache, Indonesia.

In August 2008, SA Cloonan returned to NCIS Headquarters as the Deputy Assistant Director (DAD), Counterintelligence Program Direction.

SA Cloonan plans to remain in the Washington, DC area with his family. After taking some well deserved time off from working, SA Cloonan will continue to serve his country working for the National Geospatial Agency (NGA) as a CI advisor.

Madam Speaker, I ask that my colleagues join me in thanking SA Cloonan for his 33 years of outstanding public service and to wish him fair winds and following seas as he begins the next chapter in his life.

HONORING NATIONAL PEACE CORPS WEEK

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Ms. WOOLSEY. Madam Speaker, I rise today during National Peace Corps week to honor the immeasurable contributions of the 200,000 Americans who have volunteered to serve in 139 countries in the cause of peace since 1961. Through mutual respect and understanding, these men and women have committed themselves to improving our country's relationships with the rest of the world, and I applaud their dedication to communities around the globe.

When President John F. Kennedy created the Peace Corps 49 years ago, he set out to provide ordinary men and women with an opportunity to strengthen developing countries devastated by the effects of poverty, disease, and war. Volunteers have come from all walks of life, some with years of experience and some just out of college.

Peace Corps volunteers have mobilized to combat some of the world's most urgent humanitarian crises, including providing crucial assistance to communities in need of post-conflict relief and reconstruction as well as countries overwhelmed by natural disasters. These men and women have helped economically depressed communities develop new business plans, struggling farmers improve their crop production, and families devastated by HIV/AIDS receive the care they need.

Currently, volunteers are serving in 76 countries, providing development assistance while fostering new bonds of friendship and seeking common ways to address global challenges. Over 400 men and women have volunteered from California's Sixth District, including the following current volunteers: Chase Adam, Samantha Atkins, Gail Bachman, Ashley Baker, Elizabeth Bremner, Alicea Cock-Esteb, Rebecca Como, Lindsay Crawford, Douglas Cruickshank, Jed D'Abravanel, Catherine Fabiano, Scott Fergus, David Gomez, Stevie Greenwell, Daniel Grinnell, James Gurney, Peter Hoge, David Hughes, Matthew Ingalls, Christina Long, Ryan Loughlin, Mary McQuilkin, Reid Miller, Courtenay Pinder, Ryan Reichert, Rickey Russell, Nur-Aliyya Shelley, Robin Smith, Jessica Wright, and Pat Wrobel-Dickens.

Madam Speaker, the 49th anniversary of the establishment of the Peace Corps is an achievement that we should all commemorate. I celebrate the leadership and accomplishments of these compassionate Americans who have committed themselves to promoting global peace, diplomacy, and understanding.

RECOGNIZING PERSECUTION OF FALUN GONG

SPEECH OF

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 2010

Mr. WOLF. Mr. Speaker, I rise in support of H. Res. 605, a resolution recognizing the continued persecution of Falun Gong practitioners in China on the 10th anniversary of the Chinese Communist Party campaign to suppress the Falun Gong spiritual movement. The resolution also calls for an immediate end to the persecution of Falun Gong practitioners.

The Chinese government's abuse of the Falun Gong is well-documented. The State Department's annual International Religious Freedom Report, found that the Government of China, ''continued to restrict severely the activities of groups it designated as 'evil religions,' including several Christian groups and Falun Gong. . . . There are reports that dedicated government offices were responsible for coordinating operations against Falun Gong.''

Just last week, the State Department released its annual Human Rights Report which included numerous examples of the Chinese government's persecution of the Falun Gong including the following: ''Family members of activists, dissidents, Falun Gong practitioners, journalists, unregistered religious figures, and former political prisoners were targeted for arbitrary arrest, detention, and harassment.'' The report continued, ''Police continued to detain current and former Falun Gong practitioners and used possession of Falun Gong material as a pretext for arresting political activists. The government continued its use of high-pressure tactics and mandatory anti-Falun Gong study sessions to force practitioners to renounce. Falun Gong.''

Among the most notorious human rights abuses of the Chinese government last year was the arrest and subsequent disappearance of top Christian human rights attorney, Gao Zhisheng. Gao had defended house church Christians and Falun Gong members which earned the ire of the government. According to the State Department, ''At year's end his whereabouts remained unconfirmed . . .'' Prior to his arrest Gao had published a letter in which he went into great detail about the torture he experienced during his previous detention. Gao has paid dearly for his defense of basic human rights including those of Falun Gong practitioners.

China has become increasingly brazen in its human rights abuses. In the face of this repression, America has a responsibility to continually affirm that we stand with the defenseless—with those whose voices have been silenced. President Reagan understood this well. He famously described the U.S. Constitution as a covenant we have made not only with ourselves but with all of mankind. This Congress and this administration must be unwavering in our support of all persecuted peoples, be they Coptic Christians in Egypt, Baha'is in Iran or Falun Gong in China.

IN RECOGNITION OF THE 20TH ANNUAL FAIRFAX COUNTY FOOTBALL HALL OF FAME HONOREES

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the Fairfax County Youth Football League and to celebrate the 20th Anniversary of the Fairfax County Football Hall of Fame.

The importance of youth sports cannot be overstated. Participation in organized sports teaches our youth many lessons that will serve them well throughout life. These invaluable lessons include sportsmanship, teamwork, honesty, a sense of belonging, and maybe most importantly, the work ethic instilled by striving for success and working to achieve a common goal. Organized youth sports also contributes to our society; studies have shown a correlation between participation in sporting activities and doing well in school. Some studies indicate that reduction in gang activity can be partially attributed to refocusing at risk youth into organized, supervised activities such as youth sports.

I applaud the Fairfax County Youth Football League for the opportunities that they provide

to all of our children to succeed and be a part of a team. I also congratulate the following students, coaches and community leaders who are being recognized at the 20th Annual Fairfax County Football Hall of Fame:

Fairfax County Football Hall of Fame 2010 Inductees: Jason Witten (NFL Dallas Cowboys, University of Tennessee, Elizabethton High School, Vienna Youth Inc.), Nick Hilgert (Robinson HS), Richard Herman (Ft. Belvoir Youth Sports).

Football Official of the Year—Youth Sports: John Page (Fairfax County Football Officials Association).

Karl Davey Community Achievement Award: Solomon Thompson, Jr. (President, Blue Collar Objects, Inc.).

Tom Davis Meritorious Service Award: Joe Swarm (Director of Student Activities, Marshall HS).

Gene Nelson Commissioner of the Year Award: Damian Caracciola (Southwestern Youth Association).

FCFHF Awards $1,500 Scholarships: Greg Gadell (O'Connell HS), Cody Canard (Robinson HS), Nick Grinups (Westfield HS) and Emily Andrukonis (Fairfax HS).

High School Players of the Year: Kevin Samson (Madison HS), Anton McCallum (Hayfield HS), Josh Hogan (Woodson HS), Brian Laiti (Robinson HS), Hunter Debutts (Episcopal HS), Bo Revell (Battlefield HS).

High School Coaches of the Year: Mickey Thompson (Stone Bridge HS), Jim Poythress (Lake Braddock HS).

Youth Players of the Year—Youth Sports: Steven Steenson (Gainesville/Haymarket Youth), Tucker Harrell (McLean Youth Football), Connor McCulloch (Alexandria Recreation), Nicholas Render (Southwestern Youth Association), Devin Saunders (Ft. Belvoir Youth Football), Christopher Wilson (Manassas Youth Football), Nick Bruno (Dulles South Youth Sports), Greg Smith (Ft. Hunt Football & Cheerleading), Max Heinemann (Reston Youth Football), Jordan McIntyre (South County Athletic Assoc), Jake Jenkins (Gainesville/Haymarket Youth), Brendan McCarron (Springfield Youth Club), Michael Ficarra (Chantilly Youth Association), Tylar Thompson (Lee Franconia Football), Andrew Greer (Braddock Road Youth Club), Luke Kaplon (Braddock Road Youth Club).

Coaches of the Year—Youth Sports: Dan Puhlick (Gainesville/Haymarket Youth), Brian Edwards (Manassas Youth Football), Chuck Martin (Gum Springs), Derek Wisnieski (Arlington Recreation).

Cheerleaders of the Year: Kaylie Canestra (Gainesville/Haymarket Youth), Imani Carpenter (Southwestern Youth Association), Morgan Clay (Gainesville/Haymarket Youth), Shannon Kelley (Herndon Optimist Club), Gabrielle Turner (Dulles South Youth Sports).

Madam Speaker, I ask that my colleagues join me in congratulating the Fairfax County Youth Football League as well as those students, coaches and community leaders who are being honored at this 2010 Hall of Fame celebration.

HONORING MS. JUNE KENT

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Ms. June Kent. Ms. Kent served her constituency faithfully and justly during her tenure as a member of the Ellington Town Council.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Ms. Kent served her term with her head held high and a smile on her face the entire way. I have no doubt that her kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Ms. Kent is one of those people and that is why, Madam Speaker, I rise in honor of her today.

CONGRATULATIONS TO MARTHA SPRIGGS

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. ELLISON. Madam Speaker, I would like to extend my congratulations to fellow Minnesotan Martha Spriggs for receiving the Milken Family Foundation National Educator Award.

Ms. Spriggs has been selected by a blue ribbon committee of education and policy leaders appointed by state departments of education. The award acknowledges her exceptional talent as a classroom teacher, leader in education, and friend to students, colleagues, and administrators. The children of Andersen United Community School in Minneapolis benefit from her work, as well as the dedication of many other skilled professionals.

Madam Speaker, the foundations of our democracy ultimately rest not only on the rights and liberties which we share, but also the willingness and dedication of its citizens to enter the education profession and educate our youth. History has been a powerful reminder of the need for a vibrant and well-educated society to complement the institutions of government in a healthy democracy. Martha Spriggs has certainly done her part and I commend her for her service.

HONORING BENJAMIN HOOPER

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. PRICE of Georgia. Madam Speaker, I rise today to honor Benjamin Ryan Hooper of Boy Scout Troop 317 in Johns Creek, Georgia.

By reaching the rank of Eagle Scout, Benjamin has done something that fewer than two percent of all who participate in Scouting ever achieve. This accomplishment is worthy of honor and recognition in its own right, but it is not why I speak to you today. Instead, I rise to commend Benjamin for the heroism he displayed, with the help of his brother Graham.

As residents of the Sixth District of Georgia, the Hoopers are constituents of mine. And like thousands of Georgians, they faced off against the devastating floodwaters that ravaged our State last September. This historic flood resulted in the deaths of at least ten Georgians. Fourteen Georgia counties were declared federal disaster areas, and the cost of the damage has been estimated at $500 million. It was a difficult time, to say the least. But thanks to the actions of Benjamin Hooper, his family was able to avoid an even greater tragedy.

On September 21, 2009, Benjamin and his brother Graham arrived home from school to learn that two of their younger brothers had been playing in a flooded area and got caught in the rising waters and strengthening current. They had each managed to grab hold of a tree but were unable to get away from the rushing waters. These two young boys were now in grave danger of being swept away.

Upon hearing this, Benjamin jumped back in his car and raced to the scene. He quickly jumped into the water in an attempt to reach his stranded brothers, but the debris-filled creek was moving too quickly. Graham and Mrs. Hooper soon arrived with a length of garden hose which they passed to the two struggling boys so they could be pulled to safety. One of the boys made it, but the youngest brother Cole lost his grip and disappeared beneath the swiftly moving water.

Ignoring the danger to themselves, both Benjamin and Graham immediately jumped in after Cole. The current soon pulled Graham too far downstream, but once Cole surfaced, Benjamin was able to swim to his younger brother and hold his head above the water. The raging current then carried the boys downstream where they passed through a tunnel beneath a nearby road. By this point, the water level had risen to only a few feet below the top of this tunnel.

After successfully navigating this danger, Benjamin passed Cole off to Graham, who was now stationed by a nearby tree. Graham was then able to pull Cole out of the creek, but Benjamin was forced to continue swimming until he reached an area where the current had subsided. After exiting the creek himself, Benjamin walked back to his now reunited family, checked everyone for injuries, took steps to prevent the onset of hypothermia, and helped to calm his understandably upset mother. Miraculously, none of the Hooper boys had suffered serious injuries despite the life threatening peril they endured.

For his courageous and quick action, the Boy Scouts of America awarded Benjamin Hooper the Medal of Honor with Crossed Palms. Only 231 of these medals have been awarded since its inception in 1938. In the humble fashion always exhibited by true heroes, Benjamin said after receiving the award that, "I was just there at the right time."

So it is with great admiration that I pay tribute to Benjamin Hooper here in the U.S. House of Representatives today. May our entire Nation take heed of both his immeasurable courage and tremendous humility.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $12,643,701,402,529.55.

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 $2,005,275,656,235.75 so far this Congress. The debt has increased $7,038,446,389.48 since just yesterday.

This debt and its interest payments we are passing to our children and all future Americans.

HONORING THE MEMBERS OF CHEROKEE PATROL IN BOY SCOUT TROOP 1011

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. PRICE of Georgia. Madam Speaker, I rise today to recognize the members of Cherokee Patrol in Boy Scout Troop 1011 for their achievements in Scouting.

Sponsored by Mount Bethel United Methodist Church in Marietta, Georgia, Troop 1011 has helped shape the lives of young men since its founding in 1972. Over the years, more than 200 members of Troop 1011 have attained the coveted rank of Eagle Scout. On March 21, they will add seven high school seniors to that list: Connor Reed Crank; Preston William Ehlers; Kirkland Douglas Malcolm; George Capron Merriam; C. Joseph Privateer; James Benjamin Stamberger; and Alexander Conrad Walgren.

In Scouting, troops typically are subdivided into smaller groups known as patrols. And the seven young men just mentioned represent the complete membership of Troop 1011's Cherokee Patrol. Fewer than two percent of all young men who begin Scouting ever become Eagle Scouts, so it is exceedingly rare for each member of a single patrol to reach this pinnacle.

In fact, Madam Speaker, it is downright extraordinary for an entire patrol to be awarded the rank of Eagle on the exact same day.

For meeting certain measures in addition to this rare achievement, Cherokee Patrol has also received the Honor Patrol Award. This award is only bestowed upon patrols whose membership makes the extra effort to be exemplary Scouts. Clearly these seven new Eagle Scouts pass that test with flying colors.

I wish every one of these fine young men the very best in their future endeavors.

CONGRATULATING BARBARA POSEY ON HER RECEIPT OF THE CONGRESSIONAL GOLD MEDAL

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate Barbara Posey upon her receipt of the Congressional Gold Medal on March 10, 2010 for her service with the Women's Air Force Service Pilots (WASPs).

During World War II more than sixty years ago, the Women's Air Force Service Pilots worked under the direction of the United States Army Air Forces. These female civilian pilots flew fighter, bomber, transport, and training aircraft. The women of the WASPs pioneered the contribution of American women to the war effort. This commitment to their country was a catalyst for the reform that led to the integration of women pilots into the U.S. Armed Services.

Mrs. Posey's dedication to flying began when she became captivated during her first trip on board a plane. The joy she felt in the air led her to pursue her dream to become a pilot. She traveled to Cortland, New York to earn her pilot's license and in January of 1944, joined the WASPs. At Avenger field in Sweetwater, Texas she completed the same training program required by male pilots. Barbara Posey was one of 1,074 graduates of the program, and served as a test pilot at Shaw Army Airfield in Columbia, South Carolina, flying repaired planes that had been damaged in training operations. Although the director of the program had intended to militarize and commission the pilots, the improving military situation in 1944 reduced the need for additional pilots to be sent overseas.

In January of 1945, Barbara married John Posey before he left for the Pacific theatre. She has been blessed with 8 children, 27 grandchildren, and 22 great grandchildren. Before her retirement in 1986, she continued her excitement for aviation by helping with a grassroots aviation effort in the Delaware Valley.

Madam Speaker, once again I applaud Barbara Posey for her dedication, service and accomplishment. I offer my heartfelt congratulations to her on the momentous occasion of being awarded the Congressional Gold Medal, the highest civilian honor that Congress can award. I am honored to represent Barbara Posey in Congress.

HONORING ISAAC ALLEN AMES

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Isaac Allen Ames, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 134, and in earning the most prestigious award of Eagle Scout.

Isaac has been very active with his troop participating in many scout activities. Over the many years Isaac has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Isaac Allen Ames for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

AMERICANS DESERVE BETTER THAN OBAMACARE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. SMITH of New Jersey. Madam Speaker, I rise today to respectfully ask that my colleagues reject Obamacare, which if enacted into law, will seriously undermine, erode, damage—and perhaps even destroy—health care in America.

On substance, the Senate-passed text of over 2,700 pages now pending in the House is egregiously flawed. This is truly a bad bill and is anything but reform.

On process, the near total lack of transparency and misuse of majority party power to ram Obamacare through the Congress, makes it the quintessential example of what's so dreadfully wrong with Washington.

No wonder growing numbers of Americans are fed up, losing faith and angry at the Democrat-controlled Congress and the White House.

No wonder millions of people including Tea Party activists are demanding accountability and defeat of Obamacare.

This has been—and is—an unseemly process unworthy of a national legislature—any legislature for that matter—especially one with an enviable two-century-old history of lawmaking.

If President Obama wins passage of this bill when it comes to a vote, it will be a Pyrrhic victory at best.

This is not Congress' finest hour.

Rest assured that if Obamacare was sound and prudent policy—fiscally and morally—and an efficacious way of facilitating quality heath care coverage, members of both sides of the aisle and across the ideological spectrum would be lining up to support it.

If this was a good bill, persuasion, not pressure would convince a large majority of the members to embrace it.

Instead, blunt force is being applied like a vice grip to "convince" the unconvinced and undecided to cave, conform and capitulate.

On cost, Obamacare is riddled with accounting gimmicks—all designed to make the total price tag appear smaller than it really is.

In order to avoid sticker shock, Obamacare collects new taxes, fees, and shifts billions from Medicare for a full four years before benefits kick in. This trick results in an estimated, but grossly misleading cost of care of $871 billion over 10 years.

Let me underscore that point, the federal government will collect huge amounts of new taxes, fees and will rob Medicare for a full 10 years—before payouts for services begin four years from now.

But when 10 years of revenue are matched with 10 years of benefits, the real cost comes in at a staggering $2.3 trillion.

I would note parenthetically, that Obamacare will exacerbate Obamadebt. (When you eliminate double-counting of Medicare cuts, Social Security cuts, and the use of CLASS Act premiums, the Democrats claim of deficit reduction disappears into another massive wave of red ink of $466 billion over the first 10 years and $1.4 trillion over the second 10 years.) Even without passage of this bill, under the President's 2011 budget proposal, federal spending will increase to a record $3.8 trillion in 2011 alone. By 2020, the President's own 10-year budget analysis projects a more than doubling of debt to a record $18.6 trillion.

Because Obamacare diverts $500 billion from Medicare, there is no doubt whatsoever that senior citizens and disabled persons will lose certain health benefits they now enjoy. Medicare Advantage is protected in Florida—the so-called Gatorade fix—but not in my state of New Jersey or anywhere else. Medicare Advantage is used by over 11 million people nationwide including 15,983 people in my Congressional district alone. The Senate bill slashes nearly $120 billion from Medicare Advantage plans, jeopardizing millions of seniors' existing coverage. So much for the President's promise that if you like your health plan, you can keep it; no you can't!

Madam Speaker, for the first time ever, Obamacare forces Americans to acquire an approved health plan or pay a stiff penalty—like they committed a crime.

The penalty is huge—the greater of $750 per person per year (up to $2,250 per family) or 2 percent of household income. No person in America should be coerced into buying medical insurance.

Under Obamacare, premiums for non-group family insurance will increase by as much as $2,000 per year. The Congressional Budget Office (CBO) estimates that by 2016, premiums will increase by 10–13 percent over what would happen under current law. Conversely, CBO had estimated that the Republican plan which I strongly support would decrease some premiums by 5–10 percent.

The Republican alternative focuses on lowering health care premiums for families and small businesses, increasing access to affordable, high-quality care, and promoting healthier lifestyles—without increasing taxes or adding to the crushing debt Washington has placed on our children and grandchildren and without cutting Medicare.

Obamacare would also create nearly 160 boards, commissions and programs and would vest sweeping powers on bureaucrats to determine what benefits are covered and not and at what cost.

Even though last September, President Obama stood a mere 20 feet away from where I am standing now, and told a joint session of Congress that "no federal dollars will be used to fund abortions, and federal conscience laws will remain in place," his legislation today constitutes the largest expansion of abortion since Roe v. Wade itself, and makes a mockery of that pledge.

Additionally, Obamacare fails to institute real medical liability reforms to end junk lawsuits and curb the costs of defensive medicine—these have long been identified as significant forces in driving up health costs.

The goal of responsible health care reform should be to provide credible health insurance coverage for everyone, strengthening the health care safety net so that no one is left out, and incentivizing quality and innovation, as well as healthy behaviors and prevention. This means that the current private health insurance market will have to be reformed to put patients first, and to eliminate denials of preexisting conditions and lifetime caps and promoting portability between jobs and geographic areas, including across state lines. The tax code should be modernized to promote affordability and individual control, provide assistance to low-income and middle-class families. Medicare requires reform to be more efficient and responsive, with sustainable payment rates.

Of course, responsible health care reform will respect basic principles of justice: it will put patients and their doctors in charge of medical decisions, not insurance companies or government bureaucrats. It will also ensure that the lives and health of all persons are respected regardless of stage of development, age or disability.

It's time to go back to the drawing board and address what's broken and fix it.

The American public deserves better than what's on the table.

HONORING MEREDITH O'MALLEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. GRAVES. Madam Speaker, I rise to recognize Meredith O'Malley, a very special young lady who has exemplified the finest qualities of service and citizenship. Meredith has recently been named one of the top youth volunteers in Missouri for 2010 in the 15th annual Prudential Spirit of Community Awards.

Meredith is recognized for this prestigious award because of the positive impact she has made in her community. Her initiative, creativity, and selfless volunteerism make her a worthy recipient. Meredith should be proud to be a model citizen amongst the youth in her community and my congressional district.

Madam Speaker, I am confident Meredith will continue to use her many talents as tools for the betterment of her community and our nation. I respectfully urge you to join me in commending Meredith on this monumental achievement.

AUTHORIZING NEW AWARD PROGRAM FOR SCHOOL WORKERS

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 2010

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in support of H.R. 2377, "To direct the Secretary of Education to establish and administer an awards program recognizing excellence exhibited by public school system employees providing services to students in pre-kindergarten through higher education" introduced by my distinguished colleague from Nevada, Representative TITUS.

The program which shall be known as the "National Classified School Employees of the Year Awards," will allow all of our classified school employees who work as paraprofessionals, clericals, custodial and maintenance, transportation, food and nutrition, skilled trades, health and human services, security, and technical services who provide exceptional service to public schools in the United States that play a vital role in providing for the welfare and safety of students. The awards program established and administered under the Secretary of Education will recognize those who strive for excellence in all areas of service to the education community and will recognize exemplary employees for their outstanding contributions to quality education in the United States.

Nominations will be submitted to the Secretary of Education by a chief state school officer no later than November 1 and shall consider nominations from local education agencies, school administrators, labor unions and professional associations based on work performance, school and community involvement, leadership and commitment, and local support. Prior to March 31, the Secretary of Education shall select an employee from each occupational specialty to receive an award under this recognition program.

I believe in recognizing those individuals who take time out to make a difference in the lives of our young people and I feel that the "National Classified School Employees of the Year Awards," will highlight the great work put forth by great people who have a great impact not only in the lives of our children, but in the area of education and in our local communities. I would like to personally thank all of those who work and contribute to the area of education through their selfless service and tireless efforts.

HONORING MEGAN CORBIN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. GRAVES. Madam Speaker, I rise to recognize Megan Corbin, a very special young lady who has exemplified the finest qualities of service and citizenship. Megan has recently been named one of the top youth volunteers in Missouri for 2010 in the 15th annual Prudential Spirit of Community Awards.

Megan is recognized for this prestigious award because of the positive impact she has made in her community. Her initiative, creativity, and selfless volunteerism make her a worthy recipient. Megan should be proud to be a model citizen amongst the youth in her community and my congressional district.

Madam Speaker, I am confident Megan will continue to use her many talents as tools for the betterment of her community and our nation. I respectfully urge you to join me in commending Megan on this monumental achievement.

H. CON. RES. 248, THE AFGHANISTAN WAR POWERS ACT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. VAN HOLLEN. Madam Speaker, I rise in opposition to this resolution. The immediate

withdrawal of American and NATO forces from Afghanistan would put our Nation at greater risk of another 9/11 type attack from al Qaeda.

Unlike the Iraq war, the war in Afghanistan is not a war of our choosing. As President Obama pointed out during his speech at West Point last year, our troops are in the field because on September 11, 2001, al Qaeda launched a direct attack on the United States—killing thousands of innocent Americans. The United States is fully justified in taking action against al Qaeda and the Taliban and we continue to have the strong backing of our NATO allies and the international community.

Unfortunately, under the Bush Administration, many of our troops and resources were diverted away from Afghanistan to Iraq. As a result, al Qaeda and the Taliban began to regain strength and al Qaeda continues to plot against Americans from the Afghanistan-Pakistan border region. During his campaign for president, Barack Obama made it clear that he would end America's involvement in the war in Iraq and focus U.S. efforts on al Qaeda.

While there is no doubt that al Qaeda operates in parts of Yemen, Sudan, Somalia, and other areas, the Afghanistan-Pakistan border region remains the operational and ideological center for al Qaeda's global operations. The president is right to conclude that allowing al Qaeda to operate there unchecked poses a serious security risk to the U.S. and American citizens around the world.

The immediate withdrawal of U.S. forces from Afghanistan would have two immediate consequences. First, it would immediately strengthen the hand of the most extremist Taliban leaders (those most closely tied to al Qaeda), undercutting any leverage behind ongoing efforts to get some Taliban fighters to lay down their arms and it would also undermine Afghan President Hamid Karzai's new initiative to reach a political accommodation with the members of the Taliban open to national reconciliation. If such a political solution is undermined and the old Taliban regime retakes control of Afghanistan, they will again turn that country into a safe haven for expanded al Qaeda operations. It would also lead to the return of an extreme Taliban regime that encourages horrendous acts like pouring gasoline into the eyes of girls who attempt to go to school. Second, an immediate withdrawal of NATO forces would weaken Pakistan's resolve to confront the Pakistani Taliban, the Afghan Taliban, and al Qaeda. The most promising development over the last year has been the Government of Pakistan's willingness to fight the growing menace of the Pakistani Taliban. In addition, very recently, the Pakistani government has also shown a willingness to confront elements of the Afghan Taliban. The recent capture of Mullah Bandar, the operational chief of the Afghan Taliban, and two Afghan Taliban shadow governors, demonstrates this progress. The withdrawal of U.S. forces from Afghanistan would sabotage those nascent efforts. Why should the Pakistani forces confront the Afghan Taliban if the U.S. walks away now?

President Obama has developed a carefully considered and comprehensive strategy for Afghanistan and Pakistan that relies not only on the use of troops but also on the use civilian resources.

The strategy has three parts. First, coalition forces will reverse the Taliban's momentum by working to stabilize major population centers and accelerate the expansion of the Afghan national security forces.

Second, the U.S. will work with its partners to create a more effective civilian strategy—with the goal of establishing sustainable economic opportunities for Afghans and strengthening the country's national and local governance structures.

Third, the strategy engages Pakistan as a full partner in these efforts. As a result of better coordination between our two countries, for the first time since the beginning of the war, al Qaeda and the Taliban are being genuinely challenged by the Pakistan military.

The president's strategy contains a timeline which initiates a responsible redeployment of American troops in July 2011. He has established this timeline to send a clear message to the Afghan government that they must take seriously their role in creating a stable Afghanistan and to communicate to the people of Afghanistan that the U.S. has no interest in an open-ended engagement in their country.

The new strategy has already shown promising signs of success. We should not undermine this effort by the immediate and total withdrawal of all U.S./NATO forces.

IRAN EXECUTES OPPOSITION ACTIVISTS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. POE. Madam Speaker, freedom is rarely free. When you don't have it, you're under someone else's yolk, someone else's power. And for you to get it, you have to take that power from the oppressor. And while history has recorded some peaceful transitions, the transfer of power most often comes with the shedding of blood. So freedom has to be desired, yearned for, knowing that the struggle for it could cost you your life but is worth it—if not for you to enjoy, then for your children and grandchildren.

The totalitarian regime in Tehran has tortured, imprisoned, and executed thousands simply because they wanted to be free. On January 28, it continued its brutal oppression with the first known executions of opposition activists since unrest broke out following June's disputed presidential elections. Mohammad Reza Ali Zamani and Arash Rahmanipour were men that courageously made the choice to stand up to their oppressor. Faced with the choice between suffering under the indefinite rule of an oppressive regime and giving their lives so that others might be free, they selflessly chose the latter. We honor their sacrifice by continuing their fight so that all Iranians may one day be free.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. PUTNAM. Madam Speaker, on Tuesday, March 16, 2010, I was not present for 4 recorded votes. Had I been present, I would have voted the following way: roll No. 116—yea, roll No. 117—yea, roll No. 118—yea, roll No. 119—yea.

RECOGNIZING PERSECUTION OF FALUN GONG

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 2010

Mr. HOLT. Mr. Speaker, I rise today in strong support of House Resolution 605. I am pleased to cosponsor this resolution, which recognizes the continued persecution of Falun Gong practitioners in China. The peace-loving people who practice Falun Gong have endured the Chinese Government's coordinated campaign to delegitimize and eradicate their belief system for over a decade. In China, Falun Gong has been officially labeled an 'evil cult,' and its practitioners have suffered censorship, extrajudicial arrests and detentions, involuntary reeducation through labor, torture, and even death for their personal beliefs.

Disappearances of Falun Gong practitioners are not uncommon and are especially difficult for family members who must live in uncertainty about the fate of their loved ones. I recently was informed by one of my constituents about the heartbreaking case of Jiang Feng, who simply vanished after going through airport security at Shanghai's Pudong Airport and before he made it to the gate for his flight to Newark, NJ. Jiang Feng and his wife, Mei Xuan, both are Falun Gong practitioners and were arrested in the 1999 crackdown. Because of repeated imprisonments, the couple has been separated for most of their decade-long marriage. Mei Xuan is a well-known musician in Shen Yun Performing Arts, which rekindles the traditional Chinese arts and portrays current events, including the persecution of Falun Dong practitioners. She was expecting finally to reunite with her husband here in the United States. Now, she awaits word on his whereabouts and his fate, fearing the worst.

Stories like Mei Xuan's are far too common. As Americans and members of the international community, we have a responsibility to speak out against persecution and to stand up for the truths and unalienable rights that we hold dear. Falun Gong practitioners, and all those seeking to exercise the universal right to freely practice the religion of their choice and to express their beliefs openly, deserve profound U.S. leadership on their behalf. I am pleased to vote for this resolution and to give voice to all those who continue to suffer needlessly and cannot speak for themselves.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. PUTNAM. Madam Speaker, on Monday, March 15, 2010, I was not present for 4 recorded votes. Had I been present, I would have voted the following way: roll No. 112—yea; roll No. 113—yea; roll No. 114—yea; roll No. 115—yea.

HONORING BRAIN AWARENESS WEEK

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Mr. HOLT. Madam Speaker, I rise today to commemorate Brain Awareness Week supported by the Society for Neuroscience and nearly 2,400 other organizations, by highlighting a serious brain condition that affects a large number of our men and women in uniform: Traumatic Brain Injury, TBI.

Each year, up to 30,000 of our combat soldiers in Iraq and Afghanistan and an estimated 1.5 million Americans sustain a traumatic brain injury. Some patients are fortunate and heal with few long-term symptoms. Other patients suffer significant disabilities for the rest of their lives, while others pass away as a result of their brain injury. In New Jersey, there are approximately 9,000 traumatic brain injuries a year, ten percent of which prove fatal.

Research is needed to understand why some patients recover while others face long-term health issues from brain trauma. One of the key reasons for this is from secondary conditions that occur after the initial injury, such as insufficient blood flow to the brain, insufficient blood oxygen, or brain swelling. We must invest in more research to learn how to halt or prevent these secondary conditions to help more patients recover.

There is no standard treatment for traumatic brain injury. Neuroscience research has contributed significantly in discovering new medical treatments for TBI patients. For instance, this month the Pentagon announced a new military policy where soldiers who have experienced a vehicle or roadside blast would be pulled from the war zone, evaluated for 24 hours, and checked for mild traumatic brain injury. This policy change was the result of research that showed that immediately examining and treating our troops reduces the chances of negative effects of serious head injuries.

As a member of the Congressional Brain Injury Task Force, I believe we must continue to invest in innovative research to understand and treat brain injury in order to ensure a better quality of life for our soldiers and citizens struggling with this condition. For this reason, along with many others, I ask my colleagues to support a strong research investment in this year's budget, which will improve treatments for brain injury and other health conditions while laying the groundwork for our future economic growth.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 18, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 22

2 p.m.

Commission on Security and Cooperation in Europe

To receive a briefing on minorities and members of immigrant communities, focusing on reported instances of racial and ethnic profiling by police throughout the Organization for Security and Co-operation in Europe (OCSE) region.

CVC

4 p.m.

Banking, Housing, and Urban Affairs

Business meeting to consider an original bill entitled, ''Restoring American Financial Stability Act of 2010''.

SD–538

MARCH 23

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of Elizabeth A. McGrath, of Virginia, to be Deputy Chief Management Officer, Michael J. McCord, of Virginia, to be Principal Deputy Under Secretary, Comptroller, Sharon E. Burke, of Maryland, to be Director of Operational Energy Plans and Programs, Solomon B. Watson IV, of New York, to be General Counsel of the Department of the Army, and Katherine Hammack, of Arizona, to be Assistant Secretary of the Army, all of the Department of Defense.

SH–216

Judiciary

To hold an oversight hearing to examine the Department of Justice.

SD–226

11 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the nomination of Major General Robert A. Harding, United States Army (Retired), of Virginia, to be Administrator of the Transportation Security Administration and to be Assistant Secretary of Homeland Security.

SR–253

2:15 p.m.

Foreign Relations

Business meeting to consider S. 1382, to improve and expand the Peace Corps for the 21st century, S. 2839, to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for treatment of victims of torture, S. 624, to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005, S. Res. 409, calling on members of the Parliament in Uganda to reject the proposed ''Anti-Homosexuality Bill'', Convention Between the Government of the United States of America and the Government of Malta for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed on August 8, 2008, at Valletta (Treaty Doc. 111–01), Protocol Amending the Convention between the United States of America and New Zealand for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion With Respect to Taxes on Income, signed on December 1, 2008, at Washington (Treaty Doc. 111–03), and the nominations of Elizabeth L. Littlefield, of the District of Columbia, to be President of the Overseas Private Investment Corporation, Carolyn Hessler Radelet, of the District of Columbia, to be Deputy Director of the Peace Corps, Raul Yzaguirre, of Maryland, to be Ambassador to the Dominican Republic, Theodore Sedgwick, of Virginia, to be Ambassador to the Slovak Republic, and Bisa Williams, of New Jersey, to be Ambassador to the Republic of Niger, all of the Department of State, Lana Pollack, of Michigan, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada, and Walter Isaacson, of Louisiana, to be Chairman of the Broadcasting Board of Governors, and Dennis Mulhaupt, of California, Victor H. Ashe, of Tennessee, Michael Lynton, of California, S. Enders Wimbush, of Virginia, and Susan McCue, of Virginia, all to be a Member of the Broadcasting Board of Governors, and a routine list in the Foreign Service.

S–116, Capitol

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine reviewing the national broadband plan.

SR–253

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine making the government more transparent and accountable.

SD–342

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 1546, to provide for the conveyance of certain parcels of land to the town of Mantua, Utah, S. 2798, to reduce the risk of catastrophic wildfire through the facilitation of insect and disease infestation treatment of National Forest System and adjacent land, S. 2830, to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects, and S. 2963, to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land.

SD–366

MARCH 24

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine Veterans' Affairs plan for ending homelessness among veterans.

SR–418

10 a.m.

Environment and Public Works

To hold hearings to examine opportunities to improve energy security and the

environment through transportation policy.

SD–406

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Major General Robert A. Harding, United States Army (Retired), of Virginia, to be Assistant Secretary of Homeland Security.

SD–342

Armed Services

Personnel Subcommittee

To hold hearings to examine Military Health System programs, policies, and initiatives in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program.

SR–232A

1:30 p.m.

Small Business and Entrepreneurship

To examine the President's proposed budget request for fiscal year 2011 for the Small Business Administration.

SR–485

2 p.m.

Aging

To hold hearings to examine medicine and prescription drugs, focusing on nursing home patients.

SD–106

2:30 p.m.

Homeland Security and Governmental Affairs

Contracting Oversight Subcommittee

To hold hearings to examine contracts for Afghan National Police training.

SD–342

Armed Services

To hold hearings to examine U.S. Pacific Command, U.S. Strategic Command, and U.S. Forces Korea in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session.

SH–216

Appropriations

Financial Services and General Government Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Office of Personnel Management.

SD–192

Judiciary

To hold hearings to examine the nomination of Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit.

SD–226

MARCH 25

9:30 a.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine Wall Street and the financial crisis, focusing on high risk home loans.

SH–216

Appropriations

Transportation, Housing and Urban Development, and Related Agencies Subcommittee

To hold hearings to examine the review and oversight of the Federal Housing Administration and its role in the housing crisis.

SD–138

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine youth suicides and the need for mental health care resources in Indian country.

SD–628

APRIL 14

9:30 a.m.

Armed Services

SeaPower Subcommittee

To hold hearings to examine Navy shipbuilding programs in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program.

SD–562

Daily Digest

HIGHLIGHTS

Senate agreed to the motion to concur in the amendments of the House of Representatives to the amendment of the Senate to the amendment of the House to the amendment of the Senate to H.R. 2847, Commerce, Justice, Science, and Related Agencies Appropriations Act. (The legislative vehicle entitled, "The HIRE Act".)

Senate began consideration of the impeachment proceedings of G. Thomas Porteous, Jr., Judge of the United States District Court for the Eastern District of Louisiana.

Senate

Chamber Action

Routine Proceedings, pages S1633–S1684

Measures Introduced: Five bills and four resolutions were introduced, as follows: S. 3131–3135, and S. Res. 457–460. **Page S1670**

Measures Passed:

Issuance of a Summons and Related Procedures for Impeachment Against Judge G. Thomas Porteous, Jr.: Senate agreed to S. Res. 457, to provide for issuance of a summons and for related procedures concerning the articles of impeachment against G. Thomas Porteous, Jr. **Pages S1646–47**

Appointment of a Committee for Impeachment Against Judge G. Thomas Porteous, Jr.: Senate agreed to S. Res. 458, to provide for the appointment of a committee to receive and to report evidence with respect to articles of impeachment against Judge G. Thomas Porteous, Jr. **Page S1647**

50th Anniversary of KICY Radio: Senate agreed to S. Res. 459, congratulating KICY Radio for 50 years of service to western Alaska and the Russian Far East. **Page S1679**

100th Anniversary of the Long Trail: Senate agreed to S. Res. 460, recognizing the importance of the Long Trail and the Green Mountain Club on the 100th anniversary of the Long Trail. **Pages S1679–80**

Congressional Award Program Reauthorization Act: Senate passed S. 2865, to reauthorize the Congressional Award Act (2 U.S.C. 801 et seq.). **Page S1680**

Fair Sentencing Act: Senate passed S. 1789, to restore fairness to Federal cocaine sentencing, after agreeing to the committee amendment in the nature of a substitute. **Pages S1680–83**

Measures Considered:

Impeachment of Judge G. Thomas Porteous, Jr.: Senate, sitting as a Court of Impeachment, began consideration of the impeachment proceedings of G. Thomas Porteous, Jr., Judge of the United States District Court for the Eastern District of Louisiana, taking the following action:

Subsequently, the Senate received the managers appointed by the House of Representatives who presented and exhibited Articles of Impeachment against G. Thomas Porteous, Jr., Judge of the United States District Court for the Eastern District of Louisiana, and the oath was administered to Senators by the Acting President pro tempore. **Pages S1644–46**

Appointments:

Impeachment Trial Committee: The Chair, upon the recommendation of the Majority Leader, and in accordance with the resolution on the appointment of an impeachment trial committee, appointed the following Senators to the Impeachment Trial Committee: Senators McCaskill (Chairman), Klobuchar, Whitehouse, Udall (NM), Shaheen, and Kaufman. **Page S1647**

Impeachment Trial Committee: The Chair, upon the recommendation of the Republican Leader, and in accordance with the resolution on the appointment of an impeachment trial committee, appointed

the following Senators to the Impeachment Trial Committee: Senators Hatch (Vice Chairman), Barrasso, DeMint, Johanns, Risch, and Wicker. **Page S1647**

Impeachment Trial Committee and Impeachment Rule XI: The Chair, upon the recommendations of the two Leaders, and pursuant to the resolution on the appointment of an impeachment trial committee and Impeachment Rule XI, appointed the following Senators to be members of the committee to receive and report evidence in the impeachment of Judge G. Thomas Porteous, Jr.: Senators McCaskill (Chairman), Klobuchar, Whitehouse, Udall (NM), Shaheen, Kaufman, Hatch (Vice Chairman), Barrasso, DeMint, Johanns, Risch, and Wicker. **Page S1647**

Tax on Bonuses Received From Certain TARP Recipients—Agreement: Senate continued consideration of H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients, taking action on the following amendments proposed thereto: **Pages S1647–49, S1652–64**

Pending:

Rockefeller Amendment No. 3452, in the nature of a substitute. **Page S1647**

Sessions/McCaskill Modified Amendment No. 3453 (to Amendment No. 3452), to reduce the deficit by establishing discretionary spending caps. **Page S1647**

McCain/Bayh Amendment No. 3475 (to Amendment No. 3452), to prohibit earmarks in years in which there is a deficit. **Page S1647**

McCain Amendment No. 3527 (to Amendment No. 3452), to require the Administrator of the Federal Aviation Administration to develop a financing proposal for fully funding the development and implementation of technology for the Next Generation Air Transportation System. **Page S1647**

McCain Amendment No. 3528 (to Amendment No. 3452), to provide standards for determining whether the substantial restoration of the natural quiet and experience of the Grand Canyon National Park has been achieved and to clarify regulatory authority with respect to commercial air tours operating over the Park. **Page S1648**

Pryor Amendment No. 3548 (to Amendment 3452), to reduce the deficit by establishing discretionary spending caps. **Pages S1657–60, S1664**

A unanimous-consent agreement was reached providing that notwithstanding the March 16, 2010, adoption of Rockefeller (for Reid/Ensign) Amendment No. 3467 (to Amendment No. 3452), to authorize Clark County, Nevada, to permit the use of certain lands in the Las Vegas McCarran International Airport Environs Overlay District for transient lodging and associated facilities, that it be modified with the changes at the desk. **Page S1644**

A unanimous-consent agreement was reached providing for further consideration of the bill at 10:30 a.m., on Thursday, March, 18, 2010,and Senate then debate concurrently Sessions/McCaskill Modified Amendment No. 3453 (to Amendment No. 3452) (listed above), and Pryor Amendment No. 3548 (to Amendment 3452) (listed above); that the amendments be debated concurrently until 11:30 a.m., with the time equally divided and controlled between Senators Sessions and Pryor, or their designees; with no amendments in order to the amendments prior to the vote; that the amendments then be set aside until 2 p.m., and at 2 p.m., Senate vote on or in relation to the amendments, with Sessions/McCaskill Modified Amendment No. 3453 (to Amendment No. 3452) voted on first in the sequence; that prior to each vote, there be 2 minutes of debate, equally divided and controlled in the usual form. **Page S1683**

House Messages:

Commerce, Justice, Science, and Related Agencies Appropriations Act—House Message: By 68 yeas to 29 nays (Vote No. 55), Senate agreed to the motion to concur in the amendments of the House of Representatives to the amendment of the Senate to the amendment of the House to the amendment of the Senate to H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, after taking action on the following motions and amendments proposed thereto: **Pages S1633–38**

Withdrawn:

Durbin motion to concur in the amendments of the House to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill, with Durbin Amendment No. 3498 (to the motion to concur in the amendments of the House to the amendment of the Senate to the amendment of the House to the amendment of the Senate), of a perfecting nature. **Page S1633**

During consideration of this measure today, Senate also took the following action:

Durbin Amendment No. 3499 (to Amendment No. 3498), of a perfecting nature, fell when Durbin motion to concur in the amendments of the House to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill, with Durbin Amendment No. 3498 (to the motion to concur in the amendments of the House to the amendment of the Senate to the amendment of the House to the amendment of the Senate), of a perfecting nature was withdrawn. **Page S1633**

By 63 yeas to 34 nays (Vote No. 54), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to waive pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, with respect to Durbin motion to concur in the amendments of the House to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill. Subsequently, the point of order that the bill was in violation of section 311(a)(2) of the Congressional Budget Act of 1974, was not sustained. **Pages S1634–35**

Appointments:

On Monday, March 15, 2010, the appointment should have read:

President's Export Council: The Chair, pursuant to Executive Order 12131, as amended and extended, reappointed and appointed the following Members to the President's Export Council:

Reappointment:

Senator Stabenow

Senator Brown (OH)

Appointment: Senator Wyden vice Senator Dorgan

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that the Majority Leader be authorized to sign any duly enrolled bills or joint resolutions Wednesday, March 17, 2010 and Thursday, March 18, 2010. **Page S1644**

Nomination Confirmed: Senate confirmed the following nomination:

By unanimous vote of 98 yeas (Vote No. EX. 56), O. Rogeriee Thompson, of Rhode Island, to be United States Circuit Judge for the First Circuit. **Pages S1649–52, S1684**

Nominations Received: Senate received the following nominations:

Leonard Philip Stark, of Delaware, to be United States District Judge for the District of Delaware.

Amy Totenberg, of Georgia, to be United States District Judge for the Northern District of Georgia.

30 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

2 Marine Corps nominations in the rank of general.

1 Navy nomination in the rank of admiral. **Pages S1683–84**

Messages from the House: **Page S1669**

Measures Referred: **Page S1669**

Executive Communications: **Pages S1669–70**

Additional Cosponsors: **Pages S1670–71**

Statements on Introduced Bills/Resolutions: **Pages S1671–74**

Additional Statements: **Page S1666**

Amendments Submitted: **Pages S1674–78**

Notices of Hearings/Meetings: **Page S1678**

Authorities for Committees to Meet: **Pages S1678–79**

Record Votes: Three record votes were taken today. (Total—56) **Pages S1635, S1637–38, S1652**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:20 p.m., until 9:30 a.m. on Thursday, March 18, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S1683.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: UNITED STATES FOREST SERVICE

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2011 for the United States Forest Service, after receiving testimony from Tom Tidwell, Chief, Forest Service, Department of Agriculture.

APPROPRIATIONS: NAVY

Committee on Appropriations: Subcommittee on Defense concluded a hearing to examine proposed budget estimates for fiscal year 2011 for the Navy, after receiving testimony from Ray Mabus, Secretary of the Navy, Admiral Gary Roughead, Chief of Naval Operations, and General James T. Conway, Commandant of the Marine Corps, all of the Department of Defense.

DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

Committee on Armed Services: Subcommittee on Strategic Forces concluded open and closed hearings to examine strategic forces programs in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program, after receiving testimony from Lieutenant General Frank G. Klotz, USAF, Commander, Air Force Global Strike Command, Lieutenant General Mark D. Shackelford, USAF, Military Deputy, Office of the Assistant Secretary for Acquisition, Major General C. Donald Alston, USAF, Assistant Chief of Staff, Strategic Deterrence and Nuclear Integration, and Major General David J. Scott, USAF, Director, Operational Capability Requirements and Deputy Chief of Staff for Operations, Plans and Requirements, all of the

United States Air Force, Bradley H. Roberts, Deputy Assistant Secretary for Nuclear and Missile Defense Policy, and Rear Admiral Stephen E. Johnson, USN, Director, Strategic Systems Programs, United States Navy, all of the Department of Defense.

FEDERAL TRADE COMMISSION

Committee on Commerce, Science, and Transportation: Subcommittee on Consumer Protection, Product Safety, and Insurance concluded a hearing to examine financial services and products, focusing on the role of the Federal Trade Commission in protecting consumers, after receiving testimony from J. Thomas Rosch, Commissioner, Federal Trade Commission; Edmund Mierzwinski, Federation of State Public Interest Research Groups, Timothy J. Muris, George Mason University School of Law, and Linda A. Woolley, Direct Marketing Association, all of Washington, D.C.; and Dee Pridgen, University of Wyoming College of Law, Laramie.

NOMINATION

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the nomination of Jeffrey A. Lane, of Virginia, to be Assistant Secretary of Energy for Congressional and Intergovernmental Affairs, after the nominee, who was introduced by Senator Bennet, testified and answered questions in his own behalf.

NATIONAL PARKS BILLS

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded a hearing to examine S. 553, to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along Lake Superior's north shore and in Superior National Forest and Chippewa National Forest, S. 1017, to reauthorize the Cane River National Heritage Area Commission and expand the boundaries of the Cane River National Heritage Area in the State of Louisiana, S. 1018, to authorize the Secretary of the Interior to enter into an agreement with Northwestern State University in Natchitoches, Louisiana, to construct a curatorial center for the use of Cane River Creole National Historical Park, the National Center for Preservation Technology and Training, and the University, S. 1537, to authorize the Secretary of the Interior, acting through the Director of the National Park Service, to designate the Dr. Norman E. Borlaug Birthplace and Childhood Home in Cresco, Iowa, as a National Historic Site and as a unit of the National Park System, S. 1629, to authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the state of Illinois, S. 2892, to establish the Alabama Black Belt National Heritage Area, S. 2933, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating the Colonel Charles Young Home in Xenia, Ohio, as a unit of the National Park System, S. 2951, to authorize funding to protect and conserve lands contiguous with the Blue Ridge Parkway to serve the public, and H.R. 3804, to make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities, after receiving testimony from Senator Burris; Daniel Wenk, Deputy Director for Operations, National Park Service, Department of the Interior; and Reid Wilson, Conservation Trust for North Carolina, Raleigh.

EPA EFFORTS TO PROTECT CHILDREN'S HEALTH

Committee on Environment and Public Works: Committee concluded a hearing to examine the Government Accountability Office's investigation of the Environmental Protection Agency's (EPA's) efforts to protect children's health, after receiving testimony from Peter Grevatt, Director, Office of Children's Health Protection and Environmental Education, Environmental Protection Agency; John B. Stephenson, Director, Natural Resources and Development, Government Accountability Office; Gina M. Solomon, Natural Resource Defense Council, Berkeley, California; Cynthia Bearer, University of Maryland School of Medicine, Baltimore, on behalf of the Children's Environmental Health Network; and Ted Schettler, Science and Environmental Health Network, Ann Arbor, Michigan.

NOMINATION

Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of Mari Carmen Aponte, of the District of Columbia, to be Ambassador to the Republic of El Salvador, Department of State, after the nominee, who was introduced by Representative Velázquez, testified and answered questions in her own behalf.

CHRISTMAS DAY ATTACK IMPLICATIONS

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the lessons and implications of the Christmas day attack, focusing on intelligence reform and interagency integration, after receiving testimony from Benjamin A. Powell, former General Counsel, Office of the Director of National Intelligence; Jeffrey H. Smith, former General Counsel, Central Intelligence Agency; and Rick Nelson, Center for Strategic and International Studies, Washington, D.C.

ELEMENTARY AND SECONDARY EDUCATION ACT

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine the Elementary and Secondary Education Act (ESEA) reauthorization, focusing on the Obama Administration's ESEA reauthorization priorities, after receiving testimony from Arne Duncan, Secretary of Education.

BANKRUPTCY REFORM AND SMALL BUSINESS

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts concluded a hearing to examine bankruptcy reform, focusing on small business jobs, after receiving testimony from Judge Thomas B. Bennett, United States Bankruptcy Court for the Northern District of Alabama, Birmingham; Judge A. Thomas Small (Ret.), United States Bankruptcy Court for the Eastern District of North Carolina, Fairfax, Virginia, on behalf of the National Bankruptcy Conference; Edward D. Mendenhall, Jr., East Bay Fitness, Warren, Rhode Island; Charles D. Bullock, Stevenson and Bullock, P.L.C., Southfield, Michigan; and Joseph R. Mason, Louisiana State University, Baton Rouge.

RISING DRUG PRICES FOR SENIORS

Special Committee on Aging: Committee concluded a hearing to examine seniors, focusing on rising drug prices, the Part D program, beneficiary out-of-pocket costs, and efforts to obtain price concessions for certain high-cost drugs, after receiving testimony from John E. Dicken, Director, Health Care, Government Accountability Office; Gerard Anderson, Johns Hopkins University Center for Hospital Finance and Management, Baltimore, Maryland; John E. Calfee, American Enterprise Institute, Washington, D.C.; Gregory Hamilton, Algonquin, Illinois; and Willafay H. McKenna, Williamsburg, Virginia.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 10 public bills, H.R. 4865–4871, 4873–4875; and 2 resolutions, H. Res. 1188–1189 were introduced.

Page H1595

Additional Cosponsors: **Pages H1595–96**

Reports Filed: Reports were filed today as follows:

H. Res. 1190, providing for consideration of motions to suspend the rules (H. Rept. 111–441);

H.R. 4715, to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program (H. Rept. 111–442); and

H.R. 4872, to provide for reconciliation pursuant to section 202 of the concurrent resolution on the budget for fiscal year 2010 (H. Rept. 111–443).

Page H1595

Chaplain: The prayer was offered by the Guest Chaplain, Bishop Jerry Hutchins, Timothy Baptist Church, Athens, Georgia. **Page H1521**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Honoring the accomplishments of Supreme Court Justice Sandra Day O'Connor: H. Res. 1141, to honor the accomplishments of Supreme Court Justice Sandra Day O'Connor, the first woman to serve on the United States Supreme Court, by a yea-and-nay vote of 416 yeas with none voting "nay", Roll No. 123; **Pages H1524–26, H1558**

Prevent All Cigarette Trafficking Act: S. 1147, to prevent tobacco smuggling and to ensure the collection of all tobacco taxes, by a yea-nay vote of 387 yeas to 25 nays, Roll No. 124;

Pages H1526–35, H1558–59

Plain Writing Act of 2010: H.R. 946, amended, to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, by a ⅔ yea-and-nay vote of 386 yeas to 33 nays, Roll No. 126; **Pages H1538–40, H1560**

Electronic Message Preservation Act: H.R. 1387, amended, to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies and to require a certification and reports relating to Presidential records; **Pages H1540–42**

Requiring any amounts remaining in a Member's Representational Allowance at the end of a fiscal year to be deposited in the Treasury: H.R. 4825, amended, to require any amounts remaining in a Member's Representational Allowance at the end of a fiscal year to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt, by a ⅔ yea-and-nay vote of 413 yeas to 1 nay, Roll No. 127; **Pages H1542–44, H1561**

Agreed to amend the title so as to read: "To direct unused appropriations for Members' Representational Allowances to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt.". **Page H1561**

Florida National Forest Land Adjustment Act: H.R. 3954, amended, to release Federal reversionary interests retained on certain lands acquired in the State of Florida under the Bankhead-Jones Farm Tenant Act, to authorize the interchange of National Forest System land and State land in Florida, and to authorize an additional conveyance under the Florida National Forest Land Management Act of 2003, by a ⅔ yea-and-nay vote of 418 yeas to 1 nay, Roll No. 125; **Pages H1546–48, H1559–60**

Continuing Extension Act of 2010: H.R. 4851, amended, to provide a temporary extension of certain programs; and **Pages H1548–53**

Federal Aviation Administration Extension Act of 2010: H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund and to amend title 49, United States Code, to extend authorizations for the airport improvement program. **Pages H1553–58**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Tuesday, March 16th:

Recognizing the 150th anniversary of Augustana College: H. Res. 1089, amended, to recognize the 150th anniversary of Augustana College, by a ⅔ yea-and-nay vote of 421 yeas with none voting "nay", Roll No. 120; **Page H1535**

Agreed to amend the title so as to read: "Recognizing the 150th anniversary of Augustana College in Rock Island, Illinois.". **Page H1535**

Expressing the support of the House of Representatives for the goals and ideals of Professional Social Work Month and World Social Work Day: H. Res. 1167, to express the support of the House of Representatives for the goals and ideals of Professional Social Work Month and World Social Work Day, by a ⅔ yea-and-nay vote of 419 yeas with none voting "nay", Roll No. 121; and **Pages H1535–36**

Congratulating the 2009–2010 University of Maryland Men's Basketball Team: H. Res. 1184, to congratulate the 2009–2010 University of Maryland Men's Basketball Team, Greivis Vasquez, and Coach Gary Williams on an outstanding season, by a ⅔ yea-and-nay vote of 279 yeas to 132 nays with 6 voting "present", Roll No. 122. **Pages H1536–37**

Recess: The House recessed at 11:45 a.m. and reconvened at 1:47 p.m. **Page H1537**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Roy Wilson Post Office Designation Act: H.R. 4214, to designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the "Roy Wilson Post Office"; **Pages H1537–38**

State Admission Day Recognition Act: H.R. 3542, amended, to direct the Architect of the Capitol to fly the flag of a State over the Capitol each year on the anniversary of the date of the State's admission to the Union; and **Pages H1544–45**

Agricultural Credit Act: H.R. 3509, to reauthorize State agricultural mediation programs under title V of the Agricultural Credit Act of 1987. **Page H1545**

Senate Messages: Messages received from the Senate today appear on pages H1535 and H1562–63.

Senate Referrals: S. 1782 was held at the desk. **Page H1535**

Quorum Calls—Votes: Eight yea-and-nay votes developed during the proceedings of today and appear on pages H1535, H1536, H1536–37, H1558, H1559, H1559–60, H1560 and H1561. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:49 p.m.

Committee Meetings

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies held a hearing on NOAA FY 2011 Budget. Testimony was heard from Jane Lubchenco, Under Secretary, Oceans and Atmosphere and NOAA Administrator, Department of Commerce.

The Subcommittee also held a hearing on FBI FY 2011 Budget. Testimony was heard from Robert S. Mueller, Director, FBI, Department of Justice.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on Contingency Contracting. Testimony was heard from the following officials of the Department of Defense: Shay Assad, Director, Defense Procurement, Acquisition Policy and Strategic Sourcing; and Jeff Parson, Executive Director, Army Contracting Command; and William Solis, Director, Defense Capabilities and Management Team, GAO.

ENERGY AND WATER DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development, and Related Agencies held a hearing on Department of Energy: Energy Efficiency and Renewable Energy, Fossil Energy, Electricity Delivery and Energy Reliability 2011 Budget. Testimony was heard from the following officials of the Department of Energy: Kristina Johnson, Under Secretary; Cathy Zoi, Assistant Secretary, Energy Efficiency and Renewable Energy; James Markowsky, Assistant Secretary, Fossil Energy; and Patricia A. Hoffman, Director, Electricity Delivery and Energy Reliability.

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Financial Services and General Government held a hearing on FY 2011 Budget for the SEC. Testimony was heard from Mary Schapiro, Chairman, SEC.

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Coast Guard FY 2011 Budget. Testimony was heard from ADM Thad W. Allen, USCG, Commandant, U.S. Coast Guard, Department of Homeland Security.

INTERIOR, ENVIRONMENT AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior, Environment and Related Agencies held a hearing on Bridging Cultures: The National Endowment for the Humanities FY 2011 Budget Request. Testimony was heard from Jim Leach, Chairman, National Endowment for the Humanities.

The Subcommittee also held a hearing on Holocaust Memorial Museum, Eisenhower Memorial Commission. Testimony was heard from Sara Bloomfield, Director, Holocaust Memorial Museum; and BG Carl W. Reddel, USAF (ret.), Executive Director, Eisenhower Memorial Commission.

The Subcommittee also held a hearing on FY 2011 Budget for the Fish and Wildlife Service: Sustainable Conservation; Species, Partnerships and Science. Testimony was heard from the following officials of the Department of the Interior: Thomas Strickland, Assistant Secretary, Fish and Wildlife and Parks; and Rowan Gould, Acting Director, Fish and Wildlife Service.

LABOR, HHS, EDUCATION AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies held a hearing on Labor and Education Priorities/ESEA Reauthorization. Testimony was heard from public witnesses.

LEGISLATIVE BRANCH APPROPRIATIONS

Committee on Appropriations: Subcommittee on Legislative Branch held a hearing on FY 2011 Budgets of the Government Accountability Office, the Congressional Budget Office and the Office of Compliance. Testimony was heard from Gene L. Dodaro, Acting Comptroller of the United States; Douglas Elmendorf, Director, CBO; and Tamara Chrisler, Executive Director, Office of Compliance.

The Subcommittee also held a hearing on FY 2011 Budget of the Architect of the Capitol and Infrastructure Needs. Testimony was heard from Steven Ayers, Acting Architect of the Capitol.

MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction, Veterans Affairs, and Related Agencies held a hearing on Base Realignment and Closure (BRAC). Testimony was heard from the following officials of the Department of Defense: Dorothy Robyn, Deputy Under Secretary (Installations and Environment); L. Larry Hansen, senior official performing the duties of Acting Assistant Secretary of the Army (Installations and Environment); Roger M. Natsuhara, Acting Assistant Secretary of the Navy, Installations and Environment; and Kathleen Ferguson, Deputy Assistant Secretary, Air Installations; Anu Mittal, Director, Natural Resources and Environment, GAO; and a public witness.

The Subcommittee also held a hearing on U.S. Central Command. Testimony was heard from GEN David H. Petraeus, USA, Commander, U.S. Central Command.

TRANSPORTATION, HUD, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies held a hearing on Strengthening Intermodal Connections and Improving Freight Mobility (Including the FY 2011 Budget for FHWA, FMCSA, MARAD, and FRA). Testimony was heard from the following officials of the Department of Transportation: Roy Kienitz, Under Secretary, Policy; Victor Mendez, Administrator, Federal Highway Administration; Anne S. Ferro, Administrator, Federal Motor Carrier Safety Administration; Joseph C. Szabo, Administrator, Federal Railroad Administration; and David Matsuda, Acting Administrator, Maritime Administration.

U.S. CENTRAL/SPECIAL OPERATIONS TRANSPORTATION COMMAND BUDGETS

Committee on Armed Services: Held a hearing on FY 2011 National Defense Authorization Budget Requests from the U.S. Central Command, the U.S. Special Operations Command, and the U.S. Transportation Command. Testimony was heard from the following officials of the Department of Defense: GEN David H. Petraeus, USA, Commander, U.S. Central Command; ADM Eric T. Olson, USN, Commander, U.S. Special Operations Command; and GEN Duncan J. McNabb, USAF, Commander, U.S. Transportation Command.

MILITARY PERSONNEL LEGISLATIVE PRIORITIES

Committee on Armed Services: Subcommittee on Military Personnel held a hearing on military personnel legislative priorities. Testimony was heard from the following officials of the Department of Defense: Clifford L. Stanley, Under Secretary, Personnel and Readiness; MG Thomas P. Bostick, USA, Deputy Chief of Staff, G–1, USA; VADM Mark E. Ferguson, III, USN, Chief of Naval Personnel, Deputy Chief of Naval Operations, USN; LTG Richard Y. Newton, III, USAF, Deputy Chief of Staff, Manpower and Personnel, USAF; and LTG Richard C. Zilmer, USMC, Deputy Commandant, Manpower and Reserve Affairs, USMC.

IRAQ/AFGHANISTAN FORCE PROTECTION

Committee on Armed Services: Subcommittee on Seapower and Expeditionary Forces and the Subcommittee on Air and Land Forces held a joint hearing on force protection equipment programs for operations in Iraq and Afghanistan. Testimony was heard from the following officials of the Department of Defense: BG Michael Brogan, USMC, Commander, Marine Corps Systems Command; LTG Michael L. Oates, USA, Director, Joint Improvised Explosive Device Defeat Organization; BG Peter N. Fuller, USA, Program Executive Officer, Soldier Systems Center, USA; and BG Thomas W. Spoehr, USA, Director, Force Development, USA; and Davi M. D'Agostino. Director, Defense Capabilities and Management, GAO.

ELEMENTARY AND SECONDARY REAUTHORIZATION ACT

Committee on Education and Labor: Held a hearing with the U.S. Secretary of Education on "The Obama Administration's Elementary and Secondary Education Act Reauthorization Blueprint." Testimony was heard from Arne Duncan, Secretary of Education.

REVITALIZING DISTRESSED PUBLIC HOUSING

Committee on Financial Services: Held a hearing entitled "The Administration's Proposal to Revitalize Severely Distressed Public and Assisted Housing: The Choice Neighborhoods Initiative." Testimony was heard from Shaun Donovan, Secretary of Housing and Urban Development; Orlando Cabrera, former Secretary, Public and Assisted Housing, Department of Housing and Urban Development; and public witnesses.

FED BANK SUPERVISION AND MONETARY POLICY

Committee on Financial Services: Held a hearing entitled "Examining the Link Between Fed Bank Supervision and Monetary Policy." Testimony was heard from Ben S. Bernanke, Chairman, Board of Governors, Federal Reserve System; Paul Volcker, Chairman, President's Economic Recovery Advisory Board, and former Chairman, Board of Governors, Federal Reserve System; and public witnesses.

TRANSATLANTIC SECURITY

Committee on Foreign Affairs: Held a hearing on Transatlantic Security in the 21st Century: Do New Threats Require New Approaches? Testimony was heard from Thomas Graham, former Senior Director for Russia, National Security Council; and public witnesses.

U.S.-JAPAN RELATIONS

Committee on Foreign Affairs: Subcommittee on Asia, the Pacific and the Global Environment held a hearing on U.S.-Japan Relations: Enduring Ties, Recent Developments. Testimony was heard from Joseph R. Donovan, Jr., Principal Deputy Secretary, Bureau of East Asian and Pacific Affairs, Department of State; Michael Schiffer, Deputy Assistant Secretary, Asian and Pacific Security Affairs (East Asia), Department of Defense; and public witnesses.

FEDERAL-STATE-LOCAL COUNTERTERRORISM EFFORTS

Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment held a hearing entitled "Working with Communities to Disrupt Terror Plots. " Testimony was heard from Margo Schlanger, Officer for Civil Rights and Civil Liberties, Department of Homeland Security; Brett Hovington, Supervisory Special Agent, Chief. Community Outreach Unit, FBI, Department of Justice; Omar Alomari, Community Engagement Officer, Department of Public Safety, State of Ohio; Leroy Baca, Sheriff, Los Angeles County, Sheriff's Department, State of California; and public witnesses.

AIRPORT CHECKPOINT SECURITY

Committee on Homeland Security: Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled ''An Assessment of Checkpoint Security: Are Our Airports Keeping Passengers Safe?'' Testimony was heard from the following officials of the Department of Homeland Security: Robin Kane, Assistant Administrator, Security Technology, Transportation Security Administration; Bradley Buswell, Deputy Under Secretary, Science and Technology Directorate; and Susan Hallowell, Director, Transportation Security Laboratory; Stephen Lord, Director, Homeland Security and Justice Team, GAO; and public witnesses.

SOUTHEAST ALASKA NATIVE LAND CLAIMS

Committee on Natural Resources: Held a hearing on H.R. 2099, Southeast Alaska Native Land Entitlement Finalization Act. Test. Testimony was heard from Marcilynn Burke, Deputy Director, Programs and Policy, Bureau of Land Management, Department of the Interior; Jay Jensen, Deputy Under Secretary, Natural Resources and Environment, USDA; and public witnesses.

PROPOSED VIRGIN ISLANDS CONSTITUTION

Committee on Natural Resources: Subcommittee on Insular Affairs, Oceans and Wildlife, held an oversight hearing on the Proposed Virgin Islands Constitution from the Fifth Constitutional Convention. Testimony was heard from Jonathan G. Cedarbaum, Deputy Assistant Attorney General, Office of Legal Counsel, Department of Justice; John P. de Longh, Governor, U.S. Virgin Islands; Usie R. Richards, Minority Leader, 28th Legislature of the Virgin Islands; and public witnesses.

FEDERAL EMPLOYMENT INELIGIBILITY FOR DELINQUENT TAXES

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Service, and the District of Columbia held a hearing entitled ''Legislative Hearing on H.R. 4735, To amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.'' Testimony was heard from Beth Tucker, Wage and Investment Deputy Commissioner for Support, IRS, Department of the Treasury; and public witnesses.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Committee on Rules: Committee granted, by voice vote, a rule authorizing the Speaker to entertain motions that the House suspend the rules at any time through the calendar day of March 21, 2010. The rule also provides that the Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration under suspension of the rules pursuant to the resolution.

GOVERNMENT SUPPORT FOR MANUFACTURING INNOVATION

Committee on Science and Technology: Held a hearing on the Future of Manufacturing: What is the Role of the Federal Government in Supporting Innovation by U.S. Manufacturers? Testimony was heard from public witnesses.

BUSINESS INCUBATORS AND JOB CREATION

Committee on Small Business: Held a hearing entitled ''Business Incubators and Their Role in Job Creation.'' Testimony was heard from public witnesses.

FAA'S ON-DEMAND AIRCRAFT OPERATIONS OVERSIGHT

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on FAA's Oversight of On-Demand Aircraft Operation. Testimony was heard from the following officials of the Department of Transportation: Calvin L. Scovel III, Inspector General; and Margaret Gilligan, Associate Administrator, Aviation Safety, FAA; and public witnesses.

U.S. IMPORT/EXPORT VESSEL CAPACITY REQUIREMENTS

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on Capacity of Vessels to Meet U.S. Import and Export Requirements. Testimony was heard from Richard A. Lidinsky, Jr., Chairman, Federal Maritime Commission; and public witnesses.

SMALL BUSINESS AND INFRASTRUCTURE JOBS TAX ACT OF 2010

Committee on Ways and Means: Ordered reported, as amended, H.R. 4849, Small Business and Infrastructure Jobs Tax Act of 2010.

CIA PROGRAMS BUDGET; BRIEFING—DOD QUARTERLY UPDATE

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on CIA Programs. Testimony was heard from Leon Panetta, Director, CIA.

The Committee also met in executive session to receive a briefing on Department of Defense Quarterly Update. The Committee was briefed by departmental witnesses.

COMMITTEE MEETINGS FOR THURSDAY, MARCH 18, 2010

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Legislative Branch, to hold hearings to examine proposed budget estimates for fiscal year 2011 for the Office of the Architect of the Capitol, and the Office of Compliance, 2:30 p.m., SD–138.

Subcommittee on Financial Services and General Government, to hold hearings to examine proposals for addressing the current financial situation facing the United States Postal Service, 2:30 p.m., SD–192.

Committee on Armed Services: to resume hearings to examine the ''Don't Ask, Don't Tell'' policy, 9:45 a.m., SH–216.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the nominations of Robert J. Papp Jr., to be a Commandant of the United States Coast Guard, Department of Homeland Security, Larry Robinson, of Florida, to be Assistant Secretary of Commerce for Oceans and Atmosphere, Earl F. Weener, of Oregon, to be a Member of the National Transportation Safety Board, Michael F. Tillman, of California, and Daryl J. Boness, of Maine, both to be a Member of the Marine Mammal Commission, and Jeffrey R. Moreland, of Texas, to be a Director of the Amtrak Board of Directors, 10 a.m., SR–253.

Subcommittee on Science and Space, to hold hearings to examine assessing commercial space capabilities, 2:30 p.m., SR–253.

Committee on Environment and Public Works: to hold hearings to examine mobility and congestion in urban and rural America, 10 a.m., SD–406.

Committee on Indian Affairs: to hold an oversight hearing to examine Bureau of Indian Affairs and tribal police recruitment, training, hiring, and retention, 2:15 p.m., SD–628.

Committee on the Judiciary: business meeting to consider S. 148, to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act, S. 2960, to exempt aliens who are admitted as refugees or granted asylum and are employed overseas by the Federal Government from the 1-year physical presence requirement for adjustment of status to that of aliens lawfully admitted for permanent residence, S. 2974, to establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict or natural disaster reconstruction, S. 1624, to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, S. 1765, to amend the Hate Crime Statistics Act to include crimes against the homeless, and the nominations of Josephine Staton Tucker, to be United States District Judge for the Central District of California, Mark A. Goldsmith, to be United States District Judge for the Eastern District of Michigan, Brian Anthony Jackson, to be United States District Judge for the Middle District of Louisiana, Elizabeth Erny Foote, to be United States District Judge for the Western District of Louisiana, Marc T. Treadwell, to be United States District Judge for the Middle District of Georgia, Wifredo A. Ferrer, to be United States Attorney for the Southern District of Florida, and William N. Nettles, to be United States Attorney for the District of South Carolina, 10 a.m., SD–226.

Committee on Veterans' Affairs: to hold hearings to examine legislative presentations from AMVETS, National Association of State Directors of Veterans Affairs, Non Commissioned Officers Association, Gold Star Wives, The Retired Enlisted Association, Fleet Reserve Association, Vietnam Veterans of America, and Iraq and Afghanistan Veterans of America, 9:30 a.m., SDG–50.

Select Committee on Intelligence: to hold closed hearings to consider certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on FY 2011 Budget for Food and Nutrition Service, 1 p.m., 2362–A Rayburn.

Subcommittee on Commerce, Justice, Science, and Related Agencies, on FY 2011 Budget for the Bureau of Prisons, 10 a.m., H–310 Capitol, and on Major Challenges facing Federal Prisons: A View from the Inside, 2 p.m., H–309 Capitol.

Subcommittee on Defense, on U.S. Transportation Command, Air Mobility, and Mobility Acquisition, 10 a.m., H–140 Capitol.

Subcommittee on Energy and Water Development, and Related Agencies, on Department of Energy: 2011 Budget for Science and ARPA–E, 10 a.m., 2362–B Rayburn.

Subcommittee on Financial Services and General Government, on FY 2011 Budget for the Judiciary, 10 a.m., 2220 Rayburn.

Subcommittee on Homeland Security, on U.S. Secret Service FY 2011 Budget, 10 a.m., 2358–C Rayburn; and on FY 2011 Budget for ICE, 2 p.m., B318 Rayburn.

Subcommittee on Interior, Environment and Related Agencies, on Conserving America's Land and Heritage: Department of the Interior FY 2011 Budget, 2:30 p.m., 2359 Rayburn.

Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on FY 2011 Budget: Department of Education, 10 a.m., 2359 Rayburn.

Subcommittee on Military Construction, Veterans Affairs, and Related Agencies, on U.S. Air Force Budget, 10 a.m., H–143 Capitol.

Subcommittee on State, Foreign Operations and Related Programs, on FY 2011 Budget Request for the Peace Corps, 1:30 p.m., B–308 Rayburn.

Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, on Maintaining a Safe and Viable Aviation System (Including the FY 2011

Budget Request for the FAA), 10 a.m., and on Maintaining a Safe and Viable Aviation System: Priorities from Aviation Stakeholders, 2 p.m., 2358–A Rayburn.

Committee on Armed Services, hearing on FY 2011 National Defense Authorization Budget Requests from the U.S. Southern Command and U.S. Northern Command, 10 a.m., 2118 Rayburn.

Subcommittee on Readiness, hearing on FY 2011 National Defense Authorization Budget Request for military construction, family housing, base closure, facilities operation and maintenance, 2 p.m., 2118 Rayburn.

Committee on Education and Labor, Subcommittee on Early Childhood, Elementary and Secondary Education, hearing on Elementary and Secondary Education Act Reauthorization: Addressing the Needs of Diverse Students, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, hearing on the following bills: H.R. 1796, Residential Carbon Monoxide Poisoning Prevention Act; and H.R. 4805, Formaldehyde Standards for Composite Wood Products Act, 10 a.m., 2322 Rayburn.

Subcommittee on Energy and Environment, hearing entitled ''HomeStar: Job Creation through Home Energy Retrofits,'' 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing entitled ''Insurance Holding Company Supervision,'' 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Terrorism, Nonproliferation and Trade, hearing on National Strategy for Countering Biological Threats: Diplomacy and International Programs, 10 a.m., 2172 Rayburn.

Subcommittee on the Western Hemisphere, hearing on the Next Steps for Honduras, 2 p.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Border, Maritime and Global Counterterrorism, and the Subcommittee on Management, Investigations, and Oversight, joint hearing entitled ''SBInet: Does it Pass the Border Security Test?'' 10 a.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on Courts and Competition Policy, hearing on Legal Issues Concerning State Alcohol Regulation, 1 p.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Water and Power, hearing on the following bills: H.R. 4349, Hoover Power Allocation Act of 2009; and H.R. 4579, South San Diego County Water Reclamation Project of 2010, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, hearing entitled ''Rewarding Bad Actors: Why Do Poor Performing Contractors Continue to Get Government Business?'', followed by a markup of the following: H. Con. Res. 244, Expressing support for the designation of March 20, as a National Day of Recognition for Long-Term Care Physicians; H. Res. 1040, Honoring the life and accomplishments of Donald Harington for his contributions to literature in the United States; H.R. 1174, Supporting the goals and ideals of National Women's History Month; H.R. 4840, To designate the facility of the United States Postal Service located at 1979 Cleveland Avenue in Columbus, Ohio, as the '' Clarence D. Lumpkin Post Office,'' 10 a.m., 2141 Rayburn.

Subcommittee on Information Policy, Census, and National Archives, hearing entitled ''Administration of the Freedom of Information Act: Current Trends,'' 2 p.m., 2154 Rayburn.

Committee on Science and Technology, hearing on Geoengineering III: Domestic and International Research Governance, 12 p.m., 2318 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Intelligence Community Management, executive, briefing, Management Challenges in the Intelligence Community, 1:30 p.m., 304 HVC.

Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, briefing on Hot Spots, 3:30 p.m., 304 HVC.

Next Meeting of the SENATE

9:30 a.m., Thursday, March 18

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of H.R. 1586, Tax On Bonuses Received From Certain TARP Recipients, and after a period of debate, vote on or in relation to Sessions/McCaskill Modified Amendment No. 3453 (to Amendment No. 3452), and Pryor Amendment No. 3548 (to Amendment 3452) at 2 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, March 18

House Chamber

Program for Thursday: To be announced.

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