United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, WEDNESDAY, APRIL 14, 2010 *No. 52*

House of Representatives

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

PRAYER

Bishop Fred T. Simms, Heart of God Ministries, Beckley, West Virginia, offered the following prayer:

Father, bless, we pray You, the leaders of this Nation. Strengthen the courage of the Representatives in Congress—sincere men and women who want to do right, if only they can be sure what is right. Make it plain, Father. Release the same spirit of wisdom and unity that brought these 50 States together to form this great United States of America to fall fresh on this great governing body as they make decisions affecting over 300 million Americans.

Father, at this time we join our hearts, minds, and spirits for our fellow miners and families in West Virginia who have suffered great loss in the midst of tragedy. Out of the depths of our present grief and helplessness we cry unto Thee, praying that Thou will draw near unto us, and let the light of Thy countenance shine upon us during this dark hour of time. In Jesus' name, 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 Alabama (Mr. GRIFFITH) come forward and lead the House in the Pledge of Allegiance.

Mr. GRIFFITH led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1749. An act to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

WELCOMING BISHOP FRED T. SIMMS

The SPEAKER. Without objection, the gentleman from West Virginia (Mr. RAHALL) is recognized for 1 minute.

There was no objection.

Mr. RAHALL. Madam Speaker, it is my pleasure to welcome to the House of Representatives our guest chaplain today, Bishop Fred T. Simms, D.D., pastor and founder of the Heart of God Ministries in my hometown of Beckley, West Virginia.

It is an honor to have such a distinguished West Virginian here with us today, and it is particularly fitting to have Bishop Simms join us in offering the morning prayer on behalf of our Congress and our Nation on this somber day. Today we will act on a congressional resolution honoring the courageous miners who lost their lives in the tragic explosion at the Upper Big Branch Mine and recognize the heroic actions of the rescue teams who also risked life and limb to search for the missing miners.

Bishop Simms was called to the ministry and preached his first message in December, 1977. Since that time, Bishop Simms has continued his Biblical studies through Aenon Bible College and the Institute of Biblical Studies in Lynchburg, Virginia. He received his doctorate of divinity degree from the St. Thomas Christian College in 2008. He has received numerous awards for his community service, which includes the Citizen of the Year award from the Mountain State Bar Association, Mountain State University's School of Leadership and Professional Development's Living Leadership award, and recognized by the Dr. Martin Luther King, Jr., Holiday Commission of the State of West Virginia with its ''Sharing of Self'' award.

Bishop Simms, one of eight children born to George Simms and Audrey Simms Totten, is married to Marilyn Staples Simms, and the father of five daughters and 11 grandchildren. His greatest strength perhaps may be his humbleness of heart and his ability to become less, so that God gets all the glory. He teaches his congregation by example, as he lives what he preaches.

Bishop Simms' two mottos are, ''It's not about Fred T., but about God,'' and ''Come on, let's have church.''

Madam Speaker, I am pleased to honor Bishop Fred Simms today, and proud that he gave our invocation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The Chair will entertain up to 15 further 1-minute requests from each side of the aisle.

Printed on recycled paper.

TAX DAY TAX BREAKS

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

Ms. DAHLKEMPER. Mr. Speaker, Tax Day is tomorrow, and thanks to the American Recovery and Reinvestment Act middle class families in western Pennsylvania and throughout the country are seeing big tax returns this year. The Recovery Act provided tax cuts for 99 percent of working Pennsylvanians and resulted in a 10 percent increase in the average tax refund this year. That's a big help to families in my district who are working hard to pay their bills.

The Recovery Act extended the earned income tax credit, the child tax credit, and college tax credits for families and students. First-time homebuyers benefit from a tax credit of up to $8,000, and businesses can write off new equipment purchases and increase bonus depreciation. Americans are saving an estimated $222 billion in taxes this year thanks to the Recovery Act.

I am proud that through the work we have been doing here in Congress we have lowered the tax burden for my hardworking constituents.

AND THE BORDER WAR GOES ON

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

Mr. POE of Texas. Mr. Speaker, the violence at our southern border with Mexico has escalated, resulting in murders, kidnappings, old west shootouts, Mexican military helicopter intrusions into the U.S., and criminal cartels cloning Border Patrol vehicles to smuggle the drugs.

An Arizona rancher was murdered at the border recently on his ranch. A California border agent was assassinated just a few months ago. In El Paso, Texas, our Border Patrol agents are being targeted by the Azteca hit men. These outlaws protect shipments of dope for the Juarez drug cartel.

Now these Mexican criminal cartels have put a $250,000 bounty on our Border Patrol agents. In response, our Border Patrol agents have been told to wear bulletproof vests. Why do we wait for more tragedy before more boots are put on the ground? Our law enforcement agents need help. Doesn't Washington know that the border has become a violent war zone? National Guard troops should be deployed to the border immediately to protect us from the narcoterrorists.

And that's just the way it is.

CEREMONY HONORING VICTIMS RIGHTS WEEK

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

Mr. COSTA. Mr. Speaker, I rise today to discuss the importance of National Crime Victims' Rights Week, which occurs from April 18 to April 24. As founders and co-chairs of the Congressional Victims' Rights Caucus, Congressman Ted Poe and I this evening are hosting the annual Victims' Rights Caucus Awards ceremony, honoring six individuals from around the country for their outstanding accomplishments in the field of victims services and victim advocacy.

National Crime Victims' Rights Week helps us all to celebrate and acknowledge the victim service providers and the criminal justice professionals who every day provide critical assistance to the victims of crimes. They do it on a 24–7 basis.

Crime victims are our sons, daughters, brothers, sisters, parents, and our friends. They are struggling to survive in the aftermath of a crime, and they deserve services and support to help them cope.

SUPPORT FOR NASA

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

Mr. GRIFFITH. Mr. Speaker, it is no coincidence that we have the most advanced manned space flight program on earth, attracting and inspiring the world's greatest minds. Our space program is a matter of great national pride and of great national security importance.

We are profoundly disappointed in the lack of vision coming from the administration, sending a message to our scientific community that indicates a lack of understanding and commitment. This matter goes to the very essence of what makes America the greatest country on earth.

Lowering expectations for manned space flight is not compatible with the culture of America. Dr. Holdren's recent statement that we can't expect to be number one in everything indefinitely is shockingly, shockingly uninspiring. However, if we do not strive to maintain our primacy in manned space flight, we will be well on our way to mediocrity.

I and the entire NASA Caucus will do everything in our power to fund Constellation with a budget that is respectful of the investments we have made in our space program.

RECENT TAX CUTS

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

Mr. COHEN. Mr. Speaker, today is Tax Day, of course, and that is somewhat of a dreaded day in many people's minds. But the fact is in the past year we have had more tax cuts than almost any time in our Nation's history. But with President Obama and this Congress, they have been directed to the lower working class people, the lower income people, and not the top 2 or 3 percent, as happened during the Bush administration.

President Obama stood at the podium behind me in his State of the Union address and said, ''Now let me repeat, we cut taxes. We cut taxes for 95 percent of working families. We cut taxes for small businesses. We cut taxes for first-time homebuyers. We cut taxes for parents trying to care for their children. We cut taxes for 8 million Americans paying for college. We put $300 billion worth of tax cuts into people's pockets so there was demand and businesses had customers.'' I am proud to have supported the President in these measures.

A third of the stimulus package, the ARRA, was tax cuts. It is something the American people don't realize because of the false rhetoric that has been spread throughout this country. I appreciate the work of this Congress and President Obama, and I thank him for his leadership.

NEWSWEEK SHOULD REPORT FACTS ON ECONOMY

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

Mr. SMITH of Texas. Mr. Speaker, to my left is the Media Fairness Caucus' Newsweek Wall of Shame, a collection of the magazine's very biased cover articles. Previous covers have featured Vice President Al Gore with the caption, ''The Thinking Man's Thinking Man''; President Obama with the caption, ''Yes, He Can''; and Vice President JOE BIDEN, ''A Vice President to be Reckoned With.'' This week's cover reads, ''America's Back! The Remarkable Tale of our Economic Turnaround''.

Apparently Newsweek hasn't heard that the unemployment rate remains close to 10 percent, with 16 million Americans unemployed, that personal income has fallen over 3 percent since President Obama took office, and that the President's budget doubles the national debt in 5 years and triples it in 10.

The only way to bring America back is to reverse the administration's policies of higher taxes, runaway spending, government takeovers, and record debt. Newsweek should report the facts on the economy, not provide free and false advertising for the Obama administration.

□ 1015

CANCELING THE CONSTELLATION PROGRAM

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

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in strong opposition to the President's budget proposal to cancel our human space flight program. It's under the Constellation Program, which was authorized both by

Democrat and Republican Congresses respectively, that NASA is currently developing new launch vehicles capable of traveling to the moon, Mars, and other destinations.

Not only does canceling the Constellation Program jeopardize America's leadership role in human space exploration, but it will have a detrimental effect on our economy, projecting job losses of 30,000 nationally.

Given our current economic downturn, we can't take the possibility of losing these jobs lightly. Our government has already invested literally years and billions of dollars in this program. We should build on these investments and not abandon them, especially considering the private sector will not be able to build a better, faster, cheaper rocket before the Constellation Program is slated to be finished because the technologies NASA proposed to use do not exist yet, nor has any destination been chosen.

Constellation is our only hope to close the current 5-year gap in U.S. access to space, and I encourage my colleagues to join me in opposition to the proposal to close Constellation.

COMMENDING MEDCAMPS

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

Mr. FLEMING. Mr. Speaker, I rise today to commend MedCamps for 23 years of outstanding service in the State of Louisiana.

Founded in 1987, MedCamps of Louisiana provides a summer camp experience to children with physical and mental disabilities such as spina bifida, cerebral palsy, autism, and epilepsy. Each week, free of charge, children come from across Louisiana to participate in a week-long, fun-filled camping experience at Camp Alabama in my district. Children participate in activities such as fishing, arts, crafts, nature hikes, canoeing, and many others. As a family physician for over 30 years, I know firsthand the important role that organizations such as MedCamps play in the lives of children with disabilities.

I congratulate MedCamps on their outstanding service to our State and wish them all the best as they continue to serve the children of Louisiana.

FEDERAL TAXES

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

Mr. CARNAHAN. Mr. Speaker, Federal taxes are very considerably lower by every measure since Obama became President. That's a quote from President Reagan's domestic policy adviser, Bruce Bartlett.

Congress and the President have enacted an array of tax cuts which are crucial for efforts to turn the economy around. Instead of a return to tax cuts focused only on the wealthy, these tax cuts are broad based and touch many aspects of American life, from investing in a small business, to buying a home or making it energy efficient, to sending your children to college, to buying a car. These tax cuts are helping families and businesses across the country and injecting consumer demand in the economy and spurring business activity, investments, and job creation.

All told, Congress has enacted over $800 billion in tax cuts, including tax cuts hitting 95 percent of American families in the Recovery Act. Building on the Recovery Act's 25 tax cuts, we have enacted job-creating tax incentives to spur hiring for out-of-work Americans, strengthening small business and tax credits, accelerating write-offs to help grow this economy out of this deep economic hole.

SUPPORTING FUNDING FOR THE CONSTELLATION PROGRAM

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

Mr. ADERHOLT. Mr. Speaker, since the President announced his budget on February 1, disapproval of a plan to drastically change the current NASA human space exploration mission has been almost unanimous on both sides of the aisle. The President proposes to add $6 billion to NASA's budget for the next 5 years, but over those first 4 years the exploration account decreases by $5.7 billion.

Human space flight and exploration beyond Earth is the very reason that NASA was put into existence. The President's plan moves funds to unproven proposals and costs the government $2.5 billion to shut down the Constellation Program. Ares I and Ares V overlap technologies, and there is zero budget proof that the administration's new plan will give us those capabilities with less money.

The innovative scientists and employees at the Marshall Space Flight Center in Huntsville, Alabama, have done a great job in leading space technology in the world.

Mr. Speaker, when the President speaks tomorrow at the Kennedy Space Center, both Democrat and Republican Members hope that he will make a commitment to properly fund the Constellation Program.

AMERICAN RECOVERY AND REINVESTMENT ACT

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

Mr. SCHAUER. Mr. Speaker, while many are quick to criticize the American Recovery and Reinvestment Act, the truth is that last month our economy created 162,000 jobs. But, of course, we have got a long way to go to get everyone back to work.

Since tomorrow is Tax Day, I wanted my constituents to know one of the reasons our economy is getting stronger is record tax cuts in the stimulus for middle-class families. Ninety-five percent of workers are receiving the Making Work Pay tax credit of up to $400 per worker, $800 per family. Expansion of the child tax credit has helped families of more than 16 million children. Four million more students are attending college as a result of the new $2,500 tax credit; and tax credits and deductions are helping families stimulate the economy through purchases of homes, cars, trucks, and mobile homes.

As families file their taxes and get their refunds, I want them to understand that these benefits didn't happen by accident. They were the result of a strategy that I supported and Democrats supported, cutting taxes for middle-class families.

TAXES

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

Mr. SMITH of Nebraska. Mr. Speaker, tomorrow is Tax Day, a deadline dreaded by millions of Americans currently finishing up their tax returns.

Congress owes it to the American taxpayer to act in a fiscally responsible way. Unfortunately, this Congress has not lived up to this burden. At a time when 15 million American remain unemployed and many more are struggling to make ends meet, this administration and Democratic Congress continue to push through measures which increase taxes and add to government spending, which is already out of control. Strong-arm tactics and economic sleight of hand should not be used to jam through legislation which will impact the life of every American.

The solution is not taking more money from the American people. The answer is fiscal discipline in Washington and tax relief for working Americans. We can't tax and spend our way back to a growing economy, and we owe the American taxpayer better.

POLISH PLANE CRASH

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

Ms. SCHAKOWSKY. Mr. Speaker, I rise this morning to express my sincere condolences to the people of Poland as they mourn the death of President Lech Kaczynski and his wife, Maria, and to the families and friends of the other 94 men and women who lost their lives in Saturday's airplane crash near Russia's Katyn Forest.

Chicago is the second largest Polish city in the world, second only to Warsaw, and among those killed was Wojciech Seweryn, a Chicago sculptor who emigrated from Poland over three decades ago. Seweryn's father was one

of over 20,000 Poles killed in the Soviet Union in the Katyn Forest in 1940. He was traveling with the Polish President to mark the 70th anniversary of the massacre.

I join with Chicago's vibrant Polish American community and with Poland's friends around the world in mourning the loss of the 96 men and women who lost their lives on Saturday.

CONSTELLATION FISCAL YEAR 2011 BUDGET PROPOSAL

(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 am disappointed that the President's budget proposal for fiscal year 2011 recommends canceling NASA's Constellation Space Program. In agreement with Neil Armstrong, I am very concerned this proposal will leave our Nation with no means of transporting our astronauts to and from the International Space Station and could set the U.S. space program back decades.

To this day, we enjoy countless practical benefits from Apollo technology in things that affect our everyday lives, such as improved weather forecasting, which is vitally important to those of us who live in Louisiana and on the gulf coast.

The Michoud Assembly Facility in my district was slated to build components of the Constellation Program. Michoud now faces the prospect of losing thousands of high-skilled jobs. This world-class manufacturing facility has been used to build the Saturn rockets for Apollo and the main fuel tanks for the Space Shuttle, among other notable achievements. If the President's proposal is adopted, we will lose all that experience and manufacturing know-how, along with 9 billion tax dollars already spent developing the Constellation Program.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would ask Members to please heed the gavel.

AMERICANS AND THEIR FIRST AMENDMENT RIGHTS

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

Mr. BARTON of Texas. Mr. Speaker, the First Amendment gives the American people the right to petition the Congress for redress of grievances and to express freedom of speech.

Several weeks ago, the chairman of the committee that I serve as a ranking member on, Energy and Commerce, Chairman HENRY WAXMAN, sent a letter to several U.S. corporations for having the temerity to express their displeasure with the health care bill and to inform their employees and stockholders of the consequences of that piece of legislation. He has opened an investigation into those companies, and we have a hearing next week.

Two days ago, Chairman WAXMAN sent a letter to the American Farm Bureau, opening an investigation into their activities expressing their displeasure with the EPA endangerment finding and the pending cap and trade legislation in the United States Senate.

Mr. Speaker, I am very concerned when one of the premier committee chairmen of our great House of Representatives appears to be using his power to intimidate Americans from expressing their First Amendment rights to petition the Congress for redress of grievances. I think that's a sad state of affairs, and I think that is something that maybe should be investigated.

TAX RELIEF FOR MIDDLE-CLASS FAMILIES

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

Ms. TITUS. Mr. Speaker, since coming to Congress, I have kept my promise to provide tax relief to middle-class families and small businesses in my district; and I am proud to report that on Tax Day millions of Americans will pay less in taxes and keep more of their hard-earned money in their own pockets, where it belongs.

In the past year, Congress has enacted over $800 billion in tax cuts, including the largest package of tax cuts in history in the Recovery Act, leading Reagan's adviser Bruce Bartlett to say that Federal taxes are very considerably lower by every measure since Obama became President.

A recent report by Citizens for Tax Justice has found that, for 2009, 98 percent of working families and individuals in Nevada benefited from at least one of the tax cuts in the Recovery Act, saving an average of $841. For folks in my district struggling to make ends meet, $841 could be a mortgage payment that helps them avoid foreclosure and could make a real difference in their lives.

□ 1030

INTERNET GAMBLING

(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, every day, dozens of Web sites entice Web surfers to bet online with free software offers. Online poker sites advertise openly on TV. Stores carry books on how to get rich by gambling online. The only problem is that online gambling is illegal. That is why Congress passed the unlawful Internet Gambling Enforcement Act of 2006, to provide the necessary tools and mechanisms to effectively enforce the law.

This year, Americans will send billions of dollars to offshore, unregulated, online casinos. The Justice Department has warned that many of these sites are fronts for money laundering, drug trafficking, and even terrorist financing.

At its core, the law is about protecting American families from addiction, bankruptcy, and crime. All you need is a computer, a credit card, and Internet access, and with that, players are able to play 24 hours a day from the privacy of their homes. Real lives, including those of minor children, are being affected by illegal online gambling, and it's time that this administration enforce the law on this issue.

TAX CUT FOR AMERICA AND THE ECONOMIC RECOVERY ACT

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

Mr. PAYNE. Mr. Speaker, today I commend my colleagues and President Obama for working diligently to enact a variety of tax cuts totaling $800 billion. These tax cuts are broad based and touch on many aspects of American life, from investing in small businesses, to buying a home, to sending your children to college, to buying a car.

I believe that tax cuts are helping American families and businesses across the country and injecting consumer demand into the economy and spurring business investment and job creation.

The Recovery Act provides immediate tax relief to 95 percent of American workers and their families. The Making Work Pay tax credit provides a tax credit of up to $400 for working individuals and up to $800 for couples filing jointly. This tax credit helps over 240,000 families in my congressional district.

In addition, the first-time home buyers tax credit was increased to $8,000. An estimated 35,000 households in New Jersey have taken advantage of the tax credit. So I ask to keep America moving in the right direction.

FUNDING THE CONSTELLATION PROGRAM

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

Mr. BISHOP of Utah. Mr. Speaker, tomorrow the President moves to Florida to salvage or to attempt to salvage a deteriorating political situation caused by accepting NASA Deputy Director Garver's poor decision to cancel Constellation.

Constellation consists at least of two parts: the Orion capsule for the astronauts designed to be 10 times safer

than the space shuttle, and the Aries rocket to send into space. But the alleged savings are more than offset by unintended consequences, because the industrial base that builds the rocket to put people towards the moon also builds the rockets to shoot down incoming missiles from North Korea, Iran, and other bad guys. And if you take the space component away, the defense side costs doubles, triples, maybe even more. And the Augustine report, which this administration is not following, noted this potential industrial-based problem, but NASA either refused to pay attention or chose to ignore the warning.

Regardless, the solution to escalating defense costs and to maintaining the dominance in space will be dependent upon fully funding the Constellation program. And, Mr. President, anything less than that is totally unacceptable.

ALICE IN WONDERLAND

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

Mr. YARMUTH. Mr. Speaker, ''Alice in Wonderland'' is in American theaters now, but not even my fellow Kentuckian Johnny Depp could argue that down is up when we're talking about Federal taxes.

As you've heard this morning, even President Reagan's domestic policy adviser has said that taxes are considerably lower by every measure since President Obama became President.

This Congress has done an incredible job in lowering taxes for the American people. This year, the average refund for working families will be $3,000, which is a 10 percent increase over last year. We are taking less and less out of the American working family's paycheck. In fact, the Federal taxes as a percentage of the national economy is at its lowest rate in nearly two generations.

No, only in a fantasy world like ''Alice in Wonderland'' could you claim that this Congress has not done a great job in lowering taxes for the American public, and we will continue to make sure that American families have the best standard of living we can possibly create.

DUBOIS AREA MIDDLE SCHOOL LEVEL OF EXCELLENCE

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I draw your attention today to the DuBois Area Middle School and its outstanding level of excellence. It has been awarded, for the second time, the designation of the Pennsylvania Don Eichhorn Schools: Schools to Watch program.

The National Forum sponsors this program, and schools are chosen for the honor of achieving academic excellence based on the rigorous 37 criteria established by the National Forum to Accelerate Middle-Grades Reform. They must be academically excellent, developmentally responsive, and socially equitable.

The school is one of 15 in the State and only 200 nationally ever to be honored as a School to Watch. It is the first school in the State to receive a redesignation for 2010 to 2013, and it first achieved the honor in 2007.

The National Forum looks at these schools as part of the effort to identify and learn from high-performing middle schools, and to have the Schools to Watch serve as resources for other schools. There are 18 States participating in the program.

To achieve this award, high-performing schools establish norms, structures, and organizational arrangements to support and sustain their path towards excellence. They have a sense of purpose that drives every facet of practice and decisionmaking.

And I want to congratulate Principal Mike Newman and the teachers, students, personnel, and parents that are responsible for this fine school.

LET'S PUT EVERY OPTION ON THE TABLE FOR BORDER SAFETY

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

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I just returned from a trip to Arizona's border, and I thank the men and women at Customs and Border Protection for allowing me an inside look into their operations.

One the most striking things I saw is the toll that violence has taken on our border communities, and tensions are high. As the cartels become desperate to keep smuggling routes open, our border agents and their vehicles are hit with rocks, shot at, and assaulted on a nightly basis.

I am convinced that our border personnel need more equipment and manpower to prevent the violence and keep Americans safe. There is no silver bullet for fixing our border. A solution will require a comprehensive approach to security. We must put every option on the table, including the use of the National Guard.

TAX RELIEF FOR THE MIDDLE CLASS

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

Mr. PERLMUTTER. Mr. Speaker, President Bush left this country with a $1.3 trillion debt when President Obama came into office a year ago, and the economy was in free fall.

One of the things that was done over the course of the last year was to provide this country and working Americans with tax cuts across the board, $800 billion in tax cuts, greatest tax cut for working Americans at any time in our history.

Now, the Republicans are complaining about everything under the sun, but they're not complaining about those tax cuts because they know they're real, whether it's earned income tax credits, college tax credits, accelerated depreciation for small businesses, net operating loss carryforwards all across the board. To this point, in Colorado, the average Coloradan receives $1,096 in tax cuts this year above what they got before. That's to get this country back on track, not leave it in a financial disaster, as President Bush did.

We are moving in a new direction, and tax cuts are some of the things we're using to get this country back on track.

DON'T RETREAT FROM THE SPACE RACE

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

Mr. SCALISE. Mr. Speaker, President Obama will be speaking this week at the Kennedy Space Center. And while the President's budget cancels the Constellation program, it also jeopardizes NASA's Michoud facility, which is the premiere manufacturing facility with the unique capabilities and skilled workforce that can't just be rebuilt again once it's wound down.

The United States should not retreat from the space race. It not only threatens our national security, but it also makes us beholden to foreign countries. In fact, just last week a Japanese newspaper said, ''Once the leader in space development, the United States' space exploration policies are now drifting aimlessly.'' And they later went on to note that the clear winner from this retreat will be Russia.

Now, we should not cede our space exploration superiority to countries like Russia or anybody else. It jeopardizes our national security. It's a bad policy. The President needs to reconsider.

TAX RELIEF FOR THE MIDDLE CLASS

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

Mr. WALZ. Mr. Speaker, last week I had the opportunity to travel around my southern Minnesota district talking to local business owners on the best ways to grow and revitalize our economy. Businesses, working families, including the Mayo Clinic centered in my district, talked about the improvements to the health care system was a good first step in moving that. They also explained to me that the policies on tax relief that you heard here help.

Now be very clear about this. If you think it's a game of he said, he said and back and forth and the pundits on TV can tell one way to think, this is a

very simple proposition. This Congress has cut taxes for the middle class more than any Congress in history.

Go do your own taxes, compare them side by side, apples to apples, and you'll see that's true. What that means is 98 percent of southern Minnesota has benefited from the working class tax cuts.

Families and students are eligible for up to $2,500 in tax savings. First-time home buyers got $8,000 to buy their homes—others, 6,500—revitalizing the housing market.

Taxpayers are eligible for making their homes energy efficient and growing the renewable economy. By enacting these job-saving incentives, small local businesses can grow and expand and inject consumer demand in the economy. Those are facts, not political myth.

WHO ARE YOU GOING TO BELIEVE?

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

Mr. PENCE. Mr. Speaker, you know, Groucho Marx said years ago, Who are you going to believe, me or your own eyes?

I just have to wonder, Mr. Speaker, about the American people looking in this morning to hear Democrats talking about having cut taxes more than any other Congress in history.

Let me see if we can do this. They passed a budget with record taxes and spending, will add $1 trillion to the national debt in the next 10 years. They passed a national energy tax called the cap-and-trade that will cause utility rates to go up on small businesses and family farms and businesses across this country by hundreds of billions of dollars. And we just passed ObamaCare with $600 billion of tax increases. So now they're standing in front of the American people on the day before Tax Day, on the day before tens of millions of Americans are going to take to the street and say enough is enough, and expect you to believe that they've been cutting taxes.

Well, I think the American people know better. I think the American people know what we really need here in Washington, DC, is less talk and more action. Let's cut taxes across the board for working families, small businesses, and family farms. Get government under control. Get government out of the way. This economy will come roaring back.

□ 1045

CONSTELLATION

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

Mr. OLSON. Mr. Speaker, before I left for the Easter district work period, the Space and Aeronautics Subcommittee held a hearing on the proposed changes to NASA's exploration program. The administration is advocating an extreme change by canceling the Constellation Program, which I feel would be a mistake especially since the Constellation Program has passed their preliminary design review, a significant technological milestone.

Back in 2008, the media portrayed thrust oscillation as a ''serious concern,'' but the program design review, the team spent about a minute on the issue of thrust oscillation. Why? Because the problem had been solved.

To me, this is just another indication of why cancellation would be a mistake. It wouldn't just be throwing money, money already spent, $9 billion, hardware already built, a workforce already in place, but a process in standard of doing business and fixing problems that NASA has developed for over 50 years.

America has been the leader in human space flight for half a century, and this administration's budget proposal puts that at risk.

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.

HAITI DEBT RELIEF AND EARTHQUAKE RECOVERY ACT OF 2010

Ms. WATERS. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 4573) to direct the Secretary of the Treasury to instruct the United States Executive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti's debts to such institutions, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

On page 3, line 4, after ''provision'' insert: '', *before February 1, 2015,*''.

On page 3, lines 18 and 19, strike ''relief'' and all that follows through ''Haiti.'' and insert: ''*relief and debt service relief for Haiti and, before February 1, 2015, to provide grants for Haiti.*''.

On page 4, line 7, after ''Haiti's future'' insert: ''*and future generations*''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATERS) and the gentleman from Minnesota (Mr. PAULSEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

Ms. WATERS. Mr. Speaker, I yield myself as much time as I may consume.

I would like to thank the majority leader for bringing this bill to the floor promptly following its passage in the Senate, and I thank my colleagues on the Financial Services Committee, especially Chairman BARNEY FRANK, Ranking Member SPENCER BACHUS, and Subcommittee Chairman GREGORY MEEKS, for their support for this bill. I also thank my senior legislative assistant, Kathleen Sengstock, and the Financial Services Committee's senior professional staff member, Daniel McGlinchey, for their work on this bill.

I first introduced this bill after the terrible earthquake that struck Haiti on January 12. I have visited Haiti twice since the earthquake, and I have seen the widespread devastation it caused. According to the U.S. Agency for International Development, that is USAID, 230,000 people were killed and 1.3 million people were displaced from their homes. There is a desperate need for clean water, food, shelter, and basic sanitation. Three million people, one-third of the country's population, were affected by the quake.

According to the U.S. Treasury Department, as of March 1, Haiti owed $828 million to multilateral development institutions. This included $447 million to the Inter-American Development Bank, $284 million to the IMF, $39 million to World Bank Group's International Development Association, and $58 million to the International Fund for Agricultural Development. In addition, Haiti owed approximately $400 million to other individual countries.

H.R. 4573, the Debt Relief for Earthquake Recovery in Haiti Act of 2010, would free Haiti from the burden of international debt. The bill directs the Secretary of the Treasury to instruct the U.S. executive directors at multilateral development institutions to use the voice, vote, and influence of the United States to seek to achieve three things: number one, the immediate and complete cancellation of all debts owed by Haiti to these institutions; second, the suspension of Haiti's debt service payments until such time as the debts are canceled; and, three, the provision of emergency, humanitarian, and reconstruction assistance to Haiti in the form of grants so that Haiti does not accumulate additional debts.

The bill also directs the Secretary of the Treasury and Secretary of State to use all appropriate diplomatic influence to secure the cancellation of all

remaining bilateral, multilateral, and private creditor debt owed by Haiti.

This bill passed the House on March 10, and the Senate passed it with an amendment on March 26. The amendment specified that Haiti should receive aid in the form of grants until February 1, 2015. After that time, multilateral development institutions may resume aid in the form of new loans. I believe 5 years is a reasonable amount of time for Haiti to be able to recover without the burden of debt service payments on new loans.

I therefore support the Senate amendments, and I reserve the balance of my time.

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

Mr. Speaker, I also rise in support of H.R. 4573, the Debt Relief for Earthquake Recovery in Haiti Act of 2010.

H.R. 4573 takes a good first step towards the goal of eliminating Haiti's uncollectible debts so the country can start to rebuild. Removing this burden will also help Haiti begin the process of becoming a self-sustaining economy.

Nearly identical legislation has already been agreed to by the House under suspension of the rules. The Senate made only two minor changes to the bill to ensure that our commitment to Haiti remains unchanged and it stays focused. One change was that it sets an explicit time period for future grants for Haiti, and the other ensures that assistance provided helps not just today's Haitians but also ensures help for future generations. This is a very sensible, commonsense approach. I support these changes.

I also want to recognize the members of the International Monetary Policy and Trade Subcommittees and the staff of the committee for their bipartisan efforts on this legislation.

Mr. Speaker, I support this bill, and I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield to the gentleman from Kansas (Mr. MOORE) as much time as he may consume.

Mr. MOORE of Kansas. Mr. Speaker, I commend my colleagues, Representative MAXINE WATERS, Chairman FRANK, Representative GREG MEEKS, and Representative SPENCER BACHUS, for their bipartisan work on this important issue.

Mr. Speaker, as a result of the extraordinary results of January 12, 2010, 230,000 people were killed and more than 1.3 million people were displaced, unable to return to their homes in Haiti. And still today while things are getting better, a desperate need for food, water, and medical care exists. The people of Haiti are facing an enormous struggle to recover from an earthquake at a time when the country was already among the poorest in the world.

This bill supports a humanitarian need through fiscal assistance by allowing our Treasury to cancel the $828 million debt owed by Haiti. This is the decent and humane thing to do, and I ask my colleagues to once again support this measure.

Mr. PAULSEN. Mr. Speaker, I encourage strong support of this legislation, and I yield back the balance of my time.

Ms. WATERS. Mr. Speaker, there's been considerable progress mobilizing international support for Haiti since the introduction of this bill. Multilateral development institutions have already begun to take steps to reduce or cancel Haiti's debts. And on March 31, the United Nations hosted the International Donors Conference for Haiti where leaders of the world's nations pledged $9.9 billion in aid, including $5.3 billion for the first 2 years. I'm encouraged by this progress, and I'm inspired by the outpouring of support for Haiti from the international community.

The people of Haiti are poor, but they are physically and spiritually resilient. I know with the support of the international community they will recover from this tragedy and create a better future for their children.

Mr. Speaker and Members, in fact, Haiti is the poorest nation in the Western Hemisphere, and Haiti has experienced extreme devastation for many years. It was just 2008 when they were hit with four hurricanes and they had not had the opportunity to even try to recover from those hurricanes. At that time, there were many deaths, many houses were destroyed, the roads and the bridges were destroyed. And coming on the heels of that, they were confronted with this most devastating earthquake.

There are those who look at Haiti and say we don't know whether or not this nation can survive. There are those who say, you know, they had problems with governance. They have lived under dictators. They have lived under a Catholic priest who practiced liberation theology where there was a coup d'etat that ousted him, and it goes on and on and on.

But there are many of us who look at this earthquake as opportunity. Despite the severe loss and the devastation, we believe that there is now a real commitment by the world community to come to the aid of Haiti. We believe that there is a real commitment to governance in a new way. We believe that there is a real commitment not only by USAID, the State Department, and the government of our own country, but by other governments around the world to include Haiti in the redevelopment.

And so despite the devastation, I think that many of us are looking forward to the opportunity to help Haiti become the country that it can become. This is going to be a lot of hard work, but this debt relief will go a long way toward helping in that redevelopment.

With this debt relief that means that Haiti will not have to repay debt. They can invest that money in health and education and infrastructure; and despite the fact that I spent many hours working not only on this debt relief bill but working with my colleagues on the other side of the aisle, I've learned a lot working with the Jubilee Committee and with Mr. BACHUS about what we can do if we cooperate. And that we have been doing.

And so we move forward to help redevelop Haiti, and I would appreciate the support and the vote of my colleagues for this debt relief legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATERS) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 4573.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

□ 1100

ELIMINATE PRIVACY NOTICE CONFUSION ACT

Mr. MOORE of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3506) to amend the Gramm-Leach-Bliley Act to provide an exception from the continuing requirement for annual privacy notices for financial institutions which do not share personal information with affiliates, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3506

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 ''Eliminate Privacy Notice Confusion Act''.

SEC. 2. EXCEPTION TO ANNUAL PRIVACY NOTICE REQUIREMENT UNDER THE GRAMM-LEACH-BLILEY ACT.

Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended by adding the following new subsection:

''(f) EXCEPTION TO ANNUAL NOTICE REQUIREMENT.—A financial institution that—

''(1) provides nonpublic personal information only in accordance with the provisions of subsection (b)(2) or (e) of section 502 or regulations prescribed under section 504(b); and

''(2) has not changed its policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers in accordance with this subsection,

shall not be required to provide an annual disclosure under this subsection until such time as the financial institution fails to comply with any criteria described in paragraph (1) or (2).''.

SEC. 3. BUDGET COMPLIANCE.

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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) and the gentleman from Minnesota (Mr. PAULSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

GENERAL LEAVE

Mr. MOORE of Kansas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

Mr. MOORE of Kansas. Mr. Speaker, I yield myself such time as I may consume.

I want to congratulate the gentleman from Minnesota, Representative ERIK PAULSEN, a member of our Financial Services Committee, as well as the Oversight and Investigations Subcommittee that I chair. I was pleased to introduce H.R. 3506, the Eliminate Privacy Notice Confusion Act, with him and our colleague, Representative PETER ROSKAM, who originally introduced this bill in the 110th Congress when he served on the Financial Services Committee.

In the last Congress, Mr. Speaker, this legislation was included in a bank and thrift regulatory bill I introduced, which was later included in a comprehensive regulatory reform measure this House approved by voice vote. But as is too often the case, the Senate failed to act.

The legislation we consider today will help minimize confusion consumers have about their privacy rights regarding two conflicting provisions of two prior laws. The Fair Debt Collection Practices Act specifically prohibits subject companies from sharing personal information with third parties. Yet the Gramm-Leach-Bliley Act still requires these firms to provide annual privacy notices that allow consumers to opt out of having their information shared with third parties. Since this practice is already prohibited by law, these annual notices only confuse the consumers that receive them.

H.R. 3506 will amend the Gramm-Leach-Bliley Act to exempt from its annual privacy policy notice requirement any financial institution which meets several criteria and are already prohibited by the Fair Debt Collection Practices Act from sharing personal information with third parties. Waiving the privacy notice requirement will reduce confusion for consumers who may incorrectly think, by receiving the notice, that the companies have the right to share their personal information with third parties.

This should not be confused with the privacy policy financial institutions must provide to consumers when they open an account, which will be unaffected by this bill.

I urge my colleagues to support H.R. 3506, and I reserve the balance of my time, Madam Speaker.

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

Madam Speaker, I rise today in support of H.R. 3506, the Eliminate Privacy Notice Confusion Act.

This bill will help reduce the burden and confusion of privacy notice requirements by providing exemption from sending an annual privacy notice for those institutions that do not share nonpublic customer information with unaffiliated third parties or those that do not change their privacy policies at all.

Under current law, banks and other financial institutions are required to send out an annual privacy notification to their customers informing them that nothing has changed, and they still do not share privacy information. This is often quite very confusing to customers.

Essentially, under my legislation, financial institutions are relieved of an unnecessary and redundant regulatory burden which will help lower costs and reduce junk mail that the customers receive in the mail every day. It will also lessen confusion to customers because they will no longer receive letters informing them that their bank's privacy policy has not changed at all.

Madam Speaker, it's important to note that this legislation only applies to those institutions that do not share personal financial information with third parties and do not change their privacy policies. This means that the privacy policy that banks must provide to consumers when they open an account remains completely unaffected. The bottom line is that nothing in this legislation in this bill allows for the disclosure of private information and companies are still prohibited from sharing any personal information with third parties.

Similar legislation has passed the House in previous Congresses with strong, bipartisan support; and I want to recognize the bipartisan manner in which that legislation was again handled this year.

Madam Speaker, I especially want to thank Chairman FRANK and Ranking Member BACHUS for their assistance with the legislation and their willingness to bring this legislation and assist me in bringing it to the House floor.

Finally, I want to thank the gentleman from Kansas (Mr. MOORE) for his hard work on this legislation. He has done exemplary work throughout his 12 years here in this body, and we are going to miss his spirit and commitment of working in a bipartisan manner, and I appreciate his friendship as well.

I ask for a ''yes'' vote on this bill.

Madam Speaker, I reserve the balance of my time.

Mr. MOORE of Kansas. I want to thank the gentleman, Madam Speaker, for his very kind comments.

I reserve the balance of my time.

Mr. PAULSEN. Madam Speaker, in closing, this bill is a win/win. It reduces an unnecessary and redundant regulatory burden for consumers, and I ask for adoption of the bipartisan legislation.

I yield back the balance of my time.

Mr. MOORE of Kansas. I yield myself 1 minute.

Madam Speaker, again, I commend the gentleman from Minnesota for his work on this bipartisan legislation, and it is bipartisan legislation. I urge my colleagues to support H.R. 3506.

I yield back the balance of my time.

The SPEAKER pro tempore (Ms. DEGETTE). The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the bill, H.R. 3506, as amended.

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

The title of the bill was amended so as to read: ''To amend the Gramm-Leach-Bliley Act to provide an exception from the continuing requirement for annual privacy notices for financial institutions which do not change their policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers, and for other purposes.''.

A motion to reconsider was laid on the table.

COMMENDING THE AMERICAN SAIL TRAINING ASSOCIATION

Mr. CUMMINGS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 197) to commend the American Sail Training Association for its advancement of character building under sail and for its advancement of international goodwill, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 197

Whereas the American Sail Training Association (ASTA) is an educational nonprofit corporation whose declared mission is ''to encourage character building through sail training, promote sail training to the North American public and support education under sail'';

Whereas since its founding in 1973, ASTA has promoted these goals through—

(1) support of character building experiences aboard traditionally rigged sail training vessels;

(2) a program of scholarship funds supporting such experiences;

(3) a long history of tall ship races, rallies, and maritime festivals dating back as far as 1976;

(4) the Tall Ships Challenge series of races and maritime festivals which—

(A) have been conducted each year since 2001;

(B) have reached an aggregate audience to date of some 8,000,000 spectators;

(C) have had a cumulative economic impact of over $400,000,000 for over 30 host communities; and

(D) involve sail training vessels, trainees, and crews from all the coasts of the United States and around the world;

(5) support of its membership of more than 200 sail training vessels, embracing barks, barques, barkentines, brigantines, brigs, schooners, sloops, and full-rigged ships, which carry the flags of the United States, Canada, and many other nations and have brought life changing adventures to thousands and thousands of young trainees;

(6) a series of more than 30 annual sail training conferences to date, conducted in numerous cities throughout the United States and Canada and embracing the Safety Under Sail Forum and the Education Under Sail Forum;

(7) extensive collaboration with the United States Coast Guard and with the premier sail training vessel of the United States, the square-rigged barque USCGC Eagle;

(8) publication of ''Sail Tall Ships'', a periodic directory of sail training opportunities; and

(9) supporting the enactment of the Sailing Schools Vessel Act of 1982, Public Law 97–322, on October 15, 1982;

Whereas ASTA has ably represented the United States as its national sail training organization as a founding member of Sail Training International, the recognized international body for the promotion of sail training, which itself carries forward a series of international races amongst square-rigged and other traditionally rigged vessels reaching back as far as the 1950s; and

Whereas ASTA and Sail Training International are collaborating with port partners around the Atlantic Ocean to produce Tall Ships Atlantic Challenge 2009, an international fleet of sail training vessels originating in Europe, voyaging to North America, and returning to Europe: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the American Sail Training Association for its advancement of character building experiences for youth at sea in traditionally rigged sailing vessels and its advancement of the finest traditions of the sea; and—

(2) commends the American Sail Training Association as the national sail training association of the United States, representing the sail training community of the United States in the international forum.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentlewoman from Michigan (Mrs. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. 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 material on H. Res. 197.

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

There was no objection.

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

Introduced by Congressman KENNEDY, H. Res. 197 commends the American Sail Training Association, ASTA, for its work creating opportunities for young people to sail on traditionally rigged sailing vessels and for its work representing the United States in international sail training fora.

Barclay Warburton III founded ASTA in 1973. After he participated in a tall ships race held in Europe, he was inspired to form an organization in the United States that would be dedicated to supporting character building through sail training and promoting sail training to the North American public.

Over the past nearly four decades, ASTA has carried on his vision by working to instill a love of sea in the next generation. The organization gives young people the chance to sail on tall ships and supports professional development among the crew members who work on tall ships. ASTA also organizes tall ship races and associated maritime festivals such as the Tall Ships Challenge Series.

These festivals give young people interested in sailing the chance to experience life on tall ships. They have also enabled millions of spectators to experience the majesty of tall ships and have created significant economic benefits in the coastal communities in which they have been held.

I note that the United States Coast Guard Cutter *Eagle* was used to train cadets at the Coast Guard Academy on the principles of seamanship. It's just one of the many vessels that has worked extensively with ASTA and participated in many ASTA sailing events.

ASTA's work is critical to preserving our Nation's rich maritime heritage and ensuring that its traditions are passed on to the next generation. Madam Speaker, as the chairman of the Subcommittee on Coast Guard and Maritime Transportation, I urge the adoption of H. Res. 197 of the House today and commend the good work of my friend, Congressman KENNEDY, on this resolution.

I reserve the balance of my time.

Mrs. MILLER of Michigan. Madam Speaker, I yield myself as much time as I might consume.

I rise in very strong support of this resolution.

House Resolution 197 recognizes the contribution of the American Sail Training Association. Tall ships remind us of our proud maritime history and our heritage. Through this Association, many, many young people get an opportunity to train aboard these vessels and to gain important leadership experience.

Sailing provides a great opportunity, a wonderful opportunity, to be outside, to be out in nature, enjoying our Nation's bountiful natural resources. Moreover, it's an opportunity for individuals to learn the value of teamwork, and it provides a personal competitive challenge for each member of the crew as they attempt to match their sailing skills against those of the other boats and Mother Nature. There's actually nothing like it.

I speak from some personal experience, Madam Speaker. Actually, my family was in the marina business. I sold sailboats before I ever became involved in public service. It was our family business. It was the way we made our living. It was our family hobby.

In fact, some of my fondest memories include participating in what are some of the marquis freshwater sailing regattas in the Great Lakes, of which I am happy to represent a district from, such as the Port Huron to Mackinac race, of which I have raced in 29 of them. Actually, after you race 25, they induct you into something called the Old Goat Society, or, in my case, I am an old nanny goat. I think I am the only old nanny goat in the United States Congress, as well as participating in the Chicago-to-Mackinac freshwater race as well.

Since 1973, the American Sail Training Association has been introducing young people to the world of sailing, specifically on tall ships. Madam Speaker, these experiences instill the values of hard work, leadership, appreciation for our environment, and cooperation as well, all attributes which will serve young people very well throughout their lifetime.

This summer, the American Sail Training Association is going to be partnering with Great Lakes United, which will bring a fleet of international tall ships actually into the Great Lakes. As these vessels sail through the world's largest body of fresh water, in fact, the Great Lakes are fully one-fifth or 20 percent of the fresh water supply of the entire planet, they will be calling on various ports throughout the Great Lakes to promote stewardship of the Great Lakes and the educational benefits of sailing.

Again, as one who has sailed throughout the Great Lakes, I know that the young people who participate in this venture will be astounded by the majesty as well as the challenges that they will face from a sailing and a boating perspective on the Great Lakes.

I certainly commend the American Sail Training Association for their work to promote the continued display and use of these majestic ships, as well as their efforts to provide a platform to advance historical and environmental awareness also and, of course, development of leadership skills amongst our young people.

In closing, I would just say that there are few things, Madam Speaker, more moving or majestic that speak to us of our proud maritime heritage than when we see the tall ships. Who can forget, certainly in our Nation's bicentennial, when the tall ships came into New York Harbor, going by the Statue of Liberty, really speaks to what America is certainly all about, I think.

This resolution recognizes an organization that allows young people to experience these tall ships. I would urge my colleagues to support it.

I yield back the balance of my time.

□ 1115

Mr. CUMMINGS. Madam Speaker, I just wanted to close here and just say that I agree with the gentlelady with regard to tall ships. Being from the port city of Baltimore, we've had the opportunity to see the tall ships and to see what sailing has done for our country. I think this is an outstanding resolution, and so I would move for the adoption of it and suggest that all Members vote for it.

Mr. OBERSTAR. Madam Speaker, I rise today in support of H. Res. 197, as amended, introduced by the gentleman from Rhode Island (Mr. KENNEDY), commending the American Sail Training Association for its advancement of character building under sail and for its advancement of international goodwill.

In 1972, Barclay Warburton III, of Newport, Rhode Island, his two sons, and several friends sailed the brigantine *Black Pearl* across the Atlantic to participate in a tall ships race from England to Sweden. Mr. Warburton was inspired by the enthusiasm and spirit of the young people who participated in the race and, in 1973, he established the American Sail Training Association, ASTA, to provide similar experiences for young people in the United States.

Today, ASTA is a respected nonprofit organization with a mission to encourage character building under sail.

ASTA provides young people with experiences aboard traditionally rigged sail training vessels, and manages scholarship and grant programs. ASTA also organizes and participates in tall ships races and maritime festivals involving vessels and crews from all coasts of the United States and from around the world.

ASTA supports more than 200 training vessels of many types from the United States, Canada, and other nations. Each year, ASTA also supports more than 30 annual sail training conferences throughout the United States and Canada. ASTA also publishes ''Sail Tall Ships'', a periodic directory of sail training opportunities.

ASTA collaborates extensively with the United States Coast Guard and the USCG *Eagle* to conduct many of its sail training programs.

As the United States' representative in, and a founding member of, Sail Training International, STI, the international body promoting sail training, ASTA recently collaborated with STI and port partners around the Atlantic Ocean to create the Tall Ships Atlantic Challenge 2009: a 7,000-mile trip around the Atlantic over the traditional routes followed by ships during the age of sail.

I thank the gentleman from Rhode Island for introducing this resolution to commend the American Sail Training Association.

I urge my colleagues to join me in supporting H. Res. 197.

Mr. CUMMINGS. 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 Maryland (Mr. CUMMINGS) that the House suspend the rules and agree to the resolution, H. Res. 197, as amended.

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

A motion to reconsider was laid on the table.

JOHN C. GODBOLD UNITED STATES JUDICIAL ADMINISTRATION BUILDING

Mr. CUMMINGS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4275) to designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the ''John C. Godbold United States Judicial Administration Building'', as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4275

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

SECTION 1. DESIGNATION.

The annex building under construction for the United States courthouse located at 56 Forsyth Street in Atlanta, Georgia, known as the Elbert P. Tuttle United States Court of Appeals Building, shall be known and designated as the ''John C. Godbold Federal Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the annex building referred to in section 1 shall be deemed to be a reference to the ''John C. Godbold Federal Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. 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 material on H.R. 4275.

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

There was no objection.

Mr. CUMMINGS. Madam Speaker, I yield 5 minutes to the distinguished gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Madam Speaker, I want to thank my colleague and my friend Mr. CUMMINGS for yielding. I will not take the 5 minutes.

Madam Speaker, I rise today in support of this resolution to name the annex building at the United States Courthouse on Forsyth Street in downtown Atlanta, Georgia, as the ''John C. Godbold Federal Building.''

Judge John C. Godbold was born in 1920 in Coy, Alabama, about 100 miles to the west of my hometown of Troy.

In 1966, President Lyndon Johnson appointed Judge Godbold to the United States Court of Appeals for the Fifth Circuit, a key post due to the many civil rights cases before the circuit during the fifties, the sixties and seventies.

Judge Godbold holds the distinction of being the only judge in the history of the United States to be the chief judge of two separate judicial circuits, the Fifth, and then later the 11th Circuit in Atlanta. It is with this legislation that we recognize the significant achievement of Judge Godbold and thank him for his many years of service to this country.

Madam Speaker, I would especially like to express my sympathy to Judge Godbold's family, friends, and colleagues on the judge's recent passing in December 2009.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I'd like to yield myself such time as I may consume.

The gentleman from Georgia, I think, just did a great job explaining why we are here today. I'm not going to go through, again, this distinguished American's extensive record of public service. I do want to, though, as the gentleman from Georgia just mentioned, highlight what he just said, that this is the first person to serve as chief judge in two different Federal circuits, which is really a remarkable achievement.

Also, prior to his appointment to the bench, Judge Godbold was in private practice, but he also served in the U.S. Army. I always like to highlight when we're here on the floor and we're doing something like naming a building, if, in fact, someone has also served in the U.S. military, which I think is the most noble way to serve our country. I think it's important to highlight.

So again, I want to thank the gentleman from Georgia (Mr. LEWIS) for bringing this bill. I understand that the entire Georgia delegation is not only supporting this legislation but are cosponsors with him. Again, this is an individual who has an extensive record of public service.

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

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

Madam Speaker, I just want to associate myself with the words of both of my colleagues and urge the Members of this body to support this resolution.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to express my strong support for H.R. 4275 to designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the ''John C. Godbold United States Judicial Administration Building.'' I would also like to commend JOHN LEWIS, the sponsor of this resolution, for his commitment to preserving the accomplishments of John C. Godbold.

The recognition of the accomplishments of Judge John C. Godbold is well overdue. John C. Godbold, born in Coy, Alabama, attended Auburn University and graduated in 1940. Shortly thereafter, he attended Harvard Law School. His studies were interrupted however,

by World War II. He put his studies on hold and joined the Army, where he served as a Major in Europe. After the war, he went back to Harvard Law School to achieve his Juris Doctor degree. Upon graduation, Godbold went into private practice with Richard T. Rives. In 1966, Godbold was appointed to serve as a judge on the Fifth Circuit by President Lyndon Johnson.

After numerous attempts to divide the Fifth Circuit, in 1980 the politics finally gave way to the urgency of doing something about the immense workload of the Fifth Circuit. After receiving petitions signed by every district and circuit judge and every bar association within the circuit, Congress conducted formal hearings and approved on October 14, 1980, the division of the court into two circuits. A new smaller Fifth Circuit Court would stay in New Orleans and exercise appellate jurisdiction over cases originating in Louisiana, Texas, and Mississippi, and a brand new Eleventh Circuit would be located in Atlanta and hear cases coming from Georgia, Florida, and Alabama. The split became official on October 1, 1981, and the twelve judges living in the Eleventh Circuit states all elected to join that circuit, while the 14 judges living within the new fifth chose to stay with that Circuit. Atlanta was now home to the Eleventh Circuit Court of Appeals, and Judge John C. Godbold, who had been chief judge of the old Fifth, became chief of the new Eleventh.

This made Judge Godbold the only person in United States history to serve as the Chief Judge on two separate judicial circuits. In 1987, Judge Godbold became the Director of the Federal Judicial Center in Washington, D.C., for a three-year term, after which he returned as a senior judge. The center is the research and training facility of the Federal Judiciary. In 1990, Judge Godbold was honored by being named the Leslie S. Wright Distinguished Professor at the Cumberland Law School in Birmingham. He was also honored with the Edward J. Devitt Distinguished Service to Justice Award in 1996 and inducted into the Alabama Academy of Honor in 2002. The Honorable Judge John C. Godbold died on December 22, 2009, leaving behind a legacy that will continue to resonate in history.

As a member of the Judiciary, Subcommittee Chairman on Courts and Competition Policy, and a former judge myself, I cannot express enough how important this man's life was. He symbolized the epitome of what lawyers and judges strive to be, the character that all of us should strive to show. Please join me and support this resolution to honor Judge John C. Godbold.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H.R. 4275, as amended, introduced by the gentleman from Georgia (Mr. LEWIS), to designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the ''John C. Godbold Federal Building''.

Judge Godbold was a graduate of Auburn University and of Harvard Law School. He was the first person to ever serve as Chief Judge of two different Federal Circuit courts, Judge Godbold assumed senior status in 1987 and served as Director of the Federal Judicial Center from 1987 to 1990. In addition, he was a professor of law at the Cumberland School of Law of Sanford University.

Judge Godbold was also instrumental in devising a process of certifying issues of first impression in Federal court based on state law interpretations, and inviting the state Supreme Court to identify the state law issues and rule on them. Judge Godbold implemented this new procedure in the U.S. Court of Appeals for the 5th Circuit and now more than 40 states have procedures for the certification of state law issues. Judge Godbold was also a well-respected leader in training Federal jurists and authored several publications that addressed responsible advocacy and the role of the rule of law in our lives.

Judge Godbold died late last year on December 22, 2009. He was a man of immense character, and conducted his court proceedings based on fairness and courtesy. He was a courageous judge and dedicated public servant. It is both fitting and proper that we honor his public service with this designation.

I urge my colleagues to join me in supporting H.R. 4275.

Mr. CUMMINGS. 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 Maryland (Mr. CUMMINGS) that the House suspend the rules and pass the bill, H.R. 4275, as amended.

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

The title of the bill was amended so as to read: ''A bill to designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the 'John C. Godbold Federal Building'.''.

A motion to reconsider was laid on the table.

RECOGNIZING THE COAST GUARD GROUP ASTORIA

Mr. CUMMINGS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1062) recognizing the Coast Guard Group Astoria's more than 60 years of service to the Pacific Northwest, and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1062

Whereas Coast Guard Group Astoria was established in 1948;

Whereas Coast Guard Group Astoria units are responsible for safeguarding mariners in the often treacherous waters of the Pacific Northwest;

Whereas Coast Guard Group Astoria's area of responsibility covers more than 140 miles of coastline between Queets, Washington, and Pacific City, Oregon;

Whereas helicopters from Coast Guard Air Station Astoria regularly patrol and respond to offshore missions from the Canadian border to northern California;

Whereas Coast Guard Group Astoria is comprised of Station Grays Harbor in Westport, Washington; Station Cape Disappointment in Ilwaco, Washington; Station Tillamook Bay in Garibaldi, Oregon; Air Station Astoria in Warrenton, Oregon; and Aids to Navigation Team Astoria at Tongue Point, Oregon;

Whereas during an average year, Coast Guard Group Astoria units respond to more than 800 search-and-rescue calls for help, assist more than 1,700 mariners, and save nearly 100 lives;

Whereas the 325 men and women of Coast Guard Group Astoria perform many missions including search and rescue, homeland security, enforcement of laws and treaties, and maintenance of Aids to Navigation;

Whereas Coast Guard Group Astoria supports local Coast Guard cutters in maintaining 470 Aids to Navigation, enabling mariners to safely navigate the coastal waters of Oregon and Washington;

Whereas since 2003, the men and women of Coast Guard Group Astoria have assisted more than 10,000 individuals in distress and saved more than 500 lives;

Whereas since 2003, Coast Guard Group Astoria has conducted more than 1,200 Living Marine Resources missions to ensure commercial fishing vessel crews abide by Federal and State laws in order to preserve fisheries for future generations;

Whereas since 2003, Coast Guard Group Astoria has spent more than 1,000 hours responding to High Interest Vessels to ensure the security of United States ports and waterways in accordance with the Coast Guard's statutory homeland security responsibilities;

Whereas during the December 2007 Pacific Northwest winter storm, Coast Guard Air Station Astoria helicopter crews flew 28 sorties to rescue and save 136 persons as winds exceeded 130 knots; and

Whereas Coast Guard Group Astoria continues to protect the Pacific Northwest and embody the Coast Guard motto, Semper Paratus: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the Coast Guard Group Astoria's more than 60 years of service to the Pacific Northwest;

(2) honors the brave men and women of Coast Guard Group Astoria who risk their lives daily to ensure the safety and security of the people of the Pacific Northwest; and

(3) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Coast Guard Group Astoria for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from North Carolina (Mr. COBLE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. 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 material on H. Res. 1062.

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

There was no objection.

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

Madam Speaker, as chairman of the Subcommittee on the Coast Guard and Maritime Transportation, I rise in very strong support of H. Res. 1062 offered by Congressman WU. This resolution recognizes the Coast Guard Group Astoria for the more than 60 years of service it has provided to the Pacific Northwest.

Founded in 1948, Group Astoria is today comprised of Station Grays Harbor in Westport, Washington; Station Cape Disappointment in Ilwaco, Washington; Station Tillamook Bay in Garibaldi, Oregon; Air Station Astoria in Warrenton, Oregon; and Aids to Navigation Team Astoria at Tongue Point, Oregon.

Staffed by 325 Coast Guard members, Group Astoria oversees an area of responsibility that covers 140 miles of coastline in Oregon and Washington. In an average year, members of Group Astoria respond to more than 800 search-and-rescue calls; and since 2003, Group Astoria has saved more than 500 lives and assisted more than 10,000 individuals in distress.

Group Astoria also supports the maintenance of 478 aids to navigation, and over the last 7 years the group has conducted more than 1,200 missions to ensure that fishing vessels working in its area of responsibility are in compliance with commercial fishing laws.

Later this year, Group Astoria will gain additional responsibilities and will be renamed Sector Columbia River. The title Group Astoria will become a historical name.

In advance of these planned transitions, H. Res. 1062 recognizes Group Astoria for its service to the Pacific Northwest and honors the members of the Coast Guard who have served at Group Astoria over the past six decades. I join with my friend Congressman WU and the five cosponsors of H. Res. 1062 in honoring the service of Group Astoria, the 13th District, and indeed of all our Coast Guard members.

I urge the adoption of the resolution by the House today and commend Congressman WU for his work on this resolution.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, House Resolution 1062, as indicated by the distinguished chairman, recognizes the longstanding service of Coast Guard Group Astoria to the people of the Pacific Northwest. Group Astoria members, along with their partners at the co-located air station, carry out search and rescue, maritime homeland security, fisheries enforcement, and aids to navigation missions throughout their area of responsibility.

Group Astoria is one of the last of its kind as the Coast Guard has consolidated its personnel and mission capabilities through the establishment of sectors. Members and assets currently assigned to Group Astoria will be combined with other Coast Guard units to stand up the new Sector Columbia River in Astoria later this year, and it is fitting that we celebrate Group Astoria's long history as it embarks on this transformation.

Madam Speaker, House Resolution 1062 gives this House the opportunity to express thanks to members of Coast Guard Astoria and their colleagues stationed at other Coast Guard sectors and groups for their selfless service to protect those in need.

Madam Speaker, if I may assume a personal role, some years ago, as an active-duty Coast Guardsman, I was assigned to the Port Security Unit at Astoria at the mouth of the Columbia River. So this resolution is taking me down a nostalgic trail, a pleasant nostalgic trail. The past is coming alive, reviving old memories.

So with that in mind, I join with the resolution's sponsor and cosponsors in honoring their service and the service of all Coast Guard members and officers.

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

Mr. CUMMINGS. Madam Speaker, I yield such time as he may consume to Mr. WU.

Mr. WU. I thank the gentleman.

I rise today to ask my colleagues to join me in supporting House Resolution 1062, which recognizes Coast Guard Group Astoria's more than 60 years of service to the Pacific Northwest. And I thank the gentleman for his service in Coast Guard Group Astoria, his personal service. I want to welcome him back to Oregon any time he chooses to come.

For more than six decades, Coast Guard Group Astoria has served the people of Oregon and Washington and the Pacific Northwest. The 325 men and women of Group Astoria are responsible for patrolling more than 140 miles of coastline, stretching from Queets, Washington, to Pacific City, Oregon, one of the most dangerous and beautiful expanses of water in the world.

The group is compromised of Station Grays Harbor in Westport, Washington; Station Cape Disappointment in Ilwaco, Washington; Air Station Astoria in Warrenton, Oregon; Aids-to-Navigation Team Astoria at Tongue Point, Oregon; and Station Tillamook Bay in Garibaldi, Oregon.

Group Astoria carries out a diverse set of missions, from search and rescue to law enforcement, and from environmental protection to aids to navigation maintenance, but its contributions to our community do not end there. Coast Guard members are also responsible for homeland security functions vital to our national defense. Moreover, Group Astoria personnel are ever-present sentinels guarding our coastal waterways and enabling the safe and steady flow of both commercial and recreational traffic.

I want to add as a personal note that I deeply appreciate the community service and community contributions of the many individuals in Coast Guard Group Astoria that I have known over the past years.

Group Astoria continues to embody the Coast Guard's motto, ''Semper Paratus,'' always ready, each and every day. These men and women risk their lives to ensure that those who venture to sea return home and return home safely.

Each year, Coast Guard Group Astoria responds to roughly 800 search-and-rescue calls for help, assists more than 1,700 mariners, and saves nearly 100 lives. They do so in all types of weather and amid the many challenges of our harsh and beautiful coastline.

□ 1130

One effort in particular stands out in my mind, not only for its heroism but also for the way that it lifted the spirits of all of those affected: in December 2007, Oregon was hit by a winter storm with hurricane-force winds in excess of 130 miles per hour. The storm knocked out power in thousands of homes in northwest Oregon and southwest Washington, and communication in many areas was completely cut off.

Of the many heroes who distinguished themselves that week, the Coast Guard ranks amongst the most courageous. For instance, Coast Guard Air Station Astoria helicopter crews rescued over 130 people trapped by flooding in Chehalis, Washington. In my personal visit there a day or two after the storm, I met one of the rescue divers. He didn't tell me the story, but his colleagues did.

With high winds blowing, he was dropped in the water near Chehalis. There was a residential structure there, a home there. Not only were the lights still on and electricity still flowing to that house, but there was sheet metal flapping in a very strong wind there. At great risk to himself, ignoring the hazard posed by flying sheet metal, he entered this home and found an elderly gentleman lying on a floating couch inside a flooded room. It takes a lot of courage to enter structures like that, which is to do the right thing and to bring the citizens of Oregon and Washington to safety.

For their extraordinary heroism, many of the aircrews involved in these December 2007 rescues were awarded the Distinguished Flying Cross. Group Astoria's bravery during that storm is just one example of its service to Oregon's north coast. It illustrates the selflessness and the professionalism that gives Group Astoria its reputation.

Madam Speaker, it is right and fitting that we should recognize Coast Guard Group Astoria's service to the Pacific Northwest. These brave men and women give so much to their fellow Americans, and they ask so little in return.

At this time, I would like to specifically recognize the leadership of Captain Peter Troedsson, who commanded Group Astoria during the 2007 winter storm, as well as Captain Doug Kaup, Group Astoria's current commander.

I am grateful for Coast Guard Group Astoria's service, and I ask my colleagues to join me in recognizing their ongoing efforts in protecting the people of the Pacific Northwest. I urge my colleagues to support House Resolution 1062.

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

Madam Speaker, let me associate myself with the words of both of my colleagues. Again, I want to thank Mr. WU for sponsoring the resolution. I also want to thank Mr. COBLE for his service, not only to the United States Coast Guard, but to our subcommittee. He is one of our strongest members and has tremendous passion about the Coast Guard.

As I was listening to both of them, I could not help but think about the fact that the Coast Guard does not always get the recognition that it deserves. It has a little bit over 41,000 members. It is a small agency, a small organization; but I call them our thin blue line at sea. Certainly, Coast Guard Group Astoria is typical of the men and women whom I see all over our country as I travel, and I commend them on so many things that they have done so well.

On that note, when we look back at Katrina and at all of the agencies which operated during Katrina, there is absolutely no question that the United States Coast Guard was the agency that went far beyond the call of duty, rescuing some 35,000-plus lives. Many of these people would have perished if it were not for the bravery and the courage of the United States Coast Guard.

In this resolution, while we are addressing Coast Guard Group Astoria, I think it also says to the other members of the Coast Guard that we are a grateful Congress and that we appreciate everything that they do every day in putting their lives on the line so that they can continue to be our thin blue line at sea.

Mr. OBERSTAR. Madam Speaker, I rise today in support of H. Res. 1062, as amended, introduced by the gentleman from Oregon (Mr. WU), recognizing the Coast Guard Group Astoria's more than 60 years of service to the Pacific Northwest.

With 325 Coast Guard personnel and six units, Group Astoria's area of responsibility encompasses over 140 miles of coastline between Queets, Washington, and Pacific City, Oregon. Group Astoria conducts numerous missions, such as search and rescue, aids-to-navigation, homeland security, and enforcement of laws and treaties.

Each year, Coast Guard Group Astoria receives more than 800 distress calls, assists over 1,700 mariners and save approximately 100 people from perishing at sea. Since 2003, Group Astoria has saved over 500 lives and assisted more than 10,000 recreational boaters and commercial mariners in distress.

Since 2003, Group Astoria had conducted over 1,200 Living Marine Resource missions to ensure commercial fishing vessels are not over-fishing in certain areas, conserving marine resources for future generations.

Air Station Astoria assets provide coverage and respond to offshore distress calls up to the Canadian border and down to northern California. In December 2007, crews from Air Station Astoria flew 28 sorties in 130 knot winds during the Pacific Northwest winter storm saving 136 people. Air Station Astoria also provides assistance to the Air Force Rescue Coordination Center and other local responders with inland search and rescue.

This August, Group Astoria will gain additional responsibilities and will be redesignated as Sector Columbia River, making the title ''Group Astoria'' a historical name. In light of these planned transitions, H. Res. 1062 recognizes Coast Guard Group Astoria for 60 years of noble service and honors the brave Coast Guard men and women who put their lives at risk every day for the safety and security of the people in the Pacific Northwest.

I thank the gentleman from Oregon for bringing forth this resolution to recognizing the Coast Guard Group Astoria's more than 60 years of service to the Pacific Northwest.

I urge my colleagues to join me in supporting H. Res. 1062.

Ms. RICHARDSON. Madam Speaker, I rise today in support of H. Res. 1062 that recognizes the Coast Guard Group Astoria's more than 60 years of service to the Pacific Northwest.

Let me take a moment to commend Congressman DAVID WU for bringing this resolution to the floor and giving us the opportunity to commend the Coast Guard for its continued service.

The Coast Guard Group Astoria, based out of Warrenton, Oregon, operates three Sikorsky HH–60 Jayhawk helicopters as it patrols and responds to emergencies throughout the Pacific Northwest. I know how important the Coast Guard is because of its presence in the Port of Long Beach in the 37th District of California, which I represent. I see on a regular basis just how hard those men and women work to protect our coastal areas and waterways. Their presence in my district, as well as my position on the Transportation and Infrastructure Subcommittee on Coast Guard and Maritime Transportation, make me acutely aware of how important the Coast Guard is to our national security and safety.

We are indebted to the men and women who dedicate their lives to the Coast Guard. These brave men and women, such as those who have spent the last 60 years working for Coast Guard Astoria, are ready and willing to serve their country in whatever way necessary. I support this resolution and urge my colleagues to do the same.

Mr. CUMMINGS. 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 Maryland (Mr. CUMMINGS) that the House suspend the rules and agree to the resolution, H. Res. 1062, 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. CUMMINGS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

RECOGNIZING DR. HECTOR GARCIA

Mr. CONYERS. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 222) recognizing the leadership and historical contributions of Dr. Hector Garcia to the Hispanic community and his remarkable efforts to combat racial and ethnic discrimination in the United States of America.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 222

Whereas Dr. Hector Garcia changed the lives of Americans from all walks of life;

Whereas Dr. Hector Garcia was born in Mexico on January 17, 1914, and immigrated to Mercedes, Texas, in 1918;

Whereas Dr. Hector Garcia is an honored alumnus of the School of Medicine at the University of Texas Medical Branch, Class of 1940;

Whereas Dr. Hector Garcia fought in World War II, specifically in North Africa and Italy, attained the rank of Major, and was awarded the Bronze Star with six battle stars;

Whereas once the Army discovered he was a physician, Dr. Hector Garcia was asked to practice his profession by treating his fellow soldiers;

Whereas Dr. Hector Garcia moved to Corpus Christi, Texas, after the war, and opened a medical practice; rarely charged his indigent patients, and was recognized as a passionate and dedicated physician;

Whereas he first became known in south Texas for his public health messages on the radio with topics ranging from infant diarrhea to tuberculosis;

Whereas Dr. Hector Garcia continued his public service and advocacy and became founder of the American G.I. Forum, a Mexican-American veterans association, which initiated countless efforts on behalf of Americans to advance opportunities in health care, veterans benefits, and civil rights equality;

Whereas his civil rights movement would then grow to also combat discrimination in housing, jobs, education, and voting rights;

Whereas President Kennedy appointed Dr. Hector Garcia a member of the American Treaty Delegation for the Mutual Defense Agreement between the United States and the Federation of the West Indies;

Whereas in 1967, President Lyndon Johnson appointed Dr. Hector Garcia as alternate ambassador to the United Nations where he gave the first speech by an American before the United Nations in a language other than English;

Whereas Dr. Hector Garcia was named member of the Texas Advisory Committee to the United States Commission on Civil Rights;

Whereas President Reagan presented Dr. Hector Garcia the Nation's highest civilian award, the Medal of Freedom, in 1984 for meritorious service to his country, the first Mexican-American to receive this recognition; and

Whereas Pope John Paul II recognized him with the Pontifical Equestrian Order of Pope Gregory the Great: Now, therefore, be it

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

(1) encourages—

(A) teachers of primary schools and secondary schools to launch educational campaigns to inform students about the lifetime of accomplishments by Dr. Hector Garcia; and

(B) all people of the United States to educate themselves about the legacy of Dr. Hector Garcia; and

(2) recognizes the leadership and historical contributions of Dr. Hector Garcia to the Hispanic community and his remarkable efforts to combat racial and ethnic discrimination in the United States of America.

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

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous materials on the resolution under consideration.

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

There was no objection.

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

Madam Speaker, this resolution was brought to the Judiciary Committee's attention by our friend SOLOMON ORTIZ of Texas, which recognizes the leadership and historical contributions of Dr. Hector Garcia to the Hispanic community and to the Nation in his remarkable efforts to combat racial and ethnic discrimination. Dr. Garcia was born in Mexico, and his family settled in Mercedes, Texas. So this concurrent resolution recognizes the leadership and historical contributions of this great American.

It is singularly important to me that he graduated from a segregated high school in Texas. Segregated how? Well, it was segregated because Hispanics could not go to the schools that everybody else went to. Of course, African Americans couldn't either, so I guess they had two levels of segregation. Eventually, he got through the University of Texas, and then became a doctor. During World War II, he was a combat engineer, which is a field of the military that I, too, served in. The rest, as they say, is history.

It is my intention to yield to our colleague Mr. ORTIZ, who has more detail that we can add to this, though, Madam Speaker, at this moment, I reserve the balance of my time.

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

Madam Speaker, first of all, I want to thank my Texas colleague Mr. ORTIZ for introducing this resolution. It reflects well on him and on a wonderful individual who has contributed so much.

I support House Concurrent Resolution 222, which recognizes the leadership and the historical contributions of Dr. Hector Garcia. My colleague in the other body, Senator CORNYN of Texas, sponsored a similar resolution during the last Congress, and I am glad to see that it is being considered in the House this year.

In 1914, Hector Garcia was born in Llera, which is a small town in Mexico. As a child, he was brought to Mercedes, Texas, after his parents fled the Mexican Revolution in 1917. He graduated from the University of Texas Medical School in 1940 and used that education to serve his country in the United States Army.

In the Army, Dr. Garcia served during World War II as an infantryman, as a combat engineer, and as a medical doctor. He earned the Bronze Star medal with six battle stars for his distinguished service; but his public service did not end there. Dr. Garcia founded the American GI Forum in 1948, which fights for equal treatment of Mexican American veterans in medical care and educational benefits.

President Lyndon Johnson made Dr. Garcia the first Mexican American to serve as an ambassador to the United Nations. He also became the first Hispanic to serve on the United States Commission on Civil Rights; and in 1984, President Ronald Reagan bestowed upon Dr. Garcia the Presidential Medal of Freedom.

I urge all of my colleagues to join me in supporting this resolution.

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

Mr. CONYERS. Madam Speaker, I yield as much time as he may consume to the gentleman from Texas, SOLOMON ORTIZ, whom we recognize as the dean of the Hispanic Caucus and whom I thank for bringing to our attention this great Texan and American.

Mr. ORTIZ. Thank you, Chairman CONYERS, for giving a beautiful description of my good friend Dr. Garcia, and thank you for bringing this to the floor.

I also want to thank my good friend from Texas (Mr. SMITH) for bringing this resolution to the floor.

Madam Speaker, I rise to honor an American hero who is very well respected in the community. Today, we honor the life and work of Dr. Hector P. Garcia, who is a recognized leader of better health care for all Texans and who is a legendary civil rights advocate and promoter of education for Hispanics.

My resolution, H. Con. Res. 222, honors a lifetime of the extraordinary achievements of Dr. Hector P. Garcia, who lived and worked in my congressional district in Corpus Christi, Texas, for many years.

Dr. Garcia's family emigrated from Mexico in 1914 and settled in Mercedes, Texas. After graduating from medical school, he served with great distinction in World War II. He attained the rank of major and earned the Bronze Star with six battle stars. When the Army learned that Dr. Garcia was a physician, he was asked to practice his profession by treating his fellow soldiers.

When he moved to Corpus Christi, he opened a private practice where he treated all patients regardless of their ability to pay. I was there many times when people just didn't have any money. He was able to give them what they needed free of charge. He was a very honorable man, and he turned down profit to make a better life for all of us, not only in south Texas but throughout the United States.

Dr. Garcia first became known in south Texas for his public health messages on the radio. He was on the air three times a week with a Spanish program, ''Your Health and Welfare.'' During this time, he struggled to bring attention to severe illnesses such as tuberculosis, which enabled the public to become better educated about its health needs. His messages brought to light the many health issues of the region and the glaring poverty in south Texas.

□ 1145

A man of tremendous talents, Dr. Garcia prized education and fought for other Americans to also value education. In the 1940s, he struggled to abolish the one-room segregated ''Mexican schools'' that one would find across the Texas landscape. As a result of this example of leadership, Texas schools in Corpus Christi were eventually desegregated, substandard schools for children of Mexican and Latino descent were closed, and students who previously did not have access to adequate education were given the same opportunities available to others. Because of these efforts, four schools are named after him in Texas and one in Chicago, Illinois.

Perhaps most significantly, he emerged as founder of the GI Forum, a Mexican American veterans association to redress the injustices experienced by returning World War II veterans. The GI Forum initiated countless efforts on behalf of Americans in the areas of health care and veterans benefits, and now have more than 160,000 members in 500 chapters in 24 States and Puerto Rico. His civil rights movements would then grow to combat discrimination in housing, in education, and in voting rights.

In recognition of these achievements, President John F. Kennedy appointed Dr. Garcia a member of the American Treaty Delegation for the Mutual Defense Agreement between the United States and the Federation of the West Indies. As President Kennedy once said in another context, ''In each of us, there is a private hope and dream which, when fulfilled, can be translated into benefits for everyone.'' Dr. Garcia understood this uplifting concept as he fought discrimination against the voiceless, for which we should all be proud of.

In 1967, President Lyndon B. Johnson appointed Dr. Garcia as alternate ambassador to the United Nations, where he gave the first speech by an American before the United Nations in a language other than English. Dr. Garcia spoke Spanish to a captivated audience.

President Reagan presented Dr. Garcia the Nation's highest civilian award, the Presidential Medal of Freedom, in 1994 for his tremendous service to this country, the first Mexican American to receive that distinction.

Americans should do all they can to learn about Dr. Garcia. He dedicated his life to the less fortunate, and will always be remembered for giving so much of himself for this country and for all of us.

Mr. CONYERS. Madam Speaker, I am pleased to yield 3 minutes to Mr. CHET EDWARDS of Texas, a real leader on improving relations not just in Texas but across the country.

Mr. EDWARDS of Texas. Madam Speaker, let me begin by thanking the chairman for his kind comments and for his leadership for our country.

Madam Speaker, America is a better country today because of the life and service of Dr. Hector P. Garcia. And we will be a better country tomorrow if every school child hears his story. It is the story of an immigrant child who worked hard, became a physician, and dedicated his entire life to his family and service to country. It is a story that one person can make a difference. It is a story of the timeless values of hard work and service to others. It is the quintessential American story of love of country, expressed through a lifetime of service to others.

One of the greatest privileges of my lifetime was to know Dr. Hector Garcia. He left the world a better place, and his life story continues to inspire everyone who hears it. And it is my hope that every school child in America will hear his story, a true champion of our Nation's never-ending quest for equal opportunity for all.

As a child growing up in Corpus Christi, Texas, Dr. Garcia's hometown, I lived on the same block. At the time, I did not know he was a World War II hero who earned a Bronze Star and the rank of major. I did not know this champion in the cause of American's Hispanic veterans. Yet as I grew older and learned of Dr. Garcia's heroic lifetime of service on the battlefields of war, in the halls of Congress, and in the offices of his medical practice, his life's story became an inspiration that led me to public service.

Had it not been for Dr. Hector, as we called him, I probably would not be in Congress today. For that I am personally grateful. But I am even more grateful for how he made a difference in our Nation's history. May God bless and forever keep in his loving arms Dr. Hector P. Garcia.

Mr. HINOJOSA. Madam Speaker, I rise today in support of H. Con. Res. 222, a resolution that recognizes the life and contributions of Dr. Hector P. Garcia.

In 1917, at the age of 3, Dr. Garcia immigrated to my hometown of Mercedes, Texas, with his family, where he graduated from my alma mater, Mercedes High School.

Despite the social injustices that pervaded the United States, like those that forced him to attend segregated schools, he earned his medical degree from the University of Texas Medical School.

He served the nation as a commissioned officer in World War II. After the war, he returned to Texas and continued his medical practice. His decision to fight for civil rights was spurred by the gross injustice and inequality he witnessed in the United States, Particularly in the treatment of Hispanic veterans returning from the war. He founded the American GI Forum to help give these Hispanic veterans a voice.

Dr. Garcia also believed that every child should have equal access to education and that everyone deserved health care. He personally treated hundreds of indigent patients regardless of their ability to pay.

Dr. Garcia's life and work continue to be an inspirational force for many, especially in deep South Texas.

His tireless advocacy for civil rights has benefitted all in the United States who view equality as a fundamental component of our Great Nation.

I am honored that I can stand here today and urge my colleagues to pass this resolution recognizing the remarkable achievements of this great American.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in support of H. Con. Res. 222—Recognizing the leadership and historical contributions of Dr. Hector P. Garcia to the Hispanic community and his remarkable efforts to combat racial and ethnic discrimination in the United States. Dr. Garcia was born in Mexico, in 1914, but his family fled the Mexican Revolution and immigrated to Mercedes, Texas. His is an inspirational story of the possibilities the American Dream holds for immigrants. Through hard work and perseverance, he became a surgeon and served his country in World War II Dr. Garcia's experiences after his return from the war led him to found the American GI Forum in Corpus Christi, Texas.

Dr. Garcia began helping Mexican-American veterans file claims with the Veterans' Administration, in response to the unacceptably slow treatment they were receiving. On March 26, 1948. he called a meeting to address the concerns of these veterans. This developed into the American GI Forum, which soon had chapters in 40 Texas cities and became the way by which Mexican-American veterans could express their frustration with the discrimination against-them.

And so it is with great pleasure that I recognize Dr. Hector P. Garcia, for his service to our country and to the Mexican-American community, and I support this resolution.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to proudly support H. Con. Res. 222 introduced in the House of Representatives by Mr. ORTIZ. H. Con. Res. 222 recognizes the leadership and lifelong contributions of Dr. Hector Garcia to the Hispanic community and his remarkable work on important issues such as civil rights, health care, veteran benefits, the struggle for racial equality, and ethnic discrimination in the United States of America.

Dr. Hector Garcia was born in the city of Llera in Tamaulipas, Mexico, on January 17, 1914. He is the son of two schoolteachers who legally immigrated to Mercedes, Texas, to escape from the violence of the Mexican Revolution in the early 1900s. He graduated in 1940 from the School of Medicine at the University of Texas Medical Branch, and in 1942 volunteered for combat in the Army during World War II. In 1946, after the war, he and his family returned to Texas and settled in Corpus Christi, where he became the president of the League of United Latin American Citizens (LULAC). While in Corpus Christi, Dr. Garcia opened a private practice to treat ill people regardless of their ability to afford health care and he founded the American GI Forum to address VA's discrimination and the right to equality of Hispanic American veterans. Dr. Garcia's strong advocacy and extraordinary work made him the recipient of national and international recognition, including the Nation's highest civilian award in 1984, the Presidential Medal of Freedom, and the Equestrian Order of Pope Gregory the Great from Pope John Paul II in 1990.

Dr. Garcia's leadership, advocacy, work and commitment to Hispanic American civil rights equality, access to health care, and the fair treatment of the government's institutions to its citizens regardless of race and ethnicity constitute his legacy, and his invaluable contribution to the proud history of our great nation.

I commend the life and legacy of Dr. Hector Garcia and his contribution to the Hispanic community in the United States of America, and I strongly encourage my colleagues to support this important resolution.

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

The SPEAKER pro tempore (Ms. DEGETTE). The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 222.

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. CONYERS. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT AMENDMENTS

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the joint resolution (S.J. Res. 25) granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

S.J. RES. 25

Whereas the State of Maryland, the Commonwealth of Virginia, and the District of Columbia entered into the Washington Metropolitan Area Transit Regulation Compact in 1960 with the consent of Congress in Public Law No. 86–794, 74 Stat. 1031;

Whereas the State of Maryland, the Commonwealth of Virginia, and the District of Columbia amended titles I and II of the Compact in 1962 and 1990 with the consent of Congress in Public Law No. 87–767, 76 Stat. 764, and Public Law No. 101–505, 104 Stat. 1300, respectively;

Whereas legislation enacted by the State of Maryland (2008 Md. Laws c. 32 and 2009 Md. Laws c. 76) the Commonwealth of Virginia

(2007 Va. Acts c. 378 and 2009 Va. Acts c. 540) and the District of Columbia (D.C. Act 17–622) contain amendments to article III of title I of the Compact regarding appointment of members to the Washington Metropolitan Area Transit Commission; and

Whereas the consent of Congress is required in order to implement such amendments: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT OF CONGRESS TO COMPACT AMENDMENTS.

(a) CONSENT.—Consent of Congress is given to the amendments of the State of Maryland, the amendments of the Commonwealth of Virginia, and the amendments of the District of Columbia to article III of title I of the Washington Metropolitan Area Transit Regulation Compact.

(b) AMENDMENTS.—The amendments referred to in subsection (a) are substantially as follows:

(1) Section 1(a) is amended to read as follows:

''(a) The Commission shall be composed of 3 members, 1 member appointed by the Governor of Virginia from the Department of Motor Vehicles of the Commonwealth of Virginia, 1 member appointed by the Governor of Maryland from the Maryland Public Service Commission, and 1 member appointed by the Mayor of the District of Columbia from a District of Columbia agency with oversight of matters relating to the Commission.''.

(2) Section 1 is amended by inserting at the end the following:

''(d) An amendment to section 1(a) of this article shall not affect any member in office on the amendment's effective date.''.

SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is expressly reserved.

SEC. 3. CONSTRUCTION AND SEVERABILITY.

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this compact, or legislation enabling the compact, is held invalid, the remainder of the compact or its application to other situations or persons shall not be affected.

SEC. 4. INCONSISTENCY OF LANGUAGE.

The validity of these amendments to the compact shall not be affected by any insubstantial differences in its form or language as adopted by the State of Maryland, Commonwealth of Virginia and District of Columbia.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act.

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

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

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

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

There was no objection.

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

This jurisdiction comes to the Judiciary Committee under the commerce clause, which says that all compacts must come through the committee. The Public Service Commission of the District of Columbia is being replaced with the District of Columbia agency with oversight of matters relating to the commission. The State Corporation Commission of the Commonwealth of Virginia is being replaced with the Commonwealth's Department of Motor Vehicles.

There are a number of our colleagues in the Senate that should be thanked for helping expedite this matter: Senators CARDIN, MIKULSKI, MARK WARNER, and JIM WEBB. We are grateful to them all.

I urge my colleagues to support this resolution because it is obviously in the interests of all that this commission be governed by a three-member board with one representative each from the District of Columbia, the Commonwealth of Virginia, and the State of Maryland. I urge its support.

I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, it is always nice to agree with the Chairman of the Judiciary Committee. I too support Senate Joint Resolution 25.

This resolution grants Congress' approval to amendments that the State of Maryland, the Commonwealth of Virginia and the District of Columbia have made to the Washington Metropolitan Area Transit Regulation Compact.

Under the amendments, the District of Columbia may appoint its member of the Washington Metropolitan Area Transit Commission from any District agency with oversight of matters relating to the commission.

The District is thus freed from the requirement to appoint its member from the District's Public Service Commission, which no longer has responsibility for affairs regulated by the Washington Metropolitan Area Transit Commission.

Similarly, the amendments allow Virginia to appoint its commission member from the Virginia Department of Motor Vehicles, rather than the State's Corporation Commission.

The amendments perform a desirable piece of housekeeping regarding the compact. All of the jurisdictions that are party to the compact have agreed to the amendments.

I urge all Members to support the resolution, which aids the operation of this important interstate body.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the joint resolution, S.J. Res. 25.

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

A motion to reconsider was laid on the table.

TRUTH IN CALLER ID ACT OF 2010

Mr. BOUCHER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1258) to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1258

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 ''Truth in Caller ID Act of 2010''.

SEC. 2. PROHIBITION REGARDING MANIPULATION OF CALLER ID INFORMATION.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following new subsection:

''(e) PROHIBITION ON PROVISION OF DECEPTIVE CALLER ID INFORMATION.—

''(1) IN GENERAL.—It shall be unlawful for any person within the United States, in connection with any real time voice communications service, regardless of the technology or network utilized, to cause any caller ID service to transmit misleading or inaccurate caller ID information, with the intent to defraud or deceive.

''(2) PROTECTION FOR BLOCKING CALLER ID INFORMATION.—Nothing in this subsection may be construed to prevent or restrict any person from blocking the capability of any caller ID service to transmit caller ID information.

''(3) REGULATIONS.—

''(A) DEADLINE.—Not later than 6 months after the date of enactment of this subsection, the Commission shall prescribe regulations to implement this subsection.

''(B) CONSIDERATION OF RELATED REGULATIONS.—In conducting the proceeding to prescribe the regulations required by subparagraph (A), the Commission shall examine whether the regulations under subsection (b)(2)(B) should be revised to require calls that are not made for a commercial purpose to residential telephone lines using an artificial or prerecorded voice to deliver a message to transmit caller ID information that is not misleading or inaccurate.

''(4) LAW ENFORCEMENT EXCEPTION.—This section does not prohibit lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under chapter 224 of title 18, United States Code.

''(5) SAVINGS PROVISION.—Except as provided for in paragraph (3)(B), nothing in this subsection may be construed to affect or alter the application of the Commission's regulations regarding the requirements for transmission of caller ID information, issued pursuant to the Telephone Consumer Protection Act of 1991 (Public Law 102–243) and the amendments made by such Act.

''(6) DEFINITIONS.—For purposes of this subsection:

''(A) CALLER ID INFORMATION.—The term 'caller ID information' means information provided to an end user by a caller ID service regarding the name or the telephone number of the caller or other information regarding the origination of a call made using any real time voice communications service, regardless of the technology or network utilized.

''(B) CALLER ID SERVICE.—The term 'caller ID service' means any service or device designed to provide the user of the service or device with the name or the telephone number of the caller or other information regarding the origination of a call made using any real time voice communications service, regardless of the technology or

network utilized. Such term includes automatic number identification services.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. BOUCHER. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the legislation currently under consideration.

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

There was no objection.

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

Today the House considers H.R. 1258, the Truth in Caller ID Act. This measure was introduced by our colleagues Mr. ENGEL and Mr. BARTON, the ranking member of our Committee on Energy and Commerce. It would direct the Federal Communications Commission to prohibit caller ID spoofing, through which a caller falsifies the original caller ID information during the transmission of a call with the intent to defraud or to deceive.

Typically, caller ID spoofing involves a caller changing the number that would show on the call recipient's caller ID when that call is received. Spoofing has been possible for a number of years, but it has generally required very expensive equipment in order to change the outgoing call information. But with the growth of voice over IP telephoning, spoofing has become easier, and it has become less expensive, and a number of Web sites now are offering spoofing services. So its prevalence, unfortunately, is growing. That growth and the volume of spoofing makes necessary the legislation under consideration presently.

The proliferation of spoofing technologies and services means that those who want to deceive others by manipulating caller ID can now do so with relative ease. Spoofing threatens a number of existing business applications, including credit card verification and automatic call routing, because these systems rely on the telephone number as identified by the caller ID system as one piece of verification and authentication information.

At other times, however, spoofing may be used to protect individuals. I would note an example of domestic violence shelters that sometimes use spoofing to mask the identity of the caller in order to protect that caller's safety. By prohibiting the use of caller ID spoofing only where the intent is to defraud or deceive, this measure will address nefarious uses of the technology while continuing to allow those legitimate uses. In the domestic violence shelter situation, there is no intent to cause harm, which is an element of the crime of deception. Therefore, using caller ID spoofing to protect the location of a victim of domestic violence is not deceptive, and would be allowed under the provisions of the bill now under consideration.

This measure on previous occasions, in fact in the two previous Congresses, has been approved in the House on the suspension calendar. A similar measure in this Congress has been approved by the Senate. I look forward to advancing this legislation today, and I want to say thank you to Mr. ENGEL, to Mr. BARTON, to my colleague and friend on the Commerce Committee, Mr. STEARNS, and other members of our committee who on a bipartisan basis have contributed to the construction of this measure and advancing it to the floor today. I urge approval of the bill.

I reserve the balance of my time.

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

I rise in strong support of this bill. As the chairman of the Telecommunications Subcommittee has indicated, this has passed twice before. We are coming here hoping that the Senate will take it up and pass it. It is a very good bill. The gentleman from New York has offered this bill.

□ 1200

The bill is called the Truth in Caller ID Act, and obviously it's going to pass overwhelmingly today.

Millions of Americans use caller ID to secure greater privacy for their families. Yet as new technologies continue to be developed, a very simple deceptive practice called ''caller ID spoofing'' has simply become a growing problem for consumers and also for businesses. Caller ID spoofing occurs when a caller masquerades as someone else by falsifying the number that appears on the recipient's caller ID display. Now, you say, is this difficult? No, it isn't. Caller ID spoofing can make a caller appear to come from any phone number the caller so desires.

Unfortunately, under current FCC regulations, there is no requirement that all callers transmit accurate caller ID information. In fact, there is nothing that prohibits a deceptive manipulation of caller ID. This bill will go a long way in stemming the tide of caller ID spoofing by making it illegal to transmit misleading or inaccurate caller ID information while providing reasonable exemptions for law enforcement activities.

Madam Speaker, the increasing use of Internet telephone services has made it easier for people to make any number, any number, appear as a caller ID. In addition, several Web sites have sprung up to provide caller ID spoofing services, eliminating the need for any special hardware. So think of that. Entrepreneurship of these spoofers now has sprung to such a point that they can provide it on their Web sites. Although these caller ID spoofing services promote themselves for use in prank calls or for entertainment purposes only, these services can be easily accessed and used by criminals.

Caller ID spoofing has emerged as a useful tool for identifying thieves and other scam artists. In addition, many business functions, from credit card verification to automatic call routing, simply depend on caller ID for security purposes, which spoofing can render useless. So, Madam Speaker, these nefarious actions are the target of this bill.

As you can see, this is a serious issue with far-reaching ramifications and implications for both consumers and for all businesses. This is an important bill, and I urge its passage.

I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, I yield such time as he may consume to the primary author of the legislation, one of our Commerce Committee colleagues, the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman for yielding to me.

Mr. Speaker, I stand today in strong support of my legislation, the Truth in Caller ID Act. But before I begin, I want to first thank my friend and the lead Republican on the Energy and Commerce Committee, Ranking Member JOE BARTON. I also want to thank the chairman of the Energy and Commerce Committee, HENRY WAXMAN, as well as the staff for being so accommodating in getting this bill to the floor today. And I want to thank my friend Mr. BOUCHER, who has helped in bringing this bill to the floor, and my friend and classmate Mr. STEARNS, who quite correctly said this is about as bipartisan a piece of legislation as you can get. This legislation has been developed in an extremely bipartisan manner, and I want to thank and commend everybody who worked on it.

I introduced this bill, Mr. Speaker, because we needed an immediate change in our laws to help prevent identity theft, to crack down on fraudulent phone calls, and to protect legitimate uses of caller ID technology. I first found out about this just simply by reading an article; and when I realized that this is actually something that could be done, I was flabbergasted. I went over to Mr. BARTON, who at the time was the chair of the full committee, and I said, JOE, something really needs to be done about this and would you work with me on it? And he said he would and he agreed and everybody agrees. And the House has passed this bill time and time again, and we hope we can get it passed in both Houses and get it signed.

Last year, the facts are stark, over 6,000 people were victimized by credit card fraud and identity theft. Criminals stole over $15 million from banks and ruined the credit of thousands of victims. They were able to perpetrate this fraud in some instances by using caller ID spoofing. This disturbing fact about spoofing is not just that it's legal but how easy it is to carry out. Criminals use a tool called a ''spoof

card'' to change their outgoing caller ID and even to disguise their voices. Now, if you see a caller ID and you see it has a phone number, most people think that it's ironclad that that's the actual phone number that's calling them when in truth it's not. This technology even allows people to disguise their voice in order to trick banks into giving them access to their victims' accounts. So a man can do that and have his voice change into a woman's voice and vice versa.

So it's absolutely deceptive, absolutely scary, and dangerous; and this tool is available to anyone with access to a Web browser. So it's just ridiculous. The technology has gotten so far ahead of us, we need to have these kinds of laws to simply catch up.

Now, no one can dispute that this legislation is necessary. Last year, a person in New York called a pregnant woman whom she viewed as her romantic rival. Spoofing the phone number of the woman's pharmacist, she tricked the woman into taking a drug used to cause an abortion. I use it because it's one of the horrible examples; and there are many, many more horrible examples of how this is used.

And just think about it. Someone could be tricked into giving up personal medical information. Someone could be tricked to giving up banking information. If someone hears that it is their doctor calling and they take a look at the number and they see it's their doctor's number, they would give out personal information, credit card information, even Social Security identification.

So caller ID fraud has even been used to prank call the constituents of a Member of this body with the caller ID readout saying it came from that Member's office. Just imagine if people committed this fraud in the days leading up to a close election. You can call and you can say you are from one candidate's camp when you are really from the other candidate's camp. And when someone looks down at the phone number, they see it's from candidate A and they think it's legitimate, and it's really from candidate B. So imagine what kind of trouble can happen, what kind of mischief can be done. So this really, again, needs to be curtailed.

So, as everyone has said, in response to this problem, Mr. BARTON and I have introduced the Truth in Caller ID Act. Simply, this bill outlaws the deceptive use of caller ID spoofing technology if the intention of the caller is to deceive and harm the recipient of the call.

And let me say we developed that intention through hearings we had in the Energy and Commerce Committee because we want it to be legitimate. There are legitimate times where a number may have to be scrambled. We certainly do it here on Capitol Hill to protect Members and others and staff from having personal phone numbers being given out or private phone numbers being given out. So there is no intent to do that. That is why we say it outlaws the deceptive use of caller ID spoofing technology if the intention of a caller is to deceive and harm the recipient of a call. And, again, through the hearings we have had, we have refined this bill; and that's why it has such strong bipartisan support.

Let say this bill does not change the rules for legitimate uses of a technology. For example, a domestic abuse shelter will still be able to change their number on caller ID to protect the occupants of the shelter, and I also gave the example about what we do here in Congress.

So I am pleased that this bill passed the House in the 109th and 110th Congresses, and I look forward to its passage again today. I strongly urge my colleagues to support the Truth in Caller ID Act and outlaw this type of fraud once and for all.

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

Let me just comment a little bit further. The gentleman from New York mentioned some specific examples. There is another example that is used in political campaigns he perhaps knows about where people can use spoofing to call different homes in robo phone banking that calls and go around the congressional district as a fake and wake people up at 2 or 3 in the morning and people think this is coming from someone who it is not, and this has happened on both sides of the aisle. So this would prevent that. So I think it hits a little closer to home when you talk about it in those terms.

The other point that has been a concern is why has this bill not passed? I think the question has always been some kind of legal questions, whether there is liability involved for the phone company or anyone that transmits this information to a consumer or constituent through this illegal act of spoofing. And we are able to change that language, through bipartisanship, both sides, to try and make it—for example, if a phone company, not knowing, and how would they know, transmits the information, are they going to be liable for this, to be sued? Well, we worked it out that their not knowing, then they should not be liable for this. So I think that's important that this bill now has language that represents bipartisanship agreement so that the passage of this bill should be assured, I think, this time. So this should be the third and last time we're doing this. And in the end, I think it will be good for Americans to understand that this is an illegal activity and we want to stop it.

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

Mr. BOUCHER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I simply want to commend my colleagues on the Republican side for their bipartisan cooperation in bringing this much-needed measure before the House. Our committee performs best when it works in a bipartisan mode, and we have done that with regard to this measure. We will do it with regard to the measure that will shortly be considered.

I also want to commend the gentleman from New York for his persistence in bringing this important measure to the House now for the third time. I very much hope, as I know he does, that we will be successful in having the measure pass through and signed into law.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in strong support of H.R. 1258, the Truth in Caller ID Act, an important bill, and one I have taken an interest in as we have worked on it over the last several Congresses in the Energy and Commerce Committee.

Caller ID is a great benefit to millions of Americans by giving them more control over their telephones and who and when they talk on the phone.

Like many technological advances, caller ID is a benefit, but bad actors can take advantage of it and turn the technology against the people it is supposed to help.

We want certain people to be able to mask caller ID information for good purposes, like protecting abused women and children or anonymous whistleblowers, but we do not want people to be able to do it for deceptive purposes.

Last Congress, I had some concern that the bill language did not go far enough to address an issue that arose in Texas with robocalls that were using misleading caller ID information, and I worked with Mr. ENGEL on an amendment to address that.

Every election year, there are reports of abusive or deceptive political robocalls and recently reports claim some of these calls are using deceptive caller ID information.

We don't want to limit anyone's political speech, but why should we allow someone to call voters with fake caller ID info claiming they are from the local Democratic or Republican Party when they are not?

We also do not want these automated calls to use innocent businesses' caller ID info which causes people to blame innocent businesses instead of the real source for the calls.

I applaud the bill's sponsor for strengthening the language to prevent this kind of deception during the Committee process.

I strongly support this bill, and I urge my colleagues to join me in voting for it.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BOUCHER) that the House suspend the rules and pass the bill, H.R. 1258, as amended.

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

The title was amended so as to read: ''A bill to amend the Communications Act of 1934 to prohibit manipulation of caller ID information, and for other purposes.''.

A motion to reconsider was laid on the table.

RADIO SPECTRUM INVENTORY ACT

Mr. BOUCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3125) to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3125

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 ''Radio Spectrum Inventory Act''.

SEC. 2. SPECTRUM INVENTORY.

Part B of title I of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 et seq.) is amended by adding at the end the following:

''SEC. 119. SPECTRUM INVENTORY.

''(a) RADIO SPECTRUM INVENTORY.—In order to promote the efficient use of the electromagnetic spectrum, the NTIA and the Commission shall coordinate and carry out each of the following activities not later than 1 year after the date of enactment of this section:

''(1) Except as provided in subsection (e), create an inventory of each radio spectrum band of frequencies listed in the United States Table of Frequency Allocations, from 225 megahertz to, at a minimum, 3.7 gigahertz, and to 10 gigahertz unless the NTIA and the Commission determine that the burden of expanding the inventory outweighs the benefit, that includes—

''(A) the radio services authorized to operate in each band of frequencies;

''(B) the identity of each Federal or non-Federal user within each such radio service authorized to operate in each band of frequencies;

''(C) the activities, capabilities, functions, or missions (including whether such activities, capabilities, functions, or missions are space-based, air-based, or ground-based) supported by the transmitters, end-user terminals or receivers, or other radio frequency devices authorized to operate in each band of frequencies;

''(D) the total amount of spectrum, by band of frequencies, assigned or licensed to each Federal or non-Federal user (in percentage terms and in sum) and the geographic areas covered by their respective assignments or licenses;

''(E) the approximate number of transmitters, end-user terminals or receivers, or other radio frequency devices authorized to operate, as appropriate to characterize the extent of use of each radio service in each band of frequencies;

''(F) an approximation of the extent to which each Federal or non-Federal user is using, by geography, each band of frequencies, such as the amount and percentage of time of use, number of end users, or other measures as appropriate to the particular band and radio service; and

''(G) to the greatest extent possible—

''(i) contour maps or other information that illustrate the coverage area, receiver performance, and other parameters relevant to an assessment of the availability of spectrum in each band;

''(ii) for each band or range of frequencies, the identity of each entity offering unlicensed services and the types and approximate number of unlicensed intentional radiators verified or certified by the Commission that are authorized to operate; and

''(iii) for non-Federal users, any commercial names under which facilities-based service is offered to the public using the spectrum of the non-Federal user, including the commercial names under which the spectrum is being offered through resale.

''(2) Except as provided in subsection (e), create a centralized portal or Web site to make the inventory of the bands of frequencies required under paragraph (1) available to the public.

''(b) USE OF AGENCY RESOURCES.—In creating the inventory described in subsection (a)(1), the NTIA and the Commission shall first use agency resources, including existing databases, field testing, and recordkeeping systems, and only request information from Federal and non-Federal users if such information cannot be obtained using such agency resources.

''(c) REPORTS.—

''(1) IN GENERAL.—Except as provided in subsection (e), not later than 2 years after the date of enactment of this section and biennially thereafter, the NTIA and the Commission shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Energy and Commerce of the House of Representatives containing—

''(A) the results of the inventory created under subsection (a)(1), including any update to the information in the inventory pursuant to subsection (d);

''(B) a description of any information the NTIA or the Commission determines is necessary for such inventory but that is unavailable; and

''(C) a description of any information not provided by any Federal or non-Federal user in accordance with subsections (e)(1)(B)(ii) and (e)(2)(C)(ii).

''(2) RELOCATION REPORT.—

''(A) IN GENERAL.—Except as provided in subsection (e), the NTIA and the Commission shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives containing a recommendation of which spectrum, if any, should be reallocated or otherwise made available for shared access and an explanation of the basis for that recommendation.

''(B) DEADLINES.—The report required under subparagraph (A) shall be submitted not later than 2 years after the date of enactment of this section and every 2 years thereafter.

''(3) INVENTORY REPORT.—If the NTIA and the Commission have not conducted an inventory under subsection (a) to 10 gigahertz at least 90 days before the third report required under paragraph (1) is submitted, the NTIA and the Comission shall include an evaluation in such report and in every report thereafter of whether the burden of expanding the inventory to 10 gigahertz outweighs the benefit until such time as the NTIA and the Commission have conducted the inventory to 10 gigahertz.

''(d) MAINTENANCE AND UPDATING OF INFORMATION.—After the creation of the inventory required by subsection (a)(1), the NTIA and the Commission shall make all reasonable efforts to maintain and update the information required under such subsection on a quarterly basis, including when there is a transfer or auction of a license or a change in a permanent assignment or license.

''(e) NATIONAL SECURITY AND PUBLIC SAFETY INFORMATION.—

''(1) NONDISCLOSURE.—

''(A) IN GENERAL.—If the head of an executive agency of the Federal Government determines that public disclosure of certain information held by that agency or a licensee of non-Federal spectrum and required by subsection (a), (c), or (d) would reveal classified national security information or other information for which there is a legal basis for nondisclosure and such public disclosure would be detrimental to national security, homeland security, or public safety, the agency head shall notify the NTIA of that determination and shall include descriptions of the activities, capabilities, functions, or missions (including whether they are space-based, air-based, or ground-based) supported by the information being withheld.

''(B) INFORMATION PROVIDED.—The agency head shall provide to NTIA—

''(i) the publicly releasable information required by subsection (a)(1);

''(ii) to the maximum extent practicable, a summary description, suitable for public release, of the classified national security information or other information for which there is a legal basis for nondisclosure; and

''(iii) a classified annex, under appropriate cover, containing the classified national security information or other information for which there is a legal basis for nondisclosure that the agency head has determined must be withheld from public disclosure.

''(2) PUBLIC SAFETY NONDISCLOSURE.—

''(A) IN GENERAL.—If a licensee of non-Federal spectrum determines that public disclosure of certain information held by that licensee and required to be submitted by subsection (a), (c), or (d) would reveal information for which public disclosure would be detrimental to public safety, or the licensee is otherwise prohibited by law from disclosing the information, the licensee may petition the Commission for a partial or total exemption from inclusion on the centralized portal or Web site under subsection (a)(2) and in the report required by subsection (c).

''(B) BURDEN.—The licensee seeking an exemption under this paragraph bears the burden of justifying the exemption and shall provide clear and convincing evidence to support such an exemption.

''(C) INFORMATION REQUIRED.—If an exemption is granted under this paragraph, the licensee shall provide to the Commission—

''(i) the publicly releasable information required by subsection (a)(1) for the inventory;

''(ii) to the maximum extent practicable, a summary description, suitable for public release, of the information for which public disclosure would be detrimental to public safety or the licensee is otherwise prohibited by law from disclosing; and

''(iii) an annex, under appropriate cover, containing the information that the Commission has determined should be withheld from public disclosure.

''(3) ADDITIONAL DISCLOSURE.—The annexes required under paragraphs (1)(B)(iii) and (2)(C)(iii) shall be provided to the congressional committees listed in subsection (c), but shall not be disclosed to the public under subsection (a) or subsection (d) or provided to any unauthorized person through any other means.

''(4) NATIONAL SECURITY COUNCIL CONSULTATION.—Prior to the release of the inventory under subsection (a), any updates to the inventory resulting from subsection (d), or the submission of a report under subsection (c)(1), the NTIA and the Commission shall consult with the National Security Council for a period not to exceed 30 days for the purposes of determining what additional information, if any, shall be withheld from the public.

''(f) PROPRIETARY INFORMATION.—In creating and maintaining the inventory, centralized portal or Web site, and reports under this section, the NTIA and the Commission shall follow their rules and practice regarding confidential and proprietary information. Nothing in this subsection shall be construed to compel the Commission to make

publicly available any confidential or proprietary information.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that all Members will have 5 legislative days to revise and extend their remarks on the measure now under consideration and insert extraneous material into the RECORD.

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

There was no objection.

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

Wireless communications services are rapidly growing. Each year, millions of users graduate from basic cellular telephone services to Smart telephones that employ a broad range of data services. Those services require far greater bandwidth than traditional cellular telephones; and the data services that are offered through Smartphones are becoming ever more sophisticated, often employing full-motion video as part of the range of applications that can be made available through the Smartphones.

The combination of greater Smartphone use and far more elaborate applications is placing unprecedented demands on our limited wireless spectrum availability. To meet these growing needs, in the near future more spectrum must be made available for commercial wireless communications services, and that new spectrum would be made available for auction to the successful wireless bidders.

Even the launch later this year of the fourth generation of the wireless services by the major cellular service providers using the spectrum that was previously occupied by the television broadcasters for their analog television transmissions will only provide a brief respite with regard to these ever-rising demands for additional spectrum, and so we clearly are compelled to act.

Responding to this need, last July I joined with Chairman WAXMAN; our full committee ranking member, the gentleman from Texas (Mr. BARTON); and my friend and colleague on the subcommittee, our subcommittee ranking member, Mr. STEARNS, in introducing the Radio Spectrum Inventory Act, which is before the House this morning.

□ 1215

It directs the NTIA and the U.S. Department of Commerce and the Federal Communications Commission to undertake a comprehensive survey of the Nation's spectrum and report to us on current spectrum utilization, and include recommendations of which, if any, of the least utilized blocks of spectrum could be reallocated for commercial use or subjected to spectrum sharing with commercial users.

The measure is a thoughtful approach to meeting the extraordinary spectrum demands that our Nation will soon face. It will produce a timely blueprint for our future decisions about which spectrum should be reallocated for auctions to commercial service providers.

Under the bill, within 1 year of the date of enactment, the NTIA and the FCC would also create a Web site to make the spectrum inventory publicly available. They would report the results of the inventory to the House and Senate Commerce Committees within 2 years of the date of enactment, and that report would include a description of the information that could not be made publicly available for national security reasons.

The agencies would also, within 2 years, submit to the House and Senate Commerce Committees a reallocation report that would include a recommendation of which spectrum should be reallocated or otherwise made available for shared access. That recommendation should be updated by the agencies in follow-on reports to the committees, which are to be submitted every other year following the submission of the initial report. Those follow-on reports may be updates to the initial report and not necessarily be top-to-bottom reviews.

I want to express appreciation to our colleagues on a bipartisan basis—Mr. WAXMAN, Mr. BARTON, Mr. STEARNS, other members of the subcommittee—who, in our hearing and markup sessions in the subcommittee, contributed richly to our dialogue and to structuring the legislation that we have before us this morning. It is a bipartisan measure. All of the committee members have been involved in this constructive exercise, and I want to thank them for their participation.

Mr. Speaker, I urge approval of the bill, and I reserve the balance of my time.

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

Mr. Speaker, I also rise in support of H.R. 3125, the Radio Spectrum Inventory Act. As the gentleman from Virginia (Mr. BOUCHER) mentioned, it's a very important bill, and I urge its passage.

This bill offers an opportunity to evaluate all of the frequency bands between 225 megahertz and 10 gigahertz and simply to determine who uses these frequency bands and the purpose for which they are being used.

While this bill requires NTIA and the FCC to recommend which spectrum, if any, should be reallocated, Congress ultimately will decide whether reallocation should occur. For Congress to make such an informed judgment, we need a solid set of facts before we do it. So it's very clear that the United States will need additional spectrum to meet the growing demand for wireless broadband, fourth-generation wireless. In fact, we are victims of our own success in this country.

The United States currently leads the world in wireless. Wireless providers have used spectrum to provide U.S. consumers with many innovative voice and data services. The number of mobile voice consumers in the United States has surpassed the number of wire line customers. Back in 1996, when we passed the Telecommunications Act, I don't think anybody would have thought that would have happened. And the number of mobile broadband consumers has increased exponentially over the past several years.

As customers increase the amount of time they spend on their mobile devices talking, emailing, surfing the net, cell sites become constrained for capacity. As a result, we are facing, in the words of FCC Chairman Genachowski, a ''looming spectrum crisis.'' For example, a voice call requires approximately 10,000 bits per second, while downloading a video requires millions of bits per second.

This bill creates a thoughtful, comprehensive process through which Congress can identify whether to reallocate spectrum that is currently underutilized. Current license holders should not fear this process. It will be open and transparent and provide all spectrum users with the opportunity to explain the purposes for which they use spectrum.

This is a beginning, Mr. Speaker, not the end of the debate over the future of the spectrum policy in the United States.

Now, this is a bill that's very important. You'd almost consider it not only for innovation and for commercial use, but long term, on behalf of national security purposes, too. So don't discount the fact that we are just asking for an inventory. It's something that should be done, and I think anybody who's interested in fiscal responsibility should realize asking for an inventory is the best way to find out what you have and how to use it better.

So I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, at this time I'm pleased to yield to the chairman of the Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN) and principal author of this measure, such time as he may consume.

Mr. WAXMAN. Mr. Speaker, I rise in support of H.R. 3125, the Radio Spectrum Inventory Act, which I introduced last year with Chairman BOUCHER, Ranking Members BARTON and STEARNS, and more than a dozen of our colleagues on the Energy and Commerce Committee.

This timely, bipartisan legislation creates a process for full inventory, mapping, and accounting of current spectrum use by Federal and non-Federal users. This measure will inject transparency in the way our government and the private sector utilizes

the critical public resource. With the benefit of this inventory, we can make informed, rational, and deliberate decisions about how our spectrum is used in future decades to benefit the American people, American businesses, and American innovation.

It also creates a parallel process for a regular assessment of whether any spectrum should be reallocated or otherwise made available for shared access to improve the efficiency with which we utilize this precious resource.

I'm pleased that the bill includes a strong national security section reflecting the result of extensive bipartisan consultation with the defense and intelligence communities. The bill we consider today strikes a proper balance between providing useful information to the public about the nature and use of spectrum, while safeguarding national security, homeland security, and public safety interests.

I urge my colleagues to support this important measure.

Mr. STEARNS. Mr. Speaker, I yield 1 minute to Mr. PITTS, the gentleman from Pennsylvania.

Mr. PITTS. Mr. Speaker, I appreciate the opportunity to speak on the bill.

As the chairman of the Congressional Electronic Warfare Working Group, I believe that the electromagnetic spectrum is critically important to our current and future military operations and national security. And I'm pleased to see that the committee has taken into consideration some concerns raised by the administration and the electronic warfare community regarding this bill. However, the electromagnetic spectrum is a dynamic and ever-changing environment, and we must ensure that our Armed Forces can manage the utilization of the spectrum and provide long-term strategic planning and program development.

While I understand the importance of the potential economic value of the spectrum inventory, it is vital that this bill take into account the criticality of the electromagnetic spectrum to military training and operations and the importance of the U.S. military controlling the spectrum in conflict.

I will support this bill today, but we must be very vigilant as the inventory is taken. If mistakes are made, serious negative consequences will ensue, consequences that could harm the warfighter and his ability to use the spectrum in training and war.

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

Mr. BOUCHER. Mr. Speaker, at this time I'm pleased to yield 3 minutes to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Mr. Speaker, let me first thank the gentleman for yielding time and thank him for his leadership on the committee and subcommittee, as well as the leadership of the ranking member.

Mr. Speaker, I rise today to support H.R. 3125, the bipartisan Radio Spectrum Inventory Act, introduced by our chairman, Mr. WAXMAN, who just spoke a moment ago.

Mr. Speaker, last year, 2009, a Pew study found that while African Americans are less likely than others to use a desktop computer to access the Internet, they are more likely to access the Internet over a wireless device. And so it is incredibly important to know the available spectrum and how to use it in the most efficient way so that wireless broadband service is as ubiquitous and robust as possible.

We can help facilitate that goal by ensuring that additional spectrum will be available when it is needed. And given the long lead times that often are associated with efforts to bring spectrum to market, the time to start is now. The Radio Spectrum Inventory Act will help ensure that we know where future allocations of spectrum can be drawn from so that our constituents can have the services they need when they need them.

This is a good bill, Mr. Speaker. I support it. I ask my colleagues to do the same.

Mr. STEARNS. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. Mr. Speaker, I rise in support of H.R. 3125, the Radio Spectrum Inventory Act.

The most pressing issue that we're facing right now in the mobile wireless and Internet industries is the availability and use of spectrum, especially given the dramatic increases we're seeing in the use of wireless services. As wireless technologies continue to advance and more Americans use mobile devices for data-intensive purposes, the demand for spectrum will grow rapidly.

We're seeing every day with all of the new things that can be done just on a cell phone, not only running daily applications to help businesses, but we also can do more things in terms of downloading actual movies and getting direct access. You can look at things happening in real time, and, of course, this takes more spectrum. So additional spectrum will be needed, and that's why this Radio Spectrum Inventory Act will help promote and advance the effective and efficient use of the spectrum that's out there.

The first step, of course, must be to identify what spectrum is available and how the current spectrum is being used in an efficient manner, and this inventory act will do just that. It will require NTIA and the FCC to undertake a comprehensive survey of the Nation's spectrum and develop a full inventory. Taking this inventory is the only way we'll be able to know what spectrum can be located and what spectrum can be shared and used in a more efficient manner. We will then be able to decide the best ways to utilize that spectrum.

The convergence of mobile, wireless services, high-speed Internet access, and powerful handsets promise to transform almost all aspects of the way Americans work, learn, deliver services, and enhance our public safety. Congress should move expeditiously on this inventory legislation and avoid additional costs, and also unleash the potential and create more jobs in these industries that are out there innovating and helping people live in a better way of life.

So I encourage support of this bill. I thank the gentleman for bringing it.

Mr. BOUCHER. Mr. Speaker, at this time I am pleased to yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY), chairman of the Subcommittee on Energy and the Environment of our Energy and Commerce Committee.

Mr. MARKEY of Massachusetts. I thank the gentleman very much, and I thank the gentleman from Virginia (Mr. BOUCHER) for his leadership on this critical issue, along with the gentleman from Florida (Mr. STEARNS) in partnership with Mr. WAXMAN and with Mr. BARTON.

Mr. BOUCHER and I have been working on these issues for many, many, many years, and this bill that has been produced by his subcommittee is something that, in my opinion, is going to go a long way towards helping our country to create a new boom economically in this wireless sector. We saw a great boom in the 1990s when we moved over 200 megahertz of spectrum, creating the third, fourth, fifth and sixth cell phone license, combined with the Telecom Act of 1996. We saw, actually, a transformation in the way in which we communicate in our country.

Who would think that we could move from black rotary dial phones to BlackBerrys in just 10 years, almost on a ubiquitous basis.

□ 1230

Who would think that Mr. STEARNS could be checking his BlackBerry even as I'm speaking out here on the floor? That's something we're very proud of. We're very proud of that revolution in the 1990s. And I think we have the potential here in this legislation to accomplish the very same kind of addition to the spectrum capacity. And Ms. BLACKBURN is showing not only can we use these devices now for voice but also for video and for data.

It's become a technology with the great deal of flexibility; yet because of this technology, we are going to be able—and I thank the chairman for this—to inventory each radio spectrum band of frequencies from 225 megahertz to 10 gigahertz, and that includes the radio services authorized to operate within each band of frequencies, the identity of each Federal or non-Federal user within which such radio service is authorized to operate in each band of the frequencies, the total amount of spectrum by band of frequencies allocated to each Federal or non-Federal user and an approximation of the extent to which each Federal or non-Federal user is using each band of frequencies.

This basic goal that the legislation advances to create this inventory will

make it possible for us to build on this revolution that occurred from the mid-1990s to 2005 where companies whose names did not exist—Google, eBay, Amazon, Hulu, YouTube—are now replaced or added to with a whole new generation of companies, of technologies, of gadgets and applications that will give incredible economic stimulus to our country.

So what we have here is a debate over the American economy, and it's central to our wellbeing; yet in a lot of ways, it just doesn't get talked about as being the biggest part of what happened in the 1990s. And as it moves into the 21st century, we're seeing these technologies now be included in new energy technologies, new health care technologies, new education technologies. It now has infiltrated technology after technology in our country.

And what the gentleman from Virginia is doing in a bipartisan partnership with the gentleman from Florida is, in my opinion, central to ensuring that we have the leadership in this mobile innovation, that we have a smart spectrum policy that is put on the books, and then we can just get out of the way and watch these entrepreneurs and watch these whole tech communities make it possible for us, with a little bit of luck from Mr. STEARNS and others, that the applications become so great that perhaps he and millions of other Americans will never again have to look up from their BlackBerry. There will just be so much interesting stuff that is on it, it will be so versatile.

So thank you so much and congratulations. I urge an ''aye'' vote on this important legislation.

Mr. STEARNS. I yield myself 15 seconds to reply to the distinguished Member of Massachusetts.

I just got a tweet on Twitter notifying me that Representative ED MARKEY was speaking. His fan club is so omnipresent that it just came across saying to everybody in the United States that he was on the floor speaking so eloquently. So I couldn't resist pulling it up and seeing what it said.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I want to thank the chairman for his diligent work on this bill and also Mr. STEARNS for his leadership as we worked through these issues in committee. And I do rise in support of the Radio Spectrum Inventory Act.

In committee, I highlighted the importance of listening to the engineers as we move forward on our spectrum inventory. And today I want to talk about the importance of this bill to the wireless industry. America's wireless industry is the undisputed world leader, and Mr. STEARNS and Mr. MARKEY have both highlighted portions of that as we have played with our devices during Mr. MARKEY's remarks focusing on the innovations that have come our way.

Americans pay less per minute for the use of wireless services than users in Europe or Asia. And despite having just 7 percent of the global wireless subscribers, America's wireless companies serve more than 21 percent of global 3G subscribers. Handsets and applications that can be launched anywhere in the world routinely appear in the U.S. market first.

Unfortunately, our position in the global marketplace is not something that is guaranteed to us, and without careful attention to support the need of the growth of the wireless industry through the release of additional spectrum, we risk ceding that important leadership to nations that have already identified substantial swaths of spectrum that will be made available for commercial use. That is why the Radio Spectrum Inventory Act is so very important by providing a road map for policymakers regarding where we may find additional spectrum that can be used for wireless broadband services in the U.S. Enactment of H.R. 3125 will help ensure that the U.S. is in a position to match, and hopefully surpass, our trading partners by making additional spectrum available for commercial use.

I urge support of the legislation.

Mr. STEARNS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Tennessee to engage in a colloquy with the chairman of the Subcommittee on Telecommunications.

Mrs. BLACKBURN. I would yield to the gentleman from Virginia and ask permission for the colloquy.

Mr. BOUCHER. The gentlelady controls the time. I will be happy to engage in the colloquy with the gentlelady.

Mrs. BLACKBURN. I thank the gentleman from Florida for the time.

And, Mr. Chairman, last month the Federal Communications Commission released its National Broadband Plan which contained some very ambitious recommendations with respect to spectrum availability. I would like to ask the subcommittee chairman his views on how the FCC should proceed on the inventory required by this bill and on the recommendations of the broadband plan. Is it the chairman's view that the inventory required by this bill should inform the FCC in its decision-making with respect to the potential reallocation of spectrum sought by the broadband plan?

Mr. BOUCHER. Would the gentlelady yield?

Mrs. BLACKBURN. Yes.

Mr. BOUCHER. I thank the gentlelady for yielding.

There is no doubt that more spectrum is needed to meet our Nation's rising demand for wireless services. Conducting the spectrum inventory that this legislation requires is an essential first step. It will offer a clear path and a road map for the next steps in making available adequate spectrum by giving the Congress and the FCC a baseline of the location and use of our spectrum resources. That baseline should inform the Congress and the commission on decisions regarding spectrum use and possible spectrum reallocation.

Mrs. BLACKBURN. I thank the subcommittee chairman for his explanation, and I associate myself with his remarks. I share the chairman's expectation regarding the importance of collecting and analyzing the data in the spectrum inventory before making decisions about possible spectrum relocation.

I'd also like to a add my own expectation that the spectrum inventory will be thorough and scientific in order to serve as an accurate metric of our spectrum use.

I have one final question to ask the chairman. The broadband plan includes recommendations regarding reallocation of many of the frequencies currently used to provide broadcast television service. The plan recommends starting with voluntary measures to relocate broadcast stations to different frequencies; But it then hints that other, presumably involuntary, methods of relocating broadcast stations may be necessary.

My question, Mr. Chairman, is whether you believe that the FCC should engage in involuntary methods to move broadcasters to different frequencies in order to free up additional spectrum.

Mr. BOUCHER. Would the gentlelady yield?

Mrs. BLACKBURN. Yes.

Mr. BOUCHER. I thank the gentlelady for yielding.

As to the first matter, I agree with her that a thorough scientific examination of spectrum use must be the core of the inventory that this measure requires. I also agree that the right approach is for the FCC to work with television broadcasters to identify the spectrum they now hold that on a purely consensual basis could be repurposed for commercial wireless use. Broadcasters who surrender spectrum would receive compensation in exchange for a voluntary spectrum transfer. I would not support the commission's requiring stations to give up spectrum involuntarily.

The right approach is that specified in this legislation—learn where we are, understand thoroughly how current spectrum is used, identify that part that is perhaps underutilized that could be reallocated or submitted to spectrum sharing through the new spectrum sharing technologies and then to the extent that based on that inventory it would be appropriate for broadcasters to enter into conversations about surrendering a portion of their spectrum on a voluntary basis, that would obviously be an appropriate step. It would not be an appropriate step to require that broadcasters engage in the surrender of any part of the spectrum they hold.

And I thank the gentlelady for raising these very important questions

that help illuminate the debate this morning.

Mrs. BLACKBURN. I thank the chairman for his explanations.

Mr. BOUCHER. Mr. Speaker, at this time I'm pleased to yield 3 minutes to the gentleman from Washington State (Mr. INSLEE).

Mr. INSLEE. I want to congratulate those who have been working on this, the Chair, ranking member, to get this bill through.

I want to make two points. This effort is one that reaches in to improve certain areas that we may not think of when we think about spectrum. I note the little town of Republic in Washington, in eastern Washington, where my grandmother grew up—and it's a great town—but right now you essentially have to shut down the entire city's access to the Internet to send one X-ray from a physician in Republic to a reader, an expert in Seattle to read the X-ray. You have to sort of shut down the whole town because we don't have enough access in spectrum. This making access to spectrum more available helps health care in many, many places across the country.

The second point I want to make, I met with my law enforcement community last week who are still thirsting after an interoperable standard so that we can in fact have interoperability for emergency services radio communications. We still don't have this at this late date. Freeing up spectrum, allowing a financing system to really build that out is necessary.

So this is good for economic growth. It is good for health care. It is good for emergency services. There are multiple reasons this is heading in the right direction.

I do want to point out—and I'm happy to have co-sponsored this bill. We have another bill we hope to have on the floor in a while, the Spectrum Relocation Improvement Act, to improve the availability to do auctions to get this out into commerce. We look forward to working with the chair and ranking member to get this bill to the floor so we can build on this success.

Congratulations.

Mr. STEARNS. I yield 1 minute to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank Mr. STEARNS for yielding.

We may very well be needing to focus on the radio frequency spectrum that is in the public domain; but, Mr. Speaker, this Congress is ignoring the greatest spectrum that the American people are demanding, and that's where are the jobs. We're not focusing on public policies that are going to create a stronger economy and create jobs. In fact, we are developing policy over and over again that this leadership of this House and this Senate and the President are forcing upon the American people that are going to take away jobs.

The ObamaCare bill is going to kill millions of jobs. The jobs bill that we saw in past jobs I and II, et cetera, are going to kill jobs and not create jobs. They're going to create government jobs. And the American people are asking where are the jobs, not where is the spectrum. Radio spectrum, though, that is an important issue.

But this Congress needs to focus upon jobs, Mr. Speaker, and the American people need to demand that this Congress do just that.

□ 1245

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

Mr. BOUCHER. Mr. Speaker, I want to again thank all Members who have participated on a bipartisan basis in bringing this measure to the floor. Many Members have contributed to its construction. It is the right path to take.

This will bring us to a point where we are in a position to decide how to meet the rising spectrum demands that inevitably we will confront within just a few years. It is the right approach, and I commend this measure to the House and urge its approval.

Mr. RADANOVICH. Mr. Speaker, I rise today in strong support of H.R. 3125, the Radio Spectrum Inventory Act. I commend Chairman WAXMAN, Ranking Member BARTON, and the Energy and Commerce Committee members for producing this excellent, bipartisan bill. The legislation would require the National Telecommunications Information Administration and the Federal Communications Commission to work together in creating and maintaining an accurate, comprehensive database of the radio broadcast spectrum.

As the FCC acknowledged in its recent National Broadband Plan, we are facing a spectrum shortage in the United States. Wireless carriers have suggested that current allocation of spectrum is inadequate to meet our growing demands. As third-generation (3G) technology matures, and fourth-generation (4G) rolls out, the demands on wireless broadband networks will only increase. This growth of wireless broadband will be constrained if government does not make spectrum available to enable network expansion and technology upgrades. It is also important to support the FCC's goal of making 300 megahertz of spectrum available for commercial use over the next 5 years, and 500 megahertz available over the next 10 years.

In order for that to happen, we must first have an adequate understanding of how the current spectrum is allocated and utilized. This critical bill allows the FCC and NTIA to identify spectrum that can be reallocated for commercial wireless use. In addition to creating an inventory, the bill allows for the creation of a centralized Web site to make the inventory available to the public. It also addresses concerns related to public disclosure in regards to national security, homeland security, or public safety issues.

Having an inventory will be instrumental in evaluating which bands can be reallocated for commercial mobile use. This bill represents the first step in the process of addressing the spectrum needs of existing and new mobile broadband providers. I commend the authors for bringing this bill to the House floor, and I urge my colleagues to join me in voting for it.

Mr. MCNERNEY. Mr. Speaker, I take this opportunity to express my support for H.R. 3125, the Radio Spectrum Inventory Act, of which I am a cosponsor. While much of our economy has experienced unfortunate challenges over the last few years, the technology and innovation sectors continue to stay afloat and even grow. To help foster this growth, it is vital that Congress enact forward-thinking policies such as those embodied by the Radio Spectrum Inventory Act. Itemizing currently-utilized spectrum will allow us to take additional steps to use available resources more efficiently. Enactment of H.R. 3125 will also help our country identify unused spectrum, which can subsequently serve to accommodate the growing demand for spectrum that must be met to allow consumers to have better access to broadband technology.

The families and businesses that benefit so greatly from broadband services are depending on us to take actions that will encourage innovation and help preserve our country's position as the world's leader in high technology. H.R. 3125 is an important step towards improving the way we work, deliver health care, consume energy, and teach students, and I encourage all of my colleagues to support this bill.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I rise today in support of H.R. 3125, the Radio Spectrum Inventory Act.

As a veteran who served in Baghdad in 2003, I know firsthand how important proper radio use was for ensuring the success of our missions and safety of our troops. In the military every part of the radio spectrum had a specific purpose and was allocated based on efficiency and suitably.

Yet, in America the historical legacy of radio spectrum development has led to a patchwork system full of inefficiency. Additionally, there is a lack of information about current usage which has left America at a competitive disadvantage for developing new innovations in wireless service. Our economic success will depend on a new strategy for properly using our wireless spectrum so that we can innovate and develop new services to improve the connectivity of the American people and continue to fuel economic growth.

Every day new and useful applications are added to wireless service and the need for more radio spectrum to meet those needs increases. The Radio Spectrum Inventory Act would allow lawmakers, consumers and industry to know what spectrum is being used and how. By identifying gaps in spectrum use and inefficient spectrum allocations, this bill will help us understand the best approach to meet the growing demand for additional spectrum.

With the important information collected as a result of this bill, we can have an informed debate about how to most efficiently use and allocate our limited spectrum resources so that we can best meet the changing needs of the American public.

Mr. Speaker, it is time that we take a serious look at the future spectrum needs of this country in order to properly prepare for the challenge. The right way to start is by gathering more information on our current situation. The Radio Spectrum Inventory Act will take this first step and put us on the right path to effectively develop a better strategy to meet our nation's growing wireless needs.

Ms. ESHOO. Mr. Speaker, I rise today to support passage of H.R. 3125, The Radio

Spectrum Inventory Act. I'm proud to be an initial cosponsor of this legislation, and I look forward to seeing it enacted into law. Thank you, Chairman WAXMAN for your leadership on this bill, and I appreciate the important bipartisan work of the Ranking Minority Member of the Energy and Commerce Committee, JOE BARTON.

We pass this bill at an opportune moment. This past month, the Federal Communications Commission released its National Broadband Plan. The FCC pointed out what many of us already have known for a long time—broadband rollout requires an increasing amount of spectrum.

We're already seeing competing industries squabble over spectrum, and we are in danger of having an all-out range war between the wireless industry and broadcasters. We can head it all off at the pass by doing the obvious—review our resources first, and reallocate second.

That doesn't mean I want the FCC to stand still while we review the spectrum chart. There is plenty of spectrum already available, like the Advanced Wireless Spectrum, that should go for useful purposes like a free national wireless broadband lifeline. So the FCC must keep moving and deploy what they can as expeditiously as possible.

We've also had to make some compromises on this bill to comply with essential national security issues. As a senior member of the Energy and Commerce Committee, I recognize the essential need to document spectrum use and prevent channel hoarding, and as the Chair of the Permanent Select Committee on Intelligence's Subcommittee on Intelligence Community Management, my views are likewise shaped by the need to safeguard channels that our intelligence, security and military agencies may need in the future. Our very lives may depend upon it.

I believe this bill finds that happy medium. It will spur economic growth and innovation while keeping America safe. The FCC and NTIA can review our spectrum assets in a judicial manner and develop informational resources that will guide us as we implement the National Broadband Plan.

I urge my colleagues to vote in favor of this bill.

Mr. SPACE. Mr. Speaker, I rise today in support of H.R. 3125, the Radio Spectrum Inventory Act.

H.R. 3125 represents an important step toward making additional spectrum available for advanced wireless services, something that has been cited as critical by the Federal Communications Commission in its recently released National Broadband Plan. If we are to realize the National Broadband Plan's vision of providing every American with the ability to access the Internet at world-class speeds, we absolutely will need to make additional spectrum available for that purpose. A thoughtful inventory of existing spectrum holdings will give Congress, the FCC, and the Administration the information we all need to make informed judgments about where that additional spectrum may come from.

As a member of the Energy and Commerce Committee and as a cosponsor of this measure, I commend Chairman WAXMAN, Ranking Member BARTON, Subcommittee Chairman BOUCHER, and Ranking Member STEARNS for their work on this bill, and I urge my colleagues to support its passage.

Mr. WELCH. Mr. Speaker, many communities in Vermont remain on the wrong side of the digital divide—sidelined in a nation that increasingly demands high-speed Internet access to engage socially, politically and economically. I believe that unused spectrum will be part of that solution, and accounting for that spectrum is the first step. We can't afford to ignore this opportunity to connect millions of people—especially in rural and low-income communities.

In addition to connecting our most rural and disadvantaged communities, wireless spectrum has the potential to greatly impact our nation's competitiveness. As access to wireless technologies becomes more widespread, we are already seeing 3G transmission speeds being surpassed by newer fourth generation (4G) offerings. 4G wireless services offer increased speed but also require considerably more spectrum than their predecessors.

To quickly and efficiently address these concerns, a bipartisan effort has been launched in Congress. H.R. 3125, the Radio Spectrum Inventory Act, would direct the National Telecommunications and Information Administration (NTIA) and the FCC to create and maintain an inventory of each radio spectrum band of frequencies used in the United States to better assess the underutilized bands. H.R. 3125 sets a deadline of two years after enactment for the first inventory and four years for the first report recommending which spectrum should be reallocated for wireless broadband.

Passage of this bill will ensure that the U.S. wireless industry will be in an excellent position to meet the ever growing and evolving needs of individuals and business users, while fostering further economic growth and American competitiveness. This is an issue of national importance and one that must be addressed now. I urge my colleagues on both sides of the aisle to support this bipartisan effort by voting in support of H.R. 3125.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BOUCHER) that the House suspend the rules and pass the bill, H.R. 3125, 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. BROUN of Georgia. 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.

AUTHORIZING USE OF EMANCIPATION HALL FOR KING KAMEHAMEHA CELEBRATION

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Con. Res. 243) authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. CON. RES. 243

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR EVENT TO CELEBRATE BIRTHDAY OF KING KAMEHAMEHA.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used for an event on June 6, 2010, to celebrate the birthday of King Kamehameha.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

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

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter in the RECORD on H. Con. Res. 243.

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

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution authorizes the use of Emancipation Hall in the Capitol Visitor Center for the birthday celebration of King Kamehameha, the first King of Hawaii. This annual celebration honors the first King of Hawaii who successfully unified the islands to establish for the first time a unified Kingdom of Hawaii in 1810.

The first King Kamehameha Day was celebrated in Hawaii on June 11, 1872. This State holiday is a celebration of the rich history and the culture of Hawaii.

This resolution allows for a Sunday ceremony on June 6, 2010, so it will not disrupt the use of the CVC or tours of the Capitol.

I urge Members to support this resolution, and I reserve the balance of my time.

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

I am also pleased to support this resolution authorizing the use of the Emancipation Hall to celebrate the birthday of King Kamehameha of Hawaii. I think many of us have read all about this distinguished individual and the history, so it's altogether appropriate that the king, often known as Kamehameha the Great, is really, indeed, a legendary figure in Hawaiian culture and history and rightly so. He fought heroically for its unity and independence at the end of the 18th and beginning of the 19th centuries.

His law or Rule of the Splintered Paddle protecting noncombatants during wartime has been heralded for its

justness and established a human rights benchmark that would later be built upon in the Geneva Conventions.

This June 11 will mark the 94th annual King Kamehameha Day in Hawaii. His illustrious statue is part of the National Statutory Hall Collection. I urge all Members to go down and see it. It now sits in the Capitol Visitor Center, so it's visible to all, millions of Americans, as they come here to visit the Capitol.

I thank the sponsor of this resolution, Congresswoman HIRONO, and I thank the chairman for bringing it to the floor. I urge my colleagues to join me in support of this great resolution.

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

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 4 minutes to the gentlewoman from Hawaii and sponsor of this resolution, Ms. HIRONO.

Ms. HIRONO. Aloha. I rise today in support of House Concurrent Resolution 243, which would authorize the use of Emancipation Hall in the Capitol Visitor Center for the 41st annual Kamehameha Day Lei Draping Ceremony. Even as I speak, I am wearing a beautiful floral lei from Hawaii.

I would like to thank Chairman BRADY for his leadership and for allowing this bill to be brought forward in an expeditious manner; and I thank my friend, Congressman STEARNS, for his remarks. I would also like to thank the sponsors of this bill, my fellow Pacific island delegation members, former Congressman Abercrombie, Congressman FALEOMAVAEGA, Congresswoman BORDALLO, and Congressman SABLAN, for their support.

Since 1969, the Hawaii congressional delegation and the Hawaii State Society of Washington, DC., have hosted the Kamehameha Day Lei Draping Ceremony. The ceremony has been held on or about June 11 to coincide with the celebration of Kamehameha Day, a State holiday in Hawaii. This year, the event will be held in DC on Sunday, June 6. The location of the Kamehameha statue in emancipation hall requires that a concurrent resolution be passed to authorize the use of the space for their ceremony.

King Kamehameha is a legendary figure to the people of Hawaii and the Pacific. He was a king of great physical and mental prowess who united the Hawaiian islands and prepared Hawaii for the challenges of a new era. Kamehameha was a fierce warrior, a resourceful strategist, a visionary, ambitious leader, and, above all, an unrelenting protector of his people.

For much of its history, the Hawaiian islands were controlled by competing chiefs. They waged frequent battles over land and resources and witnessed many civilian casualties. By bringing the islands together, Kamehameha ushered in a period of peace and prosperity. He has established laws, organized the government, sponsored agriculture, encouraged trade, and built houses.

His most renowned edict, the Law of the Splintered Paddle, ensured the protection of civilians during war. This law illustrates Kamehameha's compassion and an acute sense of responsibility for all of his people, especially those most vulnerable.

Kamehameha's steadfast leadership came at a pivotal point in Hawaii's history, a time when the islands made first contact with foreigners. At the dawn of a new era, filled with unforeseen challenges, Kamehameha's vision and wisdom helped Hawaii manage the formidable task of interacting with and finding its place within the wider world. Kamehameha ruled until 1819.

I would like to close by thanking the staff of the Committee on House Administration, the Office of the Architect of the Capitol, the Office of the Sergeant at Arms, who have been real partners in making this annual event possible for these many decades.

Mahalo nui loa—thank you very much.

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

I think many of my colleagues have been to Hawaii, probably a lot of Americans have. If you go into a gift shop and you get a tourist book, and you look through and you look at some of the sites there, and then you see the unique history of Hawaii.

Kamehameha, the legendary king, is written in detail in these books and you start to realize the difficult decisions he had to make for the island when it transitioned. And I think it's part of the history of this country to celebrate his leadership and also to understand all about him and what he had to deal with. So I am delighted at this time to allow this commemoration of this legendary man and his historic role in Hawaii to be honored on this date, and I support this resolution and urge all of my colleagues to support it also.

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

Mr. BRADY of Pennsylvania. Mr. Speaker, again, I urge all Members to support this important part of the history of Hawaii.

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 agree to the concurrent resolution, H. Con. Res. 243.

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

A motion to reconsider was laid on the table.

TAXPAYER ASSISTANCE ACT OF 2010

Mr. LEWIS of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4994) to amend the Internal Revenue Code of 1986 to reduce taxpayer burdens and enhance taxpayer protections, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4994

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

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Taxpayer Assistance Act of 2010''.

(b) AMENDMENT OF INTERNAL REVENUE CODE OF 1986.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title, etc.

TITLE I—CELL PHONES AND ELECTRONIC FILING

Sec. 101. Removal of cellular telephones and similar telecommunications equipment from listed property.
Sec. 102. Electronic filing exemption for religious reasons.
Sec. 103. Accelerate interest on refunds for returns filed electronically.

TITLE II—COLLECTION

Sec. 201. Study on the effectiveness of collection alternatives.
Sec. 202. Repeal of partial payment requirement on submissions of offers-in-compromise.

TITLE III—TAXPAYER ASSISTANCE AND PROTECTION IMPROVEMENTS

Sec. 301. Referrals to Low-Income Taxpayer Clinics permitted.
Sec. 302. Low-income taxpayer clinics.
Sec. 303. EITC outreach.
Sec. 304. Taxpayer notification of suspected identity theft.
Sec. 305. Clarification of IRS unclaimed refund authority.
Sec. 306. Study on delivery of tax refunds.
Sec. 307. Study on timely processing and use of information returns.
Sec. 308. Study on easing the burden of in-person tax payments.

TITLE IV—REVENUE PROVISIONS

Sec. 401. Expansion of bad check penalty to electronic payments.
Sec. 402. Increase in information return penalties.
Sec. 403. Budget compliance.

TITLE I—CELL PHONES AND ELECTRONIC FILING

SEC. 101. REMOVAL OF CELLULAR TELEPHONES AND SIMILAR TELECOMMUNICATIONS EQUIPMENT FROM LISTED PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 280F(d)(4) (defining listed property) is amended by adding ''and'' at the end of clause (iv), by striking clause (v), and by redesignating clause (vi) as clause (v).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2009.

SEC. 102. ELECTRONIC FILING EXEMPTION FOR RELIGIOUS REASONS.

Paragraph (3) of section 6011(e) (relating to special rule for tax return preparers) is amended by adding at the end the following new subparagraph:

''(D) EXEMPTION FOR RELIGIOUS REASONS.—The Secretary may exempt from requirements under subparagraph (A) a tax return preparer who—

''(i) is a member of a recognized religious sect or division thereof, and

''(ii) is an adherent of established teachings or tenets that do not permit the use of magnetic media.''.

SEC. 103. ACCELERATE INTEREST ON REFUNDS FOR RETURNS FILED ELECTRONICALLY.

(a) IN GENERAL.—Subsection (e) of section 6611 (relating to disallowance of interest on certain overpayments) is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULE.—In the case of any individual income tax return relating to income tax filed by electronic means, paragraph (1) shall be applied by substituting '30 days' for '45 days' each place it appears.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2011.

TITLE II—COLLECTION

SEC. 201. STUDY ON THE EFFECTIVENESS OF COLLECTION ALTERNATIVES.

(a) IN GENERAL.—The Secretary of the Treasury shall conduct a study to assess the effectiveness of collection alternatives, especially offers-in-compromise, on long-term tax compliance. Such a study shall analyze a group of taxpayers who applied for offers-in-compromise 5 or more years ago and compare the amount of revenue collected from the taxpayers whose offers were accepted with the amount of revenue collected from the taxpayers whose offers were rejected, and compare, among the taxpayers whose offers were rejected, the amount they offered with the amounts collected.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall submit a report to Congress containing the results of the study conducted under subsection (a).

SEC. 202. REPEAL OF PARTIAL PAYMENT REQUIREMENT ON SUBMISSIONS OF OFFERS-IN-COMPROMISE.

(a) IN GENERAL.—Section 7122 is amended by striking subsection (c) and by redesignating subsections (d), (e), (f), and (g) as subsection (c), (d), (e), and (f), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (3) of section 7122(d) is amended—

(A) by inserting ''and'' at the end of the subparagraph (A),

(B) by striking '', and'' at the end of subparagraph (B) and inserting a period, and

(C) by striking subparagraph (C).

(2) Subsection (f) of section 6159 is amended by striking ''section 7122(e)'' and inserting ''section 7122(d)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to offers submitted after the date of the enactment of this Act.

TITLE III—TAXPAYER ASSISTANCE AND PROTECTION IMPROVEMENTS

SEC. 301. REFERRALS TO LOW-INCOME TAXPAYER CLINICS PERMITTED.

(a) IN GENERAL.—Subsection (c) of section 7526 is amended by adding at the end the following new paragraph:

''(6) TREASURY EMPLOYEES PERMITTED TO REFER TAXPAYERS TO QUALIFIED LOW-INCOME TAXPAYER CLINICS.—Notwithstanding any other provision of law, officers and employees of the Department of the Treasury may refer taxpayers for advice and assistance to qualified low-income taxpayer clinics receiving funding under this section.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to referrals made after the date of the enactment of this Act.

SEC. 302. LOW-INCOME TAXPAYER CLINICS.

(a) INCREASE IN AUTHORIZED GRANTS.—Paragraph (1) of section 7526(c) (relating to aggregate limitation) is amended by striking ''$6,000,000'' and inserting ''$20,000,000''.

(b) CLERICAL AMENDMENT.—Section 7526(c)(5) is amended by inserting ''qualified'' before ''low-income''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to grants made after the date of the enactment of this Act.

SEC. 303. EITC OUTREACH.

(a) IN GENERAL.—Section 32 (relating to earned income) is amended by adding at the end the following new subsection:

''(n) NOTIFICATION OF POTENTIAL ELIGIBILITY FOR CREDIT AND REFUND.—

''(1) IN GENERAL.—To the extent possible and on an annual basis, the Secretary shall provide to each taxpayer who—

''(A) for any preceding taxable year for which credit or refund is not precluded by section 6511, and

''(B) did not claim the credit under subsection (a) but may be allowed such credit for any such taxable year based on return or return information (as defined in section 6103(b)) available to the Secretary,

notice that such taxpayer may be eligible to claim such credit and a refund for such taxable year.

''(2) NOTICE.—Notice provided under paragraph (1) shall be in writing and sent to the last known address of the taxpayer.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 304. TAXPAYER NOTIFICATION OF SUSPECTED IDENTITY THEFT.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions), as amended by this Act, is amended by adding at the end the following new section:

''SEC. 7529. NOTIFICATION OF SUSPECTED IDENTITY THEFT.

''If, in the course of an investigation under the internal revenue laws, the Secretary determines that there was or may have been an unauthorized use of the identity of the taxpayer or a dependent of the taxpayer, the Secretary shall, to the extent permitted by law—

''(1) as soon as practicable and without jeopardizing such investigation, notify the taxpayer of such determination, and

''(2) if any person is criminally charged by indictment or information with respect to such unauthorized use, notify such taxpayer as soon as practicable of such charge.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by adding at the end the following new item:

''Sec. 7529. Notification of suspected identity theft.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to determinations made after the date of the enactment of this Act.

SEC. 305. CLARIFICATION OF IRS UNCLAIMED REFUND AUTHORITY.

Paragraph (1) of section 6103(m) (relating to tax refunds) is amended by inserting '', and through any other means of mass communication,'' after ''media''.

SEC. 306. STUDY ON DELIVERY OF TAX REFUNDS.

(a) IN GENERAL.—The National Taxpayer Advocate shall conduct a study on the feasibility of delivering tax refunds on debit cards, prepaid cards, and other electronic means to assist individuals that do not have access to financial accounts or institutions.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the National Taxpayer Advocate shall submit a report to Congress containing the results of the study conducted under subsection (a).

SEC. 307. STUDY ON TIMELY PROCESSING AND USE OF INFORMATION RETURNS.

(a) IN GENERAL.—The Secretary of the Treasury shall conduct a study on the administrative and legislative changes that would be needed to receive and process information returns before processing income tax returns.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate containing the results of the study conducted under subsection (a), together with such recommendations as the Secretary considers necessary or appropriate for implementation of these changes.

SEC. 308. STUDY ON EASING THE BURDEN OF IN-PERSON TAX PAYMENTS.

(a) IN GENERAL.—The Secretary of the Treasury shall conduct a study on how to reduce the number of taxpayers making payments at IRS Taxpayer Assistance Centers. The report shall include an analysis of—

(1) whether the Federal Tax Deposit Coupon (Form 8109) could be expanded so that it can be used with all Federal tax deposits and payments, and

(2) what current or new return filing, payment, and proof of payment options could be implemented to reduce the burden of in-person payments.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate containing the results of the study conducted under subsection (a), together with such recommendations as the Secretary considers necessary or appropriate.

TITLE IV—REVENUE PROVISIONS

SEC. 401. EXPANSION OF BAD CHECK PENALTY TO ELECTRONIC PAYMENTS.

(a) IN GENERAL.—Section 6657 (relating to bad checks) is amended by adding at the end the following: ''Except as otherwise provided by the Secretary, any authorization of a payment by commercially acceptable means (within the meaning of section 6311) shall be treated for purposes of this section in the same manner as a check.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to authorizations of payments made after December 31, 2010.

SEC. 402. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 are each amended by striking ''$50'' and inserting ''$100''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 are each amended by striking ''$250,000'' and inserting ''$1,500,000''.

(b) REDUCTION WHERE CORRECTION WITHIN 30 DAYS.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(1) is amended by striking ''$15'' and inserting ''$30''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 are each amended by striking ''$75,000'' and inserting ''$250,000''.

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) is amended by striking ''$30'' and inserting ''$60''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721 are each amended by striking ''$150,000'' and inserting ''$500,000''.

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Paragraph (1) of section 6721(d) is amended—

(1) by striking ''$100,000'' in subparagraph (A) and inserting ''$500,000'',

(2) by striking ''$25,000'' in subparagraph (B) and inserting ''$75,000'', and

(3) by striking ''$50,000'' in subparagraph (C) and inserting ''$200,000''.

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) is amended by striking ''$100'' and inserting ''$250''.

(f) ADJUSTMENT FOR INFLATION.—Section 6721 is amended by adding at the end the following new subsection:

''(f) ADJUSTMENT FOR INFLATION.—

''(1) IN GENERAL.—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d) (other than paragraph (2)(A) thereof), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any amount adjusted under paragraph (1)—

''(A) is not less than $75,000 and is not a multiple of $500, such amount shall be rounded to the next lowest multiple of $500, and

''(B) is not described in subparagraph (A) and is not a multiple of $10, such amount shall be rounded to the next lowest multiple of $10.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2011.

SEC. 403. BUDGET COMPLIANCE.

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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill, H.R. 4994.

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

There was no objection.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, tomorrow is April 15, the day Americans will file their income tax returns. The IRS will receive nearly 150 million tax returns this year and issue over 100 million refunds. We know that taxpayers do not enjoy preparing tax returns. The tax laws can be complicated and difficult. We do, however, thank them for complying with the laws; and today, with this bill, we will try to ease some of the burden.

On this day, the House is considering the Taxpayer Assistance Act of 2010. I am pleased that this bill contains proposals supported by the administration, the National Taxpayer Advocate, and Members of the House from both sides of the aisle.

This bill has over a dozen provisions that will help taxpayers. It will help taxpayers who are struggling in this economy by making it easy to enter into payment options with the IRS. It will also help low-income taxpayers by improving the IRS services that are available to them, and it will help small businesses and nonprofit organizations by relaxing the record-keeping requirements for cell phones that they provide to their employees.

This bill addresses issues that have been raised in hearings of the Ways and Means Subcommittee on Oversight, which I chair, and in legislation introduced by other Members of the House.

Many of the provisions in this bill enjoy broad bipartisan support. Today, in recognition of taxpayers, the Congress will look beyond what divides us and respond to the needs of our taxpayers. I urge my colleagues on both sides of the aisle to join me in passing this good and necessary piece of legislation.

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

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I might consume.

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

Mr. BOUSTANY. Mr. Speaker, I rise in support of H.R. 4994. This legislation contains provisions that will make tax season a little easier for many American families; and, therefore, it's worthy of my support.

There are some good, bipartisan ideas in this bill. For example, it makes sense to shield employees from burdensome paperwork requirements when they use their employer-provided cell phones to call their spouses to see if they need to pick up milk on the way home. Our colleague from Texas, SAM JOHNSON, introduced that legislation and at last count it has over 200 cosponsors from both parties.

This bill also includes bipartisan legislation that Chairman LEWIS and I introduced to make it easier for taxpayers to enter into offers and compromise with the IRS.

□ 1300

I am glad that our legislation was included in the bill, and I appreciate Chairman LEWIS reaching out to me in a bipartisan manner to find ways to make it easier for taxpayers and the IRS to resolve their disputes amicably.

This bill instructs the IRS to notify taxpayers when it discovers evidence that those taxpayers might be victims of identity theft. For example, when criminals attempt to claim tax refunds in the name of a law-abiding taxpayer, amazingly the IRS does not currently notify taxpayers when it discovers suspicious activity conducted in their names. And this bill includes a study on whether the IRS can provide tax refunds on debit cards. That sounds reasonable to me as it could result in more efficient delivery of tax refunds to taxpayers who need their money right away to pay their bills.

For these reasons and more, I am happy to support this legislation today. But, Mr. Speaker, my support for this legislation does not reduce my disappointment in the antitaxpayer legislation that this majority has enacted into law over the last 15 months, nor does it change my belief that we could do much more for hardworking taxpayers.

If we really wanted to do some good for taxpayers today, we might eliminate all the powers given to the IRS under the new health care law, like putting the IRS in charge of enforcing a new requirement that every American family purchase government-approved health insurance; taxing families that don't have government-approved health insurance, at least $2,000 for a family of four; and if the family doesn't pay a tax, allowing the IRS to impose civil penalties and interest, and even confiscate that family's tax refund.

Mr. Speaker, if we really wanted to do some good for taxpayers today, we could make permanent the important tax relief enacted in 2001 and 2003, which provides relief to every American that pays income taxes and which are set to expire at the end of this year. And we could find a permanent solution to the growing reach of the alternative minimum tax, which threatens to engulf millions of middle class families if Congress fails to act. But this bill does not provide such relief for American taxpayers, and so although I think the bill takes some very positive steps, it also represents a missed opportunity.

I intend to support this bill, Mr. Speaker, but I believe we could have and should have done so much more for hardworking Americans who send us here to conduct the Nation's business and who entrust us with such a large portion of the fruits of their labor.

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

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

Mr. BOUSTANY. Mr. Speaker, at this time, I yield 3 minutes to the gentleman from Texas (Mr. SAM JOHNSON), a distinguished member of the Committee on Ways and Means.

Mr. SAM JOHNSON of Texas. I thank the gentleman for yielding.

I would like to thank the Ways and Means chairman for making my commonsense cell phone fix the cornerstone of the Taxpayer Assistance Act of 2010. Members may recognize this provision as a bipartisan bill, H.R. 690, the Mobile Cell Phone Act, which I have introduced with Mr. POMEROY.

As we all know, in today's 24/7 economy, cell phones and BlackBerrys have become the modern version of landline office phones. And yet, unlike landline phones, workers and their employees are supposed to keep detailed call logs

or else they will face the wrath of the IRS. This means a business can lose its deduction while a worker can face taxes for making personal calls. This is just wrong. We don't want to nickel and dime workers for making the occasional personal call from a desk, and we shouldn't for cell phones either.

Times have changed since Congress passed this rule in 1989 when people carried phones in a suitcase. I used to carry one myself when I was in the Air Force, and I could hardly carry it because it was so heavy. They were used by the likes of high-flying corporate executives and cost a small fortune.

Even the IRS gets it that times have changed. In fact, last June, IRS Commissioner Doug Shulman said in his statement, ''The passage of time, advances in technology, and the nature of communication in the modern workplace have rendered this law obsolete.'' There you have it; even the IRS Commissioner believes that this law needs to be changed.

This provision will especially help our Nation's small businesses. According to an NFIB poll, nearly four out of five small businesses use a cell phone for work. Now more than ever we need to stop penalizing our job-creating entrepreneurs with this ridiculous tax rule. Startup small businesses and their employees have better things to do with their time than track each and every call they make, and they shouldn't have to spend time worrying that the IRS will hit them with taxes for personal calls. Even the administration agrees, as they included this proposal in their budget.

So how about let's do away with this outdated, obsolete tax rule once and for all.

Mr. LEWIS of Georgia. Mr. Speaker, I continue to reserve.

Mr. BOUSTANY. Mr. Speaker, I now yield 2 minutes to the gentleman from Illinois (Mr. ROSKAM), a distinguished member of the Ways and Means Committee.

Mr. ROSKAM. I thank the gentleman for yielding.

Mr. Speaker, this is a fine bill, and on face value there are some good elements to the bill. Let me give you a kind of behind-the-curtain look, though, at what could have been.

There was an amendment that was offered in the Ways and Means Committee that I thought was thoughtful. What it was trying to do was ultimately create a sense of fairness for families that find themselves being bumped up into tax brackets just sort of through inflation, essentially. I offered an amendment that would have had the Office of Management and Budget determine the spending growth rate by comparing the previous 2 years' nonsecurity discretionary spending without regard to whether spending was offset. In a nutshell, it would have insulated families and taxpayers from being boosted up into what is known as ''bracket creep.''

Now, there are some folks that say, well, all this would do is accelerate deficits and create more of a problem, but if the Federal Government simply lived within its means and followed what President Obama is proposing as it relates to the capping and freezing of nondiscretionary spending, then we wouldn't have this type of problem.

And so, like all speakers I think today were speaking in favor of this bill, but my sense is that we can do better. So my hope, my expectation, and my heartfelt desire is to have a sense of protection, Mr. Speaker, for taxpayers. I think this bill is a little bit of a swing and a miss. I support the underlying bill, but we can clearly do better.

Mr. LEWIS of Georgia. Mr. Speaker, I continue to reserve.

Mr. BOUSTANY. Mr. Speaker, as I stated earlier, this legislation contains provisions that will make April 15 easier for American taxpayers, and so I intend to vote for the bill.

Simplifying the treatment of cell phones used by employees, eliminating the 20 percent down payment requirement for offers in compromise, notifying taxpayers of suspected identity theft, and studying whether there are more efficient ways to get tax refunds into people's hands all makes sense and will make a positive difference in people's lives.

But it's also important to recognize what's not this in this bill: Repeal of health care mandates and taxes, protecting taxpayers from automatic tax increases scheduled to go into effect next year, and finding a permanent solution to the ticking time bomb known as the AMT. Hopefully, the majority will listen to the American people and move forward on those priorities so that taxpayers will have an easier time on future tax days.

Mr. Speaker, I urge my colleagues to vote for this bill, and I yield back the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, the gentleman from North Dakota, a very valuable member of the Ways and Means Committee, just came in, and I yield to him for 1½ minutes.

Mr. POMEROY. I thank the chair for yielding. I have just come from the ongoing committee deliberations taking place now, and I apologize for not being here earlier.

I am here to talk about the cell phone provision of this bill. I am pleased to work with my friend, SAM JOHNSON, on the other side of the aisle in addressing what really is an anachronism in the Tax Code. Maybe at the time this technology was just coming into being this made sense, but presently, to have exhaustive record keeping of every business-provided cell phone out there—especially given basically the unlimited minutes usage plans so common in the marketplace—makes no sense whatsoever.

You know, the longest journey begins with a single step. We've got a long journey ahead of us in terms of simplifying the Tax Code in ways that make it much more sensible and clear, and I would like to think we can do a lot of this on a bipartisan basis. So let's take this step today on cell phones. Working together across the aisle, let's make this ridiculous requirement go away. Let's end the confusion at the IRS in terms of what they're supposed to do, trying to enforce a provision that is virtually unenforceable and ridiculous. Let's pass this bill, clarify the law, and use this as an example that even in this day and in this place we can work together to make sense of the Tax Code, and let's increase our ambitions from here.

Mr. LEWIS of Georgia. Mr. Speaker, in closing, I want to thank my good friend and colleague, Dr. BOUSTANY, the ranking member of the subcommittee, and all the members of the committee and all staff on both sides for their help in bringing this bill before the floor.

I fully support H.R. 4994. I urge my colleagues on both sides of the aisle to vote ''yes'' for this bill.

Mr. CONYERS. Mr. Speaker, I rise in strong support of H.R. 4994, the "Tax Assistance Act of 2010." With Tax Day around the corner, this Congress is continuing to build on its strong tax cutting record by instituting a series of commonsense tax cuts and credits. Among other things, this bill will require the IRS to pay interest when it sends taxpayer refunds late and end the outdated practice of requiring businesses to keep cumbersome records related to their cell phone use. It will also make Tax Day less stressful in 2011, by allowing the IRS to provide additional help to low income filers.

In addition to the commonsense, pro-business tax cuts found in this bill, this Tax Day, Americans across the country will also be able to enjoy the $800 billion in tax cuts aimed at working families enacted by this Congress. These include the Recovery Act, the largest health care tax cut in history, and tax credits and accelerated write offs for small businesses. Even Bruce Bartlett, President Reagan's domestic policy advisor, noted that "federal taxes are very considerably lower by every measure since Obama became president."

As Americans file their 2009 income taxes, they may qualify for a series of other generous tax cuts—for example, you could save money for attending college, making energy-saving home improvements, purchasing a home for the first time, or buying a new car. Other benefits being claimed this year include:

The Making Work Pay tax credit—95 percent of working families are already receiving the Recovery Act's Making Work Pay tax credit of $400 for an individual or $800 for married couples filing jointly in their 2009 paychecks—and will continue to see these benefits in 2010.

Expanded family tax credits—moderate income families with children may be eligible for an increase in the Earned Income Tax Credit and the additional Child Tax Credit.

Tax-free unemployment benefits—thanks to the Recovery Act, individuals who received unemployment insurance in 2009 do not have to pay taxes on the first $2,400 of such earnings.

I firmly believe that unemployment benefits should never be taxed and I pledge to work in

the coming tax year to enact legislation that would do away with this tax forever. In the meantime, I will continue to work with my colleagues to enact additional middle class tax cuts, like the Recovery Act and the Tax Assistance Act of 2010. I encourage my colleagues to support the bill.

Mr. CAMP. Mr. Speaker, I rise in support of the bill, which will make a few small, but important changes to the administration of our tax laws.

There is no question that April 15th is the most feared date on the Calendar. It is viewed with dread for good reason.

The tax code is mind-numbingly confusing. It is a maze of forms and schedules and instructions that turns the simplest tax form into a lengthy challenge and that forces millions of Americans to turn to help, whether from an accountant, a professional tax preparer, or one of the many computer software programs designed for this purpose.

The bill before us does make a few good changes to the code, including a provision long championed by Congressman SAM JOHNSON, a true American hero, that will end the long outdated requirement that employers record and report their employees' personal use of company-provided cell phones and Blackberries.

Another provision worthy of support will require the IRS to notify taxpayers they suspect have been victims of identify theft. That certainly makes sense.

And for those taxpayers who do file their returns electronically, this bill will shorten the time the IRS has to pay refunds before interest accrues. This is a taxpayer friendly provision that will encourage electronic filing, which is both faster and cheaper for the government.

Finally, let me express my thanks to Congressman BECERRA for making some changes to this bill that helped secure my support.

As introduced, the bill would have established a new authorization of up to $20 million per year to fund Volunteer Income Tax Assistance Centers. The IRS has funded these programs in the past without authorization, which is troubling enough. But of even more concern is the fact that ACORN was a recipient of these funds.

Today, we know how badly ACORN was abusing the public trust, and I do applaud the IRS for heeding our call and canceling those contracts when the extent of ACORN's misconduct came to light.

But I don't yet have confidence that the government will avoid a similar mistake in the future and again fund groups like ACORN. Simply put, Congress should not authorize these grants until we know who will be receiving them and how they will be used.

And so I thank Mr. BECERRA for agreeing to remove this language to allow the Congress to examine the issue more closely.

I urge a ''yes'' vote on the bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 4994, 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. LEWIS of Georgia. 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.

HONORING THE LIFE OF WILMA PEARL MANKILLER

Mr. BOREN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1237) honoring the life of Wilma Pearl Mankiller and expressing condolences of the House of Representatives on her passing.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1237

Whereas Wilma was born November 18, 1945, at Hastings Indian Hospital in Tahlequah, Oklahoma, and had her roots planted deep in the rural community of Mankiller Flats in Adair County, Oklahoma, where she spent most of her life;

Whereas at age 10, her family moved to San Francisco as part of the Bureau of Indian Affairs Relocation Program where she lived for two decades before returning to Oklahoma in 1977;

Whereas upon returning to Oklahoma, Wilma found a job as a community coordinator at the Cherokee Nation capital and enrolled in graduate courses at the University of Arkansas in Fayetteville;

Whereas in 1983 Wilma ran for the office of Deputy Chief alongside Ross Swimmer, then Principal Chief of the Cherokee Nation, and the two won the election and took office in August, 1983;

Whereas on December 5, 1985, Wilma was sworn in to replace Chief Swimmer as Principal Chief of the Cherokee Nation, making her the first female to hold the office;

Whereas Wilma was formally elected to serve as the first female Principal Chief of the Cherokee Nation in 1987, and was overwhelmingly re-elected in 1991;

Whereas during her time as Principal Chief, Wilma focused on education and health care, overseeing the construction of new schools, job-training centers, health clinics, community development, and a award winning housing and water projects in low-income communities;

Whereas over the course of her three terms, Wilma made great strides to reinstate the traditional Cherokee culture and values, especially the role of women, reinvigorating the Cherokee Nation through community development projects where men and women work collectively for the common good;

Whereas during Wilma's tenure she transformed the Nation-to-Nation relationship between the Cherokee Nation and the Federal Government, met with Presidents Reagan, Bush, and Clinton to present critical tribal issues, and co-chaired a national conference between tribal leaders and cabinet members, which helped facilitate the establishment of an Office of Indian Justice within the U.S. Department of Justice;

Whereas upon leaving office Wilma continued her endeavors, serving on several philanthropic boards, including 12 years on the board of trustees of the Ford Foundation, 4 years on the Board of the Ms. Foundation for Women, and 4 years on the board of the Seventh Generation Fund and the board of the Freedom Forum and its subsidiary, the Newseum;

Whereas Wilma presented more than 100 lectures on the challenges facing Native Americans and women in the 21st century and she served as the Wayne Morse Professor at the University of Oregon for the fall semester of 2005 where she taught class on tribal government, law, and life;

Whereas Wilma held Honorary Doctorate Degrees from Yale University, Dartmouth College, Smith College, Mills College, Northern Arizona University, University of Oklahoma, Oklahoma City University, Oklahoma State University, Tulsa University, Drury College, Saint Mary-of-the-Woods College, Rhode Island College, New England University, and Northeastern State University;

Whereas Wilma held many honors, including the Montgomery Fellowship, Dartmouth College; The Chubb Fellowship, Timothy Dwight College, Yale University; San Francisco State University, Hall of Fame; an Francisco State Alumna of the Year (1988), International Women of Distinction Award, Alpha Delta Kappa, Oklahoma Hall of Fame, Oklahoma Women's Hall of Fame, National Women's Hall of Fame, International Women's Forum Hall of Fame, Minority Business Hall of Fame, and she was awarded the Presidential Medal of Freedom by then President Bill Clinton for her vision and commitment to a brighter future for all Americans;

Whereas Wilma published several works, including ''Every Day is a Good Day'', Fulcrum Publishing 2004, ''Mankiller: A Chief and Her People'', co-authored, St. Martin's Press 1993, ''A Reader's Companion to the History of Women in the U.S.'', co-edited, Houghton-Mifflin 1998, and she contributed to many other publications, including an essay for Native Universe, the inaugural publication of the National Museum of the American Indian;

Whereas upon the announcement of her diagnoses in March of 2010, Wilma offered words of inspiration: ''I want my family and friends to know that I am mentally and spiritually prepared for this journey; a journey that all human beings will take at one time or another. I learned a long time ago that I can't control the challenges the Creator sends my way but I can control the way I think about them and deal with them. On balance, I have been blessed with an extraordinarily rich and wonderful life, filled with incredible experiences. And I am grateful to have a support team composed of loving family and friends. I will be spending my time with my family and close friends and engaging in activities I enjoy. It's been my privilege to meet and be touched by thousands of people in my life and I regret not being able to deliver this message personally to so many of you'';

Whereas Chief Mankiller's final days were not marred by the impending sorrow of her departure, but glowing reminiscence of her influence in years past; and

Whereas Chief Mankiller passed away in the morning hours of April 6, 2010, at her home in rural Adair County, Oklahoma: Now, therefore, be it

Resolved, That the House of Representatives expresses—

(1) gratitude to Wilma Mankiller for her significant contributions to the Nation, an inspiration to women in Indian Country and across America, and for leaving a profound legacy that will continue to encourage and motivate all who carry on her work; and

(2) deep sorrow at the passing of Chief Mankiller and condolences to her friends and family, especially her husband Charlie and two daughters, Gina and Felicia, as well as the Cherokee Nation and all those who knew her and were touched by her good works.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Oklahoma (Mr. BOREN) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma.

GENERAL LEAVE

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

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

There was no objection.

Mr. BOREN. Mr. Speaker, I rise today to honor the memory of a great woman, a lady who has been an inspiration to women and also throughout Indian country, Chief Wilma Pearl Mankiller.

On the morning of April 6, 2010, Chief Wilma Mankiller, the first female leader of the Cherokee Nation, steward of Native American cultural traditions, and an advocate for advancing the role of women in tribal affairs, passed away at her home in rural Adair County, Oklahoma.

Chief Mankiller was a passionate activist for the continued enhancement of native peoples and one of the country's most visible American Indian luminaries. From her birth on November 18, 1945, at the small Hastings Indian Hospital in Tahlequah, Oklahoma, to her service as Principal Chief of the Cherokee Nation, Wilma celebrated and nurtured her intense tribal heritage which was deeply rooted in a connection to the rural community of Mankiller Flats, Adair County, where she spent a large part of her life.

As an accomplished social activist for Indian prosperity, she devoted all her energies to the well-being of Native Americans and to expanding roles for women through her participation in organizations like the Ford Foundation, the Seventh Generation Fund, and the Freedom Forum. She also reinstated dialogue between the Cherokee Nation and the Federal Government, which ultimately helped establish the Office of Indian Justice.

Wilma received numerous accolades for her tireless efforts at improving the general welfare of both Indian country and our Nation, not the least of which was the Presidential Medal of Freedom awarded to her by President Bill Clinton.

□ 1315

Despite all of her great personal accomplishments, Chief Mankiller desired only ''to be remembered as the person who helped us restore faith in ourselves.''

To fulfill that wish and to honor her, I have introduced this resolution in gratitude to Chief Wilma Mankiller for her significant contributions and service to the Nation. She remains an inspiration to women in Indian Country and across America, and she leaves behind a profound legacy which will continue to encourage and to motivate all who carry on her work.

Finally, I would like to express our deepest condolences on behalf of the U.S. House of Representatives to her friends and her family, especially to her husband, Charlie Soap, and to the entire Cherokee Nation for the loss of this wonderful lady.

I reserve the balance of my time.

Mrs. MCMORRIS RODGERS. At this time, I yield such time as he may consume to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. I thank the gentlewoman.

Mr. Speaker, Wilma Mankiller led a remarkable life. As my friend Congressman BOREN so eloquently stated, her beginnings were awfully humble. Frankly, they didn't get much better for a long time. She traveled to California, and unlike a lot of Oklahomans, did not find the prosperity that so many had found, so she returned home and went to work for the Cherokee Nation. For over a decade, she worked through a succession of posts of increasing responsibility. Eventually, she became, of course, the principal chief of the second largest Indian tribe in America, the first woman to do so and arguably the best leader the tribe has had since its removal from North Carolina to Oklahoma.

During her tenure as chief, she more than tripled the number of Cherokees. She doubled tribal employment. She added dozens of programs in nutrition, social services, education, and cultural awareness. Frankly, she made the Cherokee Nation even more than it was—a force to be reckoned with, but a beneficent force, not only in northeast Oklahoma, not only within the lives of its citizens, but, quite frankly, in Indian Country and in American politics.

She was recognized for her extraordinary achievements over a lifetime—honorary degrees, boards and foundations and, of course, again, as my colleague and friend Mr. BOREN mentioned, the highest civilian award that any American can receive, the Medal of Freedom.

I knew Wilma Mankiller very well. She led a life based on principles. The first one was just absolute personal integrity. She was one of the most honest and honorable people I had ever met in my life. The second was humility. She was the most approachable person you would ever want to know. She had a total lack of pretension, and she believed very profoundly in service to others—in service, yes, to her tribe; in service, yes, to Native Americans; but in service beyond, as a creed and as a value, that she lived and acted on every single day of her life.

She was a remarkable person to talk to because she was completely candid in her conversations, which is very unusual, particularly for a political figure. If you are chief of the Cherokee Nation, I can assure you, you are a considerable and skillful politician in your own right. On many occasions, I remember getting advice, and I remember her speaking in a very unvarnished way. I can't count the number of times that I heard her say in speeches when she got up—she loved to speak truth to power—that she identified herself: either I am or have been the principal chief of the Cherokee Nation. If the United States Government had had its way, I would never have been a chief; there would never have been a Cherokee Nation or it would have ended, and also tribes would have been eliminated. That is where she began her conversation.

She was a role model, of course, to women and to Native Americans everywhere, particularly to my mother, who was the first Native American elected to the State Senate in Oklahoma. She was a close friend of Chief Mankiller's. Like me, my mother admired her quite profoundly.

As a leader, she was always principled; she was determined; she was visionary, but she was supremely practical in her political pursuits. She was tough; she was shrewd; she was dedicated to the Cherokee people, and she was dedicated to Native Americans. She was an extraordinarily fierce defender of the concept of tribal sovereignty. She understood it in her bones; she advocated it and, frankly, enhanced it, not only for her own people but for Native Americans everywhere.

Having said that, she was always willing to partner with anyone. It didn't matter what your point of view was. It didn't matter what your values were. She was a very devoted Democrat. My mother was a very fierce Republican. They found common ground again and again on issue after issue.

In closing, I want to join my friend Mr. BOREN in expressing my profound sympathy to her family, obviously to the great Cherokee Nation and to Native Americans everywhere. I mean this with all sincerity that I have not seen her like before in my life. I don't think any of us will see her like again.

Mr. BOREN. At this time, I yield 30 seconds to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

I want to thank both of my colleagues from Oklahoma for this resolution.

Mr. Speaker, I had the great honor of working with Chief Wilma Mankiller in my service on the Resources Committee and as Chair of that committee. She was a magnificent person, and we honor her as one of the great women in American history. She was all of the things that my colleagues have said, but when she came through your door, you knew you were about to do business. She was also very quick to humor and very often would use humor as well as she would use knowledge in disarming those who opposed her.

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

Mr. BOREN. I yield the gentleman an additional 30 seconds.

Mr. GEORGE MILLER of California. I had a real opportunity to work integrally with her on the issues of sovereignty at a time when the Supreme Court was attacking at that moment some very essential parts of tribal sovereignty.

I am sorry to hear of her passing; but I have great, great memories of working with her, of her leadership, of her advocacy, of her passion, and of her running so true to her values no matter what the situation. If she couldn't succeed today, she'd be back tomorrow. Very often, she was.

Thank you again so very much for this resolution, which recognizes the contributions of this outstanding woman to the history of our country.

Mrs. MCMORRIS RODGERS. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution, which honors the life of Wilma Mankiller, and I wish to associate myself with the remarks of the previous speakers in expressing the condolences of the House of Representatives on her passing.

There are many of us who did not have the opportunity to meet Wilma Mankiller. Nonetheless, as we deal with Indian affairs in Congress, all of us touch some part of the legacy of her accomplishments left to the great Cherokee Nation and Indian Country.

In a recent article on her death, Cherokee Chief Chad Smith states that she was a patriot for the Cherokee Nation. In 1998, she received the Presidential Medal of Freedom from President Bill Clinton in recognition for her success as an Indian leader.

Though Wilma Mankiller is further honored today by the House resolution, what stands out is the outpouring of grief from the Cherokee citizens upon hearing the news of her death. I think her greatest honor is the esteem and respect in which she was held by her fellow Cherokee people.

I commend the gentleman from Oklahoma for sponsoring this resolution and for ensuring its consideration on the House floor today.

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

Mr. BOREN. Mr. Speaker, just a few closing comments. I have a quote from the President of the United States, Barack Obama:

''I am deeply saddened to hear of the passing of Wilma Mankiller today. As the Cherokee Nation's first female chief, she transformed the Nation-to-Nation relationship between the Cherokee Nation and the Federal Government, and served as an inspiration to women in Indian Country and across America. A recipient of the Presidential Medal of Freedom, she was recognized for her vision and commitment to a brighter future for all Americans. Her legacy will continue to encourage and motivate all who carry on her work.

''Michelle and I offer our condolences to Wilma's family, especially her husband, Charlie, and two daughters Gina and Felicia, as well as the Cherokee Nation, and all those who knew her and were touched by her good works.''

I would just like to say I knew Wilma as a young boy. I got to meet Wilma through many festivals and pow-wows with my father when he served in the U.S. Senate. She was always so kind, and she was always lending advice to me. Then after I was elected to Congress—and Congressman COLE was very correct—the term I would say is ''blunt''—she was very blunt in her political advice. She would call me whenever something would happen within the Cherokee Nation or here in Congress and would give me some advice, very direct advice, and she was always right in her advice. We are going to miss her deeply.

So, in closing, I would ask my colleagues to support this resolution to honor this great woman.

Ms. RICHARDSON. Mr. Speaker, as a member of the Native American Caucus, I rise today in strong support of House Resolution 1237, a resolution recognizing and honoring the life of Wilma Pearl Mankiller. Chief Mankiller was an ardent advocate for the Native American community and an inspiration to the rest of the nation, and I am proud to support this resolution honoring her.

I would like to thank Congressman BOREN for authoring this important resolution, and House Majority Leader STENY HOYER and Speaker NANCY PELOSI for their skill and leadership in bringing it to the floor.

Mr. Speaker, Chief Wilma Mankiller inspired Native American women and girls across the United States when she became principal chief of the Cherokee Nation of Oklahoma, the second largest tribe in the United States. Born November 18, 1945 on family land at Mankiller Flats near Rocky Mountain, Oklahoma, she attended San Francisco University, where she became an activist for Native American causes. Chief Mankiller's political career began when she was elected deputy chief of the Cherokee Nation in 1983, before becoming principal chief in 1985.

This accomplishment gave her the opportunity and platform to become an unyielding activist for the continued enhancement of the indigenous population. She was successful in establishing tribally owned businesses, such as horticultural operations, improving infrastructure, and building a hydroelectric facility. In addition to this important work, she also advocated for Native American and women's issues by improving federal and tribal negotiations, as well as through her participation in organizations like the Ford Foundation, the Seventh Generation Fund, and the Freedom Forum. Because of her tireless efforts towards improving the general welfare of Native Americans, Chief Mankiller has received numerous awards, including the Presidential Medal of Freedom.

In conclusion, Mr. Speaker, I am pleased to support this resolution honoring the life and accomplishments of this extraordinary woman. Her work and dedication have improved the lives of Native Americans across the country, as well as given Americans across the country a better understanding of the Native American community.

Mr. Speaker, I urge my colleagues to join me in supporting H. Res. 1237.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma (Mr. BOREN) that the House suspend the rules and agree to the resolution, H. Res. 1237.

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

A motion to reconsider was laid on the table.

HONORING COAL MINERS FROM UPPER BIG BRANCH MINE IN WEST VIRGINIA

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1236) honoring the coal miners who perished in the Upper Big Branch Mine-South in Raleigh County, West Virginia, extending condolences to their families and recognizing the valiant efforts of emergency response workers at the mine disaster.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1236

Whereas coal mining is a time-honored profession and miners and their families have shaped the history and rich culture of West Virginia and the Nation;

Whereas the Nation is greatly indebted to coal miners for the difficult and dangerous work they perform to provide the fuel needed to keep the Nation strong and secure;

Whereas the Nation has long recognized the importance of health and safety protections for miners who labor in extreme and dangerous conditions;

Whereas accidents in the Nation's mines have again and again taken the lives of coal miners;

Whereas 29 West Virginia miners tragically perished in the Upper Big Branch Mine-South following an explosion on April 5, 2010;

Whereas this was the worst coal mining disaster in the Nation over the last 40 years;

Whereas Federal, State, and local rescue crews worked tirelessly night and day in courageous rescue and recovery efforts;

Whereas the families of the fallen miners have suffered immeasurable loss; and

Whereas residents of Raleigh County and throughout West Virginia came together to support the miners' families: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the ultimate sacrifice made by the 29 coal miners lost at the Upper Big Branch Mine-South, Raleigh County, West Virginia;

(2) extends the deepest condolences of the Nation to the families of these men;

(3) recognizes all coal miners for enduring the loss of their coworkers and maintaining courage throughout this ordeal;

(4) commends the rescue crews for their valiant efforts to find these miners; and

(5) honors the many volunteers who provided support and comfort for the miners' families during the rescue and recovery operations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

California (Mr. GEORGE MILLER) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and include extraneous material on House Resolution 1236 into the RECORD.

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

There was no objection.

Mr. GEORGE MILLER of California. At this time, I yield 7 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Thank you, Mr. Chairman GEORGE MILLER.

Mr. Speaker, last week, on Monday, April 5, an explosion tore through the Upper Big Branch Mine in Raleigh, West Virginia, taking the lives of 29 good, hardworking men. It was the repeat of a recurring nightmare that has haunted the coalfields of our Nation for generations, and it is a tragedy that never should have occurred.

Immediately upon receiving news of the explosion at the Upper Big Branch Mine, I rushed to the scene to be with the families. For me, it was, unfortunately, not an unfamiliar circumstance. I have spent too many anxious hours within the aftermath of mine accidents in the midst of family and friends, of coworkers and survivors, awaiting word. The watching, hoping and praying for survivors to emerge from the darkness into the arms of their loved ones is a heartwrenching exercise, but being surrounded by such warmth and love, generosity and faith is heartwarming at the same time.

The people of coal mining communities, in particular those of southern West Virginia, are a special breed. Generations of these families go into our mines. For so many of these miners, it is not a job; it is a calling. They live with the knowledge that there is risk, but they are proud to take that risk to labor in the company of good and loyal friends, to earn an honest paycheck in order to provide for their families and for themselves.

The miners at Upper Big Branch were just such men. Like coal miners throughout the ages, they did difficult work in dangerous circumstances. They labored underground in cramped conditions in the damp and the dark, but outside the mines, their lives were full of light and love and joy. They had wives and children and grandchildren. They hunted, pranked and laughed together, and they experienced many warm memories and gentle sorrows. While most Americans can scarcely imagine what a coal miner's day at work is really like or will never really understand our coal miners, we certainly appreciate what their labors have meant in our daily lives.

The toil of these coal miners, of all coal miners, has fueled our Nation's economic engine, ensuring our military security by providing coal not just to the generation of power but as an essential element in the steelmaking process. All coal miners are deserving of our gratitude and of our renewed commitment to ensure that such tragedies never occur again.

Countless individuals can be thanked for their help during this disaster. I thank our Governor, Joe Manchin, III, for his leadership; both of our U.S. Senators, JAY ROCKEFELLER and ROBERT C. BYRD; our Secretary of Labor, Hilda Solis, who twice visited us during this week; her assistant secretary for Mine Safety and Health Administration, Joe Main, there every day and night; Ron Wooten, our West Virginia division Mine Safety and Health training director; Jimmy Gianato, director of our West Virginia Homeland Security. Both of these individuals were there every day and night, 24/7, for an entire week. I thank our West Virginia head coach, Bobby Huggins, for his uplifting visit to the families.

By all accounts, the explosion that took the lives of these 29 miners should never have happened in this time, in this modern era.

To quote the Mine Safety and Health Administration's administrator for coal mine safety and health, Kevin Stricklin, who fought every hour, 24 hours a day, to help find our coal miners, ''All explosions are preventable. It's just making sure you have things in place to keep one from occurring. It's quite evident that something went very wrong here.''

□ 1330

There are multiple layers of laws and regulations in place to prevent such a disaster. There are modern technologies. There were repeated, persistent inspections. And yet 29 men perished and one is hanging on in the hospital. That this deadly explosion occurred is infuriatingly, frustratingly heartbreaking, and I am determined that we will get to the bottom of it and ensure that steps are taken to prevent a recurrence of this type of explosion. We owe it to the miners who perished in Raleigh County last week. We owe it to their families. We owe it to their coworkers.

So many strong and tough West Virginians came together to pray and to help these families. Our West Virginia State Police stood by every family's side to help in any way they could. The American Red Cross, Billy Graham's Crusade, family members of previous mine disaster victims, and most importantly, our ministers, our pastors, our West Virginia Council of Churches, all who came from all over our great State to counsel, to cry, and to call upon God, who above all else will guide these families through this healing process.

With that inner strength that comes to the West Virginia people, we will get through this tragedy together. We will hold accountable those who failed our miners, so help me God.

Today the House of Representatives honors the 29 miners lost in Raleigh County last week. We express the condolences of our Nation to their families, and we recognize above all the valiant efforts of the rescue workers, those who placed their lives on the line to save other lives, who answered the call the other day. Our first responders, our paramedics, our law enforcement personnel all came together.

May the Good Lord keep our lost miners, may He care for their families, and bless those rescue personnel who risked their own lives in service to others. And may He watch over each and every coal miner who continues to work and continues to walk in the wake of risk in service to our Nation.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

Every day thousands of men and women go to work in coal mines to bring electricity to our homes to make our lives easier, more comfortable. The working conditions for these miners are anything but comfortable or easy. I rise today to honor their work, and sadly, the sacrifice of 29 men last Monday in the Upper Big Branch Mine.

This resolution offers our condolences to these miners' families as well as the Nation mourns with them. It is also a time to pledge that we will work with the Federal agencies tasked to investigate this accident, determine the cause, and take the appropriate actions.

On Monday, April 5, we watched as mine rescue teams and mine safety officials descended on Whitesville, West Virginia, to go into the Upper Big Branch Mine. The frustration was apparent as rescue teams attempted to reach refuge chambers that night, but were unable to proceed far enough into the mine because of the dangerous levels of gases. Mourning began for seven families who knew immediately that their loved ones were killed by the blast. And then the agonizing waiting began.

For a week, families waited for news of those who might have made it to safety and those who had not. Four missing miners had the slightest hope that they were safely barricaded in a chamber. The miracle that we hoped for did not happen.

We cannot, however, forget the tireless efforts of the mine rescue teams and the government officials who worked around the clock to reach those trapped. Mine rescue teams volunteer their time to train for the unthinkable, to put themselves in harm's way. The burden of recovery falls on these miners as they try to bring closure to the families by bringing their loved ones home one more time. We honor their courage in these very trying circumstances.

I urge my colleagues to vote ''aye'' on House Resolution 1236, mourning the loss of miners in the Upper Big

Branch Mine, and honoring those participating in the rescue and the recovery operations.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Speaker, I thank the gentleman from California for yielding, and I thank him also for his leadership on mine safety and workplace safety.

Mr. Speaker, I would also like to thank the sponsor of this resolution, my colleague from West Virginia's Third Congressional District, NICK RAHALL. Coal miners and the coal industry have no greater champion than the chairman of the Natural Resources Committee, Chairman RAHALL.

Mr. Speaker, tragedy has visited West Virginia's coal mines again. It is a visitor our State knows all too well. The names of the communities change with each visit, and the years do as well. Monongah in 1907, Dola in 1963, Farmington in 1968, Sago in 2006, and now Raleigh County, April 2010. The names change, Mr. Speaker, but the grief and the sorrow, they stay exactly the same. The mother who lost her son last week is united with the sister who lost her brother in 1968 and the daughter who lost her father in 1907.

Mr. Speaker, shy of 2 million people live in my State. Maybe one in 90 earns a living as a coal miner in the coal fields. Most West Virginias have never been underground, and most never will be. But every one of us lives with the knowledge and the full appreciation of what can go wrong whenever a new shift of miners goes underground. Coal mining is not just my State's most important industry, it is central to our culture and our social identity. When tragedy visits one of our communities, it visits our entire State. It brings us together. It reminds us in sometimes a difficult life we can always look to that larger community for support.

We saw those bonds in the rescue crews last week battling fatigue and risking their lives. We see those bonds in the volunteers on-site in Raleigh County today. And we see those bonds in the churches and the union halls and the schools throughout the State, wherever West Virginians come together.

There is hard work ahead of us and there is pragmatic work ahead of us. The engineers and the experts, they will come and they will analyze what went wrong in Raleigh County last week. This Congress will debate what went wrong last week. We will assign responsibility. And we will consider what actions are necessary to make the hard work of taking coal from the ground less dangerous, to do all that is possible to prevent such future tragedies. That will be the most lasting testimonial we can offer those who lost their lives in Raleigh County.

But today we acknowledge their loss, we thank those who tried to save them, we offer our deepest condolences to the miners' families, and we come together again in support of our community.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. KLINE), the ranking member of the Education and Labor Committee.

Mr. KLINE of Minnesota. I thank the gentlelady for yielding.

Mr. Speaker, I rise today with my colleagues to honor the memory of the 29 miners who lost their lives in the Upper Big Branch Mine, and to express our gratitude to the rescue teams who bravely pursued a tragic recovery mission. The Nation watched in collective apprehension last week as mine rescue teams rushed from the coal fields of Appalachia to the small town of Whitesville to help their own. For a week we all clung to the hope that four missing miners might have found refuge. It was not to be.

Over the weekend, the mine rescue teams performed a more solemn duty, bringing these men out of the mine one final time. Under the best conditions mining is dangerous work. After an explosion the mines are even more treacherous. Mine rescue teams undertake rigorous training and exercise valiant resolve. Today we recognize their bravery in the face of danger and tragedy. H. Res. 1236 honors their commitment to service.

Chairman MILLER has announced our intention to investigate this tragedy and seek answers on behalf of the families and the entire mining community. Our focus must be to determine what caused this devastating loss so we can prevent it from ever happening again.

The cameras have gone elsewhere and this tragedy has faded from the hourly broadcasts. For the families, however, the devastation of the Upper Big Branch Mine will never disappear. With this resolution we offer our condolences, we honor their loved ones, and we pledge our commitment to get to the bottom of this.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 3 minutes.

As my colleagues have recounted, on Monday, April 5, an explosion rocked the Upper Big Branch Coal Mine in Montcoal, West Virginia, killing 29 miners and injuring others. This was the worst mine disaster in the United States in almost four decades. For over two centuries, millions of West Virginians' livelihoods have depended on extracting the State's richest coal deposits.

Coal has left an indelible mark on the communities throughout West Virginia and Appalachia. For many of these communities, the mine may be the only way to earn a decent living. These miners are proud of their work and their contribution to the American economy. Coal is in their blood, it is in their tradition, and it is their career.

But we also know that underground mining is one of the most dangerous jobs in the world. Every day miners show up for their shift knowing that there is a chance that they may not return to their families, yet they show up every day. At 3:30 p.m., during the shift change, a massive explosion ripped through the Upper Big Branch Mine and took the lives of 29 miners and sent others to the hospital. While the cause of this tragedy is still under investigation, today we memorialize those 29 miners who perished.

Our Nation sends our deepest condolences to those who have suffered this terrible loss. We extend our heartfelt sympathies to families who have lost a husband, a father, a brother, a son, or more. Those thoughts are with you and your communities in your suffering these devastating losses. These losses will remain long after the headlines fade from national attention.

Today we also recognize the valiant efforts of the many rescue teams, who in many cases traveled long distances and risked their lives in hopes of saving their fellow miners. Many rescuers had to evacuate the mine at least four times as a result of explosive levels of methane gas. These brave men and women, who worked around the clock day after day, have the appreciation of this Congress and this Nation for their selfless efforts.

I would also like to recognize Congressman NICK RAHALL, who grew up in Beckley, West Virginia, only a few miles south of the mine. Congressman RAHALL sponsored this resolution and provided the much-needed rock of support for his constituents during this disaster. Reports have come back to me of his consoling and listening to families, neighbors, and friends in his community. I know how much these families appreciate his support and those efforts.

Over the last few years I have met many families who have suffered similar tragic losses in mining disasters. And what I have learned is that the impacts of these disasters far range what we see in the general society because of the history of these communities, the culture of these communities, the work ethic in these communities. These tragedies spread across in an indelible way with the loss of a single miner.

In the face of these overwhelming tragedies, these families are showing incredible strength and determination. I made a promise to the families of Sago, to Aracoma Alma, to Darby, to Crandall Canyon that we would do everything in our power to uncover the cause of these tragedies and do everything possible to prevent other miners from suffering these similar fates. I want to extend that same promise to these families of Upper Big Branch Mine and to the miners in the community, that we will continue that promise and to get to the bottom of this tragic incident.

They paid the ultimate price in doing the job our Nation depends upon. Every miner who goes to work every day must be able to return home safely to their families at the end of that shift. And Congress has an obligation to ensure that that remains the case.

I reserve the balance of my time.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from West Virginia (Mrs. CAPITO).

□ 1345

Mrs. CAPITO. I thank the gentlewoman for yielding me the time.

Mr. Speaker, I rise today with my fellow West Virginians and those of us in this Congress in support of today's resolution to extend our condolences to the families of the 29 miners who were killed in last week's mine disaster in Montcoal, West Virginia.

I would like to thank my colleague, Congressman RAHALL, for his steadfast support, his compassion, and his empathy for those in his district who have suffered an unimaginable loss. His strength and compassion was very evident to all of us who watched the activities as they unfolded in Raleigh County.

I would also like to thank our Governor, Governor Manchin. He was a stalwart comforter in chief to many of us because, as my fellow colleagues from West Virginia has said, if one West Virginian suffers, we all suffer.

I would also like to thank the outstanding efforts of the mine rescue teams and the many volunteers who provided their support and prayers.

The accident that occurred at Performance Coal Company's Upper Big Branch mine has taken an immense toll on all West Virginians and left a community shattered, very sad, and very shaken. After 6 days of waiting for any news, rescue workers located the four missing miners and found no survivors. While we were all hoping for a miracle, unfortunately, we were left with the sad conclusion.

Too many families have suffered the tragic loss of losing a loved one in a mine disaster. Last week's explosion was the worst mining disaster in an American mine in 40 years and the third major mining disaster in West Virginia in the last 4 years. An explosion at the Sago mine in my district on January 2, 2006, trapped 13 miners for nearly 2 days. By the grace of God, one miner survived.

We cannot forget the grief and suffering of the families, friends, and coworkers of all the miners who have died. These are deaths that can and must be prevented. The rescue workers were valiant, working around the clock to find their fallen brothers and to help the families in their horrible time of grief.

Following Sago, Congress rightly passed stricter mine safety regulations to enhance inspector programs, improve emergency response, and put in place protections to prevent future mine disasters. To ensure that all mines receive regular inspection, Congress has increased MSHA funding, because MSHA had been unable to meet these mandated responsibilities.

However, new rules and regulations are useless if they are not enforced. The coal companies must be vigilant and must follow the rules in every case. No excuses. Keeping our miners safe requires a collaborative approach between the regulators and the mining industry. Both must expand their health and safety programs to prevent hazards from starting in the first place. Otherwise, reforms Congress clearly intended to address with the passage of the MINER Act will be rendered meaningless. Congress has a very important oversight role in scrutinizing issues that lead to this disaster.

There must be, and I am sure there will be, a very thorough investigation into this tragedy to determine what further action must be taken to prevent this from ever happening again. I vow to take whatever measures are necessary to ensure the safety and health of our coal miners.

I join today with my colleagues and really the entire Nation to extend our condolences to those families of the lost miners and to the communities surrounding. This is a devastating loss for all of us, and the warmth and prayers that have been sent to those of us living in West Virginia and particularly in the Montcoal area are welcomed and well received.

I ask my colleagues to join me in passing this resolution.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY), subcommittee chairman of Workforce Protections.

Ms. WOOLSEY. This resolution rightly honors the 29 courageous coal miners who were senselessly killed in the explosion at the Upper Big Branch mine in Raleigh County, West Virginia, last week; and it supports those family members left behind. Our deepest sympathies go out to these families, and we also hope for the speedy recovery of the two miners who were injured.

Miners, like all working people, are the basis for America's future. And it is true that miners work in a very dangerous profession, but there is absolutely no excuse for a tragedy like this one. We don't know yet the cause of this explosion, but the investigations have begun.

We do know, however, that Massey Energy, the mine owner, was cited for 450 safety violations in the year 2009 for the Upper Big Branch mine. Massey contested most of these citations, keeping the violations in legal limbo and preventing MSHA from establishing a pattern of violations that could have led to a shutdown of the mine; and it could have increased scrutiny of this owner and possibly prevented these disasters.

These appeals filed by the companies like Massey have created a tremendous backlog at the MSHA Review Commission, a backlog that has increased from 1,500 cases in the year 2005 to 16,000 cases today. The Review Commission does not have the resources to resolve a backlog of this size in a timely fashion, so we as Members of Congress immediately must provide the background and the legal authority for more funds to hire more administrative law judges so that we can expedite the appeals process.

In addition to scrutinizing Massey Energy's role in this disaster, we need to look at MSHA's role as well. Is MSHA using all the authority it has under current law to prevent these explosions? Does MSHA need more authority to carry out their mission? As the chair of the Workforce Protection Subcommittee, I will be working closely with Chairman MILLER, with Ranking Member KLINE, and Congresswoman MCMORRIS RODGERS and Representative RAHALL and all of the others in this Congress, which is probably 435 of us, knowing that we must take the steps that are necessary to prevent any future mining disasters.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. HARE).

Mr. HARE. Mr. Speaker, on April 5, 29 hardworking men—fathers, brothers, sons, and husbands—left home for a day at work. All thought they would return home safely to their families that night, but, sadly, they didn't.

I stand in solidarity with my colleagues from West Virginia and all across this Nation in honoring the 29 coal miners that were lost.

I wish to express my deepest sympathies to each of the families of the workers who perished in the West Virginia mine explosion. I know the loss you have experienced will stay with you forever, and I hope that you can take some solace in knowing that all Americans share in your grief.

I would also like to take this opportunity to express my utmost gratitude to the rescue teams who have so tirelessly and heroically risked their own lives in an effort to save others. Your bravery does not go unnoticed and is appreciated by all Americans.

The explosion at the Upper Big Branch mine was America's worst mining disaster in 40 years, and the toll on all West Virginians has been devastating. It requires us to again ask our colleagues on both sides of the aisle, with four mine disasters in the last 4 years, how many more tragedies have to occur before we start taking mine safety more seriously and implement strong reforms to protect all of our miners?

I ask my colleagues on both sides of the aisle to work with Chairman MILLER and Chairwoman WOOLSEY to honor these miners through action. While we cannot bring back the men that were lost, we can do more to advance the cause of workplace safety across this country; and we should start by ensuring that MSHA has the tools, the staff, and technology to prevent tragedies such as these. The report yesterday that a computer error prevented Upper Big Branch mine from

being identified as a risk is deeply disturbing and completely and totally unacceptable. All Americans deserve to work in a place that is safe, and we must take whatever steps are necessary to ensure a disaster like this will never happen again.

Again, I want to join my colleagues in expressing my deepest condolences to those affected by this devastating tragedy. I assure each of the affected families and communities that your loss will not be forgotten and the memory of these coal miners will inspire me and my colleagues to take bold action on mine safety.

I thank the gentleman for the time.

Mrs. MCMORRIS RODGERS. I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the chairman for yielding.

I rise simply to thank my many colleagues in this body on both sides of the aisle that have expressed their condolences this week in the debate that has just occurred or rather to me personally or in phone calls. I know that my colleague from northern West Virginia, Representative MOLLOHAN, called every day for a status update; and I appreciate the gentlewoman from the Second District, Representative CAPITO's, comments.

But most importantly, Mr. Speaker, I do recognize the work of the distinguished chairman of the Education and Labor Committee, my dear friend GEORGE MILLER. We worked together following previous disasters that have been referenced during this debate, the Sago and Aracoma disasters that occurred in West Virginia as well about 4 years ago.

Reference has been made to the MINERS Act that was passed following past disasters. Many good parts of that were put in place by our operators across the State and were in place at this particular mine. Unfortunately, due to the severe nature of this blast, these features did not have a chance to trigger or to come into play. So something else needs to be done to prevent these disasters.

I salute the chairman again.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 30 seconds.

I appreciate the remarks of the gentleman from West Virginia (Mr. RAHALL). But, tragically, we have been through this before. It's clearly the intent of the chair to work with the entire delegation. I tried to state it, maybe not as articulately as I had hoped to, but we fully understand that these tragedies in the mining community are felt across the State. They are felt across the region. The deaths may be isolated, but because of the history and the culture and the economy of these regions, we know that they are felt across the region, and we expect to work with the entire delegation and with the Senate delegation as we try to uncover what has taken place here with the tragedy that existed.

With that, Mr. Speaker, I yield 1 minute to the Speaker of the House, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank the chairman for yielding. I thank him for his leadership on this important issue and the attention that he has called to it over time and the focus that he has had since day one when we learned of this tragedy.

I want to join our colleagues, Chairman RAHALL, in whose district this tragedy occurred, Mr. MOLLOHAN and Mrs. CAPITO to extend condolences to them. Because while this occurred in Mr. RAHALL's district, I know the grief is felt throughout the State of West Virginia as it is being felt throughout our country.

Mr. Speaker, today in towns across Raleigh County, West Virginia, flags are flying at half staff. Their residents are mourning the loss of their fathers, brothers, and sons in last week's deadly mine explosion in Montcoal. Since then, people across our country have cried for them, have joined in the mourning; and today in the Congress we officially join these proud Americans in expressing our deepest condolences for the loss of 29 coal miners, 29 coal miners, in the worst mining accident in four decades.

We do so led by Chairman NICK RAHALL, who has been on the scene of this catastrophe the last 1½ weeks. Congressman RAHALL has prayed with his constituents, and he has consoled them. He has committed to work for better conditions, vigorous oversight of the mining industry, and rigorous enforcement of safety standards for America's mines. In doing so, he has worked with our chairman, Mr. MILLER, in this regard.

As Congressman RAHALL and other West Virginia leaders, including Congressman MOLLOHAN and Congresswoman CAPITO, often remind us, this Nation is indebted to our coal miners for the difficult and dangerous work they do. Their contributions are a rich part of our Nation's history. Their labor makes our way of life possible.

But, last week, 29 families received a phone call that every coal miner's family fears; and as the communities of West Virginia grieved, the Nation grieved with them.

□ 1400

Now, with this tragedy first in our minds, we must redouble our efforts to minimize the risks to our mine workers and to ensure that they can do their jobs without a threat to their well-being.

When this tragedy occurred, I called Mr. RAHALL, and his concerns were very personal about the families who were affected. I called the President of the United Mine Workers, Cecil Roberts, a visionary leader in our country, and his concerns were about the families.

But as we move away from that tragedy, our concern for the families must be reflected in our decisions here and the insistence that we have on upholding standards. We must, as I say, redouble our efforts to minimize the risk to those workers.

Today we acknowledge the brave efforts of their fellow coal miners who were part of the response team and other first responders who worked tirelessly in the hope of rescue and bravely on behalf of recovery.

Mr. Speaker, many of the families who lost miners this week have spoken of their deep faith and how that has comforted them.

On this House floor this morning, we were led in prayer by Bishop Simms from West Virginia, Mr. RAHALL's constituent, and he shared with us how faith can see us all through, especially these families. On this House floor today we join them knowing that 29 brave souls are now in a better place.

Again, our condolences to every member of those families. To the communities, as Mr. Cecil Roberts said to us, we are all one family here in the mining community. I know Mr. RAHALL expressed that sentiment to me as well.

Well, at a time like this it's important for the families of West Virginia and the coal mining community to know that, as a Nation, we are one family with them as well. I hope it is a comfort to them that so many people in our country mourn their loss and are praying for them at this sad time.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield myself the balance of the time.

I urge support for this resolution which honors the 29 men who perished in the Upper Big Branch Mine. These men were simply doing their job, extracting the coal that powers the Nation.

We recognize the Red Cross workers, volunteers and others in this close-knit community who banded together in a time of tragedy. We commend the rescue teams who went in after their brothers in the hope of bringing them to safety and with a commitment to bringing them home.

And we express our condolences to the family members who lost those that they loved so dearly. It has been said today that West Virginians stand together in times of tragedy. Today we stand together with them.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I encourage all of my colleagues to support this resolution. I thank the gentlewoman for her presentation of this resolution, and for all of those who participated in the debate.

Mr. SPACE. Mr. Speaker, it is with the deepest sadness that I offer my condolences to the families of the 29 brave mineworkers who perished on April 5, 2010. I have been holding these families in my thoughts and my prayers.

For those of us representing Appalachia, this news is particularly saddening. The history

of our region will forever be linked to the mining of coal, a connection for which I hold great pride. For generations, residents of my district have fed their families from work in these mines, as they will for generations to come.

The loss of a miner is the loss of a brother and a friend. This loss cuts deep into the soul of our Appalachian towns and communities.

The deaths of these miners must not be in vain—we must take lessons from this tragedy to create a better future for mineworkers everywhere. The mineworkers of Appalachia deserve to go to work each day with peace of mind that their workplace is safe. Events like those that transpired earlier this month shake that trust, and we must determine the cause of the event if we are to properly ensure their future safety and to ensure the strength of the coal mining industry.

While we are truly blessed to live in a country bestowed with great resources, we hold a responsibility to protect those who risk life and limb to harvest them in the name of a greater, stronger nation. The strength of our Nation is a reflection of how we treat these soldiers of the coal mines, and we all must work to ensure their safety.

Mr. GEORGE MILLER of California. 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. GEORGE MILLER) that the House suspend the rules and agree to the resolution, H. Res. 1236.

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. GEORGE MILLER of California. 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.

CONGRATULATING DUKE UNIVERSITY ON WINNING THE NCAA BASKETBALL CHAMPIONSHIP

Ms. FUDGE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1242) congratulating the Duke University men's basketball team for winning the 2010 NCAA Division I Men's Basketball National Championship.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1242

Whereas on April 5, 2010, the Duke University Blue Devils defeated the Butler University Bulldogs by a score of 61–59 in the finals of the National Collegiate Athletic Association (hereinafter referred to as the ''NCAA'') Division I Men's Basketball Tournament in Indianapolis, Indiana;

Whereas the Blue Devils now hold 4 national men's basketball titles, winning NCAA championships in 1991, 1992, 2001, and 2010;

Whereas Blue Devils head coach Mike Krzyzewski improved his record to 868–279, won his 77th NCAA tournament game, the most in NCAA history, and won his fourth national championship, making him tied with Adolph Rupp for second most championships in NCAA history;

Whereas Coach Krzyzewski and his coaching staff, including Assistant Coaches Chris Collins, Steve Wojciechowski, and Nate James, as well as each manager, trainer, and staff member, deserve praise and credit for helping the Blue Devils reach the pinnacle of college basketball;

Whereas the Blue Devil team roster included seniors Jordan Davidson, Jon Scheyer, Lance Thomas, and Brian Zoubek, juniors Steve Johnson, Casey Peters, Kyle Singler, and Nolan Smith, sophomores Seth Curry and Miles Plumlee, and freshmen Andre Dawkins, Ryan Kelly, Mason Plumlee, and Todd Zafirovski;

Whereas junior Kyle Singler was named the Most Outstanding Player of the Final Four, scoring 19 points and collecting 9 rebounds while playing all 40 minutes in the championship game;

Whereas Blue Devils Jon Scheyer, Kyle Singler, and Nolan Smith were each named to the all-tournament team;

Whereas during the 2009–2010 season, the Duke Blue Devils finished with a record of 35–5, tied for the most wins, and scored a total of 3079 points;

Whereas the Blue Devils went undefeated on their home court in Cameron Indoor Stadium for the 2009–2010 regular season;

Whereas the Duke Blue Devils won the 2010 Atlantic Coast Conference (hereinafter referred to as the ''ACC'') Tournament, their record 18 such tournament championship, and won a share of the ACC regular-season championship with a conference record of 13–3;

Whereas the Duke Blue Devils have played in 15 Final Fours and have played in at least one Final Four in 6 consecutive decades;

Whereas the Blue Devils have amassed a record overall winning percentage of 75.8 percent in the NCAA tournament;

Whereas the Blue Devil players, coaches, and staff are outstanding representatives of Duke University, a top ten university that is recognized annually as a national leader in academics and research;

Whereas in addition to their skill on the court, the Duke men's basketball team upholds a high standard of academic excellence, achieving an overall graduation success rate of 92 percent;

Whereas the Duke men's basketball program has had 31 ACC All-Academic basketball teams over the last 14 years, has had at least one player on the ACC All-Academic basketball team for a record 16 straight years, has received 5 Academic All-America selections over the past 12 years, and has had at least one team member on the ACC All-Academic basketball team in 23 of the last 26 years for a total of 46 selections;

Whereas the Blue Devils showed tremendous dedication to their team, appreciation to their fans, sportsmanship toward their opponents, and respect for the game of basketball throughout the 2009–2010 season;

Whereas Duke students, faculty, staff, alumni, and all fans of the Blue Devils are to be congratulated for their sportsmanship, dedication, and support of their team; and

Whereas the Blue Devils' 2010 NCAA championship further solidifies the tradition of basketball excellence that exists in the State of North Carolina, whose universities have won 4 of the last 10 NCAA championships: Now, therefore, be it—

Resolved, That the House of Representatives—

(1) congratulates the 2010 national champions, the Duke University Blue Devils, for their win in the 2010 National Collegiate Athletic Association Division I Men's Basketball Tournament;

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the Blue Devils' victory;

(3) invites the Duke University men's basketball team to the United States Capitol Building to be honored; and

(4) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Duke University President Richard H. Brodhead, Athletic Director Kevin White, and Head Coach Mike Krzyzewski for appropriate display.

The SPEAKER pro tempore (Mrs. CAPPS). Pursuant to the rule, the gentlewoman from Ohio (Ms. FUDGE) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair now recognizes the gentlewoman from Ohio.

GENERAL LEAVE

Ms. FUDGE. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous materials on H. Res. 1242 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. FUDGE. I yield myself as much time as I may consume.

Madam Speaker, I rise to congratulate the Duke University men's basketball team for winning the 2010 NCAA Division I Men's Basketball National Championship.

When the final buzzer sounded in the 2010 Men's Basketball NCAA Championship game, two exceptional college basketball programs' seasons came to an end. Both the Duke University Blue Devils and the Butler University Bulldogs played with exceptional talent and dedication. The ball pressure and stifling defenses from both teams led to a low-scoring, yet entertaining, game. The game included five ties, 15 lead changes, and two potentially game-winning shots. In the end, Duke seized their fourth NCAA Men's Basketball Championship, cementing its legacy in college basketball history.

With a 61–59 victory Monday night at Lucas Oil Stadium, the Duke University Blue Devils proved that they are still one of the country's most elite college basketball programs. The Blue Devils finished their regular 2009–2010 season strongly, with a 35–5 record, followed by winning the 2010 Atlantic Coast Conference Tournament. In addition, they were cochampions of the ACC with a record of 13–3, while earning an NCAA tournament number 1 seed. In a tournament where the top seeds were falling and upsets were ample, the Blue Devils consistently dominated their opponents.

This Blue Devils men's basketball season marked Coach Mike Krzyzewski's 30th season at Duke and his fourth NCAA Men's Basketball Championship. Better known as Coach K, Coach K has led Duke to the Final Four 11 times during his time with the

team, and this game was his 868th career win as a coach. The 2010 NCAA championship game marked his 77th NCAA tournament game, the most in NCAA history. He won his fourth national championship and tied Adolph Rupp for second most in NCAA history.

Kyle Singler was named the Final Four's Most Outstanding Player, scoring 19 points and collecting nine rebounds while playing all 40 minutes in the championship game. He has been a leader and a remarkable asset to the Blue Devils all season. Kyle Singler, Jon Scheyer, and Nolan Smith were each named to the all-tournament team. I congratulate these men and all of the players on a great victory.

The alumni, faculty, and staff have much to be proud of. With over a 75 percent winning rate in the NCAA tournament, the rest of the country measures themselves to Duke.

Once again, I congratulate Duke on winning the national championship. I thank Representative PRICE for bringing this bill forward.

I reserve the balance of my time.

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

I rise today in support of House Resolution 1242, congratulating the Duke University men's basketball team. The Duke University Blue Devils men's basketball team has a national reputation for excellence. The team has won four NCAA Division I National Championships, and has been among the Final Four 15 times since 1980. Seventy-one Duke players have been drafted into the NBA, and 11 players have been named the National Player of the Year. Duke has won the most Atlantic Coast Tournament championships and has also had numerous successful regular seasons.

In the 2010 NCAA championship game, Duke took the victory over Butler with a final score of 61–59. Butler played a very competitive game, keeping the score incredibly close throughout the entire game; however, Duke pulled ahead by one point each half to take the victory.

Although we are celebrating Duke's athletic excellence, we should take a moment to recognize the quality of Duke's academic programs.

Duke University has two undergraduate schools and nine graduate and professional schools. In the 2010 edition, U.S. News & World Report ranked the university's undergraduate program 10th among national universities, and ranked the medical, law, and business schools among the top 12 in the United States. Duke also is known to be among the Nation's top research universities.

I rise today to congratulate Duke University's men's basketball team and Coach K for winning the 2010 NCAA National Championship. I ask my colleagues to join in support of this resolution.

I reserve the balance of my time.

Ms. FUDGE. Madam Speaker, I am pleased to recognize the gentleman from North Carolina (Mr. PRICE) for as much time as he may consume.

Mr. PRICE of North Carolina. Madam Speaker, I thank my colleague (Ms. FUDGE) for yielding, and I thank her and Mrs. MCMORRIS ROGERS for their support of H. Res. 1242 and their help in bringing it to the floor.

I am the proud sponsor of this resolution, which congratulates the Duke University men's basketball team for winning the 2010 NCAA Division I National Championship. I have introduced the resolution as the Member of this body privileged to represent Duke University, and I'm pleased to say that it has the support of the entire North Carolina delegation.

From its roots as tiny Trinity College in 1838 to its current status as one of the world's premiere research and educational institutions, Duke University, like its basketball team, is a testament to the virtues of hard work, determination, and excellence—in the classroom, in the community, and in Cameron Indoor Stadium as well.

I actually have the distinction, not always enviable, of representing both sides of college basketball's most intense rivalry. UNC–Chapel Hill is just down the road from Duke. It's also in the Fourth District. I've had an interesting vantage point, having attended UNC and having taught at Duke. Trust me, I understand the importance of team loyalties to Members of Congress, and I also understand the need, occasionally, to balance these loyalties. But I think we can all agree today that the Blue Devils should be commended, and they should be commended unanimously, for reaching this pinnacle of men's college basketball.

At the risk of stoking the flames, let me just talk about the record for a moment. I'd be remiss if I didn't remind my colleagues that the Duke Blue Devils have a long history of success at men's basketball. They've played in 15 Final Fours, and this is their fourth title win in the last two decades.

Despite this record, the team wasn't favored to win a national championship at the beginning of this season. But they peaked at the right time. They finished the year with 10 straight wins. They shared the ACC regular season championship and won outright the ACC tournament championship and the national championship. They finished the season with a 35–5 record, a tie for the most wins this season nationally.

This improbable end to this season underscores that anything is possible in basketball as in politics. It's also a testament to the very idea of what a team should be, greater than the sum of its parts, an idea Duke teams have long exemplified.

I will enclose in the RECORD at the end of this statement the full roster of this remarkable team, the men on the team and their hometowns.

Special credit is due to head coach Mike Krzyzewski, known far and wide as Coach K, who's built one of college basketball's most stellar programs since he came to Duke in 1980. This season Coach K brought his overall record to 868–279. He won his 77th NCAA tournament game, and he won his fourth national championship. Needless to say, this places this Hall of Famer in elite company. Only Adolph Rupp and John Wooden have won an equal or greater number of national championships.

But his achievements have not been bounded by the baselines of the court. Coach K's success is about mentoring young men, about coaching them to succeed, not just on the court, but also in the classroom and in life. His teams consistently uphold a high standard of academic excellence, achieving a graduation success rate of 92 percent and boasting a strong tradition of Academic All-Americans.

Each step of the way the team was buoyed by its fans, its incredible fans—the Cameron Crazies, they're called—who make Duke's Cameron Indoor Stadium one of the toughest places to win in the country. That again proved true this year when the Blue Devils went undefeated on their home court.

This year's national championship game was considered by many to be one of the closest and most exciting title games in tournament history. It literally came down to the last shot.

Butler University and Coach Brad Stevens are also to be congratulated for their strong season and for their effort in a title game that reminded us anew of why the American people simply can't resist March Madness. Both teams deserve recognition for their dedication to sportsmanship and fair play throughout the entire season.

So it's a unique privilege, Madam Speaker, to introduce, I have to note for the second year in a row, the resolution in this body recognizing the NCAA Men's Basketball National Champion. And I'd like, Madam Speaker, for the RECORD to reflect that I'll be perfectly happy to introduce such a resolution again next year.

In the meantime, I and Duke's many friends and alumni in this body look forward to welcoming the Blue Devils to the White House and to Capitol Hill.

Duke Blue Devils Roster 2009–2010 Season:
#2 Nolan Smith—Upper Marlboro, MD
#3 Seth Curry—Charlotte, NC
#5 Mason Plumlee—Warsaw, IN
#12 Kyle Singler—Medford, OR
#20 Andre Dawkins—Chesapeake, VA
#21 Miles Plumlee—Warsaw, IN
#30 Jon Scheyer—Northbrook, IL
#34 Ryan Kelly—Raleigh, NC
#41 Jordan Davidson—Melbourne, AR
#42 Lance Thomas—Scotch Plains, NJ
#51 Steve Johnson—Colorado Springs, CO
#52 Todd Zafirovski—Lake Forest, IL
#53 Casey Peters—Red Bank, NJ
#55 Brian Zoubek—Haddonfield, NJ

□ 1415

Mrs. MCMORRIS RODGERS. I yield to the gentleman from Indiana (Mr. PENCE) for such time as he may consume.

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

Mr. PENCE. I rise today to begrudgingly support this resolution and offer my congratulations to Duke, Coach K, and to all of those outstanding players for the NCAA men's national championship game.

Now that being said, I would be remiss, since I will have been married 25 years to a graduate of Butler University, to fail to also rise and commend Coach Brad Stevens and the small but mighty basketball team that America became enamored of in this year's tournament, simply known as ''Them Dogs'' back in Indiana and the Butler University Bulldogs to the rest of the country.

Taking nothing away from Duke, an outstanding university and an outstanding program, or Coach K, I have to tell you I was especially moved when I think it was the day before the basketball game when there was all of the talk about David and Goliath, all the talk of underdogs, and Coach K, being the class act that he is, went before the national press and said, Enough of this talk about underdogs. Butler is a really good basketball team. And anyone who tuned in that night—and my ears are still ringing from Mrs. Pence's enthusiasm that night—saw that the case was proved.

Ultimately, Duke carried the day, but with the news that coach Brad Stevens has signed a long-term contract to stay in Indiana—and I think we're only losing one player next year—I say to my distinguished colleagues, representing and speaking on behalf of Duke, See you next year. Congratulations.

Ms. FUDGE. Madam Speaker, I am pleased to recognize the gentlewoman from California (Ms. RICHARDSON) for 3 minutes.

Ms. RICHARDSON. I rise today to congratulate the Duke University men's basketball team for winning the 2010 Division I National Championship and in support of H. Res. 1242.

Now, after listening to talk about ''Them Dogs'' and the ''Blue Devils,'' being a Bruin and a Trojan myself, I thought we needed to weigh in and extend our congratulations.

This spectacular season by the Duke Blue Devils capped by a thrilling, hard-fought victory against the Butler Bulldogs in the NCAA tournament finals last Monday night is another proud chapter in Duke's very long history of success. As a graduate of both UCLA and USC—and that's USC, University of Southern California, not University of South Carolina—as I found since coming to Congress here—I'm a former basketball player and I understand what it takes in terms of hard work, intense focus, and a tireless dedication required by both players, team members and the university itself.

Particularly when we look at the Duke men's basketball team that, as has already been stated, has 15 Final Four appearances, 11, I believe, under the name of Coach K, when you consider that accomplishment, it will long be filled with the histories of college basketball, of the incredible commitment that this university has done not only on the court but off the court as well.

When I look at Coach K and we hear about all of his commitment to his players and we consider his record, the fourth national championship and how Coach K has now tied Adolph Rupp, I would like to point out, though, that he still has six more to catch my alma mater, which is John Wooden of UCLA. But we welcome that challenge.

In addition, when we talk about Coach K, Mr. PENCE talked about his mentorship, and I read a little bit about his commitment, of being a role model and the positive impact he wants to have on young men—not only with Duke University but the other young men who were watching how Duke played and were carrying themselves.

But, finally, I would like to commend Congressman DAVID PRICE not only for sponsoring this resolution but for his success, something many of us in Congress could figure out how to do, how he can represent both the Duke Blue Devils and the University of North Carolina Tar Heels who won the championship last year, as he mentioned.

Any college basketball fan knows that the Duke-UNC rivalry is only second to the UCLA-USC rivalry. And I've got to tell you, it's tough living in my household having those battles. It takes exceptional skill and diplomacy to successfully represent both ends of Tobacco Road, skills that my colleague from North Carolina possesses in abundance.

I urge my colleagues to join me in congratulating Congressman PRICE. And in terms of the resolution next year, I'm willing to wager a bet.

Mrs. MCMORRIS RODGERS. I would like to yield such time as he may consume to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Let me just say that I am a great admirer of Duke University. I lean a little more toward Butler since I'm from Indianapolis, Indiana, and I thought Duke played a great game. And I want you to know, there is no truth to the rumor that Butler intentionally missed that last basketball shot because they didn't want to hurt Duke's feelings. Are you listening over there?

Anyhow, congratulations to Duke University and to Butler University. Butler is a very small school. It's a private school in Indianapolis, and for them to reach the final game in the national championship is a real tribute not only to the school and the players but to a great young coach who's only been coaching for 3 years. And of course the Duke Blue Devils are always tough, and I'm very proud to say we want to congratulate them. But the Bulldogs did a great job. They were a great team, and next year we're going to get them.

Mr. MCHENRY. Madam Speaker, I rise in strong support of H. Res. 1242, a resolution congratulating the Duke University Men's Basketball team for winning the 2010 NCAA National Championship. As a cosponsor of H. Res. 1242, I would like to commend my colleague from Chapel Hill, Mr. PRICE, for bringing this bipartisan resolution to the floor today, particularly since he previously served as a Professor in Political Science at Duke before coming to Congress.

On Monday, April 5, 2010, the Duke Blue Devils outlasted an outstanding team from Butler University by a score of 61–59 to win the NCAA National Championship. In the closest National Championship game played since 1989, the Blue Devils—with the starting line up of Jon Scheyer, Kyle Singler, Nolan Smith, Lance Thomas, and Brian Zoubek—captured the school's fourth national title behind the leadership of Head Coach Mike Krzyzewski.

Madam Speaker, the Blue Devils finished the season with a record of 35–5, and on the way to the National Championship, they set a school record in home victories by going undefeated with a mark of 17–0 at historic Cameron Indoor Stadium. Furthermore, Duke won a share of the Atlantic Coast Conference regular–season championship with a record of 13–3 and won a record 18th ACC Tournament title.

While this National Championship was truly a team effort, it is difficult to overlook the individual contributions that guided this championship run. Kyle Singler was named Final Four Most Outstanding Player and ACC Tournament MVP. Jon Scheyer and Nolan Smith were also named to the all–tournament team, and Brian Zoubek averaged 10 rebounds per game throughout the NCAA Tournament. These contributions, among many others, led the Blue Devils to the championship.

Madam Speaker, in his 30th year at the helm of the Blue Devils, Head Coach Mike Krzyzewski coached his 1,000th game at Duke, led the Blue Devils to his 11th Final Four appearance—tying the legendary North Carolina Coach Dean Smith—and 8th National Championship game appearance. In leading Duke to the 2010 National Championship, Coach K tied legendary Kentucky Coach Adoph Rupp with four national championships.

During his time at Duke, Coach K has built a program that embraces the idea of the student-athlete. In addition to the numerous athletic accomplishments, the Blue Devils have also excelled in the classroom. In a study conducted by the Institute for Diversity and Ethics in Sport at the University of Central Florida, the Duke Blue Devils achieved a 92% graduation rate, ranking Duke among the highest of the 65 schools that qualified for the 2010 NCAA Tournament.

Madam Speaker, I believe Duke students, alumni, and fans in my Congressional District in Western North Carolina—as well as across the state and nation—can take pride in the accomplishments made by the 2009–2010 Duke Blue Devils. This team represented Duke University, the State of North Carolina, and the ACC in a way that truly embodies the spirit of college athletics. I urge all of my colleagues to support H. Res. 1242.

Mrs. MCMORRIS RODGERS. I yield back the balance of our time.

Ms. FUDGE. Madam Speaker, I ask support for House Resolution 1242, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from Ohio (Ms. FUDGE) that the House suspend the rules and agree to the resolution, H. Res. 1242.

The question was taken.

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

Mrs. MCMORRIS RODGERS. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

EXPRESSING SYMPATHY TO THE PEOPLE OF POLAND

Mr. DELAHUNT. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1246) expressing sympathy to the people of Poland in the aftermath of the tragic plane crash that killed the country's President, First Lady, and 94 others on April 10, 2010.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1246

Whereas the Polish President Lech Kaczynski and 95 other people, including Poland's First Lady, deputy foreign minister, deputy defense minister, dozens of members of Parliament, the chiefs of the army and navy, and the president of the national bank, were killed in a plane crash in western Russia on April 10, 2010;

Whereas President Kaczynski and his colleagues were traveling to Katyn, Russia for a memorial service to mark the 70th anniversary of the Soviet secret police killing of more than 20,000 Polish officers, prisoners, and intellectuals who were captured after the Soviet Union invaded Poland in 1939;

Whereas Ryszard Kaczorowski, who served as Poland's final president in exile before the country's return to democracy, perished;

Whereas Anna Walentynowicz, the former dock worker whose firing in 1980 sparked the Solidarity strike that ultimately overthrew the Polish communist government, was also killed in the crash;

Whereas respected Chicago artist Wojciech Seweryn, whose father was killed in Katyn, and who recently completed a memorial to the victims of Katyn at St. Adalbert Cemetery in Niles, Illinois, which Polish President Kaczynski planned to visit in May, died in the crash as well;

Whereas Russia and Poland had begun to heal the deep wounds from the Katyn tragedy, with Russian Prime Minister Vladimir Putin recently joining Polish Prime Minister Donald Tusk at a ceremony marking the event at Katyn;

Whereas Prime Minister Putin, the first Russian leader ever to attend the Katyn commemoration said ''we bow our heads to those who bravely met death here'';

Whereas more than 9,000,000 Americans of Polish descent now reside in the United States, including in major metropolitan areas such as Chicago, Detroit, and New York City;

Whereas the American people stood in support of the Solidarity movement as it fought against the oppression of the Polish communist government through peaceful means, eventually leading to Solidarity members being elected to office in partially free democratic elections held on June 4, 1989;

Whereas Poland joined the North Atlantic Treaty Organization (NATO) in 1999 and has since contributed to military operations in Iraq and Afghanistan; and

Whereas the United States and Poland share a strong bond of friendship and international cooperation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) mourns the death of President Kaczynski and the terrible loss of life that resulted from the plane crash of April 10, 2010;

(2) expresses its deepest sympathies to the people of Poland and the families of those who perished for their profound loss;

(3) expresses strong and continued solidarity with the people of Poland and all persons of Polish descent; and

(4) expresses unwavering support for the Polish government as it works to overcome the loss of many key public officials.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. DELAHUNT) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

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

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

There was no objection.

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

I rise in strong support of this resolution, which expresses sympathy for the people of Poland following the tragic plane crash last weekend that killed their President and so many others.

I wish to thank my colleagues and friends, Representatives DAHLKEMPER, KANJORSKI, and LIPINSKI for quickly preparing a text that enables this House to add its voice to the condolences being expressed around the world on this sad occasion.

Last Saturday we woke to the terrible news of a plane crash in western Russia. This accident took the lives of Polish President Lech Kaczynski, his wife, the deputy foreign minister, the deputy defense minister, the chiefs of the army and navy, the president of the national bank, dozens of members of parliament, as well as civilian and military staff.

Today, the House mourns the death of President Kaczynski and his colleagues. We express our deepest sympathies to the people of Poland as well to the families who have suffered such a grievous loss. We think, too, of the millions of Americans who claim Polish ancestry, as we know their hearts are also heavy.

We pledge to stand by the Polish Government as it seeks to reconstitute itself and reaffirm our enduring friendship for Poland.

Madam Speaker, what makes this accident even more tragic is that it occurred as President Kaczynski's delegation was traveling to commemorate one of the most brutal events of World War II—the execution of more than 20,000 Polish officers, prisoners, and intellectuals in Katyn Forest by the Soviet Secret Police in 1939.

Earlier in the week, there were encouraging signs that Poland and Russia were beginning to heal the deep wounds caused by these horrific wartime events. Russian Prime Minister Putin joined Poland Prime Minister Donald Tusk at a ceremony marking the 70th anniversary of this massacre—the first time a Russian leader has ever participated in this memorial.

The Russian people have been very supportive and responsive in the wake of the disaster, with Prime Minister Putin personally heading the inquiry into the crash.

Konstantin Kosachev, chairman of the International Relations Committee of the Russian State Duma—described the death of the Polish President as a great tragedy for both the Polish and the Russian peoples. Observing that both countries were mourning together, he solemnly noted, and these are his words: ''Katyn took some more victims.''

If anything positive is to come from these tragic deaths, it may be the development of closer ties between these two nations and their citizens.

Madam Speaker, I urge my colleagues to support this resolution, and I reserve the balance of my time.

□ 1430

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am saddened by the need for this resolution. The death of Polish President Lech Kaczynski, his wife Maria, and 94 other Polish officials and citizens in the plane crash in Russia on April 10 was sudden, unexpected, and truly a tragedy for the nation of Poland.

We have all seen the outpouring of grief and tributes since then by the citizens of Poland in support and in honor of their late President and all who died with him.

There is little that we can here do today to add to the honors bestowed upon the departed by their very own countrymen, but we can, however, offer our condolences to the strong and proud nation of Poland, which has been and remains a friend and an ally of the United States.

Despite the loss of their President, we can be certain that the Polish people will continue on the road toward democracy, prosperity, and security, the road that they have traveled since they broke free of the grip of Communist authoritarian rule in 1989.

How proud we were, when they regained their freedom, that America has stood by the people of Poland during those times when they suffered under a Communist dictatorship and domination by the former Soviet regime in Moscow. Similarly, the people of Poland now offer their solidarity with those who seek freedom in my native homeland of Cuba. Having suffered in the not-too-distant past under the crushing yoke of the Soviet regime, many in Poland sadly know all too well the struggles that the people of Cuba face each and every day under the stranglehold of the Cuban dictatorship.

Poland's support for human rights and democracy in Cuba illustrates it has not forgotten its past suffering nor the strength that it received from the solidarity of others. And how proud we are today that Poland has become an important member of both the North Atlantic Alliance and the European Union and that it has become a strong voice for those countries in Eastern Europe that are working to ensure that they never again fall victim to the domination by a more powerful neighboring state.

President Kaczynski was, in fact, an important leader in an effort to ensure that the hard-won liberty and democracy today enjoyed by Poland and other nations of Eastern Europe is not bartered away. He recognized the temptations faced by other European states which eagerly expand their commercial and military exports to Russia while increasing their reliance on energy supplies from Russia. He would not succumb to those Russian manipulations and coercions.

The late Polish President was a voice that may have been unwelcome among some in the councils in Brussels, but it was a voice that was heeded.

Moreover, Madam Speaker, under his leadership, Poland continued as a strong friend and a staunch ally of the United States, supporting military operations against extremists in Iraq and in Afghanistan, supporting America's efforts to create long-range missile defenses for both Europe and the United States, participating as a full partner in NATO, and supporting the expansion of democracy everywhere.

There are those in Europe who, while enjoying the security commitment provided by the United States through NATO, nevertheless feel free to criticize America's initiatives to fight extremism and address threats around the world. President Kaczynski was not one of those voices. In fact, during his trip to the United States 3 years ago, he made a special trip to visit the Reagan Library as a sign of his country's appreciation for our former President's leadership in the efforts to free his country from Communist domination. President Kaczynski valued this support and offered Poland's support in return.

Madam Speaker, we express our condolences to the people of Poland on the loss of their President, his wife, and so many of the leading officials and countrymen. At this time, and in the future, America will forever remain a friend of Poland.

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

Mr. DELAHUNT. Madam Speaker, I yield 1 minute to one of the original sponsors of this resolution, the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. I thank the gentleman; and I want to thank the leadership for allowing myself and my colleagues, Mr. LIPINSKI and Mr. KANJORSKI, to bring forward this very important but very sad resolution.

It is with a very heavy heart today that I rise to offer House Resolution 1246 expressing sympathy to the people of Poland in the aftermath of the tragic plane crash that killed the country's President, First Lady, and 94 others on April 10, 2010. President Lech Kaczynski, his wife Maria, Poland's army chief, navy chief commander, governor of the Polish central bank, other lawmakers, aides, and state officials were lost when their plane crashed in Western Russia.

The delegation was traveling to a memorial service to honor 22,000 Polish officers killed in Russia's Katyn forest by the Soviet secret police in 1940.

We offer our condolences and sympathy to the Polish people and Polish Americans as we mourn the loss of President Kaczynski, his wife, and other great leaders lost in this tragedy.

President Kaczynski was a distinguished statesman and leader in the Solidarity movement. He will be long remembered for his commitment to freedom, democracy, and human dignity.

Today, we stand in solidarity with more than 38 millions Poles in Poland and 9 million Americans of Polish descent now residing in the United States, including more than 14,000 Polish Americans in my hometown of Erie, Pennsylvania. Polish Americans have made great contributions to our Nation's livelihood and culture, and we are grateful for their presence in the United States.

Our hearts go out to our Polish brothers and sisters across the globe who share in this horrible loss. In this time of mourning, let us remember the words of St. Peter, ''And the God of all grace, who called you to his eternal glory in Christ, after you have suffered a little while, will himself restore you and make you strong, firm, and steadfast.''

I urge my colleagues to stand in solidarity with Poland and support our resolution.

Ms. ROS-LEHTINEN. Madam Speaker, at this time, I would like to yield such time as he may consume to our esteemed colleague, the gentleman from Texas (Mr. POE), a wonderful member of our Committee on Foreign Affairs.

Mr. POE of Texas. I thank the ranking member for yielding.

Madam Speaker, I also rise today to join all my colleagues in mourning the death of President Lech Kaczynski and many others who died in that plane crash on April 10, 2010. Poland lost some of its most famous political figures. They were heroes among the Polish people. The 95 people that died that day included the President, a very pro-U.S. and anti-Soviet individual, and his wife and numerous other political government officials.

It's interesting to note why so many officials were going to Russia, why they were on that particular plane headed to a specific event. Well, that Polish delegation was traveling to Russia to commemorate the 70th anniversary of the Katyn massacre.

On September 17, 1939, the Red Army invaded the territory of Poland from the east. They captured hundreds of thousands of Poles and deported them to prisoner of war camps in the western Soviet Union.

Once at the camps, the Poles were subjected to lengthy interrogations; and if the prisoners could not be induced to adopt a pro-Soviet attitude, they were declared ''hardened and uncompromising enemies of Soviet authority.''

So on March 5, 1940, Joseph Stalin and three of his henchmen signed an order to execute over 20,000 prisoners, all Poles, to weaken any future Polish military. In the Katyn forest, Soviet secret police executed more than 20,000 Polish nationals who were mainly officers in the Polish military.

And beginning on April 3, the killings were methodical. After a condemned person's information was checked, that individual was handcuffed and led to a secret cell that was insulated with felt to make sure that no noise could come from that cell. The sounds were also masked by the operation of loud machines that were working in the factories. And after being taken to the cell, the victim was immediately shot in the back of the head. His body was taken out through the opposite door in the cell and laid in one of the five or six waiting trucks, whereupon the next condemned Pole was taken inside and the same procedure was methodically followed again.

This occurred over 20,000 times; and the procedure went on every day, every night, except, ironically, for the May Day celebration. In the end, those 20,000 POWs and prisoners were executed without a trial, just a summary judgment.

Those who died at the Katyn include an admiral, two generals, 24 colonels, 79 lieutenant colonels, 258 Polish majors, 654 captains, 17 naval captains, over 3,000 noncommissioned officers. It included even seven chaplains, three landowners, a prince, 43 public officials, 85 privates, and 131 other refugees.

Also among the dead were 20 university professors, 300 doctors, several hundred lawyers, engineers, teachers, and more than 100 writers and journalists, as well as about 200 pilots, all

leaders in the Polish community. The effort of the Soviet Union was to destroy those leaders and destroy Poland as well. These were all Poles, all victims of the terror of communism.

For over half a century, Moscow even denied this ever occurred. The Soviet government had suppressed all the information about the shootings and blamed it on the Nazis. In 1992, Russia finally released the documents showing that the entire Politburo, including Joseph Stalin, signed an order dated March, 1940, to kill these Polish officers.

Poland had a rough history in the last century. They were invaded by the Nazis, and many of the Poles were taken to Germany and died in concentration camps. And then the Soviets invaded the same country trying to drive out the Nazis; and they, too, took many Poles and put them in concentration camps, where many of them died.

In the United States, we celebrate the end of World War II in 1945, but the Poles, they don't celebrate the end of World War II in 1945. They celebrate it in 1989, when the wall finally fell and the Soviets left town. It was a long war for our friends in Poland.

So now, Madam Speaker, we know the rest of the story and why President Kaczynski and so many Poles were on that plane that crashed in Russia. Now they, too, ironically, have died on the same land where thousands of other Poles died over 70 years ago.

It is appropriate today that we pay homage to all of those Poles who have lived and died in a quest for Polish liberty, those Poles who have always been an ally of the United States, and we grieve while they grieve in Poland.

And that's just the way it is.

Mr. DELAHUNT. Madam Speaker, I now yield 1 minute to another original sponsor of this resolution, the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Madam Speaker, I rise to share my deepest sympathies and solemn condolences with the people of Poland and all those who are impacted by this tragic plane crash. President Kaczynski will be deeply missed. He was determined to ensure the strength, prosperity, and sovereignty of Poland and was a strong ally of the United States.

□ 1445

Chicago also mourns the loss of one of our own, Wojciech Seweryn, who perished in the crash.

The Polish and American people have long shared a deep attachment to the values of freedom and independence. Today, with over 9 million people of Polish ancestry in the U.S., including roughly 1 million in Illinois, Poland remains one of America's closest allies. Our two nations continue to cooperate closely on issues of national security, regional and global security, democratization, and human rights. Our friendship and partnership have been and will continue to be steadfast.

Nothing we say today will make up for the tremendous loss that Poland has suffered and continues to grieve. However, as a proud Polish American, I hope that by sharing our own grief, sympathy, and unity with the Polish people, we will be able to help them gather the resolve and strength needed to get through such difficult times.

Ms. ROS-LEHTINEN. Madam Speaker, I know that Mr. DELAHUNT has about 10 speakers, so I'm going to continue to reserve for a while.

Mr. DELAHUNT. Madam Speaker, I now yield 1 minute to the dean of the House, Chairman JOHN DINGELL.

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

Mr. DINGELL. Madam Speaker, I commend, congratulate, and thank my good friends on the committee for their kindness, and I thank my good friend from Massachusetts for yielding this time to me.

I rise in strong support of the resolution expressing the sympathy of the United States for the people of Poland in the aftermath of the tragic plane crash that killed the country's President, First Lady, and 94 other Poles. My thoughts and prayers are with the Polish people at this difficult time.

As an American of Polish descent, proud of my heritage, I grieve at this loss. And what a sad time it occurs when the Poles were going to Smolensk, Russia to commemorate the killing of 20,000 Polish officers and intelligentsia under the direct orders of the Soviet dictator, Joseph Stalin.

I am grieving about the situation in Poland, but I am proud that the Polish people have established a democracy which is not only a friend of the United States, but which is able to survive these difficult times and maintain not only its friendship for America, but its leadership in the world and its superb work in maintaining a democracy for which the Poles have yearned so long.

Mr. DELAHUNT. I thank the gentleman.

I now yield to the Speaker of the House, the gentlelady from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding, and I thank Mr. DELAHUNT and Congresswoman ROS-LEHTINEN for giving us this opportunity to come to the floor to express our sympathy to the people of Poland.

Our country is blessed with many Polish Americans. It is a blessing to our country. They are mourning this loss, and all Americans join them. And today, Congress officially joins in that mourning.

The United States and, indeed, the entire world mourn the loss of President Kaczynski and First Lady Maria Kaczynski and all who perished in last weekend's tragic crash. The United States stands with our friend and ally and the people of Poland as they grieve the loss of their President and First Lady, the Chiefs of the Army and Navy, the President of the National Bank, the Deputy Foreign Minister, and dozens of other Cabinet officials and members of Parliament.

The scope of this tragedy is indescribable, the pain of the loss is unimaginable, and our thoughts and prayers rest with the families, friends, and loved ones of the victims. Their loss strikes a blow to the hearts of Polish citizens, all Polish Americans—my nieces are Polish American—and all who believe in a future of peace and prosperity for Poland and for every nation.

I would like to talk about the President. Few leaders have proven greater champions of progress in human dignity than President Kaczynski. He was a true advocate of liberty for Poland, for Poland's families, workers, and citizens. His life was defined by a long struggle for freedom and by the ultimate victory of democracy and human rights.

As a leader in the Solidarity movement, he helped turn the tides of history against the tyranny and oppression of communist rule. As Mayor of Warsaw and as President of Poland, he worked to make the promise of a more just future a reality for the Polish nation. Together with so many who lost their lives in the tragedy, President Kaczynski sought to rebuild Poland, to make his country safer and more secure, and to write a new chapter for future generations.

Again, as I say, we have been blessed in our country with a strong Polish American community, and I know all of them join us in this resolution which remembers the lives lost in this horrible tragedy: the President; so many Polish military and political leaders, past and present; and distinguished citizens. It recalls the life of Poland's final President in exile who led the charge to close the doors of political oppression and open an age of democratic freedom.

This resolution honors the life of a former dock worker whose actions ignited the Solidarity movement that changed the course of Polish history. The resolution reminds us of a Polish American artist from Chicago who just finished a memorial to the victims of the Katyn massacre, where his own father had perished.

The United States Congress joins Poland and countries across the globe in mourning the death of such extraordinary leaders. In the words of this resolution, we express strong and continued solidarity with the people of Poland and all persons of Polish descent. And we are so blessed that the dean of our delegation in the Congress, Mr. DINGELL, shares that honor and brings luster to his Polish heritage, as well as other Members of our Congress as well. And the resolution offers our unwavering support for the Polish Government as it works to overcome the loss of many key officials. Let us strive to live up to their legacy of hope for a brighter future for Poland, Europe, and all humanity.

This morning, I had the privilege of joining Congresswoman MARCY KAPTUR—and Congressman MIKE QUIGLEY

was there before us—and other Members who have gone to the Polish Embassy to sign the book of condolences. We are very proud that in doing so we joined President Barack Obama, who had earlier, a few days ago, signed that book. I know it is a comfort to the people of Poland. Ambassador Kupiecki, who may be with us here or shortly will join us in the gallery, told us how the people of Poland were so pleased and comforted by the fact that President Obama would be attending the funeral in Poland on Sunday. He will bring with him all the sympathy of the American people and all of the prayers to help mourn the loss that the people have suffered.

Thank you again, Mr. Chairman and Madam ROS-LEHTINEN, for giving us the opportunity to share our grief over this terrible loss.

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that for the remainder of our time Judge POE be allowed to manage our time.

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

There was no objection.

Mr. DELAHUNT. Madam Speaker, I now yield 1 minute to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Madam Speaker, last night I spoke of the great tragedy that has befallen Poland. Today I rise to honor a great man, artist, and activist who was also killed in the crash that took Poland's President and 95 others. One of my constituents, Wojciech Seweryn, was aboard the plane on his way to participate in the commemorative events planned to honor those 20,000 Poles who died some 70 years ago.

A Polish artist and influential member of Chicago's Polish community, Mr. Seweryn's father died at Katyn, and Seweryn himself spearheaded the construction of a memorial to the event in a cemetery in Niles, Illinois. Seweryn was on hand last year when the monument was dedicated, as he was at many important events in Chicago's Polish community.

Poles in Chicago make up the largest ethnically Polish population of any city outside of Poland, second only to Warsaw, the capital of Poland. The Polish American community will undoubtedly struggle to fill the void left by many, but particularly Mr. Seweryn and all those lost a few short days ago.

Mr. POE of Texas. Madam Speaker, I continue to reserve.

Mr. DELAHUNT. Madam Speaker, I now yield 1 minute to the gentlelady from New York (Ms. VELÁZQUEZ).

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELÁZQUEZ. Madam Speaker, I rise in strong support of the resolution. All of us mourn the loss of those who helped spread the light of freedom during the Cold War.

Our Nation enjoys deep ties to Poland. Greenpoint, Brooklyn, in my district, has one of the most vibrant Polish American communities in the Nation. During the 1980s, many Poles took refuge in this Little Poland when martial law was imposed against Solidarity back home.

Just 2 years ago, President Kaczynski came to Greenpoint. He worshipped in our churches. He met with local leaders, and he visited with the people of Little Poland. His trip there was an inspiring moment for many New Yorkers. Today there are heavy hearts in Greenpoint, as there are in Polish American communities throughout the Nation.

In coming weeks, the Polish people will grieve their loss. We join them in mourning, but we can be comforted that Poland will recover, carry forward, and grow stronger.

The fact that this crash occurred while traveling to a ceremony for another tragedy is a sad irony; however, it also reminds us of the Polish people's strength in the face of adversity. That unyielding spirit shall remain an important part of Poland's identity and of her many sons and daughters who reside in the United States.

Mr. DELAHUNT. Madam Speaker, I now yield 1 minute to the gentleman from Ohio, Representative KUCINICH.

Mr. KUCINICH. Thank you very much, Mr. DELAHUNT.

On Saturday, I received a call from the leader of Cleveland's Polish community, John Borkowski, who informed me of the tragedy that befell the nation of Poland.

Cleveland has a very large Polish American community, which is very proud of its heritage and very involved in promoting the social and cultural aspects of the Polish ethnic heritage. The loss of the humblest citizen on that plane was a great tragedy for Poland. The total loss is a tragedy of monumental proportions.

I am glad to see the United States Congress recognizing the tragedy that has befallen the Polish people and also joining in in mourning the loss of President Kaczynski, the First Lady, and 94 others.

I would like to insert in the RECORD a column by Roger Cohen that I think puts an appropriate frame on this important discussion today in which we recognize the grief of the Polish people and show solidarity with them.

Finally, I would just like to say, niech zyje Polska—long live Poland.

Madam Speaker, I rise to express my strong support of and condolences for the people of Poland as they mourn the loss of their President, Lech Kaczynski, the First Lady, and 94 others after a tragic plane crash this past Saturday.

In addition to President Kaczynski, his wife, and key public officials, prominent figures in Polish history perished in the plane crash as well—former labor leaders, intellectuals, and historians—figures that shaped Polish history, revolutionized Polish political discourse, and preserved Polish heritage.

In cruel irony, they were traveling to Russia to commemorate the 1940 Katyn massacre when 20,000 Polish prisoners—including Army officers and the leading Polish intellectuals of the time—were brutally murdered by Soviet Forces. Russian President Vladimir Putin was to join the Polish delegation in their commemoration of the massacre, the first time a high-ranking Russian official has done so since the massacre occurred 70 years ago.

Roger Cohen, writing yesterday in the New York Times, remarked, ''Poland should shame every nation that believes peace and reconciliation are impossible, every state that believes that sacrifice of new generations is needed to avenge the grievances of history . . . It is Poland that is now at peace with its neighbors and stable. It is Poland that has joined Germany in the European Union. So do not tell me that cruel history cannot be overcome.''

Let us use this unimaginable tragedy to follow Poland's example to promote peace, reconciliation, and diplomacy in the world.

[From the New York Times, Apr. 13, 2010]

THE GLORY OF POLAND

(By Roger Cohen)

NEW YORK.—My first thought, hearing of the Polish tragedy, was that history's gyre can be of an unbearable cruelty, decapitating Poland's elite twice in the same cursed place, Katyn.

My second was to call my old friend Adam Michnik in Warsaw. Michnik, an intellectual imprisoned six times by the former puppet-Soviet Communist rulers, once told me:

''Anyone who has suffered that humiliation, at some level, wants revenge. I know all the lies. I saw people being killed. But I also know that revanchism is never ending. And my obsession has been that we should have a revolution that does not resemble the French or Russian, but rather the American, in the sense that it be for something, not against something. A revolution for a constitution, not a paradise. An anti-utopian revolution. Because utopias lead to the guillotine and the gulag.''

Michnik's obsession has yielded fruit. President Lech Kaczynski is dead. Slawomir Skrzypek, the president of the National Bank, is dead. An explosion in the fog of the forest took them and 94 others on the way to Katyn. But Poland's democracy has scarcely skipped a beat. The leader of the lower house of Parliament has become acting president pending an election. The first deputy president of the National Bank has assumed the duties of the late president. Poland, oft dismembered, even wiped from the map, is calm and at peace.

''Katyn is the place of death of the Polish intelligentsia,'' Michnik, now the soul of Poland's successful Gazeta Wyborcza newspaper, said when I reached him by phone. ''This is a terrible national tragedy. But in my sadness I am optimistic because Putin's strong and wise declaration has opened a new phase in Polish-Russian relations, and because we Poles are showing we can be responsible and stable.''

Michnik was referring to Prime Minister Vladimir Putin's words after he decided last week to join, for the first time, Polish officials commemorating the anniversary of the murder at Katyn of thousands of Polish officers by the Soviet Union at the start of World War II. Putin, while defending the Russian people, denounced the ''cynical lies'' that had hidden the truth of Katyn, said ''there is no justification for these crimes'' of a ''totalitarian regime'' and declared, ''We should meet each other halfway, realizing that it is impossible to live only in the past.''

The declaration, dismissed by the paleolithic Russian Communist Party, mattered

less than Putin's presence, head bowed in that forest of shame. Watching him beside Poland's prime minister, Donald Tusk, I thought of François Mitterrand and Helmut Kohl hand-in-hand at Verdun in 1984: of such solemn moments of reconciliation has the miracle of a Europe whole and free been built. Now that Europe extends eastward toward the Urals.

I thought even of Willy Brandt on his knees in the Warsaw Ghetto in 1970, a turning point on the road to a German-Polish reconciliation more miraculous in its way even than the dawning of the post-war German-French alliance. And now perhaps comes the most wondrous rapprochement, the Polish-Russian.

It is too early to say where Warsaw-Moscow relations are headed but not too early to say that 96 lost souls would be dishonored if Polish and Russian leaders do not make of this tragedy a solemn bond. As Tusk told Putin, ''A word of truth can mobilize two peoples looking for the road to reconciliation. Are we capable of transforming a lie into reconciliation? We must believe we can.''

Poland should shame every nation that believes peace and reconciliation are impossible, every state that believes the sacrifice of new generations is needed to avenge the grievances of history. The thing about competitive victimhood, a favorite Middle Eastern pastime, is that it condemns the children of today to join the long list of the dead.

For scarcely any nation has suffered since 1939 as Poland, carved up by the Hitler-Stalin nonaggression pact, transformed by the Nazis into the epicenter of their program to annihilate European Jewry, land of Auschwitz and Majdanek, killing field for millions of Christian Poles and millions of Polish Jews, brave home to the Warsaw Uprising, Soviet pawn, lonely Solidarity-led leader of post-Yalta Europe's fight for freedom, a place where, as one of its great poets, Wislawa Szymborska, wrote, ''History counts its skeletons in round numbers''—20,000 of them at Katyn.

It is this Poland that is now at peace with its neighbors and stable. It is this Poland that has joined Germany in the European Union. It is this Poland that has just seen the very symbols of its tumultuous history (including the Gdansk dock worker Anna Walentynowicz and former president-in-exile Ryszard Kaczorowski) go down in a Soviet-made jet and responded with dignity, according to the rule of law.

So do not tell me that cruel history cannot be overcome. Do not tell me that Israelis and Palestinians can never make peace. Do not tell me that the people in the streets of Bangkok and Bishkek and Tehran dream in vain of freedom and democracy. Do not tell me that lies can stand forever.

Ask the Poles. They know.

Mr. DELAHUNT. Madam Speaker, I now yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

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

□ 1500

Mr. PASCRELL. The very people who stand on this floor today spoke with us, Mr. DELAHUNT, 10 years ago, when we fought to make sure that Poland was a member of NATO. Ironically, as you stand to manage the resolution, House Resolution 1246, your career has been filled with building bridges between communities. This tragedy is ironic in that, hopefully, it will lead—and the signs are there—to greater relationships between Russia and Poland.

Madam Speaker, Poland is our ally. In Saint John Kanty church in Clifton—in my district—and members in Passaic, in Wallington and in Garfield, there are Polish Americans who send out their deepest sympathies to the families.

Picture the President of the United States, God forbid, and his family and all of the dignitaries of the government—the FBI, the head of the CIA—going to the 9/11 commemoration in New York City and the plane's going down and the whole government wiped out. This is the magnitude that we are looking at today. Our prayers go to the Polish people. We are all Poles today, and until all of these folks are buried, we wish them the best and their families the best.

In closing, this is a very special friend of the United States of America.

POLISH OUTREACH LETTER

I was deeply saddened to hear about the tragic plane crash on April 10, 2010 that took the lives of 97 people, including high ranking Polish government officials, dignitaries, military leaders, President Lech Kaczyński and his wife, Maria Kaczyńska. President Kaczyński served the Polish nation admirably, from his election as Mayor of Warsaw in 2002, to his Presidential election in 2005. He worked tirelessly for the people of Poland. His fight for freedom and democracy in Poland made him a great ally for the United States.

My deepest condolences go out to the Polish people, as well as the Polish-American community during this time of mourning. The tragic events of last week are made even more poignant by the location of the crash site, as the flight was en route to Smolensk Air Base in Russia to commemorate the 70th anniversary of the Katyn Massacre. The massacre of 20,000 Polish military officers in 1940 still resonates as one of history's worst wartime atrocities. This horrific event is magnified by the sudden loss of relatives of massacre victims who were on board the flight traveling to commemorate the anniversary.

Remembering the Katyn Massacre and Poland's wartime contributions is why I am a proud cosponsor of H. Res. 715, recognizing the 70th anniversary of the Soviet and Nazi invasion of Poland and the pivotal role Poland has assumed at freedom's edge since gaining independence. This resolution commends the people of Poland for their historic struggle against communism and fascism, recognizes our continued friendship with our Polish allies and honors the historic ties between the United States and Poland.

As you know, I am deeply committed to serving my many constituents in the Polish-American Community. Please be assured that I will continue to work hard to foster relationships between our two nations, and to represent the Polish American community in New Jersey. Please count on me if ever I may assist you regarding any federal matter. I would like to remind you that my website, *www.pascrell.house.gov* is frequently updated and provides a good way to communicate with me.

Sincerely,

Bill Pascrell, Jr.,
Member of Congress.

Mr. POE of Texas. I continue to reserve the balance of my time.

Mr. DELAHUNT. Madam Speaker, I now yield 1 minute to a distinguished member of the Foreign Affairs Committee, the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentleman for giving me this time to offer my condolences to the people of Poland.

Madam Speaker, I rise today to join with Polish Americans, with our Nation and, indeed, with the whole world in expressing our deepest sympathies to the people of Poland following this weekend's tragedy that killed their President, the First Lady and a number of other Polish military and civic leaders and dignitaries. We remember these men and women who gave their lives while in the service of Poland, and we send our sincerest condolences to those families who have lost loved ones.

President Kaczynski fought for freedom during the Cold War and brought our two nations closer together during his tenure in office. His legacy will not be forgotten. America stands with our ally Poland, and we pledge our continued support during this time of transition.

As a member of the House Foreign Affairs Committee and as chairman of the Transatlantic Legislators Dialogue, I call on my colleagues to ensure U.S. support for Poland's needs after this heartbreaking and breathtaking incident and to support this resolution expressing our condolences to the people of Poland.

Mr. POE of Texas. I continue to reserve the balance of my time.

Mr. DELAHUNT. Madam Speaker, I now yield 1 minute to the distinguished gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, thank you for bringing this resolution to the floor.

Madam Speaker, on Saturday, I was emailed by Stanley Kobylak, a leader of the Polish community in the Toledo, Ohio/Rossford area, informing me of this tragic situation. I rise in support of this important resolution, offering sympathy to the liberty-loving nation and people of the Republic of Poland, our great ally.

Poland is one of America's longest and most steadfast allies from the time of our own Republic's founding, made possible by the valiance of Polish Generals Casimir Pulaski and Tadeusz Kosciuszko.

Poland's highest leaders, including its President and First Lady, Lech and Maria Kaczynski, were among the victims of that terrible crash as they wended their way to commemorate the 70th anniversary of the Katyn massacre when over 22,000 Polish officers, intellectuals and leaders were murdered at the hands of Joseph Stalin and the Soviet Army in and around that forest during World War II. The truth of that slaughter was hidden for over 70 years, and now the entire world knows of that sacred ground.

Madam Speaker, please allow me to extend condolences on behalf of my constituents in Ohio to the friends and

families of those who perished, to the people of Poland, to the nation of Poland, and to the people of Polish heritage throughout the world. Let this moment be one of recommitment to Poland's highest aspirations and full expression of its own history.

So long as we are alive, there will be a Poland.

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

Madam Speaker, we sometimes forget how great an ally Poland is to the United States. They have not only had a quest for freedom for their own people, but they have been an ally to this Nation. As the United States and other NATO countries are engaged in the battle against terrorism in Afghanistan, there are over 2,000 members of the Polish military who are there as well, side by side with the United States and with other NATO forces, the freedom fighters that they are, helping to seek freedom and liberty in Afghanistan and against those international terrorists who do us all harm.

I think Mr. PASCRELL, the gentleman from New Jersey, said it well today. ''We are all Poles,'' and we honor them, and we suffer their loss and their grief at this time because of the tragedy that occurred not only on Saturday but at the massacre that occurred in that forest in the Soviet Union many, many years ago.

I yield back the balance of my time.

Mr. DELAHUNT. I would just echo the eloquent sentiments expressed by my friend from Texas.

I have no further requests for time.

Mr. BISHOP of New York. Madam Speaker, I rise today to express my sincere condolences to the People of Poland and all Americans of Polish descent who are grieving in the wake of the tragic plane crash on April 10th in which President Lech Kaczynski and dozens of the country's top political and military leaders were killed.

One out of every four inhabitants of Riverhead, New York in the first Congressional district of New York claim Polish heritage. This thriving ethnic enclave has been a growing community devoted to family, religion, and tradition since the turn of the twentieth century.

After arriving in America, Polish families established family farms and villages throughout the East End of Long Island. Hard work enabled Riverhead's Polish Town to grow as new immigrants added their talents and skills to those of their neighbors, and the community's special character endures today.

Madam Speaker, Poland and the United States share a long history of mutual support. In this Congress, General Casimir Pulaski, legendary Polish commander of the American Cavalry during the Revolutionary War, was given our nation's highest honor as an Honorary Citizen. Just as General Pulaski supported America in our hour of need, today we stand with all who are suffering from this terrible loss and pledge our continued support of Poland and its people.

Mr. LEVIN. Madam Speaker, I rise to join so many of my House colleagues in mourning the loss of President Lech Kaczynski and First Lady Maria Kaczynska, who died last Saturday in a plane crash in western Russia along with dozens of other distinguished civilian and military leaders of Poland. We mourn their loss and join in sending our sincere condolences to the people of Poland, and especially the family and friends of those who perished in this tragic accident.

Poland is a close friend and ally of the United States. Our two countries are linked by longstanding ties of family and friendship. My home state of Michigan has a large and vibrant Polish-American community. We stand in solidarity with them during this difficult time as we pay our respects to all of those who were lost in this tragedy.

I also wish to express my appreciation to Representatives DAHLKEMPER and LIPINSKI for introducing the resolution before the House. I am pleased to join them in cosponsoring it and urge its passage.

Mr. CONYERS. Madam Speaker, today I rise in support of H. Res. 1246 with a heavy heart to express my deepest condolences to the country of Poland, its people, and the Polish American community. This weekend the country of Poland suffered a tragic loss. Saturday, I awoke to news that the president of Poland, Lech Kaczynski, Poland's first lady Maria Kaczynski, President of the Polish central bank, Slawomir Skrzypek, and many other high ranking military officials all died in a plane crash. The President and these other leaders were in route to Russia to commemorate the 70th anniversary of the tragic massacre at Katyn.

Although these leaders will be missed, I have faith that many talented people in Poland will help their country emerge from this time of sorrow and mourning. I want to let the people of the country of Poland know that I and Metro Detroit's Polish American community extend our deepest sorrow and extend to you our thoughts and prayers in your time of need.

Mr. MCMAHON. Madam Speaker, today, I offer my deepest condolences to the country of Poland, its citizens, and the families of President Kaczynski, his wife and all those killed on April 10, 2010. That is why I rise today in support of H. Res. 1246, a resolution expressing sympathy for the people of Poland in the aftermath of the tragic plane crash that killed the country's President, First Lady and 94 others this past Saturday.

Implausibly, this untimely tragedy occurred while President Kaczynski was on his way to commemorate the unspeakable injustices carried out upon the Polish people during the Katyn massacre.

His ability to commemorate this massacre alongside Russian leaders for the first time, speaks volumes to his skill and understanding as a politician and a world leader.

Through my position on the House Foreign Affairs Committee and the Subcommittee on Europe, I have witnessed President Kaczynski's efforts to strengthen US-Poland relations. He was truly one of America's most valued and trusted allies.

His work for human rights and freedoms, not only benefited the people of Poland, but the entire international community. He will be long remembered and sorely missed.

Most notably, he will remain a champion for democracy, a man whose journey took him from the Gdansk Shipyards to the presidency of a free people. His legend will live in the hearts and minds of all those who yearn for a better, more peaceful world.

Mr. KING of New York. Madam Speaker, all the world mourns the horrific plane crash which took the lives of Polish President Lech Kaczynski, his wife Maria, and so many of Poland's leading political, military, and financial officials. This horrible tragedy will be felt for years to come by so many and my thoughts and prayers are with Poland on this day.

I want to particularly acknowledge the tragic loss of Janusz Kochanowski. Dr. Kochanowski was a true scholar, a champion of human rights, and a good friend of the United States who unfortunately was on board that fateful flight. He was a lawyer, a professor, a diplomat, and most recently the Polish Commissioner for Civil Rights Protection (ombudsman). It was in this position that he was an outspoken advocate on behalf of the Polish people including rebuking his own government for its refusal to provide swine flu vaccines to the public amid the global panic.

Once again, let me express my condolences to Dr. Kochanowski's wife, Ewa, and his two children, Marta and Mateusz, on this tragic loss.

Mr. VISCLOSKY. Madam Speaker, I rise in strong support of H. Res. 1246 to pay tribute to Polish President Lech Kaczyński, First Lady Maria Kaczyńska, and the other Polish officials who were lost in the catastrophic plane crash on April 10, 2010. I would like to express my deepest and most heartfelt condolences to the people and government of Poland, the families of those who perished, and Polish Americans, especially those who call Northwest Indiana home, in the wake of this tragedy. This is a devastating loss for Poland, the United States, and the world.

Poland is a very dear friend to the United States, and President Kaczyński was one of America's valued and trusted allies. President Kaczyński played a key role in the Solidarity movement, and was widely admired in the United States as a champion for democracy and an advocate for freedom and human rights in Poland, and around the world.

There is a significant sense of sadness throughout Indiana's First Congressional District, where Polish communities have gathered together to honor and mourn those lost. I share the sadness, and join the Polish people, in Northwest Indiana and around the world, in mourning.

Mr. DELAHUNT. 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 Massachusetts (Mr. DELAHUNT) that the House suspend the rules and agree to the resolution, H. Res. 1246.

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

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings

will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 1236, by the yeas and nays;

H.R. 4994, by the yeas and nays;

H.R. 3125, by the yeas and nays;

H. Res. 1246, 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 COAL MINERS FROM UPPER BIG BRANCH MINE IN WEST VIRGINIA

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1236, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and agree to the resolution, H. Res. 1236.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 20, as follows:

[Roll No. 199]

YEAS—409

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
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
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
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
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
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
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 (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
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—20

Barrett (SC)
Bilbray
Bishop (GA)
Campbell
Davis (AL)
Gallegly
Gonzalez
Hoekstra
Moore (KS)
Moore (WI)
Price (GA)
Ruppersberger
Sánchez, Linda T.
Scott (GA)
Sherman
Terry
Velázquez
Wamp
Wasserman Schultz
Young (AK)

□ 1537

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:

Ms. MOORE of Wisconsin. Madam Speaker, on rollcall No. 199, had I been present, I would have voted "yes."

TAXPAYER ASSISTANCE ACT OF 2010

The SPEAKER pro tempore (Mrs. CAPPS). The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4994, 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 Georgia (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 4994, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 399, nays 9, not voting 21, as follows:

[Roll No. 200]

YEAS—399

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
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
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
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
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
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
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
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
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (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 (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)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
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
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—9

Chaffetz
Duncan
Flake
Johnson (IL)
Lummis
McClintock
Paul
Royce
Sensenbrenner

NOT VOTING—21

Barrett (SC)
Bilbray
Campbell
Costa
Davis (AL)
Gallegly
Gonzalez
Griffith
Hoekstra
Jones
Kirk
Price (GA)
Ruppersberger
Sánchez, Linda T.
Scott (GA)
Sherman
Terry
Wamp
Wasserman Schultz
Welch
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1546

Messrs. CHAFFETZ and ROYCE 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.

Stated for:

Mr. COSTA. Madam Speaker, on rollcall No. 200, I would have voted "aye." Unfortunately I was unavoidably detained.

Mr. GRIFFITH. Madam Speaker, on rollcall No. 200, I was unavoidably detained. Had I been present, I would have voted "yes."

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan and their families and all who serve in our Armed Forces and their families.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

There was no objection.

RADIO SPECTRUM INVENTORY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3125, 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 Virginia (Mr. BOUCHER) that the House suspend the rules and pass the bill, H.R. 3125, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 18, not voting 17, as follows:

[Roll No. 201]

YEAS—394

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
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
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
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
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
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
Maffei
Maloney
Manzullo
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 (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)
Nunes
Nye
Oberstar
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (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
Rush
Ryan (OH)
Ryan (WI)
Salazar

Sanchez, Loretta	Smith (TX)	Tsongas
Sarbanes	Smith (WA)	Turner
Scalise	Snyder	Upton
Schakowsky	Souder	Van Hollen
Schauer	Space	Velázquez
Schiff	Speier	Visclosky
Schmidt	Spratt	Walden
Schock	Stark	Walz
Schrader	Stearns	Waters
Schwartz	Stupak	Watson
Scott (VA)	Sullivan	Watt
Serrano	Sutton	Waxman
Sessions	Tanner	Weiner
Sestak	Taylor	Welch
Shadegg	Teague	Westmoreland
Shea-Porter	Thompson (CA)	Whitfield
Shimkus	Thompson (MS)	Wilson (OH)
Shuler	Thompson (PA)	Wilson (SC)
Shuster	Thornberry	Wittman
Simpson	Tiahrt	Wolf
Sires	Tiberi	Woolsey
Skelton	Tierney	Wu
Slaughter	Titus	Yarmuth
Smith (NE)	Tonko	Young (FL)
Smith (NJ)	Towns	

NAYS—18

Akin	Foxx	Neugebauer
Brady (TX)	Hensarling	Paul
Burgess	Johnson, Sam	Poe (TX)
Conaway	Mack	Rooney
Culberson	Marchant	Royce
Flake	Miller (FL)	Sensenbrenner

NOT VOTING—17

Barrett (SC)	Obey	Terry
Bilbray	Price (GA)	Wamp
Campbell	Ruppersberger	Wasserman Schultz
Davis (AL)	Sánchez, Linda T.	Young (AK)
Gallegly	Scott (GA)	
Gonzalez	Sherman	
Hoekstra		

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1603

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

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.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Madam Speaker, I have a privileged resolution at the desk and ask for its immediate consideration in the House.

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 1249

Whereas, on March 4, 2010, the Committee on Standards of Official Conduct issued the following public statement, ''The Committee, pursuant to Rule 18(a), is investigating and gathering additional information concerning matters related to allegations involving Representative Massa'';

Whereas, on March 8, 2010, Representative Eric Massa resigned from the House;

Whereas, in the days following Representative Massa's resignation, numerous confusing and conflicting media reports that House Democratic leaders knew about, and may have failed to handle appropriately, allegations that Rep. Massa was sexually harassing his own employees raised serious and legitimate questions about what Speaker Pelosi as well as other Democratic leaders and their respective staffs were told, and what those individuals did with the information in their possession;

Whereas, on March 11, 2010, the House of Representatives voted 402–1 to refer to the Standards Committee House Resolution 1164. The resolution would have directed the Committee on Standards of Official Conduct to ''investigate fully, pursuant to clause 3(a)(2) of House Rule XI, which Democratic leaders and members of their respective staffs had knowledge prior to March 3, 2010 of the aforementioned allegations concerning Mr. Massa, and what actions each leader and staffer having any such knowledge took after learning of the allegations'';

Whereas, House Resolution 1164 also stated, ''Within ten days following the adoption of this resolution, and pursuant to Committee on Standards of Official Conduct rule 19, the committee shall establish an investigative subcommittee in the aforementioned matter, or report to the House no later than the final day of that period the reasons for its failure to do so'';

Whereas, thirty-four days have passed since the House vote on the resolution that, had it passed, would have required the Standards Committee to create an investigative subcommittee. Nevertheless, during that time the committee has failed to establish an investigative subcommittee and has issued no public announcements indicating its intention to do so;

Whereas, during the past thirty-four days, numerous news reports have made public additional disturbing information about Mr. Massa's actions and his staff's attempts to bring their concerns about Mr. Massa's conduct to the attention of Democratic leadership;

Whereas, the possibility that House Democratic leaders may have failed to immediately confront Rep. Massa about allegations of sexual harassment may have exposed employees and interns of Rep. Massa to continued harassment;

Whereas, as recently as this morning, the Washington Post published an article on its Web site and on page three of that newspaper headlined ''Staffers' Accounts Paint More Detailed, Troubling Picture of Massa's Office'';

Whereas, the same Washington Post article also contained the following sub-headline: ''Workers Felt Helpless'';

Whereas, in the wake of the aforementioned media accounts and a 402–1 vote by the House that should have signaled to the committee the seriousness of this matter, the continued failure by the Committee on Standards of Official Conduct to establish an investigative subcommittee has held the committee and the full House to public ridicule;

Whereas, clause one of rule XXIII of the Rules of the House of Representatives, titled ''Code of Conduct,'' states ''A Member, Delegate, Resident Commission, officer, or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House'';

Whereas, the Committee on Standards of Official Conduct is charged under House Rules with enforcing the Code of Conduct;

Therefore, be it *Resolved,*

(1) The Committee on Standards of Official Conduct is directed to investigate fully, pursuant to clause 3(a)(2) of House Rule XI, which House Democratic leaders and members of their respective staffs had knowledge prior to March 3, 2010 of the aforementioned allegations concerning Mr. Massa, and what actions each leader and staffer having any such knowledge took after learning of the allegations;

(2) Within ten days following adoption of this resolution, and pursuant to Committee on Standards of Official Conduct rule 19, the committee shall establish an Investigative Subcommittee in the aforementioned matter, or report to the House no later than the final day of that period the reasons for its failure to do so;

(3) All Members, officers and staff are instructed to cooperate fully in the committee's investigation and to preserve all records, electronic or otherwise, that may bear on the subject of this investigation;

(4) The Chief Administrative Officer shall immediately take all steps necessary to secure and prevent the alteration or deletion of any e-mails, text messages, voicemails and other electronic records resident on House equipment that have been sent or received by the Members and staff who are the subjects of the investigation authorized under this resolution until advised by the Committee on Standards of Official Conduct that it has no need of any portion of said records; and,

(5) The Committee shall issue a final report of its findings and recommendations in this matter no later than July 31, 2010.

The SPEAKER pro tempore. The resolution qualifies.

MOTION TO REFER THE RESOLUTION

Mr. MCGOVERN. Madam Speaker, I move that the resolution be referred to the Committee on Standards of Official Conduct.

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

Mr. MCGOVERN. Madam Speaker, this is a matter that properly belongs before the Committee on Standards of Official Conduct.

I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to refer.

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

RECORDED VOTE

Mr. BOEHNER. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to refer will be followed by a 5-minute vote on the motion to suspend the rules on House Resolution 1246.

The vote was taken by electronic device, and there were—ayes 235, noes 157, answered ''present'' 17, not voting 20, as follows:

[Roll No. 202]

AYES—235

Ackerman	Boren	Cleaver
Adler (NJ)	Boswell	Clyburn
Altmire	Boucher	Cohen
Andrews	Boyd	Connolly (VA)
Arcuri	Brady (PA)	Conyers
Baca	Braley (IA)	Cooper
Baird	Bright	Costa
Baldwin	Brown, Corrine	Costello
Barrow	Capps	Courtney
Bean	Capuano	Crowley
Becerra	Cardoza	Cuellar
Berkley	Carnahan	Cummings
Berman	Carney	Dahlkemper
Berry	Carson (IN)	Davis (CA)
Bishop (GA)	Childers	Davis (IL)
Bishop (NY)	Chu	Davis (TN)
Blumenauer	Clarke	DeFazio
Boccieri	Clay	DeGette

Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
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
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—157

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

ANSWERED ''PRESENT''—17

Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Diaz-Balart, L.
Harper
Hastings (WA)
Latham
Lofgren, Zoe
McCaul
Myrick
Poe (TX)
Simpson
Walden
Welch

NOT VOTING—20

Barrett (SC)
Bilbray
Campbell
Davis (AL)
Gallegly
Gonzalez
Gordon (TN)
Hoekstra
Lucas
Lynch
Price (GA)
Radanovich
Ruppersberger
Sánchez, Linda T.
Scott (GA)
Sherman
Terry
Wamp
Wasserman Schultz
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1628

Mrs. KIRKPATRICK of Arizona and Mr. WALZ changed their vote from ''aye'' to ''no.''

Mr. FATTAH changed his vote from ''no'' to ''aye.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. LUCAS. Madam Speaker, on rollcall No. 202, I was unavoidably detained. Had I been present, I would have voted ''no.''

MOURNING THE LOSS OF PRESIDENT OF POLAND AND OTHER MEMBERS OF THE POLISH DELEGATION

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

Mr. LIPINSKI. Madam Speaker, I ask unanimous consent to speak out of order.

The SPEAKER. Without objection, the gentleman from Illinois is recognized for 1 minute.

There was no objection.

Mr. LIPINSKI. We have all heard of the tragic events that occurred over the weekend in Russia where an official delegation from Poland, including President Lech Kaczynski, the First Lady, and 94 others, were killed in a plane crash.

This tragedy is made only more painful by the fact that they were traveling to commemorate the Katyn massacre, the 1940 murder of more than 20,000 Polish officers, intellectuals, and others by the Soviet secret police.

The citizens of the United States and Poland have a deep and long-lasting friendship based on mutual values and respect, and we are proud to call Poland a trusted and close ally.

Today we are joined by Polish Ambassador Robert Kupiecki and others from the Polish Embassy. As we mourn the loss of the President and other members of the Polish delegation, we extend our most solemn condolences to their families, the people of Poland, and those of Polish descent everywhere.

I now request that we observe a moment of silence to honor those who passed away in this tragic event.

MOMENT OF SILENCE

The SPEAKER. The Chair asks that the House now observe a moment of silence in solidarity with the people of Poland and in remembrance of those who lost their lives in that terrible tragedy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

There was no objection.

EXPRESSING SYMPATHY TO THE PEOPLE OF POLAND

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1246, 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 Massachusetts (Mr. DELAHUNT) that the House suspend the rules and agree to the resolution, H. Res. 1246.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 26, as follows:

[Roll No. 203]

YEAS—404

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
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
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 (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
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
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
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)
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.
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
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
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pelosi
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—26

Barrett (SC)
Bilbray
Boehner
Boyd
Campbell
Davis (AL)
Gallegly
Gonzalez
Griffith
Hoekstra
Johnson (GA)
Lynch
Meek (FL)
Myrick
Price (GA)
Radanovich
Richardson
Ruppersberger
Sanchez, Linda T.
Schrader
Scott (GA)
Sherman
Terry
Wamp
Wasserman Schultz
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1648

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.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4715, CLEAN ESTUARIES ACT OF 2010, WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 111–463) on the resolution (H. Res. 1248) providing for consideration of the bill (H.R. 4715) to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 49

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H. Con. Res. 49.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1549

Ms. BERKLEY. Mr. Speaker, I ask unanimous consent to withdraw my cosponsorship from H.R. 1549.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 610

Mr. COHEN. Mr. Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 610, a bill originally introduced by Representative Wexler of Florida, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

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

There was no objection.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas, the Committee on Standards of Official Conduct initiated an investigation into allegations related to earmarks and campaign contributions in the Spring of 2009.

Whereas, on December 2, 2009, reports and findings in seven separate matters involving the alleged connection between earmarks and campaign contributions were forwarded by the Office of Congressional Ethics to the Standards Committee.

Whereas, on February 26, 2010, the Standards Committee made public its report on the matter wherein the Committee found, though a widespread perception exists among corporations and lobbyists that campaign contributions provide a greater chance of obtaining earmarks, there was no evidence that Members or their staff considered contributions when requesting earmarks.

Whereas, the Committee indicated that, with respect to the matters forwarded by the Office of Congressional Ethics, neither the evidence cited in the OCE's findings nor the evidence in the record before the Standards Committee provided a substantial reason to believe that violations of applicable standards of conduct occurred.

Whereas, the Office of Congressional Ethics is prohibited from reviewing activities taking place prior to March of 2008 and lacks the authority to subpoena witnesses and documents.

Whereas, for example, the Office of Congressional Ethics noted that in some instances documents were redacted or specific information was not provided and that, in at least one instance, they had reason to believe a witness withheld information requested and did not identify what was being withheld.

Whereas, the Office of Congressional Ethics also noted that they were able to interview only six former employees of the PMA Group, with many former employees refusing to consent to interviews and the OCE unable to obtain evidence within PMA's possession.

Whereas, Roll Call noted that ''the committee report was five pages long and included no documentation of any evidence collected or any interviews conducted by the committee, beyond a statement that the investigation 'included extensive document reviews and interviews with numerous witnesses.' '' (Roll Call, March 8, 2010)

Whereas, it is unclear whether the Standards Committee included in their investigation any activities that occurred prior to 2008.

Whereas, it is unclear whether the Standards Committee interviewed any Members in the course of their investigation.

Whereas, it is unclear whether the Standards Committee, in the course of their investigation, initiated their own subpoenas or followed the Office of Congressional Ethics recommendations to issue subpoenas. Therefore be it:

Resolved, That not later than seven days after the adoption of this resolution, the Committee on Standards of Official Conduct shall report to the House of Representatives, with respect to the activities addressed in its report of February 26, 2010, (1) how many witnesses were interviewed, (2) how many, if any, subpoenas were issued in the course of their investigation, and (3) what documents were reviewed and their availability for public review.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Arizona will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

TAX DAY

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

Ms. CHU. Mr. Speaker, Republicans want Americans to believe that they are the party of tax cuts. Sure, they are—tax cuts for the rich. In these tough times, their brand of tax relief wouldn't help Sue and John, working parents who are raising three kids and who are trying to make ends meet.

Yet this Congress knows that America's future can't be based on huge tax cuts for the wealthy. We have to give real tax relief to real working Americans, and that is just what we've done. We've done it for 95 percent of working families, saving them up to $800 a year. We've done it by making it easier for young families to buy their first homes, saving up to $8,000, and we've done it by making it easier for parents to save up to $2,500 to pay for college. This Congress has passed 25 different tax cuts, saving American families over $800 billion, and more relief is on the way.

The overheated rhetoric of the minority is not based on reality. By any measure, taxes are lower today than they were under their leadership.

RESPONSIBLE USE OF THE AMERICAN TAX DOLLAR

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

Mrs. MILLER of Michigan. Mr. Speaker, every American must file their income taxes by midnight tomorrow, and they understand that the United States Congress determines how much of their hard-earned money is taken for Federal taxes and how it is spent.

Since the Democratic majority and the Obama administration have been in charge of taxing the American people, we've seen a massive increase in taxes of $670 billion and counting. Here are just a few examples:

Taxes on American families and businesses that don't purchase government-approved health care, taxes on medical devices, such as pacemakers and artificial limbs, taxes on businesses that provide pharmaceutical coverage for retirees, even taxes on those who go to tanning salons.

Yet, with all of these massive tax increases, the Democratic and Obama spending spree drove the Federal budget deficit to over $1.4 trillion last year and has driven it to nearly $1.6 trillion this year. To keep this spending spree going, they will be looking for even higher taxes. Just recently, one of the President's top economic advisers proposed a European-style value added tax that would hit every American, rich and poor.

Enough is enough. It is long past time that this Congress and this administration realized that we cannot tax and spend our way back to prosperity. How about a tax policy that we can believe in for a change? Let's get spending under control and reduce the tax burden on the American people.

NATION-BUILDING HERE AT HOME

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

Mr. MCGOVERN. Mr. Speaker, after 8 long years, hundreds of billions of dollars of deficit spending and, most importantly, thousands of our brave soldiers killed or wounded, it is past time to reexamine our strategy in Afghanistan.

Instead of nation-building in Afghanistan, I believe we should be doing some more nation-building here at home. The American people deserve accountability in terms of how and when our troops will be returned to their families and in terms of how taxpayer dollars are being spent.

Today, Congressman WALTER JONES and I introduced legislation that would require the President to provide a plan and a timetable for drawing down our forces in Afghanistan and to identify any variables that could require changes to that timetable. I should note that the bill does not set a specific date for withdrawal. The bill would safeguard U.S. taxpayer dollars by ensuring all U.S. activity in Afghanistan be overseen by the Inspector General.

We must aggressively go after al Qaeda and its allies wherever they are, but I am not convinced that a long-term occupation of Afghanistan in support of a corrupt, incompetent government is in our best national security interests.

I urge my colleagues to join us in this effort.

NUCLEAR WEAPONS IN THE HANDS OF TERRORISTS

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

Mr. KIRK. Mr. Speaker, two Middle Eastern newspapers reported today that Syria has transferred scud missiles to a terrorist group in Lebanon. This repeats actions by Iran and Syria in 2006 when they gave cruise missiles to Hezbollah. It shows that the Syrians and Iranians have no wish to control their arsenals. They will transfer any weapon they own to terrorist groups. These reports tell us two things:

First, the U.N. army that we sent to Lebanon in 2006 is an utter failure that makes no effort to stop the largest missiles from deploying next to their very own U.N. camps. Second, it shows that, once Iran makes nuclear weapons, it will transfer them to terrorists like Hezbollah and who knows who else.

THE IRANIAN NUCLEAR THREAT

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

Ms. BERKLEY. Mr. Speaker, I rise today out of great concern about the Iranian nuclear threat. As dozens of foreign leaders meet here in Washington to stop the spread of nuclear weapons, I am deeply worried that we are allowing the greatest potential nuclear threat in the world to go unchecked. Iran has repeatedly threatened to wipe Israel off the map. They have threatened to destabilize the entire Middle East and, with that, the entire global community.

In his last visit to the United States, former Israeli Prime Minister Ariel Sharon said that a nuclear Iran ''represents as great a threat to the United States, to Europe and to the entire Middle East as it does to Israel.''

The rest of the world should not expect Israel to do its dirty work. I agreed with that then. I agree with it now.

If we want to avoid a nuclear Iran—and I believe we must—and if we want to ensure that Israel does not have to take matters into its own hands, we must immediately enact strong, effective economic sanctions that make it

clear to Iran that we will not tolerate this pursuit of nuclear weapons. The alternative is simply unthinkable.

I look forward to passing a strong bipartisan/bicameral sanctions bill so that the President may sign this bill into law as soon as possible.

□ 1700

JOB LOSSES DUE TO HEALTH CARE BILL

(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, I just returned from my district, where I had an interesting meeting with people representing one of my companies, that is one of the companies in my district that employs hundreds of people.

They told me that as a direct result of the passage of the health care bill and the reconciliation package they have laid off 75 people. Hundreds of jobs are in jeopardy. Why? Because they happen to work for a company called The Ed. Fund, a private sector firm that facilitated the availability of college, yes, loans. Thirty-one thousand people in this industry are in jeopardy of losing their jobs because we decided we needed to nationalize that industry.

It's not only the wrongheaded approach to the health care problem, it's an anti-stimulus, anti-job bill. Seventy-five jobs already lost in my district, hundreds in jeopardy, thousands across this Nation. Thank you very much, U.S. Congress.

SYMPATHY FOR THE PEOPLE OF POLAND

(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, I rise to express my deepest sympathy to the people of Poland in the wake of last week's tragic plane crash and to express my support for the resolution by the gentlelady from Pennsylvania that we passed this afternoon.

Polish President Lech Kaczynski, along with his wife Maria, the First Lady, military chiefs, civil leaders from across the political spectrum, and senior religious clergy perished in Saturday's crash on their way to Katyn, Russia, to commemorate another great tragedy in Poland's history.

At a time when global and domestic strife dominate our consciousness, these leaders were traveling in a historic effort to heal the deep wounds of the Katyn massacre in Polish and Russian history. These were men and women who stood up to tyranny and helped shape their nation's democratic transformation, but this loss was not Poland's alone.

From the outpouring of support by our Nation's 9 million Americans of Polish descent, including those in New York's 21st Congressional District, and my very own family, to the President and First Lady's attendance at President Kaczynski's funeral this Sunday, America stands next to Poland in mourning. The solidarity of the Polish people in their grief and their quiet resolve to carry on is an inspiration to us all. My thoughts and prayers are with the families of those who were lost and all those that they have led.

RENEGOTIATE NAFTA TRUCKING PROVISION

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

Mr. DEFAZIO. The Obama administration has steadfastly refused to contest the improper and excessive tariffs of $2.4 billion levied by Mexico because Congress terminated the cross-border trucking program due to serious safety concerns.

There is no drug testing in Mexico. There are no hours of service requirements in Mexico. There are no meaningful commercial driver's licenses issued in Mexico to know what the record of these drivers are. Congress overwhelmingly voted to terminate that program.

But it is rumored that next month when the President of Mexico comes to visit, the Obama administration is going to open the border full bore to Mexican trucks, jeopardizing the safety of the American public and jeopardizing millions of jobs in the trucking industry. They say they have no alternative, their hands are tied by NAFTA. Well, there is an alternative. And today I was joined in a letter to the President by 78 Members of Congress, bipartisan, saying renegotiate that one minor section of NAFTA that has triggered this dispute. Keep the current system.

The Mexican trucks bring the goods in 20 miles, they drop them, the U.S. trucks pick them up and distribute them in the U.S. No U.S. company wants to go into Mexico. And let's keep the Mexican companies out of the U.S.

HONORING LENORA ''DOLL'' CARTER

(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, it is not often that you come to the floor of the House with joy and with sadness. And it is with both that I stand to honor a fallen friend, Lenora ''Doll'' Carter, a champion of a woman, and of course someone who led in our community.

Doll Carter was the publisher of the Forward Times newspaper in Houston, Texas. She and her husband Julius founded that newspaper in 1960, reporting on all of the civil rights matters, the assassination of Dr. King, the 1964 Civil Rights Act, and 1965 Voting Rights Act. And then his untimely death in 1971 caused this young woman and young mother, the mother of Karen and Constance, to take up the helm of this great paper. This paper became the third most read newspaper in the southwest after two of our major papers in Houston, and this lady became the doll of all of us. Her name clearly was a name that we favored.

Lenora ''Doll'' Carter was born in Arizona. But as her good friend John Smith said, Doll was not only a friend toward the advancement of African American achievement, overall she personified distinctive grace, character, and style as a champion for the common good. She was also my friend. She passed away this past Saturday. We honor her, we salute her. She is a great hero of America.

Doll, we will miss you. May you rest in peace.

TAX BREAKS FOR MIDDLE CLASS AMERICANS

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

Mr. BOCCIERI. Mr. Speaker, can you imagine that the Democratic leadership in the United States Congress has given the largest tax cut to middle class America? Well, that is certainly not the narrative that you hear out there on the television shows and some of the radio shows, but $288 billion in tax cuts for individuals and small businesses delivered with the Recovery Act.

Nearly 40 percent of that tax package was tax relief to middle class families, like the Making Work Pay Tax Credit, $400 for a worker, $800 per couple. Two hundred sixty thousand families in the 16th District are already benefiting. Eight thousand dollar tax credit for first-time homebuyers. Sixty thousand people in Ohio filed, totaling some $402 million in tax credits. Expansion of the child tax credit. Up to $2,500 in tax savings for families sending their kids to college. Two hundred sixty-four thousand Ohioans are benefiting. Five billion dollars to help businesses. Fifteen billion dollars to allow companies to carry over their losses.

This serves as a reminder that the recovery package is the single largest tax cut for American middle class families. Remember this tax day who was standing with you.

TAXES AND THE ECONOMY

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

Mr. BURTON of Indiana. You know, Mr. Speaker, I get a big kick out of my Democrat colleagues talking about how they are doing so much for the poor and underprivileged in this country and giving all these tax cuts. The

fact of the matter is the tax cuts that were passed by the previous administration are going to expire at the end of this year and the Democrats are going to let them expire, which means that in effect all those taxes are going to go up. That is a tax increase.

Mr. Volcker, who was in the Carter administration and raised interest rates to 21½ percent that put this country into a real economic spiral, he is now saying that we are going to need a VAT tax, a value-added tax of about 15 to 20 percent, which they are going to probably try to push through after the election. And a VAT tax of 20 percent would mean if you buy a $10,000 car it is going to cost you $12,000 because you have a $2,000 additional tax tacked on.

This is a tax and spend administration. We have the biggest deficits in the history of the United States. And when I hear my colleagues talking about all the good things they are doing for America, I wish they would look at the unemployment rate and look at what people are taking out of their salaries and what this country is going through economically. It ain't what they are saying.

THE START TREATY AND NUCLEAR POSTURE REVIEW

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I am here to recognize the new START treaty that was recently signed by President Obama and the Russian President and the recently released 2010 Nuclear Posture Review.

I believe it is important to realize that the Cold War is over, and it is time to align our nuclear policy with the new generation of security threats. The biggest threat facing our country today is having nuclear materials fall into the hands of an organization called al Qaeda. History has shown that building our nuclear stockpile has not deterred al Qaeda and other actors from trying to gain nuclear capabilities.

What we do need to do is to take smart steps to prevent the spread of nuclear weapons to those enemies and secure vulnerable nuclear materials from those who want to get their hands on that to do us harm. I believe the new START treaty and the 2010 Nuclear Posture Review are important steps in the right direction.

It is also important to note that America still has a very robust nuclear arsenal, and that as we work towards a nuclear-free world we will not take any action that would put our security at risk. Our country will be more, not less secure from these new initiatives.

HONORING MIAMI CHILDREN'S MUSEUM ON THE OCCASION OF ITS 25TH ANNIVERSARY

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to honor the Miami Children's Museum as it celebrates its 25th anniversary as an invaluable educational and cultural center in my district in South Florida. I would like to recognize the museum's stellar leadership team, including its chairman, Jeff Berkowitz, and its executive director, Deborah Spiegelman.

Since 1983, the Miami Children's Museum has fostered an environment for active learning and creative play for children of all ages. Thanks to the visionary leadership of Jeff and Deborah, as well as the dedication of the museum's staff and volunteers, the facility is now one of the 10 largest children's museums in the United States. The museum is also a leader in cutting-edge children's programming on topics such as environmental conservation, green technologies, and financial literacy.

As a grandmother, I know firsthand how important the Miami Children's Museum is for parents and educators seeking a safe and fun learning environment for their children. I wish much success to the Miami Children's Museum as it works toward the next 25 years of service to our South Florida community.

HOLOCAUST REMEMBRANCE DAY

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

Ms. KAPTUR. Mr. Speaker, our country observed Yom HaShoah, or Holocaust Remembrance Day, this past Sunday, which recalls the global tragedy of state-sponsored systemic annihilation and persecution of European Jewry by Nazi Germany and its collaborators as well as millions more deaths of people who were of Roma extraction, the disabled, Slavic peoples, homosexuals, Jehovah's Witnesses, and potential dissidents.

I would like to include in the RECORD an article from the Toledo Blade in our district, a front-page story last Sunday entitled ''Survivors Urge World to Never Forget Horror,'' which recounts the story of some of the heroic survivors in our district in Ohio.

In our country, 150,000 to 170,000 survivors remain today. The horror of the Holocaust has affected countless souls across this globe. Our district is home to persevering survivors like Mrs. Clara Rona, whose words I will place in the RECORD today, and so many others who never should have had to make this sacrifice, but she remains a woman of hope.

[From toledoblade.com, Apr. 11, 2010]

SURVIVORS URGE WORLD TO NEVER FORGET

(By Ryan E. Smith)

Living through the Holocaust was one thing. Remembering it is another.

Clara Rona still remembers the smell of human flesh being incinerated at Auschwitz, seeing smoke wafting through the air and knowing it was somebody's mother.

She won't allow herself to forget a moment—not the beatings, the hunger, or the baby who was killed in a toilet in her presence. At age 89, the West Toledo woman still talks openly about the horrors of which humanity is capable.

And yet.

''I wish I had dementia,'' she says, pleading in her Hungarian accent. ''I don't want to remember.''

Between 150,000 and 170,000 survivors of the Holocaust probably remain in this country, according to the United States Holocaust Memorial Museum, and there are fewer than a dozen believed to live in the Toledo area. All face the same dilemma: How to balance the responsibility of being the last living threads to the systematic killing of 6 million Jews with the pain of memory.

Today is Yom HaShoah, or Holocaust Remembrance Day. Now and in the days to come people will gather at events to urge the world, ''Never again! Never forget!''

But Rena Mann won't be among them.

The 83-year-old has never opened up to anyone—not her late husband nor her children—about what she endured in two concentration camps during World War II. Maybe it's because it hurts too much. Or maybe it's because she's afraid the world doesn't want to know.

''Do people care?,'' the Sylvania Township woman asked. ''On the one hand I don't want it to be forgotten, and on the other hand I feel that people are really, in the future, not going to care.''

PAIN AND SUFFERING

Born in Berlin, Mrs. Mann was 12 and living in Poland when the war began. After her mother died of blood poisoning and her stepfather was trapped in a newly formed ghetto, she was sent to stay with family in another town.

This was no death camp, but already the terror had begun. She remembers being awakened in the night and sent to the market to watch Jews being hanged. Their crime? Baking bread, which was forbidden.

''As an example they were hung, and we all had to watch it,'' Mrs. Mann said.

Before she turned 14, Mrs. Maim was sent away to a factory and forced into slave labor. It was hard work involving water and spools of flax that left her fingers and feet frostbitten.

Mostly what she remembers is the hunger. There was a bit of bread that was supposed to last three days and some potato soup at night that might not have any potato at all.

''We got, like we used to say, too much to die from and too little to exist,'' Mrs. Mann said.

Two years later she moved to another camp, where she slept in an abandoned factory with broken windows, no water or privacy, and vicious guards who would kick and push. A Polish song written by her girlfriends still resounds in her head. It concludes:

Who knows if I'll ever see / My mother's tender home. / This is a song of despair, / Of Jewish pain and suffering.

''That song is always with me and I don't want to take it with me to my grave,'' Mrs. Mann said.

She never talked about the four years she spent in camps before being liberated in 1945. No one really asked.

''I am actually a coward,'' she said. ''It's true. Because I am pushing it away, or have been pushing it away.''

Maybe now, though, after all these years, the pain is far enough behind her that she can let it out.

EYEWITNESSES

Mrs. Mann isn't alone in her hesitation, according to Arthur Berger, senior adviser at the United States Holocaust Memorial Museum in Washington. But as survivors continue to die at a rapid rate, it becomes more and more crucial to record their stories—in print or on video but also in person, he said.

''Nothing compares to a real person telling you about their own lives,'' Mr. Berger said. ''No one can replace the survivors. No one, can replace the eyewitnesses to history.''

Rolf Hess, 75, of Holland was one of those eyewitnesses, but he never spoke of what happened during the war until last year when a granddaughter interviewed him for a school project about his experience as an immigrant.

''That sort of opened up a can of worms on my part,'' he said. ''It has been in the past, and it still is, a very difficult thing.''

The native of Germany was not even 5 years old when the Nazis invaded Poland in 1939. Yet he has vivid, emotional memories of being separated from his mother after they were taken to a camp and split up from his father.

''We were at a train station, just my mother and I,'' he said, voice cracking. ''That I remember. And she gave me a little book that I still have with some pertinent information, with my birth date.''

To this day he doesn't know what happened to his family. All he remembers is rummaging through garbage at a children's camp looking for food and being scared to death, even after escaping to America in 1942 with other children as a refugee.

''I can remember in Cleveland where I was out in the backyard and I heard an airplane and I scurried underneath a bench for protection,'' he said.

Only recently has he started investigating his own past to fill in the gaps of his memory.

''I finally have come to grips with the whole situation,'' he said.

'DYING IN SLOW MOTION'

For Dr. Aron Wajskol, 85, of West Toledo, the question has never been whether to share his horrible story—the way his starving father died in a ghetto, how his mother perished at the death camp Auschwitz, how he nearly succumbed to the bone-crushing work of concentration camps.

For him, the question was how. How do you make someone understand what it was like?

''Its like describing being on the moon,'' the retired anesthesiologist said. ''Hearing about the facts and truly understanding the facts are different things.''

The son of a textile factory worker in central Poland, Dr. Wajskol remembers the restrictions that went into effect within days of Germany invading his country. His father's job was taken away. His school was closed. Jews were forbidden from using public transportation and forced to wear Stars of David to distinguish them from non-Jews.

''Many families who could afford [to] fled Europe,'' Dr. Wajskol said. ''Mine couldn't.''

Within months, the city's Jewish population was forced out of its homes and squeezed into a tiny ghetto. It had no sewer system and little running water. People were dying in the streets of starvation—Dr. Wajskol calls it ''dying in slow motion''—and corpses went unburied for days.

''Even in death it was suffering,'' said Dr. Wajskol, who was 17 at the time.

His father was among those wasting away, and he eventually died of tuberculosis.

All the while, Jew were rounded up and deported. At first for work, later for extermination. When Dr. Wajskol was taken to a labor camp in 1944, hauling around 110-pound sacks of cement while surviving on bits of bread actually seemed like a reprieve.

''At least death wasn't surrounding us,'' Dr. Wajskol said. ''We knew they needed us. We were productive for them.''

To keep himself going, Dr. Wajskol imagined that there would be an end to all of this one day, that he could go back to school, that he would see his mother and sister again. His sister managed to survive but had to watch her mother be sent to the gas chamber.

This continued for 10 months until he was evacuated to the Buchenwald concentration camp due to the Soviet advance. After spending five days locked up in a crowded cattle car with no food or water, where he had no choice but to sit on a dead body, he was released to something even more frightening: SS guards with skulls on their caps, terrifying German shepherds, and the skeletal faces of the prisoners.

''It looked like a nightmare,'' he said.

Here he learned the pain of standing for hours in the penetrating cold of winter without socks or underwear. In a subcamp where his first job was to even out rocks for a steam roller, he came to understand the Nazi goal of ''annihilation through work.''

Before long, he was on the move again, this time on foot to escape the approaching Americans.

''This was a real, real death march,'' Dr. Wajskol said.

They marched through patches of snow from dawn until the evening, always under the watchful eye of the SS, who were ready to shoot the slow or weak. Still, Dr. Wajskol and a friend managed to escape, dashing into the forest and running until they were out of breath.

Dr. Wajskol will never forget how he felt once the war was over.

''Feeling free after 5½ years of slavery, playing with death constantly, I can't describe it with normal language,'' he said.

But he tries. He has told his story to high school students and traveled to his old home in Poland with his wife and son.

''In the beginning it was very hard to revive all these things,'' he said. ''[But] I strongly believe that it's important to talk about it, make people aware of it, because of the enormity of what happened.''

TRINITY OF TERROR

As director of the Ruth Fajerman Markowicz Holocaust Resource Center of Greater Toledo, Hindea Markowicz knows about the importance of preserving this history. As the daughter-in-law of Holocaust survivors, she feels it too.

''I have worries because history in the schools is being taught so differently,'' she said. ''It's lucky if they have a paragraph included in the history books.''

The resource center, housed in the offices of the United Jewish Council of Greater Toledo in Sylvania, on the other hand, features hundreds of books and other educational materials. There are videos of local survivors and a book written by her father-in-law, Philip Markowicz, called My Three Lives, which includes his experiences during the Holocaust.

It's one thing to read about these events in books, quite another to hear about them from someone in person. That's why Mr. Markowicz, 86, of Sylvania has told his tale and why Sylvania Township resident Al Negrin speaks to students in Florida, where he spends the winter.

''I talk because I want people to know what was going on, so they have a chance, if something happens again, to prevent it,'' said the 86-year-old from Greece.

Mr. Negrin—whose mother, brother, and sister went with him to Auschwitz but were immediately sent to the crematorium—recalls a trinity of terror: the German guard who stood threatening with a rifle butt, the civilian supervisor with a whip, and the fellow inmate in charge of the group armed with a stick.

''Everybody was yelling 'Arbeit! Arbeit!' Work! Work! Work! If you stop for a while to take a breath, one of those three objects will come over your head.''

It was not sustainable and his father eventually succumbed while moving to another camp. It was just a week before the group was liberated.

''My father was weak, could not walk. I tried to get him with my shoulders but the German guard said 'No, you can't do that because after a while then you'll be weak,''' Mr. Negrin said.

''I left him in the side of the street. I kissed him good-bye, and that's the last time I saw him.''

'HE NEVER TALKS ABOUT IT'

Norman Gudelman, 78, went about sharing his story in another way. He wrote it down.

It took more than six decades and some prodding from his wife, but he finally took his suffering and made it tangible. The result is a sprawling letter to his children on the occasion of his 75th birthday. It covers everything from his youth in modern-day Moldova to his escape to Palestine after the war to his arrival in America.

Mr. Gudelman of Sylvania Township remembers being carefree as a youth, despite the anti-Semitism that was prevalent around him. His restaurant-owning parents shielded him from the world's hate, at least until the Soviets arrived in 1940, arresting and executing Jews and banishing others to Siberia.

When Romanian forces returned in 1941 with the Germans, things were no better.

''Romanian soldiers came to our house, and ordered all the Jews out,'' Mr. Gudelman wrote in his letter. ''Start walking. Leave the home, the business, our possessions and go.''

He was 10 years old then. Today, Mr. Gudelman is happy to talk about his experience during the war, but there's a sense he'd prefer to defer to his written statement than relive—yet again—what happened in too much detail.

''He never talks about it,'' said his wife, Fanny. ''I don't ask questions. I want it [to] come from him.''

When he does speak, Mr. Gudelman can tell you about how the group marched endlessly from one camp to another, begging for food when there was a chance to slip away. In the camps, they crowded into windowless rooms and slept on cement floors.

''They wanted to get rid of us,'' he said.

It worked. He and his sister were orphaned within a year or two

That may be what saved them. When the Soviets returned and chased the German and Romanian armies out, orphans were sent to ghettos to stay with Jewish families, Mr. Gudelman said. From there, he eventually made his way to the future state of Israel. Thanks to a relative in Toledo, Mr. Gudelman ultimately came here and became president of State Paper & Metal Co., Inc.

He decided to write all this down for posterity, he said, because, ''sooner or later I'm going to forget, or sooner or later I'm going to pass away.''

His letter's massage is simple: ''Maybe in your lifetime you will read books about the unbelievable cruelty of those times. Believe them.''

FINDING HOPE

Then there's Mrs. Rona, who insists on picking away at the scabs of the past.

''I want to remind myself,'' she said. ''They say I'm a masochist—my friends, my psychologist.''

Her reminiscences rarely come without a few tears, but maybe it's for the best.

''When I'm crying, really it's good for me,'' she said.

The only child of a butcher in Pecs, Hungary, Mrs. Rona wanted to be an art teacher, but those plans were scuttled when the Germans invaded. Her family was relocated from its large house, and at one point they were living in a stable. Later they were among those taken to Auschwitz, 80 people squeezed into each rail car.

Mrs. Rona was 23—tough, young, and strong—but also naive. All she brought was a change of clothes and a bottle of cologne, which she used to wash her mother when she fainted. Mrs. Rona still regrets that she never traded the latter for water despite her mother's pleas.

''I feel guilty,'' she said. ''I cannot forgive myself.''

It was night when they arrived and they were divided into two lines. Her mother and aunt went to the left—''straight to the gas,'' Mrs. Rona said. Her father was transferred to another concentration camp and later died.

Mrs. Rona divided her time between several camps and remembers it as a dazed experience.

''You think about food, but nothing else. You become like an animal,'' she said. ''One spoon of soup means one day's survival.

''There was electric wire. Some people ran into it because they couldn't take it and they got killed,'' she continued.

Mrs. Rona, who found out after the war that she could not bear children, is certain that it is the result of her treatment during the war. None of the women in the camp menstruated, she said.

When one woman gave birth to a child in the camp, Mrs. Rona said she was forced to be present as it was put in a toilet by fellow prisoners. Otherwise, both the mother and baby would have been executed, she said.

When the camp was evacuated in April, 1945, as the end of the war approached, Mrs. Rona said she was in no shape for walking. Desperate, she and another woman hid in the rain under some bushes and simply waited for the group to head off before dawn.

When she finally made her way to safety in Prague, Mrs. Rona estimates that she weighed about 50 pounds. She went back home hoping to find her father, but he was gone forever—along with more than 50 other family members. Only three cousins survived.

''I was so angry,'' she said. ''Still the anger, it's burned me.''

Even as she left for Palestine and made her way to Toledo, where she worked with children at the Jewish Community Center of Greater Toledo, that anger never left.

How could it when there were mass killings in the former Yugoslavia? Rwanda? Darfur?

''I thought after, when we got freed, the world will be so beautiful. They'll learn,'' she said. ''They didn't because it's repeating the same things somewhere else in a different way.''

And yet.

Mrs. Rona still speaks, making public her private hell. She does this because 65 years after the Holocaust she still has something that can offset the pain:

Hope.

DO NOT CANCEL AMERICA'S MANNED SPACE PROGRAM

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

Mr. CULBERSON. Mr. Speaker, the Democrat Congress and this President have presided over the biggest spending increases in American history, created more debt than any Congress in the history of the United States, and passed unprecedented tax increases, so it's not credible to claim they're cutting taxes.

And there's near unanimous opposition in this Congress to the President's proposal to cancel America's manned space program. What the President's proposing would be like privatizing the United States Navy.

Imagine if America had to call up a private contractor and ask if we could rent the aircraft carrier *Harry Truman* to go to the Red Sea for a week. That's what the President's proposing on the manned space program. That's why there's unanimous opposition.

And, Mr. Speaker, 27 astronauts and NASA leaders have joined together in a magnificent letter they published in the Orlando Sentinel on Sunday, that strongly urges the Congress to drop this misguided proposal that forces NASA out of human space operations for the foreseeable future. They said, Canceling NASA's human space operations, after 50 years of unparalleled achievement, makes America mediocre and will eliminate our leadership in space.

[From the Orlando Sentinel, Apr. 11, 2010]

DEAR PRESIDENT OBAMA: America is faced with the near-simultaneous ending of the Shuttle program and your recent budget proposal to cancel the Constellation program. This is wrong for our country for many reasons. We are very concerned about America ceding its hard earned global leadership in space technology to other nations. We are stunned that, in a time of economic crisis, this move will force as many as 30,000 irreplaceable engineers and managers out of the space industry. We see our human exploration program, one of the most inspirational tools to promote science, technology, engineering and math to our young people, being reduced to mediocrity. NASA's human space program has inspired awe and wonder in all ages by pursuing the American tradition of exploring the unknown.

We strongly urge you to drop this misguided proposal that forces NASA out of human space operations for the foreseeable future.

For those of us who have accepted the risk and dedicated a portion of our lives to the exploration of outer space, this is a terrible decision. Our experiences were made possible by the efforts of thousands who were similarly dedicated to the exploration of the last frontier. Success in this great national adventure was predicated on well defined programs, an unwavering national commitment, and an ambitious challenge. We understand there are risks involved in human space flight, but they are calculated risks for worthy goals, whose benefits greatly exceed those risks.

America's greatness lies in her people: she will always have men and women willing to ride rockets into the heavens. America's challenge is to match their bravery and acceptance of risk with specific plans and goals worthy of their commitment. NASA must continue at the frontiers of human space exploration in order to develop the technology and set the standards of excellence that will enable commercial space ventures to eventually succeed. Canceling NASA's human space operations, after 50 years of unparalleled achievement, makes that objective impossible.

One of the greatest fears of any generation is not leaving things better for the young people of the next. In the area of human space flight, we are about to realize that fear; your NASA budget proposal raises more questions about our future in space than it answers.

Too many men and women have worked too hard and sacrificed too much to achieve America's preeminence in space, only to see that effort needlessly thrown away. We urge you to demonstrate the vision and determination necessary to keep our nation at the forefront of human space exploration with ambitious goals and the proper resources to see them through. This is not the time to abandon the promise of the space frontier for a lack of will or an unwillingness to pay the price.

Sincerely, in hopes of continued American leadership in human space exploration.

Walter Cunningham, *Apollo 7;* Chris Kraft, *Past Director JSC;* Jack Lousma, *Skylab 3, STS3;* Vance Brand, *Apollo-Soyuz, STS–5, STS–41B, STS–35;* Bob Crippen, *STS–1, STS–7, STS–41C, STS–41G, Past Director KSC;* Michael D. Griffin, *Past NASA Administrator;* Ed Gibson, *Skylab 4;* Jim Kennedy, *Past Director KSC;* Alan Bean, *Apollo 12, Skylab 3;* Alfred M. Worden, *Apollo 15;* Scott Carpenter, *Mercury Astronaut;* Glynn Lunney, *Gemini-Apollo Flight Director;* Jim McDivitt, *Gemini 4, Apollo 9, Apollo Spacecraft Program Manager;* Gene Kranz, *Gemini-Apollo Flight Director, Past Director NASA Mission Ops.;* Joe Kerwin, *Skylab 2;* Fred Haise, *Apollo 13, Shuttle Landing Tests;* Gerald Carr, *Skylab 4;* Jim Lovell, *Gemini 7, Gemini 12, Apollo 8, Apollo 13;* Jake Garn, *STS–51D, U.S. Senator;* Charlie Duke, *Apollo 16;* Bruce McCandless, *STS–41B, STS–31;* Frank Borman, *Gemini 7, Apollo 8;* Paul Weitz, *Skylab 2, STS–6;* George Mueller, *Past Associate Administrator For Manned Space Flight;* Harrison Schmitt, *Apollo 17, U.S. Senator;* Gene Cernan, *Gemini 9, Apollo 10, Apollo 17;* Dick Gordon, *Gemini 11, Apollo 12.*

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LUJÁN). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

(Mr. POE of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

RECOGNIZING THE JAY I. KISLAK COLLECTION AND LECTURE SERIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise tonight to acknowledge the contributions of a humanitarian and philanthropist from my area of South

Florida, Mr. Jay Kislak. A Florida resident for over half a century, Jay is known to be one of the State's leading citizens, with an outstanding record of charitable projects and personal achievements.

Jay's involvement in our community has included leadership roles in organizations like the Florida Council of 100, the Florida Historical Society, the Historical Association of Southern Florida, Mortgage Bankers Association of America, the University of Miami, the Greater Miami Jewish Federation, Miami Dade's Arts in Public Places Trust, Mount Sinai Medical Center, and the American Red Cross, among so many others.

Jay's participation in our community is only matched by his involvement in the preservation of Florida's dynamic history. Over the years, and together with his wife Jean, Jay has collected countless rare books, maps, and art that capture the history and the culture of Florida, focusing especially on the early years of European exploration.

Jay's collection is certainly one of the most comprehensive in the Nation. In 2004, Jay made an extraordinary gift to our country. He donated more than 3,000 of these rare books, manuscripts, and other objects to our Library of Congress. Known as ''Exploring the Early Americas'', this collection is now on display in the library's historic Thomas Jefferson building right across the street from us.

□ 1715

This gift is one of the most significant gifts ever received by the Library of Congress.

To give a sense of the extent of this collection, let me just name a few of the major pieces:

A vast collection of Mayan cultural and religious works and carvings.

The first printed nautical map of the entire world, the Carta Marina from the year 1516.

A 1524 map on which Florida is first named.

Original documents signed by the famed explorers Cortes, Pizarro, and Las Casas.

From 1598, the first atlas to include Florida.

The journal of Cabeza de Vaca in which he narrates his wanderings across Florida and the Southeast after his shipwreck off the coast of the present-day St. Petersburg.

Also, the 1589 hand-colored engraving by Baptista Boazio of St. Augustine, Florida, the earliest engraving of any locality in the U.S.

Also, one of George Washington's personal journals from his time spent at Mount Vernon.

And letters from John Quincy Adams and James Monroe pertaining to the purchase of Florida and to the foreign policy of the United States.

Mr. Speaker, these are just some of the major items that are in Jay's impressive collection.

In support of this collection, the library now hosts an ongoing lecture series, program of exhibitions, research, and public education programs named after Jay Kislak. And this week the Jay Kislak Foundation held one of its annual lectures right here in Washington at the Library. The event included historian Jonathan Spence, one of the foremost experts on modern China and the Sterling Professor of History, Emeritus, at Yale University.

Jay's philanthropy continues to astound in its breadth and its scope. Through Jay's substantial contribution, countless generations will be able to view a window into our past as Americans and as Floridians.

Jay, thank you for all that you have done and will continue to do on behalf of our Nation and our home community. Thanks from a grateful Nation.

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

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

AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE of California. Mr. Speaker, I join with several of my colleagues today as an original cosponsor in the introduction of H.R. 5015, legislation that would require the President to submit to Congress a plan and a timeline for the safe, orderly, and expeditious deployment of United States Armed Forces from Afghanistan, including military and security-related contractors.

This legislation would also implement greater oversight and planning measures to reduce our reliance on contractors in Afghanistan and to curb waste, fraud, and abuse in contracting practices which continues to breed corruption at the expense of the Afghan people.

I would like to thank Representatives MCGOVERN, JONES, and Senator FEINGOLD for their leadership and for their hard work and collaboration on this very vital legislation.

Also, I would like to commend Congresswoman WOOLSEY for her stand and her work for global peace and security. Tonight I understand is her 350th time coming to this floor sounding the alarm against these wars, and I would just like to congratulate her for her steadfastness. She actually introduced the very first resolution calling for the redeployment of our young men and women out of Iraq.

It has been nearly a decade now since I voted against the authorization for the use of force, and this was on September 14, 2001. This was an authorization, mind you, that I knew then was a blank check to wage war anytime, anywhere, and for any length. That was a resolution that really authorized wars without end. H.R. 5015 provides the President and the Congress the opportunity now to change the trajectory of United States foreign policy from one of open-ended military conflict towards a strategy which counters terrorism and extremism around the globe in a sustainable and more effective manner.

I continue to believe United States economic and national security as well as our values are undermined by a military first strategy that many of us fear may lead us down a path of unending war in Afghanistan.

In September, 2009, General McCrystal stated very clearly, ''If the people are against us, we cannot be successful. If the people view us as occupiers and the enemy, we can't be successful.''

Top military officials and experts agree that winning the hearts and minds of the Afghan people should be the focal point of the United States mission in Afghanistan. Yet I remain convinced that this will not be accomplished at the barrel of a gun. With every death, with each increase in troop deployment, and with every additional military contractor airlifted into Afghanistan, we provide a rallying point for al Qaeda, whose propaganda depends on the perception that America's aim is foreign occupation.

It is our stated policy, and President Obama has said this many times, the United States does not seek a permanent military presence in Afghanistan, Pakistan, Yemen, Somalia, or elsewhere. We have already sent more than $1 trillion to the Pentagon for the ongoing wars in Afghanistan and Iraq, and the administration has yet to provide an estimate for the long-term costs of the United States military operations in Afghanistan.

It has been estimated that roughly one-third, mind you, one-third of every tax dollar paid by the American people in 2009 went to the Pentagon and military related expenditures. The fact is we cannot even begin to talk about reducing the budget deficit without talking about reducing our military spending, and this legislation sets us down that path by ending a policy of open-ended war in Afghanistan that has ultimately made America less safe.

I have been clear in my conviction that the situation in Afghanistan will not be resolved with a military solution, and I think many agree with that. That's why last October I introduced H.R. 3699, which would prohibit any funding for increasing troop levels in Afghanistan beyond current levels.

As a member of the Appropriations Committee and as Congress considers the President's $33 billion supplemental funding request for operations in Iraq, Afghanistan, and Pakistan, I will be working to ensure that Congress is provided an opportunity to go on record regarding this grim prospect, mind you, of continued military escalation. Rather than increasing our

military footprint in Afghanistan, setting a timeline for the redeployment of our troops and military contractors is the single greatest step we can take to empower the Afghan people and their government while stripping al Qaeda of our indefinite foreign military presence used to justify the insurgency and the acts of international terrorism.

So I hope we pass this legislation. It puts us on the right path to getting out of Afghanistan and to ensuring our national security.

SPENDING SINCE TARP

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. I was in my office today, Mr. Speaker, and I was watching the Joint Economic Committee. And one of my colleagues on the other side of the aisle was talking about how one of his companies had 300 employees that were in entry level positions and they were getting minimum wage and the employer was telling him how they were going to have to lay a lot of them off because of the inability of them to get loans and for other reasons.

The reason I came down to talk about this is because there is no question that if we have a tight money policy that it's going to affect small businesses. In addition to that, when we load additional regulations and costs onto small businesses, it's going to cause them problems and they are going to have to lay people off.

I was reading in the paper this week the new health care bill is going to cost AT&T $1 billion. They are going to have to take that out of their bottom line. It's going to cost the John Deere & Company $150 million; Caterpillar, $100 million; Minnesota Mining and Manufacturing, $90 million; AK Steel, $31 million; Valero Energy, $20 million. All of these companies are going to pay for that, and they are either going to have to take it out of their profits or they are going to have to take it out of the hides of their employees by letting some of them go or they will have to send some of their operations offshore.

As long as we have more government and more government programs, it's going to cost jobs. Because somebody has to pay for those. The money doesn't come out of the sky. So if an employer gets a regulation that costs him money, if an employer is taxed and it's going to cost him money, then he has to find someplace to get that money in order to have a bottom-line profit, unless you believe the government should run everything and we should have socialism in this country or a socialized economy. And some people think that's where we are headed, and I think that is very unfortunate.

But let's just take a look at some of the things that the administration has done since they have taken office that have been a burden to small business and has cost us jobs.

Incidentally, I would just like to say that all the great programs and plans that the Obama administration had was supposed to keep unemployment below 8 percent, and it's still around 9½ to 10 percent and there is no indication it is going to go down.

But, anyhow, the Economic Stabilization Act, which part of it was this year and part of it was last year, in 2008, so we can't blame all of that on Obama, but the TARP bailout was $700 billion.

And then in January we had $73.3 billion in the State Children's Health Insurance reauthorization, a worthy program, but it costs a lot of money.

The stimulus bill was $1.16 trillion when you add in the interest, money we don't have.

In February, we had the omnibus spending bill, which was $625 billion when you add in interest.

In June, $105.9 billion in the supplemental.

Last year we had the consolidated appropriations mini omnibus bill of $3.55 trillion, again money we don't have.

And then in March of this year, we had the health care bill, which was estimated to cost, if you talk about 10 years of taxes and 10 years of coverage, about $3 trillion or $2.5 to $3 trillion.

You load all this on the back of small business, and there's no way that you can continue to keep everybody employed. You're going to tax them.

Mr. WAXMAN, the chairman of the Commerce Committee, is bringing before his committee the CEOs of AT&T, Deere & Company, Caterpillar, because he says they really shouldn't be telling people these things because these aren't accurate figures. Well, they are accurate figures: the $1 billion it is going to cost AT&T, the $150 million it is going to cost John Deere & Company, the $100 million it is going to cost Caterpillar, and on and on. They have to report that by law, and because they have reported it, Mr. WAXMAN wants them to come before the committee to try to make them look like they are blowing these figures up. The fact of the matter is business and industry in this country is suffering and because of that we're going to see more unemployment.

Now, you add to that by the end of this year the tax cuts that were put in by the previous administration are going to expire, and the President has said he's going to let them expire, which means those tax cuts are not going to be there. So that again will, in effect, be a tax increase. And then you add to that Mr. Volker, as I said in my previous 1 minute, is talking about a value-added tax of about 15 to 20 percent. That's going to be a terrible thing for the economy and for jobs.

So I would like to say to my colleagues, if you want to create jobs, cut taxes and cut spending. That's the answer. And cut government regulation.

FOR THE 350TH TIME . . . BRING OUR TROOPS HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, on April 20, 2004, I rose in this Chamber to say that we needed a new approach to national security. To say for the very first time before any other Member of Congress was brave enough to say it that it was time to bring our troops home from Iraq.

□ 1730

I have continued to speak out almost every night that the House is in session, but I never imagined that almost 6 years later I would be here to talk about Iraq and about Afghanistan for the 350th time. But that's what I'm doing today, and it's because our service men and women are still in harm's way in both Iraq and Afghanistan on missions that violate core American values and undermine American security.

We have come a long way in building a movement across this country that opposes these military conflicts, but still our leaders stubbornly cling to a disastrous policy.

What we're doing in Iraq and Afghanistan is disgraceful. It is a stain on our Nation. It will someday be remembered as a shameful episode in American history.

Seven years ago, Mr. Speaker, in fact it was 7 years ago this week, Baghdad fell. Remember? That was the moment when Iraqis were supposed to throw flowers and weep with gratitude that we had invaded their country.

But how did Iraqis recognize the sixth anniversary of their so-called liberation? With massive, colorful protests against the continued presence of American troops; protests that brought Shia and Sunni together; protests organized around the very idea that national unity against the U.S. occupation is stronger than Iraqi sectarian divides that are centuries old; protests that included the trampling of American flags; protests, in one case at least, that featured the burning in effigy of President Obama and Vice President BIDEN.

Meanwhile, one of the big developments out of Afghanistan this week is the death of several civilian bus passengers at the hands of American gunfire near Kandahar. This tragedy comes at the very moment and in the very region where U.S. forces are prepared to launch a major offensive. The push to defeat militants in Kandahar will require strong support from the civilian population, but instead, this incident has people taking to the streets shouting ''Death to America'' and ''Death to Infidels.''

Seven years in Iraq, 8½ years in Afghanistan, and we still haven't figured out that we can't win people's affection, loyalty, and trust by waging war on their country. To truly capture

their hearts and minds and also to defeat terrorism and make America safer, we need a smart security approach. That means empowering Iraqis and Afghans with civilian support and humanitarian aid, with programs to alleviate poverty, build schools, promote public health and so very much more.

The current approach is alienating the populations we're trying to win over and emboldening the very insurgents we're trying to destroy. How much longer will this go on?

There are American teenagers with no memory of their country not at war. We've already lost nearly 5,500 Americans to these conflicts. Thousands and thousands more have come home wounded, disabled, or suffering from the devastating effects of posttraumatic stress syndrome.

And as we all prepare to pay our taxes tomorrow, let's remember that every American is making a financial sacrifice for this folly. In just the time it's taken me to give this speech, we've racked up about $1 million in costs for the wars in Iraq and Afghanistan.

As long as this tragic and unnecessary war continues in both of these areas, I will continue to come to the floor of the House to state my firm opposition. I will not stop until our troops are brought safely home. I suppose I'll be giving my 351st speech tomorrow.

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

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

THE AMERICAN PEOPLE NEED RELIEF

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

Mr. MORAN of Kansas. Mr. Speaker, in these final hours of this year's tax season, Americans are finishing up their tax returns. For a majority of these taxpayers, it's painfully clear that our Nation's tax system is deeply flawed and in need of significant reform.

American workers are asked to work for 3 full months to fulfill their yearly Federal, State, and local tax obligations. This is unacceptable. To require already stressed family budgets to forfeit at least a quarter of their income to prop up expanding bureaucracy and increasing Federal employment is just wrong.

We are taught at a young age to work hard and that we will reap the benefits of hard work. Americans have witnessed that government is claiming more and more of those hard-earned benefits from the fruits of our labors.

Instead of searching for a way to provide relief to American households, some officials within the administration have proposed new taxes that will further burden small businesses and consumers. The European-style value-added tax would levy a tax at each stage of manufacturing, thereby increasing the cost of the finished product. This is damaging not only to the consumer, but also to many industries involved in manufacturing production.

I'm a member of the Anti-VAT Caucus. I recognize the dangers of imposing this new tax upon the American economy, and I've joined over a dozen of my colleagues in working to educate Members of Congress on the problems posed by establishing a whole new series of taxes.

Instead of adding new taxes, Congress should be focused on reforming the current tax structure. I've called upon the new chairman of the House Ways and Means Committee, the gentleman from Michigan (Mr. LEVIN), to schedule hearings on Tax Code simplification. The FairTax proposal was one of those ideas that I've asked his committee to consider. The FairTax can start the conversation on tax reform, and I encourage my colleagues who are serious about having this discussion to join me in contacting the chairman.

People across the country are demanding that Congress listen to their concerns and find a more equitable and less burdensome way of paying taxes. I share their frustration and have called upon my colleagues in Congress to put the politics aside and provide tax relief and reform for this country.

Americans have made it known that they are in need of serious tax reform. Through increased spending and budget deficits, Congress has awakened an American majority dedicated to government reform. Members of Congress have an obligation to be responsive to our people's needs. As the American people gather this week to make their voices heard, Congress must listen. These gatherings are occurring all over our country and here on Capitol Hill.

In my home State of Kansas, these engaged citizens will be meeting in Mound City this evening; Kansas City, Hutchinson, Salina, Manhattan, Wamego, and Wichita tomorrow; and Ottawa and Emporia will have meetings on Saturday. While these gatherings are occurring, millions of other Americans unable to attend will join in spirit to protest the expansion of government in our daily lives.

As we approach the end of tax season, Congress must remember the sacrifices made by each American household. While this is the end of tax season, the rest of the year should be deemed the season of tax reform. The American people need relief, and Congress should respond. Jobs today and the health of the U.S. economy tomorrow demand our action.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

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

HONORING THE LIFE OF CLEVELAND HEIGHTS POLICE OFFICER THOMAS PATTON II

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. SUTTON) is recognized for 5 minutes.

Ms. SUTTON. Mr. Speaker, I rise today to honor the life and service of Cleveland Heights Police Officer Thomas Patton II.

On March 13, Officer Patton was on patrol when he began chasing down a suspect. Tragically, he collapsed during the chase and died shortly after the incident. He was only 30 years old.

Officer Patton was the only son of my friend and our community leader, Ohio State Senator Tom Patton, and his late wife, Evelyn.

Officer Patton leaves behind a loving fiancée, Tricia, and beautiful 8-month-old daughter, Kayleigh Evelyn. Thomas meant the world to his family and was even nicknamed ''Precious'' by his five sisters.

It was without question what career path Thomas would take. He came from a family with a strong tradition of police officers that began with his grandfather, who joined the Cleveland Police Department in 1946. As a child, he would dress up in old police uniforms and dream of what it might be like to be a patrolman.

Thomas grew up in Strongsville, Ohio, in the heart of the 13th Congressional District, and he attended Holy Name School.

He saw the dedication and commitment that his grandfather and uncle made as police officers and decided to take that step for himself. He knew the challenges and risks, and he fully embraced the spirit of the job. He loved the excitement of working nights. He loved serving others, and he died doing what he loved. He died serving and protecting the rest of us.

Officers from nearby communities gathered outside his hospital the night he died, and many more at his memorial service. The sea of blue uniforms was a testament to the fraternal brotherhood of police that he embraced.

His spirit and dedication to his community will be sorely missed, but his service and sacrifice will never be forgotten. He will live on as a hero to his family, to Ohio, and the Nation.

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.)

TRICARE DEPENDENT COVERAGE EXTENSION ACT

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

Mr. HEINRICH. Mr. Speaker, our brave men and women in uniform sacrifice so much for our Nation, and it is our duty to keep our promise that they have the benefits that they deserve and have earned through their service.

I know that many are familiar with the sentiment that a veteran, whether active duty, retired National Guard, Reserve, is someone who at one point in his or her life wrote a blank check made payable to the United States of America for an amount of up to and including their life.

We all know that the families of our men and women in uniform share the burden of this service to our Nation. To ease this burden, I introduced H.R. 4923, the TRICARE Dependent Coverage Extension Act.

H.R. 4923 would ensure that our Nation's troops and military retirees are able to provide health coverage to their dependent children up to the age of 26. This is one of the most popular provisions in the Patient Protection and Affordable Care Act, the health insurance overhaul that Congress passed and that President Obama signed into law last month.

However, health insurance for our Nation's military servicemembers, retirees, and their families is under the control of the U.S. Department of Defense, so this benefit for dependent children was not extended to military families.

Contrary to some misinformation we've heard, TRICARE was not altered, changed, modified in any way by the Patient Protection and Affordable Care Act. The good news is that H.R. 4923 would now provide dependent children of military families with the same benefits given to civilian children. Specifically, this bill would amend Title 10 to change the maximum age of coverage for children from 23 to 26, and it would take effect October 1 of this year.

Currently, in order for dependent children to remain in the TRICARE system, they need to be attending college full time and only up to the age of 23. However, the new policy in H.R. 4923 would allow all dependent children to be covered until age 26, whether or not they're full-time students.

I'm proud to tell you that that bill is supported by a growing number of veterans' service organizations, including the Military Officers Association of America, the National Guard Association of the United States, and the Air Force Association.

Mr. Speaker, allowing parents to provide health coverage to their dependent children is just one way we can show our military families how much we appreciate them. With each individual who generously dedicates their life to military service, there is a significant impact on those closest to them. We know this especially well in New Mexico where we have a long and proud tradition of military service.

Each time a soldier leaves home, they leave behind caring husbands and wives, loving sons and daughters, worried parents and whole communities that remain concerned for their safety. Our military families stand behind our troops and lift them up. They make significant sacrifices just like our servicemembers do.

Let's honor their service to our Nation by ensuring that their health coverage meets the same standard that we have set for the rest of America and nothing less.

Mr. Speaker, I urge all of my colleagues to cosponsor this important legislation.

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

(Mr. THOMPSON of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

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

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

(Mr. SMITH of Washington 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 Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

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

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

(Mr. LARSEN of Washington 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 Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LORETTA SANCHEZ) is recognized for 5 minutes.

(Ms. LORETTA SANCHEZ of California 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 Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

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

□ 1745

ISRAEL AND PALESTINE

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

Mr. MCMAHON. Mr. Speaker, my colleagues, I rise this afternoon to speak to a very alarming and disconcerting issue that continues to grow unchecked around the world, and that is the debilitating and negative effects that the Islamic Republic of Iran is having around the world.

Mr. Speaker, as we all know, we are very concerned about peace in the Middle East, and we know that it's very important that our great friend and ally, Israel, continue in negotiations with the Palestinians to come to a resolution of the issues that exist there. However, I believe we cannot expect success to come there unless we look at the role that Iran is playing on that issue and so many other dangerous issues around the world. It is acting in a way that is against the interest in our great ally Israel and our allies around the world and our Nation as well.

Mr. Speaker, indeed the Palestinian negotiations in Iran are very much linked, but not in the way that those who want to pressure Israel would argue. The connection between these two critical foreign policy issues stems from Iran's perceived veto power over the ability of Israelis and Palestinians to come to terms.

Acting as Iran's proxies, Hezbollah and Hamas are used to destabilize the region by engaging in hostile military activities or significant acts of terror at the will of the Islamic Republic. Furthermore, an environment conducive to peace is disrupted by the increased weaponization of the region. Already huge numbers of rockets have been illegally shipped to Hezbollah by Iran in violation of Security Council Resolution 1701. Likewise, arms and ammunition have been smuggled into Gaza and to Hamas through similar routes.

Thus, for those who want peace between Israel and the Palestinians, Iran must be brought under control. But it isn't just in the Palestinian Authority where Iran is making trouble. Iran is training and funding actors hostile to the United States in Afghanistan and Iraq and also providing lethal munitions such as materials used in the

IEDs to kill and maim our troops and allies. Examples of civil unrest throughout Iraq, northeastern Saudi Arabia, and even Bosnia have also been tied to the Quds force which conducts overseas operations for Iran's Islamic Revolutionary Guard Corps.

And we must not ignore Syria's partnership with Iran either. Syria is a client of Iran and together with Hezbollah—an Iranian-controlled entity—in neighboring Lebanon, Lebanese Christians and moderate Muslims fear raising their voices against the Syrian hegemony over Lebanon, reversing the gains made in the Cedar Revolution that resulted in the end of the Syrian occupation of Lebanon.

Unfortunately, Iran's tentacles extend across continents and into our Western Hemisphere as well. Iran has entered into a strategic alliance with Venezuela, opening the path for Hugo Chavez to further his anti-U.S. activities in South America. And even more concerning, Venezuela is helping Iran circumvent the Security Council's economic sanctions and is also suspected of providing Tehran with uranium.

Finally, as smaller Arab states in the gulf witness the rise in Iranian power, a power which will be confirmed once it reaches the nuclear threshold, they too will follow this path and attempt to forge an alliance with this new regional superpower.

For this reason, Mr. Speaker, it is crucial that Congress move swiftly with the administration towards curtailing Iran's nuclear ambitions. Decades of inaction have allowed Iran's influence to sweep across the globe. We cannot allow Iran to move further as its influence creeps through our own hemisphere.

Back in the 1930s as the power of Nazi Germany grew, people like Winston Churchill sounded the alarm. But all too often that alarm was ignored.

The alarm is being sounded here in this Chamber and is being sounded across the world. We must act to stop the insidious influence of Iran around the world, and we must do it on every front. The time to act is now. And the way to act is, as I urge my colleagues, that we move swiftly to complete the passage of the Iran Refined Petroleum Sanctions Act and the Iran Human Rights Violation Sanctions Act which we must bring to conference committee and send to the President for signature.

NUCLEAR POSTURE REVIEW

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. We're about to start on a journey on an interesting topic of discussion and one that has hit the papers and one that could very much affect the shaping of how the world develops and the safety of the world. And that is the new discussion on the Nuclear Posture Review. That's a report that the Federal Government has just released along with the new START Treaty which the President has been working on negotiating with the Russians.

And these are talking about the future of our country, the future of our world, particularly as it relates to nuclear weapons or weapons of mass destruction. And the initial kind of read on what's going on sounds pretty good. We want to try to reduce the amount of proliferation of nuclear materials to make the world a safer place. We want to talk about a day when there won't be any nuclear weapons in the world. We want to try to, in general, reduce the amount of threat and risk to our own Nation and other nations.

And it all sounds pretty good when you first look at it, until you start to take a look at the troubling assumptions that have been built into these two documents. First of all, they call the Nuclear Posture Review the NPR and the START Treaty, of course, is going back to the 1991 historic treaty.

And so I'm joined here on the floor by some good friends of mine, some people who are good thinkers. But I think I will mention some of the topics that I would like to see us be talking about here in the next number of minutes. And I think we need to take a look at assumptions.

Many times people have good intentions, but the assumptions that are built in are not so good. There was once a guy who was a pharmacist and he had good intentions; but, unfortunately, he prescribed too much of a particular chemical and killed his patient. He had good intentions, but the result was the death of the patient. That could easily happen to many Americans with the false assumptions that are built into the START negotiations and this Nuclear Posture Review.

The first thing I would like to take a look at is going to be the world without nukes and is that a reasonable assumption; is that something that we should be working toward and exactly how are we going to produce this world where there are no longer nuclear weapons.

The next assumption is whether or not it's reasonable to trust Russia when you negotiate arms treaties.

The third question would be the overall whether or not we're going to be advancing missile defense and whether or not we're going to develop a missile defense. Is that connected to the idea of the START Treaty?

The fourth point would be does it make sense to say we're not going to develop any future nuclear weapons or devices.

And, lastly, to define when we might or might not use a nuclear weapon.

These are all kinds of assumptions built into these documents. I think they need to be discussed and discussed very carefully by those of us who are dealing with our nuclear posture.

I'm going to start off by recognizing my good friend, ROB BISHOP from Utah. Congressman TURNER also is joining us, MIKE TURNER from Ohio. And I know that they have their own perspectives on this and are very well qualified in certain areas here, and I also have some charts we could go to.

But I would like to take a look at some of those assumptions because the devil is often in the details.

I would yield time to my good friend, Congressman TURNER from Ohio.

What part of Ohio are you from?

Mr. TURNER. Dayton, Ohio.

Mr. AKIN. A good industrial area, too. Good for you.

Thank you, MIKE. Please.

Mr. TURNER. I appreciate your leadership. We serve in the Armed Services Committee together so these are issues that we take up frequently.

We held a hearing today on the Nuclear Posture Review and on the START Treaty, and there are a number of things as you outlined that I think people should be very concerned about.

One, of course, is what they're referring to as the negative assurances where in the Nuclear Posture Review they've included a statement where the President has taken off the table the prospects of using nuclear weapons in defense of this Nation in circumstances where we are attacked by a nation that is in compliance with the nonproliferation treaty, and even if that attack is with either chemical or biological weapons.

Before we always had the posture of we'll do whatever it takes, whatever is necessary to defend this Nation. And the President himself last May said—he clearly stated, I don't take options off the table when it comes to U.S. security. Period. Unfortunately, this administration's Nuclear Posture Review does just that. It delivers a muddled message to both our allies and our adversaries that only seeks to weaken the strength of our deterrent.

It's really unclear as to why the administration has done this if you look at the issue of threat. Certainly the threat has not been reduced to the United States. So to take a posture where you're going to restrict what we would use in order to defend ourselves is not based upon some change that has occurred in the threats that the United States is facing.

They have said that they are pursuing this policy of restricting our use of our own defensive weapons in order to encourage others not to seek nuclear weapons. But there is no historical basis for that. The United States has continued to reduce the overall number of nuclear weapons, as has Russia. As we've seen, Iran is seeking to be a nuclear power; North Korea is becoming a nuclear power. Without any historical basis for an assumption that others would not seek nuclear weapons if the United States agrees to not use theirs, this administration has proceeded down this path.

Mr. AKIN. Could I interrupt for a second?

I think what you brought up is an interesting point. First of all, the President said all of the options are on the

table. And here we go again seeing him say one thing and doing the exact opposite.

It reminds me of a question. I'm a pretty old geezer. I've been around here for a while. I remember the Ronald Reagan days. And I remember it was kind of the height of the Cold War and people would ask him, Now, President Reagan, what would happen if this and this and this. And he would kind of look at people with his big old grin and he would say, You know, I've told you before, I don't answer ''what if'' questioning. Now, he said that in a nice way, but his point was why do we want to answer what if and then lock ourselves into some particular means of responding when it isn't really appropriate when the actual day arrives.

Mr. TURNER. That is what this policy is. It's a what-if.

Mr. AKIN. It's answering a whole lot of what-if questions. Why do we have to do that?

Mr. TURNER. The administration is saying the what-if is if this country is attacked by someone who is in compliance with the NPT, even if we're attacked with biological or chemical weapons, they would not use everything that we have in our arsenal that might be necessary in order to protect ourselves.

Mr. AKIN. So just stop for a minute. Let's do a what-if, because that's apparently what this treaty is trying to define, these what-ifs.

So some country has maybe signed agreements that they're not going to develop biological weapons. They do that on the sly, hit our cities with biological weapons and people are dying with some strange kind of virus or something running around, and we're losing a whole lot of population—and of course I think we have a pledge that we're not developing biological weapons so we can't respond with biological weapons somewhere. So what are we supposed to do then? We've already guaranteed them that we're not going to use nuclear weapons.

□ 1800

Mr. TURNER. Well, here is, I think, the most important thing. You invoked Ronald Reagan and you were saying how you shouldn't answer hypotheticals. I think here is what the blanket statement should be.

The blanket statement should be, when it comes to defending the United States against a devastating attack, our message should be clear and simple. If our Nation is attacked, we will use all means necessary to defend ourselves, period. There shouldn't be an issue of whether they signed, whether they agreed that they wouldn't develop nuclear weapons and so we are not going to use nuclear weapons.

I mean, first off, nobody is for using nuclear weapons. I mean, there is no advocacy group that says we need to be using nuclear weapons or no one, certainly—from a human value statement, the President's statement of a world without nuclear weapons is something that everyone would want to achieve.

Mr. AKIN. Sure.

Mr. TURNER. It's the reality, though, of the issue of defending our Nation. And here this President has said, I won't take anything off the table. I will always do what's necessary to defend the United States. Period.

That was last May. And then now, with the administration's nuclear posture review, he is saying, but I am going to, in advance, tell you that if you are in compliance with the NPT, if you attack this Nation, if you attack the United States, even if you attack the United States with chemical or biological weapons, I am going to take off the table the nuclear weapons that are in my arsenal, even if it's necessary to protect the United States.

Now, they go on to say, the administration says, well, we have overwhelming conventional forces and so that will make a bit of a difference. We don't really need our nuclear weapons. But they say they are doing this to try to encourage others to not develop nuclear weapons. Again, there is no historical basis for it. As we have reduced our stockpiles and Russia has reduced their stockpiles, other nations have continued to seek nuclear weapons.

But the other issue is, what is the true message then to those other nations? Well, we have overwhelming conventional force. They don't have overwhelming conventional force. Certainly, developing nuclear weapons is an equalizer that they can look to.

I think it's disingenuous to say that we are not going to use our nuclear weapons, but we might change our mind, but at the same time we want you not to use them. But it's in that framework of the hypothetical of saying that this, this country, if it's attacked, won't defend itself to the full extent when it might be necessary.

Mr. AKIN. Okay, so it seems to me we have got a couple of different issues here that you brought up. The first question is, does it even make sense for us to do the ''what if'' question? If somebody does this, this, and this, well, we are not going to do that. What is that bias, you know, and is that really helpful? And particularly when these things tend to be nuanced the way they are phrased, it adds a lot of haze and uncertainty. But certainly answering that ''what if'' question probably doesn't make us a more secure country.

But let's go to what I think is your second point.

Mr. TURNER. Let me go back to that for a second. You said the administration is actually calling this an assurance policy, that they are providing assurances. But usually I think and the American people think of the word ''assurance'' being something you give your friends and allies. And, in this instance, this is an assurance that the administration is giving to a nation that would be an attacker to our Nation, someone who is attacking us. That's not the circumstance of what I would think of assurance.

Mr. AKIN. Assurance to our enemies.

But the second thing was the idea that somehow we are going to move toward this world without nukes, and the way we are going to do it is to reduce not only our number of nuclear weapons but reduce our development or deployment of nuclear weapons. I mean, it sounds so good on the surface, but let's just take this apart a little bit.

Let's just say, you have got America now. We have a bunch of nuclear weapons, and we just say, hey, this is such a great idea. We are just going to get rid of all our nukes, and we are not going to develop any. Or we are going to get rid of a certain percentage of them, and we are not going to develop any new ones, which is what this treaty is supposed to do.

My question is, how is this going to reduce the number of nuclear weapons in the world?

First of all, think about there are 35 or more nations that depend on us to create this nuclear umbrella of protection. So they are not developing their own nukes because they know that the U.S. is going to protect them. So what are they going to do logically if that umbrella of protection of the U.S. having this overwhelming nuclear force, if we take that down, if you are one of those 35 nations, what are you going to be thinking?

Mr. TURNER. It's a very good point. Because those nations that depend upon us, who have not developed nuclear weapons, who believe that they are part of our nuclear umbrella, that they believe that we extend, in cooperative understanding, our deterrents for their benefit. If that deterrence is removed, then, of course, there is the prospect that these additional nations will feel the need to develop their own weapons.

Mr. AKIN. So we are reducing weapons, but these other nations are going to want to increase, so that doesn't really compute with the logic of this thing.

Now let's go to the next class of nations, third-world nations, maybe some of them that are more likely to be our opponents, adversaries, or troublemakers. Now we tell them we are going to reduce our number of nukes and our development of new things. What is their logical response to that? Well, let's see, they say, well, we could never whip them in conventional forces, so we have got to find some other way.

Mr. TURNER. Exactly.

Mr. AKIN. So what are they going to do?

Mr. TURNER. I think it's also a false accomplishment. When the administration promotes this statement of a world without nuclear weapons, again, it's a human-value statement that I think everyone would wish to be true. But in translating it then to a to-do list or a policy from the United States, going from a human-value statement to an actual to-do list and policy without a change that has occurred in the

world dynamics, that's where we get dangerous for the United States.

Here is the false accomplishment. This President will talk about his accomplishment of limiting the role and the number of U.S. nuclear weapons. I think what people are interested in is this President limiting the nuclear weapons risk that we are facing as a Nation.

Mr. AKIN. But shouldn't the focus be on U.S. security? Shouldn't that be the question? And are we going the wrong way?

Mr. TURNER. We will have to see what comes out of the conference that the President has held. He was identifying the increase, that threat that we have for nuclear terrorism and nuclear proliferation issues. And certainly those are the correct issues for him to be raising at this point, and we certainly wish him great success in accomplishing some visible reduction in the threat to the United States, besides just the visible reduction in the role and the number of U.S. deterrents.

Mr. AKIN. So the bottom line should be about U.S. security. I mean, that's what we should be focused on. Yet how does it get us more security if we reduce our nuclear capabilities and other nations than become encouraged to increase theirs?

Mr. TURNER. Absolutely.

Mr. AKIN. So there is a fundamental disconnect in the logic here somewhere. Understand that it's all for glorious and super ends and supposed to be a good deal and all, but how does it specifically help us and how does it increase U.S. security? That is not clear at all.

The idea of us reducing capabilities seems to be completely counterproductive. Because it's going to encourage either third-world adversaries to take advantage of our vulnerability that we created voluntarily on ourselves, self-inflicted wounds, or the people who are our friends are going to develop additional nuclear capabilities to protect themselves. So I don't see how this thing works.

Mr. TURNER. Congressman, you had also mentioned the the point of START and the issue of missile defense. I think one issue that people are concerned about that relates directly to this issue is any limitation on the United States' ability to defend itself in deploying what is a provable, workable technology in missile defense. The START treaty has in its preamble or recognition between the United States and Russia the correlation between defensive and strategic weapons.

The Russians have stepped forward and said that this language, they believe, was essential in order to get their approval for START, because they want the United States' missile defense system to be counted against the issue of our nuclear deterrent—their nuclear deterrent.

They haven't gone as far as to say that they might withdraw from START, depending on the extent to which we deploy a missile defense system. Well, what's really concerning is that the administration, at this same time that they are agreeing to and pursuing the START, which has been signed, with language that ties missile defense to our nuclear deterrent, the administration is pursuing for Europe a missile defense system.

Now, it's unclear whether the President's own plan for a missile defense system already violates the Russians' concern under START. We may be in a situation where the President is pursuing a policy that will already cause the relationship with Russia start to be a terminal relationship. In the hearing today, I asked Secretary Tauscher, where are we with the Russians on this issue?

The administration already knows what they want to do with missile defense. It is certainly something knowable by the Russians at this point. The Russians are saying they will withdraw if the missile defense is pursued. My concern is that the administration will get down the road, where they will have supported START, received ratification of START, be pursuing a missile defense system that Russia objects to and that it might weaken this administration's resolve for deploying that system.

Mr. AKIN. The history of missile defense goes back quite a ways. It goes back to Ronald Reagan, who proposed the whole idea of missile defense; and people, liberals, tried to make fun of it. They said it was Star Wars, and it will never work, and it will destabilize relations between nuclear armed countries like us and the Soviet Union.

Ronald Reagan said, no, I don't think so. He said, we have a responsibility to defend our citizens, and we need to build a missile defense.

Of course, we, all the way through from the time of Reagan to when I came here in 2001, we had really not done it. President Bush went to the Russians, went to the Europeans and said, sorry, guys, I am going to let you know, here is your 6-months' notice. We are going to start developing missile defense.

And, of course, the Democrats had been opposed to it, but they were in the minority, and we passed it when we were on the Armed Services Committee to do missile defense. And it wasn't missile defense against China or Russia, but it was missile defense against these rogue nations like Iran and North Korea. So we built it. In spite of the fact people said you couldn't do it, we did it. Test after test, we did it, and we made it work, and we built missile defense. Then they made a treaty with Poland and the Czech Republic, saying we are going to deploy missile defense not just in Alaska but in Poland and the Czech Republic.

Thank you very much, Congressman TURNER from Ohio. I really appreciate your leadership on the whole area of national security. You have done a great job.

I am joined also by my good friend, ROB BISHOP from Utah.

But let's just get on this missile defense a little bit. So we built it, and we built a number of missile defense silos in Alaska. It was called a ground-based system, and it shoots a missile that's tremendously large, about 20-some tons of missile. It goes very high, very fast, and it has the capability of stopping intercontinental ballistic missiles.

Many of the trajectory of those go past Alaska where these missiles can do a good job of stopping the enemy. Now these same missiles were going to be put into Poland, into the Czech Republic. One was a radar site. One was an actual missile site. And the Obama administration decided to cut the ground out from behind our allies. They had made significant political—took a lot of heat from their own citizenry, got permission, got the support of their citizens to build these systems to protect Western Europe, particularly from Iranian ballistic missiles.

And the administration decides on very little notice, literally on the day where the Polish were observing the time that the Russians had come into Poland, and just cut the ground out from under them and said we are not going to do that. What are they going to replace them with? Oh, they said, we are going to use a ballistic defense system based on our ballistic missile destroyers.

The only trouble is, it was based on a missile that hasn't been developed yet, that doesn't work yet, and it's a 2-ton as opposed to a 20-ton missile, and it's a missile that we don't have. So now we are supposed to have these destroyers floating around the Mediterranean providing missile defense for Europe, and these destroyers don't even have the right kind of missile on them to stop a ballistic or intercontinental ballistic missile. The bigger the missile, the bigger the anti-missile that you have to have to fight it.

So the whole point of this was here you have North Korea. They fire these different missiles. The current range of the larger North Korean missiles is 3- to 6,000 miles. That puts Alaska in the sights and other potential targets from North Korea.

Likewise, we have Iran potentially launching, and you can see these different distances, depending on how much power the Iranian missile has, how many stages and how far it can go, starts to move into targeting Western Europe. This is what we were protecting against with the missile sites in the Czech Republic and Poland, which this administration has cancelled.

They have also cancelled a number of other aspects of missile defense which we will get into, one that was tremendously successfully tested just in the last few months. It's this aircraft here with this funny-looking nose, looks like a cyclops, and this is a very powerful, actually, three lasers in one. That was tested successfully to knock down

missiles; and, of course, to shoot a laser at a missile isn't that expensive.

□ 1815

You can get a lot of shots out of a laser and it goes very fast. It is a very effective way to stop missiles on the launchpad. So that's another thing that this administration decided that they were not going to fund. These treaties are talking about continuing that trend to reduce our investment in missile defense, and that is very troubling indeed.

My good friend Congressman BISHOP from Utah knows quite a bit about the specific missiles that do this, and I would like to call on your expertise to help us with this subject, please.

Mr. BISHOP of Utah. Well, I appreciate my good friend from Missouri bringing this issue up to us again, especially now that we're talking about missiles.

One of the things President Reagan once said is: Was the United States ever involved in a war because we were too strong? The answer is no. But what we're also talking about here is sometimes—as I was an old school teacher—when we're young and naive, we tend to overlook details, and those details could be devastating. For example, Napoleon lost the Battle of Waterloo not because he was outmaneuvered at Waterloo. He was not. He lost it because they overlooked a detail. They didn't bring a bag of nails. At that time, when you overtook the enemy artillery, you would dismantle it by driving a nail through the firing mechanism so it would be useless.

When Napoleon overran the British artillery, they didn't bring any nails with them. Consequently, the British recaptured that artillery and it wreaked havoc on Napoleon's forces. And every book of what would have happened always has a chapter of what would have happened if they had actually brought the nails.

Mr. AKIN. A bag of nails. Now, I appreciate having a history professor here. It's just a little detail, but it was an important and sort of a tide-turning detail that was not considered.

Mr. BISHOP of Utah. Now, let me turn that analogy slightly into the situation we are in right now, because I think this administration is missing a lot of bags of nails that are out there. One in particular deals with our missile program in the future if, indeed, the direction we're going is not the right direction and we want to change that.

You and I were here with several other Members last year a long time talking about our missile defense system, because last year we cut the potential of a mobile missile defense system, KEI. We stopped the ground-based missile defense system that we had, and we were complaining that that was probably an inopportune time.

One of the nails that we are now missing is what happens if we don't look at the unintended consequences of our actions. I'm going to say how this thing kind of turns together, and sometimes I think this administration is not realizing how everything in government relates.

Last year, when we stopped the ground-based missiles and stopped the KEI, among other things that we did, we put the industrial base in disarray. Now I'm coming back to the old industrial base argument because I'm using it again and again. This year, NASA, space exploration, which you think has nothing to do with defense, but space exploration is trying to take this product, the Ares rocket, which was labeled our best innovation of last year, and they want to cancel the production.

Now, that ties together as a bag of nails simply because the people who work in the companies that produce this rocket also produce the missiles. So the rockets that are built to send a guy to the moon are built by the same kinds of people who build the rockets to stop a North Korean or Iranian or some other rogue missile from coming into this country. And if we devastate the industrial base, we don't have the capacity to change our projection and fix this problem if, indeed, it takes place, and we increase the cost to the defense of this country significantly because of it. Let me give you one example.

Just the oxidizer that starts the propulsion concept in our motors, that, because of the cuts last year to our missile system, has gone from $5 to $12 a pound. It's a fixed cost to produce this stuff, and we use it by the ton. And when you cut down the amount you use, the company then has to make a profit, so they charge more per unit. So we've gone from $5 to $12.

If, indeed, you stop the Ares 1 program in our space program, who uses this stuff significantly, that cost will either double or triple or be even more. So it means to produce the same motors we need to just maintain where we are, we are going to spend hundreds of millions of dollars—maybe running into the billions of dollars—without having done anything to improve our status. We will spend more money. We will not have a better product, and if we want to turn around and change that, we don't have the industrial base yet. If we fire all those people who are making these kinds of rockets, we don't have anywhere to turn for our own defense system.

The Department of Defense has recognized that. The Navy has said that they are fearful that the increased cost for them could be 10 to 20 percent. They don't know where the increase can stand if, indeed, we go along and cancel our space program.

Mr. AKIN. So let me just recap what you're saying.

If you don't have the industrial base to produce the kinds of missiles that we need for missile defense, the way that that can work is, one, you're not going to have the rocket scientists. In other words, a rocket scientist is a rocket scientist. You've got to have some of them around if you want to make rockets. Those people are being employed currently for this particular solid rocket that is noted more for space exploration than it is for defense, but it's the same technology.

So, first of all, your industrial base is eroded by the fact that you can't keep those engineers around and they don't have anything to work on, so they go do something else. The second thing is, because you don't have the production facilities, now the cost of materials goes up.

And it goes beyond that, doesn't it? You don't just build one of these things in thin air. You've got to have a building to build it in. You've got to have the machines that are used to package the fuel and the design of how the pressure is contained, and how you control burn rate and the direction—all kinds of things that go into building a rocket; right?

Mr. BISHOP of Utah. Yes. And our ICBMs, for example, need to stay there until the year 2030. That's their planned life. But what happens if you do one of those solid rocket motors and you pull it out to do the inspection and there is a problem with it? Where are the experts to go in and find out what went wrong, and how do you solve that problem in the future? Where are the niche suppliers who are no longer in the market? This is one of those things.

So I'm talking about nails for the future of our missile defense system that are being lost because we simply didn't think ahead—or this administration didn't think ahead.

DOD sent us a report last year that said if you slowed down Constellation, it would have a significant negative impact. Secretary for Acquisitions in the Department of Defense said that this industrial base is not our birthright. If we lose this industrial base, we may never get it back. And all of them are saying—General Keller said the same thing, that he is not comfortable with the direction we're going because the cost overruns that will come to the defense system simply means, obviously, NASA and Department of Defense did not talk one with another.

The Augustine Commission report that was supposedly giving a report on what we would do with our space in the future said, This is a problem. The industrial base situation is a significant problem if, indeed, you stop the Constellation program. You need to work that ahead. NASA did not do it. They either chose to ignore it or they didn't study the report very closely. Those are the nails we have.

So you have those pictures up there of what we are going to do with North Korean potential missiles that were in striking distance of the United States; Iranian missiles that could come within striking distance in the future but are definitely within striking distance of Europe now. And what is even more terrifying is if one of those countries—

and I don't think it would be beyond the realm of possibility—were to give their devices to some rogue player, not necessarily another nation, but some rogue player, and obviously have them aimed at the United States, and we, because we decided not to think through situations and think ahead of what we're doing, for either naivete, being new, or simply ideological reasons, we have lost the nails to make sure that we continue to defend this particular country.

Mr. AKIN. Well, the thing that strikes me about this whole situation is, first of all, if you want to deal with the nuclear proliferation thing, that's one thing, but to connect it to missile defense seems to be the height of stupidity, just really an irrational decision. And to walk away from the fundamental principle that the job of the Federal Government more than anything else should be the defense of this country, the security of the citizens who pay for that defense, and to give that idea up for the old concept of mutually assured destruction, just makes no sense whatsoever.

We were on the right track to develop missile defense. The people that said we couldn't do it were all proven wrong. We are doing it. We not only hit a missile with a missile, we hit a spot on a missile with a missile, metal-on-metal collisions. And not only have we been able to do that and shown that we have the technology to do that, but now what we're talking about doing is even going beyond that to the airborne laser system, which just this last year, firing its last shots before it was going to be shelved, it was called by the Democrats a big science experiment—I suppose that's a pejorative term saying we don't think much of it—and yet this aircraft flying off the west coast engaged two targets.

One was a liquid rocket motor missile. It was launched from some considerable miles away, in excess of 100 miles, I believe, and this airplane locked onto the missile with its—it has two small lasers. The first is just to find where the missile is, and it's putting that first laser on the missile. The second laser checks the optics of the atmosphere. The third laser, which is tremendously powerful, fires a beam, and it just destroyed that liquid fuel missile in air. Then it turns around and does the same thing to a solid rocket missile, and yet this is another thing that the administration is scrapping.

And the question is, if we're interested in U.S. national security, why in the world do we want to bow down to the Russians? Ronald Reagan was there at Reykjavik, and there was a great big idea that they were going to have this big treaty. Reagan walked away from it. He said to the Soviets, he said, Look, I'm not going to agree to that because I'm going to protect my people with missile defense. And here we are going back in history, and now we're going to stop this missile defense. And what you're talking about, Congressman, is a part of one of the supplier base that has to be there to do missile defense. Why are we going to dismantle that? It just doesn't make sense.

Mr. BISHOP of Utah. I agree totally with the gentleman from Missouri, who is such a leader on the Armed Services Committee. Part of the problem, nuclear soft power notwithstanding, we are talking about the overall defense of this country, and in area after area we tend to be weakening our position.

I agree with the gentleman that we should not have scaled back in our laser technology. I agree definitely that last year we made a mistake when we cut the kinetic energy intercourse program, those mobile rockets aimed to stop missiles coming at us. I agree that we made a mistake when we limited the number of ground-based missiles that we had, ready to go. The silos ready to be filled, we just simply stopped it, artificially, arbitrarily, and that puts us in a weaker situation.

I am also concerned that when you add to what they're talking about doing about on the Constellation program for NASA, it's not just about the manned space flights. It's also the impact that has on the industrial base that prohibits us from ever changing course in any of these other particular areas. It is all part and parcel with what I think is perhaps a very cavalier approach to the defense of this country that time after time after time overlooks the details and how those details interact and puts us at a more vulnerable situation.

Once again, no one will ever attack us because we are too strong. They could attack us because we have failed to bring a bag of nails into battle with us.

Mr. AKIN. Well, I really appreciate your perspective, gentleman, and particularly the little historic lesson of the bag of nails.

It seems to me sometimes our leadership is getting so grandiose and it's saying what we're going to do is provide a world without nuclear weapons. You know, it seems to me that what they probably should do is invest in a time machine and go back in history if they want a world without nuclear weapons, because we can get rid of all of our nukes.

We can open the kimono and let people beat us up, and that's not going to change the fact that there are going to be nations out there that are going to proliferate. Now, that doesn't mean we need to encourage them. We need to try and stop them. But we're not going to stop them by being weak and selling our own national security down the river, and that is what's going on here.

In an effort to apparently be a grandiose peacemaker, we're thinking you're going to create peace out of weakness. We have found that that is not a good formula, and particularly, to betray the security of the American people without looking at the details, as you're saying, really does not make sense.

□ 1830

Now, there is another aspect—and you know something about history. I recall all of these treaties we made with the former Soviet Union, and when the Soviet Union collapsed, we got information about what happened on those treaties. What we found out was that the Soviet Union was cheating like mad on every single one of those treaties. They said, We're not going to build any biological weapons. Yet they've got a biological weapons laboratory going in Russia.

We were over here, and I was a brand new guy in the U.S. Congress just a few years ago, and we were interviewing one of the top scientists who worked in the biological weapons laboratory, one which the Soviet Union had said, We're not going to do that. We find out 15, 20 years later that the Soviet Union has got these ballistic missiles loaded with the smallpox virus that they're going to shoot at us, and we haven't got the foggiest idea that they cheated like mad, have a biological weapons laboratory, and are going to pepper us with smallpox, which we have a limited amount of vaccine to protect against.

So here we are again, learning so much from history that we're going to make another deal with the Russians and assume they're not going to cheat on it. I guess my question is: How do we know that they're not going to cheat? What are we getting out of this deal?

Do you remember some of the history of those treaties, gentleman?

Mr. BISHOP of Utah. I don't have the expertise right here to go through some of the details. Obviously, you're ahead of me on those particular ones; but it still goes back to the basic approach that, even if the Russians are legitimate in these treaties and even if they live up to them, we live in a world where it is not just necessarily the Russians for whom we have to be prepared and that, even if we make a treaty with the Russians, the North Koreans and the Iranians are not necessarily going to be cowed by us.

Mr. AKIN. They're not playing by the same rules anyway.

Mr. BISHOP of Utah. They could easily transport some of their stuff to nations closer to us, which makes it even more deadly for us.

So what we have to do is make sure that, when we look at what we are doing vis-a-vis the Russians, we have to put it in the context of: Are we able to defend ourselves against all sorts of rogue players who are out there, not just the Russians or the Chinese? That's why the decisions we made this year, based on the decisions we made last year, I think, put us in a weaker position to say, yes, we could defend ourselves against the rogue nations as well.

Mr. AKIN. You know, I thought it was on the front page of the paper today, the idea that scud missiles had been given, I think it was, from Iran to Hezbollah or something like that.

Mr. BISHOP of Utah. From Syria to Hezbollah.

Mr. AKIN. From Syria to Hezbollah, scud missiles.

So there was a weapons transfer to a group that is a pretty known terrorist group. They're not all part of this deal. So even if you could trust Russia, which I don't and which we have no historic reason to trust, what happens to the other nations when you make these deals, especially when you're not going to develop more missile defense?

There is another thing we're not supposed to develop either—and I really appreciate my good friend from Utah for joining us, Congressman BISHOP. You have provided really good detail, particularly on that industrial base aspect. Thanks for the ''bag of nails'' explanation.

You know, with regard to details, I do remember there was something about the German tank corps being unstoppable except for there was some problem. They didn't have the right type of spare fuel tank or something, and it was a big problem because they hadn't gotten the right kind of gas can to go along with their tanks. It was some small detail.

I yield.

Mr. BISHOP of Utah. As we move forward with this proposed treaty, but also as we look to the overall military budget, which, I think, is what you're talking about as well and especially our missile defense, let us make sure that we have not left some detail uncovered. I hope that, in the future, they're not writing those ''what would have been'' books about the United States because we simply failed to be prepared and because we failed to look at the details of our situation.

So I appreciate the gentleman for bringing this issue to the floor. It is a significant issue, and it's one that this Nation should take seriously—looking at how we're dealing in the future not just with our nuclear posture but also with our missile defense posture. Indeed, if we're going to have to spend almost billions of dollars to maintain, that's money that comes out of the combat veteran and the combat ground forces that we have. That also is unacceptable.

So I appreciate being allowed to participate with you for a short period of time.

Mr. AKIN. Well, I very much appreciate your perspective and the clarity with which you make your points.

The Congress is a richer place because of Congressman BISHOP and his service to us.

We are joined by another good friend who is probably one of the foremost authorities on missile defense, my good friend from Arizona, TRENT FRANKS.

Before we jump into that, I thought I might just give a couple of points to recap and to focus our discussion here this evening. We are talking about two different things that have been going on in the news.

The first is the question of the Nuclear Posture Review, or the NPR, which is an overall document released by the U.S. Government, talking about what we're doing with nuclear kinds of things. It contains a whole series of false assumptions, in my opinion. While it sounds good on the surface, the question is: How does it really work? Also, there is the New START Treaty, which the President has been negotiating with the Russians, and that is along the same lines as the Nuclear Posture Review. My concerns are pretty much listed in five points.

The first point is that somehow we are supposed to create a world without nukes, and the way we're going to do that is to reduce America's stockpile of nuclear weapons, not develop anything new, and cut back on missile defense. So we're going to reduce our own national defenses, and somehow that is supposed to help make other people do the same thing. My question is: Does it really do that?

The nations that depend on us will say, Oh, we can't count on them for a nuclear umbrella.

They're liable to increase.

Then the Third World country that may decide it wants to cause us a lot of trouble or to blackmail us says, Hey, the way we can do that is the U.S. is disengaged. We need to jump in and really develop our nukes.

So how do we get to this ''wonderful world'' without nukes?

The second point is: How much do you trust Russia? Even if you do, how about all of the other countries?

The third point is: Why do we connect missile defense to the nuclear posture? Missile defense is simply a way of making our Nation more secure. Why would we freeze that?

The fourth point is: Why would we want to limit further nuclear development? We'll get on to that in a minute with my good friend from Arizona.

Then the last question is: Why are we going to do what Ronald Reagan said you should never do, which is to discuss what-ifs? I think if we're attacked by a foreign nation and it does us harm, it doesn't need to know exactly what we're going to do. Everything should be on the table if you endanger U.S. citizens. Yet this treaty is going to say, Well, if you do this, we won't do this, this and this.

Why do we want to try and spell that out?

So those are five concerns that I want to make sure that we discuss today, and I want to recognize my good friend from Arizona, Congressman FRANKS.

Mr. FRANKS of Arizona. Well, I thank the gentleman for yielding.

You know, I've been trying to follow some of the conversation here, and I think that everything you've said has a profound significance, and I appreciate it.

I know this is a general discussion about missile defense, about our nuclear posture and about the concerns that we have related to Iran. The recent summit that was here in Washington essentially, or ostensibly, was about trying to keep nuclear weapons out of the hands of terrorists. Yet the reality is that this ominous intersection of jihadist terrorism and nuclear proliferation has been inexorably and relentlessly rolling toward America and the free world for decades, and it is now a menace that is almost upon us. I believe that it represents the gravest short-term threat to peace and security of the entire human family in the world today; and I believe that the Islamic Republic of Iran, due to the jihadist ideology of its leaders, represents a particularly significant danger to America and her allies.

President Ahmadinejad was speaking to the whole world when he said that, You, for your part, if you would like to have good relations with the Iranian nation in the future, recognize the Iranian nation's greatness, and bow down before the greatness of the Iranian nation and surrender. If you don't accept to do this, the Iranian nation will later force you to surrender and bow down.

Now, that makes me a little nervous given the fact that Iran has recently begun to enrich uranium really beyond 20 percent now, which is four times the necessary enrichment percentage for peaceful purposes, and it puts them at about 90 percent of the way there for being able to have fissile material for nuclear weapons.

So I just have to say it's a difficult thing, especially difficult for me in some ways, because I stood at that podium there 5 years ago, and I called upon the country to refer Iran to the Security Council. The guess is, at that time, they had probably less than 164 centrifuges, and now they have 8,000. Of course, as my good friend from Missouri knows, 3,000 is the commonly accepted figure for a nuclear enrichment program that can be used as a platform for a full-scale industrial program capable of churning out dozens of nuclear warheads per year.

I guess I'll yield back here, but I would say this: what we are really facing with Iran is a jihadist nation with leaders who threaten the whole world, who threaten the peace of Israel, who threaten to wipe them out. It is now developing an industrial base to make dozens of nuclear warheads in the future.

I know people say, Well, that's over a year away or 2 years away or 3 years away. Well, let's pretend for a moment that that's correct. I'm not sure that having something that will change the world that dramatically and then all of humanity that significantly which is only 2 or 3 years away is cause for celebration. It's especially concerning when you consider the fact that, throughout history, especially in the case of, say, like North Korea, our timetables have always been wrong. We've always thought, well, it was going to take them a lot longer than it did. Anyway, at this point, I would just suggest to you that, I think, this is a profoundly significant issue.

I yield back to my friend, the gentleman from Missouri.

Mr. AKIN. Well, I thank you, gentleman.

I'd like to just pick up on a couple of the themes that you've mentioned. You've used this phrase frequently. I don't know if you coined it, but I think of it as something that you authored. I guess you could almost think of it in terms of planets and astronomy, which is, when you get a juxtaposition of two things, the first thing you're talking about is the development of nuclear weapons, and the second thing is that it's in the hands of a terrorist state.

We already have nuclear weapons. We have terrorist states, but we haven't seen the eclipse of when those two things come together. You're talking about that as being a very destabilizing situation in the world, a situation that threatens the lives of at least thousands, perhaps many millions, of people; and it is a nation that has a history of essentially blackmail. So when you put that kind of combination together that you're talking about, we're talking about a very significant international kind of crisis that we have to be prepared for.

Now, they also have to be able to deliver that weapons system. That's another thing that you're really an expert on, which is that ballistic missile defense is also coming in. There are people who say you can just put this stuff in a suitcase and smuggle it into town. So who cares about ballistic missiles or ballistic missile defense? Yet, as you know, these nuclear weapons have to be delivered in some way, and there are different ways to deliver them.

One of them, of course, is to put them way up in the atmosphere, and they go off and take out all of your communications. Another one, of course, is to bring them over a city where they go off and they kill many more people than if they were sitting on the ground. So there are combinations of those things, and those are all things that you have studied and have taken a look at, and all of them are bad medicine.

What concerns me particularly is the reckless course of this administration as it's making these grandiose kinds of ''we're going to make the world a safer place'' ideas by disarming and by saying, We're not going to be developing missile defense and by saying, We're not going to develop any new use of nuclear things.

One thing we've not yet talked about on the floor—and you can jump in on this if you'd like—is that we've got North Korea and Iran, both of which are pretty good at digging tunnels. They take their capacities and put them way underground. You can drop conventional bombs on them, and nothing happens because they're down in the Earth that far. The only way to stop that is probably with some new type of device called a nuclear Earth penetrator where you put a nuclear device, a small one, on a bomb that goes way down in the Earth, and it explodes. Now, anything radioactive stays down in the Earth, but it creates enough concussion that it basically shakes those tunnels and collapses those infrastructures.

That is an example of where we might want to develop a new nuclear device because of a problem that we have, and yet we wouldn't be able to do that with this negotiation. So are you concerned about that? Have you given that some thought?

Mr. FRANKS of Arizona. Well, certainly, I am, and I thank the gentleman for yielding.

The RNEP, or robust nuclear Earth penetrator, which you mentioned, was something that many of us advocated for in the past because we wanted to make sure that we could hold assets like Natanz or the facility at Qum in Iran. We wanted to be able to be sure that we could hold that at risk so that they didn't think that they could build nuclear weapons without any danger to them. This is a particularly significant situation, so I couldn't agree with you more.

Of course, you mentioned missile defense. You're talking about the delivery mechanisms as far as where the bomb goes off. That's a very, very important point; but there is another one, which is the timing. That's being able to deliver something realtime, in other words, on demand. See, that's what gives them a strategic capability, which is if they can say, Okay, your city—New York, or whatever it might be—is 30 minutes from our ICBM capability, and it's always aimed at us.

□ 1845

See, if we have nuclear missile defense capability, then it is no longer as much of a strategic threat and it devalues that program pretty profoundly. And when a country like Iran, that is facing great dangers from the outside world anyway if they become nuclear armed like Israel or others, then perhaps that becomes a part of their calculus, and perhaps it keeps them from moving forward with their nuclear power program in the first place.

Unfortunately, this administration, and you know, I just got to tell you, this administration cancelled our efforts in Europe to be able to have the capability to interdict missiles coming from Iran, whether it was going to be to protect our forward deployed troops, or to be able to protect Europe, and certainly if they gain the ICBM capability, to protect the United States. And it is astonishing to me that we did that, because we have no system that can really be built in time to go into their calculus in the meantime.

So while some of the greatest security threats in a generation are coming up on our generation, the Obama administration seems to be busy insulting our friends and emboldening our enemies. And all the while taxing and borrowing and spending our economy into a place of such vulnerability that our capacity to respond to these threats in the future will be demonstrably diminished. And when it comes to the growing incontrovertible danger of a nuclear-armed Iran, I would just tell my good friend that this Obama administration has been asleep at the wheel.

Mr. AKIN. That is really, really a frightening prospect. The thing that I find interesting about this, what we are doing is we are reducing our defense spending. Here is a chart of the budget that would reduce our national defense spending. These are numbers that were released by the Obama administration. This is the 45-year average at 5.3 percent. And what you can see is it is being reduced here.

Now, the thing that is amazing, this wouldn't be so troubling to me if it weren't for the fact if you took a look at what rate we are spending money. Bush's worst spending year was 2008 under the Pelosi Congress here. 2008. And that was about $450 billion he spent that we didn't have, which put us, that is about 3.2 percent of gross domestic product. This last year, 2009, instead of being $450 billion, it was $1.4 trillion in spending that we didn't have. That was more than a three times increase over Bush's worst spending. And that goes up to 9.9 percent of GDP, which is the highest level since World War II.

So we are spending money that we don't have at an incredible rate. Take a look at what is happening to defense here. This is a wrongheaded set of priorities and very troubling. I have my good friend from Texas, Congressman GOHMERT, who is joining us. I know that you have taken a look at a number of these different issues and questions. Please jump in and point out your own perspective.

Mr. GOHMERT. Well, we do have the danger of Iran about to go nuclear at the same time, as you all have pointed out, that our President cancelled what took so long and took such great effort by so many, including our friends in Poland, to establish this missile defense that was going to be built. That got cancelled. That was going to help protect us. That was going to help protect our allies.

I just want to read here some of the comments that have been made. President Barack Obama said on November 7, 2008, ''Let me repeat what I stated during the course of the campaign. Iran's development of a nuclear weapon, I believe, is unacceptable.'' He said on October 20, 2009, that the bond between the United States and Israel is much more than a strategic alliance.

And then you look at what Ahmadinejad has said. He said in 2005, quote, ''God willing, with the force of God behind it, we shall soon experience a world without the United States and Zionism.'' He also said that Israel was to be wiped off the map. He said, ''Like it or not, Israel is heading toward annihilation.'' He also said, ''Today, the

time for the fall of the satanic power of the United States has come, and the countdown to annihilation of the emperor of power and wealth has started.'' It has started. And we are disarming unilaterally while Iran—we are talking about maybe some sanctions, like maybe that will work as well as it did against Iraq? It didn't work because people cheated.

Russia and China have said, hey, we're making a lot of money selling to these folks right now. We're not sure we're getting on board with this. And all the while those centrifuges are just a spinnin'. They are spinnin' while we're all here talking. And we're coming closer to the day when Ahmadinejad will be able to try to keep his promise, all while we are disarming. It makes no sense. We took an oath to provide for the common defense. It is high time we did that.

Mr. AKIN. I thank the gentleman for joining us. Thank you, Mr. Speaker. I look forward to seeing you next Wednesday.

RESIGNATION AS MEMBER OF COMMITTEE ON AGRICULTURE, COMMITTEE ON THE BUDGET, AND COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore (Mr. TEAGUE) laid before the House the following resignation as a member of the Committee on Agriculture, Committee on the Budget, and Committee on Transportation and Infrastructure:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 25, 2010.

Hon. NANCY PELOSI,
Speaker of the House,
The Capitol, Washington, DC.

DEAR MADAM SPEAKER: Due to my recent appointment to the Committee on Energy and Commerce, I hereby announce my resignation from the Committee on Agriculture; Committee on the Budget; and the Committee on Transportation and Infrastructure.

Sincerely,

ROBERT E. LATTA,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

COMMEMORATING THE POLISH NATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 60 minutes as the designee of the majority leader.

Ms. KAPTUR. I thank you, Mr. Speaker, and thank my colleagues who are joining us this evening, including Congressman JOE DONNELLY of Indiana, as we begin this special order commemorating the Polish Nation during its days of deepest mourning and the magnificent people of that country.

As we speak here tonight in this hour, in my home district of Toledo, Ohio, the Polish community has gathered for a memorial mass that began at St. Adalbert's Catholic Church at 6:30 p.m. They and we here tonight are united in solidarity with our Polish brothers and sisters halfway around the world.

The Americans gathered tonight here in Congress, and in my home community, and the 9 million Americans of Polish descent across our Nation, in places as far flung as Chicago, Detroit, New York, Toledo, Las Vegas, in places like Pittsburgh and Philadelphia, and indeed in Colorado and Texas, from coast to coast Americans are united in our mourning and in the encouragement that we wish to share with the people of Poland in these dark hours.

Today the House passed unanimously House Resolution 1246, originally introduced by Congresswoman KATHY DAHLKEMPER of Erie, Pennsylvania, another community with thousands of Polish Americans. And for that passage, the ambassador from Poland, Ambassador Robert Kupiecki, sat in the gallery as each vote ticked off. And it passed overwhelmingly, with over 400 votes. That was an exceptionally emotional moment for me, as we as a Nation mourn the death and terrible loss of life that the Nation of Poland is bearing.

The resolution expresses its deepest sympathies to the people of Poland and the families of those who perished for their profound loss. The resolution expressed strong and continued solidarity with the people of Poland and all persons of Polish descent, and expressed unwavering support for the Polish Government as it works to overcome the loss of many of its key officials. And we know that Poland will prevail.

It is important to place on the record also that the plane that crashed in the Katyn Forest, an area that embraces the collective tragedy of Poland's precious leaders. In the most morbid of ironies, the doomed plane was flying to Russia to commemorate the 70th anniversary of the Katyn massacre, when more than 22,000 Polish officers, intellectuals, leaders from all walks of life were summarily murdered at the hands of Joseph Stalin and the Soviet Army in and around Katyn Forest during World War II. Their bodies were buried and the truth hidden for seven decades. That is the truth of their slaughter. That history still must be made whole.

And I know that on May 5, in a strange twist of fate, at the Library of Congress, with the help of the Kosciuszko Foundation, there had been planned a special all-day seminar, which will continue, on the Katyn massacre. I think that it will be even more well attended than was originally anticipated. We thank the Library of Congress, its director, James Billington, and the Kosciuszko Foundation from New York for their presence and their leadership in this effort.

Before I turn to my colleagues who are on the floor tonight, let me just read a brief poem called ''Buttons'' by Zbigniew Herbert. What it talks about is the original Katyn massacre and how little is known about it in the outside world, and what a responsibility we have to document what happened there. The poem is brief, but it reads as follows:

They come from depths upon the surface
The only tribute on their graves.
They are attesting God will count
Extend his mercy upon them.
But how to raise from the dead
If they're a clammy piece of earth.
A bird flew over, a cloud is passing
A leaf is dropping, a mallow grows
Heavens above are filled with silence
The Katyn Forest smokes with fog.
Only the buttons did not yield
Powerful voice of silenced choirs,
Only the buttons did not yield
Buttons from coats and uniforms.

I would like to yield to the gentleman from Indiana (Mr. DONNELLY) who was proudly here today to cast his vote for the resolution for such time as he may need.

Mr. DONNELLY of Indiana. I want to thank my good friend from Ohio.

Mr. Speaker, I rise today in remembrance of the 96 people who died so tragically in the plane crash near Smolensk, Russia, on Saturday, to stand here in solidarity with the Polish people during their time of immense loss. This is a time of sorrow for both our nations. And I extend my deepest sympathy to the Polish people.

The plane crash near Smolensk took the lives of many of Poland's leaders traveling to memorialize the 70th anniversary of the Katyn Forest massacre, as my good friend from Ohio had mentioned, where during World War II the Soviets executed approximately 22,000 Polish servicemembers, public servants, and citizens. Sadly, that site now claims the blood of more great Poles.

Killed on Saturday were President Lech Kaczynski, the First Lady, the governor of Poland's central bank, 12 members of parliament, four generals, many other key leaders, and great Polish citizens such as Anna Walentynowicz, the labor activist whose firing at the Gdansk shipyard helped spark the Solidarity strike.

President Kaczynski was a great leader of Poland and a close, important friend of the United States. The son of Polish freedom fighters, Lech Kaczynski was an active leader within the Solidarity movement for democratic reforms in Poland, which eventually led to free elections on June 4, 1989.

Elected President in 2005, President Kaczynski was a tireless advocate for stronger ties with the west and expanding NATO membership in Eastern Europe. He strengthened the cooperation between Poland and the United States, and his loss will be felt both in Poland and here in America.

Mr. Speaker, during the time of loss for the Polish people, I believe it is especially important that the United States work closely with the people of Poland on issues of mutual importance

and that we assist their government in any way possible.

I am honored to have joined the House of Representatives today in passing House Resolution 1246, which expressed this Chamber's sympathy to the people of Poland for their loss, and pledging continued solidarity with the people of Poland and persons of Polish descent.

□ 1900

Let us use this tragedy as an opportunity to recognize and celebrate the friendship between our two nations. As we know, Poland and the United States have had a long and important friendship based on solidarity together. In fact, at our Nation's very birth, Kazimier Pulaski, the great Polish cavalry officer, helped lead Americans in victories over the British and saved the life of George Washington. Polish Americans have contributed to the rich fabric of our Nation both throughout our history and today as vibrant and accomplished Americans, proud of their heritage and proud of their culture.

To my good friend from Ohio, as you have so many wonderful Polish-American communities in your district, in my district, South Bend, Mishawaka, Michigan City, La Porte, all of those wonderful cities in Indiana are home to over 10,000 Polish Americans, and many more Hoosiers can trace their roots to Poland and many more Hoosiers throughout my district can trace their roots to Poland.

Poland is a crucial American ally. The role of Solidarity, led by Lech Walesa, and the support of Pope John Paul II were instrumental in bringing about a peaceful end to the Cold War and an end to communism in Europe. Since the fall of the Iron Curtain, Poland has worked closely with the United States, joining NATO in 1999, contributing troops to the wars in Iraq and Afghanistan, and agreeing to cooperate with us on missile defense. Poland has instituted modern democratic and capitalist reforms, opening their country, economy, and their hearts to the world.

Mr. Speaker, let us remember those who perished in this past weekend's tragic disaster, and let us honor their lives and their contributions by continuing America's strong and unbreakable friendship with Poland for all the years to come.

Ms. KAPTUR. I thank the gentleman for his very, very heartfelt remarks this evening and for taking time after such a busy day to pay tribute to the nation of Poland and the people of Poland and citizens from his district and for sharing their grief and for offering a word of hope and encouragement for the future. We thank you so very much for your participation.

Mr. DONNELLY of Indiana. It is a bond of friendship that has been strengthened year after year, born in Poland's struggles and America's struggles, a bond of solidarity that can never be broken. And we are both so proud to represent districts where we have so many Polish-American citizens who are so proud of their ancestry and who take such great pride in the roots that they have.

Ms. KAPTUR. As we think about what happened in Poland, we also experienced during this period now a peaceful transition of government. According to their constitution, as the Speaker of their Parliament, Bronislaw Komorowski assumed the office of President. And we can see through the magic of television thousands of Poles paying their respects to their lost President and First Lady in front of the Presidential Palace, and it's all peaceful in that great liberty loving land of Poland. And as the gentleman from Indiana has well stated, freedom-loving people who saw their nation wiped off the map of Europe for over a hundred years and then during World War II their nation partitioned and then the great struggle that they endured beginning with labor strikes during the 1950s in places like Poznan to begin to try to roll back that Iron Curtain, we are just so proud to be an ally of this great Nation of Poland.

I yield to the fine Member from Arizona, Congressman TRENT FRANKS, a leader in defense issues and so many other issues, who has come to the floor tonight to pay tribute.

Mr. FRANKS of Arizona. I thank the gentlewoman so warmly.

It's very difficult for me to add anything to the very touching words of the gentleman from Indiana and from the very kind and loving words of the gentlewoman from Ohio. This is one of those issues, obviously, where we stand together, and it transcends any political parties. And tonight we mourn with Poland because they have shown themselves to be some of the most brave, noble people in the history of humanity; and I can't express just, as with you, how we are all deeply saddened by the tragedy that has befallen them.

Now, just this past Saturday, of course, it doesn't seem like it could have happened that recently, but we were all stunned when the Polish Air Force flight carrying 96 passengers, of course including the Polish President, Lech Kazczynski, and his wife, Maria. They went home together. The Polish Military Joint Chiefs of Staff, the head of Poland's National Security Bureau, and numerous other Polish public servants, all of them crashed and their lives ended suddenly, and I suppose it's a reminder to all of us of our own mortality and also a reminder to us of how difficult it is to lose people that have led such a noble country.

Now, of course, it's impossible for any of us to stand here and say anything that will really make sense of such an unexpected tragedy. But as Americans continue to stand in solidarity with the Polish people and with the families and friends of those taken all too soon by Saturday's crash, perhaps we can come away from this horrific event reminded uniquely of that strong bond that both of you spoke of that's shared by the United States and Poland.

And I am reminded of the words of G.K. Chesterton reflecting upon the value of an ally. He said, ''There are no words to express the abyss between isolation and having just one ally. It may be conceded to the mathematicians that four is twice two. But two is not twice one; two is two thousand times one.''

I think in a sense throughout history when we have had a firm knowledge that Poland stood with America for the cause of freedom it always made us feel like we were outnumbered, whoever was before us, and there can sometimes be a tendency among those of us in public service to focus our attention almost exclusively on the bad things that are happening all around us and all the wrongs that need to be righted. But sometimes in doing so, perhaps we occasionally lose sight of all the good things, the friends that we have in the world that share our common commitment to the ideal of freedom for everyone. And truly the United States has and has always had that kind of an ally in the nation of Poland, a friend that has continuously provided strong support to the United States both diplomatically and militarily.

And, of course, as both of you have said, it's a tragic irony that those on board the Polish air flight were on their way to remember another dark day in their nation's history 70 years ago when 20,000 of their precious predecessors of Poles were brutally killed by a Communist regime. But because of those experiences, the people of Poland, including President Lech Kazczynski, who from a young age fought against the forces of communism within Poland, they have been a freedom-loving people who understand as well as perhaps anyone what it means for a brutal regime to attempt forcibly to suppress the light of liberty, and that shared value goes to the heart of what our Founding Fathers in America believed when they established this great Nation.

So, Mr. Speaker and the gentlewoman from Ohio and the gentleman from Indiana, I just want to stand with you and hope all of us take time to remember this steadfast alliance between Poland and the United States of America. They are our friends, and the families of those on board the crash we know tonight mourn the premature death of their loved ones. But every American stands together with them in saying that the nation of Poland and those most directly affected by this tragedy remain deeply in our prayers.

God bless Poland and God bless both of you.

Ms. KAPTUR. Congressman FRANKS, I want to thank you so very much. I know what a long day you have had. You began on C–SPAN this morning, I believe, and you have worked way over

time today. And to join us here this evening and to pay tribute particularly with your responsibilities in the area of defense, I know that the people of Poland are listening and Polish Americans across this country and they are helped at this very, very weighty moment to be healed by your words, by the words of Congressman DONNELLY.

Today, we were all a part of that very, very important moment when the congressman from Chicago, Congressman DAN LIPINSKI, who co-chairs the Polish Caucus in the Congress, asked for a moment of silence, and Speaker PELOSI was at the rostrum, and the entire Chamber rose above partisanship. It was just the expression of the American people, as the Ambassador from Poland, Robert Kupiecki, was in the gallery, and we remembered those who'd lost their lives. And we prayed for the strength of Poland today, for the courage of her people to endure.

As we were expressing that respect, I kept thinking to my last trip to Poland, which was last August, and I have traveled there for many, many decades when it was under Communist control, and I remember how the people—how their faces, their eyes, their expressions were. And then in 1989 when the Berlin Wall came down, traveling to Poland and seeing this moment of possibility and the anxiousness at that particular period, and then to travel there last August and to see a new generation of Poland. I get pretty emotional thinking about it.

And to see their eyes, the eyes of the young people who are going to be the leaders of the 21st century and they have been raised in a free country for the first time in over a century. And they have the same possibility as the Poles who right after World War I attempted to build a free country, and then it was taken away from them by Nazi and Soviet aggression. So this is really the first generation.

And to see in 20 years the look of hope in those young people's eyes, I shall never forget it. And it told me that the world had progressed and that Poland had progressed and her deepest-held dreams lived in these young people.

So I wanted to put that on the record tonight and also to mention that many, many Members, certainly the Speaker, the Vice President, Secretary of State, Members of our House, like Congressman QUIGLEY, have worked their way to the Polish Embassy to sign the book of mourning that is at the Embassy for interested members and citizens.

The Polish Embassy is overwhelmed with the outpouring of support and friendship of the American people. The street, 16th Street, just north of Dupont Circle, where the Embassy is located, the whole entire front is full of flowers and candles. Americans were walking by. They were attempting to gain entry to the Embassy to express their sorrow. It was quite a powerful sight to behold.

And I know that there are memorials being held around the globe as well. President Obama has announced he will be leading America's delegation to Poland this weekend for the President's funeral. So the outpouring of love from the American people to the Polish people is a bond that will only be strengthened by this great tragedy.

I wanted to also place on the RECORD, if I could, this evening a poem by Andrzej Wajda, who is a Polish filmmaker, about Katyn where the past generation and this generation of Poles has now paid the greatest price:

''There are no Great Walls there at Katyn,
No towers leaning or not leaning,
Declaring some king's success
Or mocking another's failure,
No gleaming cathedral where
You can pray for forgiveness
Or watch the cycle of shadows play
Through the coolness of the day,
And soon not even the names
Of those who died will be remembered,
Names like Skrzypinski, Chmura,
Or Anthony Milczarek.
Their harsh voices and tearing courage
Are already lost in the wind,
But their true monuments
Will always be there, in the dust
And the gray ashes and the mounds
Settling over the bodies over which
No prayers were ever whispered,
No tears shed by a grieving mother
Or a trembling sister.''

This team of Polish leaders journeyed to Katyn, Russia, in order to begin to unravel this story of where history lived that for seven decades, three-quarters of a century, was denied. And I have to say that the Prime Minister of Russia, Vladimir Putin, is to be commended royally for his attention to what happened and, in addition to that, for having the courage to look history in the eye and not be afraid of it and to know that we are living in a new millennium and to allow the film Katyn by Andrzej Wajda to be shown on television in Russia before the crash and then after.

□ 1915

And so to make history right, and the President of Russia, Mr. Medvedev, to be able to move on and to work together with the deep heritage that our peoples all have together and to use our power to make the world a better place, what a moment for all of us to be living, and an opportunity, a set of opportunities that should not be lost.

And I would like to yield back to my friend from Indiana (Mr. DONNELLY).

Mr. DONNELLY of Indiana. In listening to your comments, what continues as a theme throughout all of this is the unbreakable spirit of freedom of the Polish nation; that, despite some of the most harsh treatment from other countries, some of the most difficult challenges ever faced, their strength, their courage, their determination changed the face of the world.

I'm sure my good friend from Ohio remembers that day when a new Pope was chosen many years ago, and out on to the balcony came Pope John Paul II. And I remember the announcer saying, This Pope is from Poland. And when that happened, the whole world changed.

And it wasn't too long after that that a strike at a shipyard in Gdansk again changed the face of the world, and that the courage of those workers and the strength of their belief in freedom and the Pope's keeping an eye on them, so to speak, helped change the entire world again; where you heard so many times that the Iron Curtain could never be broken, that the Soviet Union would never change, that Poland was a smaller nation than the Soviet Union and would never have a chance to see their spirit of democracy bloom and flower.

But the determination of the people of that country could not be denied, and their example led to the Berlin Wall coming down, led to country after country getting their own freedom and their own democracy. And it was all started in a shipyard in Gdansk by the Polish nation who believed in a cause that was right, in a cause that was just, and believed that we are all creatures of God, and God has given us that opportunity to have freedom. And because of that, the whole world changed because of the strength of the people of Poland.

And so tonight, as we stand here in our own beloved Capitol of this Nation we love so much, we want all of our friends of Polish heritage to know and all of our friends who are in Poland to know that we stand together with them, that we are as one, and that they can always count on our being there whenever needed.

Ms. KAPTUR. The gentleman's words are so eloquent. And I am reminded that in the resolution that was passed this afternoon here in the Congress, one of those who lost her life on that plane was Anna Walentynowicz, who's the former dock worker whose firing in 1908 sparked the solidarity strike that ultimately overthrew the Polish communist government, and of course she was killed in the crash as well.

And last August, when I traveled to Poland, one of the cities we visited was Poznan, and what was—there were many, many moments that were memorable, but I can remember standing near the town square and seeing very huge, huge crosses, metal crosses that had rope bonds around them, and underneath it, the years 1956 through the late fifties, through the sixties, through the seventies, all of the strikes and protests inside of communist Poland that ultimately, in 1980 and during the decade of the 1980s, then erupted.

But the courage, the progressive courage, decade after decade after decade, at, obviously, threat to loss of their own life and loss of their own life, the people of Poland trying to build a

solidarity movement to change life in that part of the world was an extraordinary story. It's a story of great heroism. And I think the gentleman reminds us of the price that has been paid by the people of Poland for their liberty.

Mr. DONNELLY of Indiana. And I think back of all the incredible accomplishments that have occurred because of that desire for freedom, that recognition that each human being is special and that God has given us those rights. And that's why Lech Walesa stood up and said, Enough.

In my own district, on the West side of South Bend, also Saint Adalberts, which is the central—one of the central points of the Polish communities in South Bend, and in Michigan City, Saint Stanislas Kostka, which is another central point where the community today is as strong and as vibrant as ever and has a very heavy heart this week after what has happened, after seeing folks they care so much about be in such a terrible, terrible accident, a terrible loss. And their tremendous pride in their American heritage and their Polish heritage has led those communities to be such bright lights in my State and, I know, in Ohio as well.

Ms. KAPTUR. You know, Congressman DONNELLY, when we think back to Poland's history during World War II, no nation lost a higher percentage of its people. Twenty percent of the population of Poland was eliminated. And the strength that it took to survive that and to endure, history should well note the dismembering of their nation and their ability to prevail and ultimately then, in the fifties and sixties and seventies and eighties, they come from a heritage of great suffering and great triumph.

Mr. DONNELLY of Indiana. And to a community where Easter is such a special event and to have this happen so shortly after Easter, in Rolling Prairie, a little town just outside of South Bend where there is also another Saint Stanislas Kostka, where Easter is celebrated as something not only very important spiritually, but also to the Polish community as well, to have this happen so shortly after that may have made the pain even more difficult.

But what the people of Poland know is that they have suffered and struggled before, and from each time they deal with struggling and suffering, they come out stronger and they come out as a nation more united every time. And so from this pain, from this sorrow will come comfort and the understanding and knowledge of all the friends that the nation of Poland has throughout the world. And that, we hope, can be of some comfort.

Ms. KAPTUR. I thank you for your words and compassion; and, in a similar vein, wish to place in the RECORD two letters that have been issued relating to this tragedy. One is from Stefan Wisniowski, who is the President of the Kresy-Siberia Foundation. This particular foundation is trying to virtually tell the history of the millions of Poles who were relocated during World War II from the eastern half of Poland and sent to concentration camps and labor camps in Siberia and points east as the Red Army assumed control of the eastern half of Poland. There were lives, hundreds of thousands upon thousands of lives lost.

And he writes the following: What has happened is a black day for Poland and for her children around the world, including all of us at the Kresy-Siberia Foundation who are working for the remembrance and recognition of our collective history.

Those who perished were all leaders in the nation's quest for remembrance and identity. Many were close friends of the Kresy-Siberia Foundation, and among those we have lost are two of the honorary patrons of the Kresy-Siberia Virtual Museum: Ryszard Kaczorowski, the last Polish President-in-Exile, and Janusz Krupski, Ministry for Veterans and Repressed Peoples.

Our first important backer, Mr. Maciejski, who's President of the Inota Polska, which is the Polish Union Association, who had the courage and vision to be the first major sponsor of our virtual museum and whose organization now hosts our office in Warsaw.

He also says, Janusz Kurtyka, president of the Institute for National Remembrance, who headed one of our foundation's most important partners, Andrzej Przewoznik, who's Secretary overseeing the Council for the Protection of Memory of Struggle and Martyrdom, an important friend and collaborator of the Kresy-Siberia Foundation, and of course he references President Kaczynski and his wife, Maria, who were both aware and very supportive of the foundation's efforts.

And then he recognized the scores of leaders of the Siberian Association, the Katyn Families Association, the Golgotha of the East Foundation, and all our friends and colleagues drawn to the common flame of Katyn and all lost in the flames of the presidential jet crash.

The tragic irony of this circumstance is not lost on us. Like the cream of the Polish nation murdered 70 years ago and who the presidential party was en route to commemorate at Katyn, an entire leadership group of our nation has been lost to us. Literally, the entire chiefs of staff of the Army, Air Force, Navy have all perished, along with scores of parliamentarians, government officials, religious leaders, and historical activists like us.

We Poles will recover, for as a nation we always have, but we have lost a strong core of our most passionate and historically aware patriots. We are in shock and mourning. Our thoughts and prayers are with the nation and with the families of those who lost their loved ones. May Poland and all her children around the world rally in unity at this tragic blow.

And I would hope that the United States of America would take up the gauntlet and help Poland continue the effort to remember, to restore her archival collections, to try to make and honor those who lost their lives under such horrendous circumstances over 70 years ago, and that the ground that now is sacred because of additional lives lost as well as those in the past has special meaning in the world today, and that we need to remember and we need to account for every lost life. America can help in this cause.

And another letter that was sent from Alex Storozynski, who's president and executive director of the Kosciuszko Foundation based in New York writes:

''Dear friends,

''As we mourn the loss of President Lech and Maria Kaczynski and their talented delegation of leaders, we must make sure that these deaths were not in vain.

''After a coverup, the Katyn Massacre which lasted for decades, today the truth about Katyn was on television and page 1 news around the world.

''As the anthem says, 'Poland has not perished while we are alive.'

''President Kaczynski and his Cabinet presided over a period of prosperity, and today Poland has the 18th largest economy in the world, a free press where people can speak their minds, and a stable democratic system where voters elect their leaders.

''These are great strides made by our fatherland over the past 20 years and we should all be proud. So wherever you are, go visit a Polish Consulate, a Polish church, a Polish club, or a Polish cultural center and share your condolences. But remember to count your blessings as well.''

I thought that was a beautiful call to action here in the United States and abroad.

Congressman DONNELLY, please.

Mr. DONNELLY of Indiana. I just want to thank my good friend from Ohio for letting me be part of this. And to the nation of Poland, our hearts and our sympathy are with you at this very, very difficult time.

Ms. KAPTUR. I thank Congressman DONNELLY for joining us this evening, and Congressman FRANKS from Arizona, Congressman DONNELLY from Indiana, Congresswoman KAPTUR from Ohio. To all of our colleagues from across this country, and certainly from the Polish American Caucus here in the Congress—Congressman LIPINSKI, Congressman DINGELL, Congressman CHRIS MURPHY, Congressman MIKE QUIGLEY of Chicago, Congressman DENNIS KUCINICH of Cleveland, Ohio, Congresswoman MARCIA FUDGE of the same region—all of us are united in our common grief as well as common hope that the future of Poland in this millennium will be very bright, and America stands with you at this very historic moment.

This is a black day for Poland and for her children around the world, including all of us at Kresy-Siberia who are working for the remembrance and recognition of our collective history.

Those who perished today were all leaders in the Nation's quest for remembrance and identity.

Many were close friends of the Kresy-Siberia Foundation, and among those we have lost are:

Two of the Honorary Patrons of the Kresy-Siberia Virtual Museum; Ryszard Kaczorowski, the last Polish President-in-Exile, and Janusz Krupski, Ministry for Veterans and Repressed Persons.

Our first important backer, Maciejski, President of the ''lnota Polska'' (Polish Union) Association, who had the courage and vision to be the first major sponsor of our virtual museum and whose organization now hosts our office in Warsaw.

Janusz Kurtyka, President of the Institute for National Remembrance, who headed one of our Foundation's most important Partners.

Andrzej Przewonik, Secretary overseeing the Council for the Protection of Memory of Struggle and Marytdom, an important friend and collaborator of the Kresy-Siberia Foundation.

President Kaczyski and especially Mrs. Kaczyska, who we met in Warsaw last September, who were both aware of and very supportive of Kresy-Siberia.

Scores of leaders of the Siberian Association, the Katyn Families Association, the Golgotha of the East Foundation, and all our friends and colleagues drawn to the common flame of Katyn and all lost in the flames of the presidential jet crash.

The tragic irony of this circumstance is not lost on us.

Like the cream of the Polish nation murdered 70 years ago, and who the Presidential party was en route to commemorate at Katyn, an entire leadership group of our nation has been lost to us. Literally, the entire chiefs of staff of the Army, Air Force, and Navy have all perished. Along with scores of parliamentarians, government officials, religious leaders, and historical activists like us.

We Poles will recover, for as a Nation we always have. But we have lost a strong core of our most passionate and historically aware patriots.

We are in shock and mourning.

Our thoughts and prayers are with the Nation and with the families of those who lost their loved ones.

May Poland and all her children around the world rally in unity at this tragic blow.

STEFAN WISNIOWSKI,
Foundation President, Kresy-Siberia Foundation.

___

Dear Friends,

As we mourn the loss of President Lech and Maria Kaczynski and their talented delegation of leaders, we must make sure that these deaths were not in vain.

After a cover up of the Katyn Massacre, which lasted for decades, today the truth about Katyn was on television—and page-one news around the world!

As the anthem says, ''Poland has not perished while we are alive.''

President Kaczynski and his cabinet presided over a period of prosperity, and today Poland has the 18th largest economy in the world, a free press where people can speak their minds, and a stable democratic system where voters elect their leaders.

These are great strides made by our fatherland over the past 20 years and we should all be proud. So wherever you are, go visit a Polish Consulate, a Polish church, club, or cultural center and share your condolences. But remember to count your blessings as well!

All the best,

ALEX STOROZYNSKI,
President & Executive Director, The Kosciuszko Foundation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. SKELTON, for 5 minutes, today.

Ms. LEE of California, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Ms. SUTTON, for 5 minutes, today.

Mr. HEINRICH, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Mr. LARSEN of Washington, for 5 minutes, today.

Mr. TAYLOR, for 5 minutes, today.

Ms. LORETTA SANCHEZ of California, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. MCMAHON, for 5 minutes, today.

Ms. JACKSON LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, April 21.

Mr. POE of Texas, for 5 minutes, April 21.

Mr. JONES, for 5 minutes, April 21.

Mr. THOMPSON of Pennsylvania, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1749. An act to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners, to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4573. An act to urge the Secretary of the Treasury to instruct the United States Executive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti's debts to such institutions, and for other purposes.

H.R. 4887. An act to amend the Internal Revenue Code of 1986 to ensure that health coverage provided by the Department of Defense is treated as minimal essential coverage.

ADJOURNMENT

Mr. DONNELLY of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Thursday, April 15, 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. 3506, the Eliminate Privacy Notice Confusion Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 3506, THE ELIMINATE PRIVACY NOTICE CONFUSION ACT, AS INTRODUCED ON JULY 31, 2009, AND AMENDED ON APRIL 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 in the Deficit												
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

Note: Components may not sum to totals because of rounding.

Source: Congressional Budget Office.

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. 4994, the Taxpayer Assistance Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 4994, THE TAXPAYER ASSISTANCE ACT OF 2010, AS PROVIDED BY THE HOUSE COMMITTEE ON THE BUDGET ON APRIL 14, 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	20	−15	−20	−15	−13	−10	−6	−2	2	5	9	−52	−45

Note: Components may not sum to totals because of rounding.

Source: Congressional Budget Office and Joint Committee on Taxation.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6995. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ammonium Salts of Fatty Acids (C8-C18 Saturated); Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0652; FRL-8809-6] received March 23, 2010 to the Committee on Agriculture.

6996. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cloquintocet-mexyl; Pesticide Tolerances [EPA-HQ-OPP-2009-0714; FRL-8816-3] received March 23, 2010 to the Committee on Agriculture.

6997. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Clopyralid; Pesticide Tolerances [EPA-HQ-OPP-2009-0092; FRL-8814-2] received March 23, 2010 to the Committee on Agriculture.

6998. A letter from the Assistant Secretary, Department of Defense, transmitting a letter regarding the National Guard and Reserve Equipment Report to the Committee on Armed Services.

6999. A letter from the Executive Director, Consumer Product Safety Commission, transmitting the Fiscal Year 2009 Annual Report to the Committee on Energy and Commerce.

7000. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products: Classifying Products as Covered Products [Docket No.: EE-RM-03-630] (RIN: 1904-AB52) received March 22, 2010 to the Committee on Energy and Commerce.

7001. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's ''Major'' final rule — Energy Conservation Program: Energy Conservation Standards for Small Electric Motors [Docket No.: EERE-2001-BT-STD-0007] (RIN: 1904-AB70) received April 8, 2010 to the Committee on Energy and Commerce.

7002. A letter from the Deputy Assistant Administrator/Office of Diversion Control, Department of Justice, transmitting the Department's ''Major'' final rule — Electronic Prescriptions for Controlled Substances [Docket No.: DEA-218I] (RIN: 1117-AA61) received April 1, 2010 to the Committee on Energy and Commerce.

7003. 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; Illinois; NOx Budget Trading Program; Correction [EPA-R05-OAR-2009-0964; FRL-9129-9] received March 23, 2010 to the Committee on Energy and Commerce.

7004. 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; Michigan; PSD Regulations [EPA-R05-OAR-2007-1043; FRL-9129-5] received March 23, 2010 to the Committee on Energy and Commerce.

7005. 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; Texas; Revision to Control Volatile Organic Compound Emissions in the Houston/Galveston/Brazoria 8-Hour Ozone Nonattainment Area [EPA-R06-OAR-2007-0526; FRL-9130-8] received March 23, 2010 to the Committee on Energy and Commerce.

7006. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Atlantic City, New Jersey) [MB Docket No.: 09-231] received March 25, 2010 to the Committee on Energy and Commerce.

7007. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Digital Audio Broadcasting Systems And Their Impact on the Terrestrial Radio Broadcast Service [MD Docket No.: 99-325] received March 25, 2010 to the Committee on Energy and Commerce.

7008. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's annual report for fiscal year 2009, in accordance with Section 203(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174 to the Committee on Oversight and Government Reform.

7009. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's fiscal year 2009 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174 to the Committee on Oversight and Government Reform.

7010. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-40; Small Entity Compliance Guide [Docket FAR 2010-0077, Sequence 2] received March 25, 2010 to the Committee on Oversight and Government Reform.

7011. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-40; Introduction [Docket FAR 2010-0076, Sequence 2] received March 25, 2010 to the Committee on Oversight and Government Reform.

7012. A letter from the Acting Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-027, Federal Awardee Performance and Integrity Information System [FAC 2005-40; FAR Case 2008-027; Docket 2009-030, Sequence 1] (RIN: 9000-AL38) received March 25, 2010 to the Committee on Oversight and Government Reform.

7013. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Harbor Porpoise Take Reduction Plan Regulations [Docket No.: 080721862-8864-01] (RIN: 0648-AW51) received March 25, 2010 to the Committee on Natural Resources.

7014. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XU62) received March 25, 2010 to the Committee on Natural Resources.

7015. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Kansas Advisory Committee to the Committee on the Judiciary.

7016. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the District of Columbia Advisory Committee to the Committee on the Judiciary.

7017. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Pennsylvania Advisory Committee to the Committee on the Judiciary.

7018. A letter from the Secretary, Department of Transportation, transmitting the Department's report on the Tribal-State Road Maintenance Agreements to the Committee on Transportation and Infrastructure.

7019. A letter from the Regulation Coordinator, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Policy and Technical Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Programs (RIN: 0938-AP77) received April 7, 2010 jointly to the Committees on Energy and Commerce and Ways and Means.

7020. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1872-DR for the State of Arkansas jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7021. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1873-DR for the State of New

Jersey jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

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:

Ms. PINGREE of Maine: Committee on Rules. House Resolution 1248. Resolution providing for consideration of the bill (H.R. 4715) to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes, waiving a requirement of clause 6(1) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules (Rept. 111–463). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ANDREWS (for himself, Mr. CONAWAY, Mr. SKELTON, Mr. MCKEON, Mr. ELLSWORTH, Mr. COFFMAN of Colorado, and Mr. HUNTER):

H.R. 5013. A bill to amend title 10, United States Code, to provide for performance management of the defense acquisition system, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 5014. A bill to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage; to the Committee on Ways and Means.

By Mr. MCGOVERN (for himself, Mr. JONES, Ms. LEE of California, Mr. JOHNSON of Illinois, Ms. PINGREE of Maine, Mr. CAPUANO, Mr. CONYERS, Mr. LUJÁN, Ms. SLAUGHTER, Mr. KUCINICH, Mr. NADLER of New York, Mr. SCHRADER, and Ms. HARMAN):

H.R. 5015. A bill to require a plan for the safe, orderly, and expeditious redeployment of United States Armed Forces from Afghanistan; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Utah (for himself, Mr. HASTINGS of Washington, Mr. KING of New York, and Mr. SMITH of Texas):

H.R. 5016. A bill to prohibit the Secretaries of the Interior and Agriculture from taking action on public lands which impede border security on such lands, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KANJORSKI (for himself, Mr. HODES, Mr. WILSON of Ohio, Mr. HINOJOSA, and Mr. COURTNEY):

H.R. 5017. A bill to ensure the availability of loan guarantees for rural homeowners; to the Committee on Financial Services.

By Ms. BEAN (for herself and Mr. CONAWAY):

H.R. 5018. A bill to amend title 31, United States Code, to direct the Director of the Office of Management and Budget to improve oversight of the single audit process, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. WELCH (for himself, Mr. EHLERS, Mr. MARKEY of Massachusetts, Mr. WAXMAN, and Mr. CARDOZA):

H.R. 5019. A bill to provide for the establishment of the Home Star Retrofit Rebate Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS (for herself, Ms. SPEIER, Mr. ELLISON, Ms. RICHARDSON, Ms. WATSON, Mr. MEEKS of New York, Mr. AL GREEN of Texas, Ms. CLARKE, Mr. BISHOP of Georgia, Mr. JOHNSON of Georgia, Mr. SCOTT of Virginia, Mr. WATT, Mr. PAYNE, Mr. CLEAVER, Mr. THOMPSON of Mississippi, Mr. CONYERS, Ms. FUDGE, Ms. WOOLSEY, Mr. LEWIS of Georgia, Mr. RANGEL, Mr. FRANK of Massachusetts, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. PIERLUISI, Mr. REYES, Mr. HONDA, Mr. PASTOR of Arizona, Ms. KAPTUR, Mr. CUMMINGS, Mr. MORAN of Virginia, Ms. SCHAKOWSKY, Mr. GARAMENDI, Ms. CORRINE BROWN of Florida, Ms. EDWARDS of Maryland, Mr. JACKSON of Illinois, Ms. MOORE of Wisconsin, Mr. DOGGETT, Mr. MCGOVERN, Mr. FARR, Mr. CLAY, Mr. HASTINGS of Florida, Ms. ROYBAL-ALLARD, Ms. LEE of California, Mr. STARK, Mr. CAPUANO, Mr. DEFAZIO, Mr. FILNER, Mr. DELAHUNT, Mrs. NAPOLITANO, and Ms. LORETTA SANCHEZ of California):

H.R. 5020. A bill to require the Federal Communications Commission to extend the time period for filing petitions to deny, oppositions, and comments in the proceeding relating to the proposed merger of Comcast and NBC Universal; to the Committee on Energy and Commerce.

By Mr. BISHOP of New York (for himself, Mr. MCMAHON, Mr. ELLSWORTH, Mr. NADLER of New York, and Mr. HARE):

H.R. 5021. A bill to amend the Internal Revenue Code of 1986 to provide that fees charged for baggage carried into the cabin of an aircraft are subject to the excise tax imposed on transportation of persons by air; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa:

H.R. 5022. A bill to authorize the Secretary of Education to make grants to 10 institutions of higher education for the expansion of master's degree in physical education programs that emphasize technology and innovative teaching practices; to the Committee on Education and Labor.

By Mr. GRIJALVA:

H.R. 5023. A bill to prescribe procedures for effective consultation and coordination by Federal agencies with federally recognized Indian tribes regarding Federal Government activities that impact tribal lands and interests to ensure that meaningful tribal input is an integral part of the Federal decision-making process; to the Committee on Natural Resources.

By Mr. HOLT (for himself and Mrs. MCCARTHY of New York):

H.R. 5024. A bill to authorize the Secretary of Education to award grants to improve access to, sharing of, and use of, education data to improve student outcomes, and for other purposes; to the Committee on Education and Labor.

By Mr. KENNEDY:

H.R. 5025. A bill to amend the Public Health Service Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY of Massachusetts (for himself and Mr. UPTON):

H.R. 5026. A bill to amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense of the United States from cybersecurity and other threats and vulnerabilities; to the Committee on Energy and Commerce.

By Mr. TONKO (for himself, Mr. GRIJALVA, Ms. FUDGE, and Ms. RICHARDSON):

H.R. 5027. A bill to direct the Secretary of Agriculture to assess the effectiveness and efficiency of administrative review systems to ensure compliance with Federal meal standards; to the Committee on Education and Labor.

By Mr. HODES:

H.J. Res. 82. A joint resolution proposing the ''Doris 'Granny D' Haddock Amendment of 2010'' to the Constitution of the United States regarding the authority of Congress and the States to regulate the spending and activities of corporations with regard to political campaigns and campaigns for election for public office; to the Committee on the Judiciary.

By Mrs. DAHLKEMPER (for herself, Mr. KANJORSKI, Mr. LIPINSKI, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. QUIGLEY, Mrs. NAPOLITANO, Mr. CONYERS, Ms. VELÁZQUEZ, Mr. GUTIERREZ, Mr. SIRES, Mr. VISCLOSKY, Mr. HOLDEN, Mr. COURTNEY, Mr. PASCRELL, Mr. HOLT, Mr. MCGOVERN, Mr. MILLER of North Carolina, Mr. FILNER, Mr. DOGGETT, Mr. BURTON of Indiana, Mr. LEVIN, Mr. KUCINICH, Mr. CARNEY, Ms. DEGETTE, Mr. LANGEVIN, Ms. HARMAN, Mr. TONKO, Mr. TANNER, Ms. NORTON, Mr. SNYDER, Mr. NEAL of Massachusetts, Mr. SMITH of New Jersey, Mr. MAFFEI, Mr. MCCAUL, Mr. BILIRAKIS, Ms. BERKLEY, Mr. PAYNE, Mr. SCOTT of Georgia, Mr. CARNAHAN, Mr. HASTINGS of Florida, Mr. SHERMAN, Mr. WILSON of South Carolina, Ms. KAPTUR, Mr. DINGELL, Mr. SCHAUER, Ms. JACKSON LEE of Texas, Mr. MANZULLO, Mr. OWENS, Mr. COSTA, Mr. POE of Texas, Mr. OLVER, Ms. BORDALLO, Mr. PENCE, Mr. MURPHY of Connecticut, Mr. HALL of New York, Mrs. MALONEY, Mr. HIGGINS, Mr. LEWIS of Georgia, Mr. PIERLUISI, Ms. SCHAKOWSKY, Mr. MOORE of Kansas, Ms. MARKEY of Colorado, Mr. ROGERS of Michigan, Ms. CORRINE BROWN of Florida, Mr. HUNTER, Mr. LARSON of Connecticut, Mr. JOHNSON of Georgia, and Ms. RICHARDSON):

H. Res. 1246. A resolution expressing sympathy to the people of Poland in the aftermath of the tragic plane crash that killed the country's President, First Lady, and 94 others on April 10, 2010; to the Committee on Foreign Affairs. considered and agreed to.

By Mr. LYNCH (for himself, Mr. DAVIS of Illinois, Mr. TOWNS, Mr. VAN

HOLLEN, Mr. MORAN of Virginia, Mr. CONNOLLY of Virginia, and Mr. CHAFFETZ):

H. Res. 1247. A resolution expressing the sense of the House of Representatives that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 3 through 9, 2010, and throughout the year; to the Committee on Oversight and Government Reform.

By Mr. BOEHNER:

H. Res. 1249. A resolution raising a question of the privileges of the House; to the Committee on Standards of Official Conduct.

By Ms. LEE of California (for herself, Mr. TOWNS, Mr. GRIJALVA, Ms. RICHARDSON, Ms. KILROY, and Mr. RYAN of Ohio):

H. Res. 1250. A resolution supporting the goals and ideals of ''National STD Awareness Month''; to the Committee on Energy and Commerce.

By Mr. POE of Texas (for himself and Mr. THORNBERRY):

H. Res. 1251. A resolution recognizing and honoring the United States troops who gave their lives on D-Day at the Battle of Normandy; to the Committee on Armed Services.

By Mr. ROONEY:

H. Res. 1252. A resolution commending the political leadership of Northern Ireland on reaching the Hillsborough Agreement on policing and justice; to the Committee on Foreign Affairs.

By Mr. WELCH:

H. Res. 1253. A resolution commemorating the 200th anniversary of the birth of Vermont Senator Justin Smith Morrill, who helped create a national system of land-grant colleges; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Mr. HILL, Mrs. MCCARTHY of New York, and Ms. VELÁZQUEZ.

H.R. 333: Ms. NORTON, Mr. LEWIS of Georgia, Ms. SUTTON, Mr. CUMMINGS, Ms. KILPATRICK of Michigan, Mrs. KIRKPATRICK of Arizona, Mr. WILSON of Ohio, Mr. MURPHY of New York, Mr. LUETKEMEYER, and Mr. MCNERNEY.

H.R. 362: Mr. TIAHRT.

H.R. 537: Mr. CONNOLLY of Virginia.

H.R. 728: Mr. BUCHANAN.

H.R. 758: Ms. SHEA-PORTER.

H.R. 855: Mr. TIM MURPHY of Pennsylvania.

H.R. 929: Mr. GRIJALVA.

H.R. 933: Mr. KINGSTON.

H.R. 1189: Ms. SUTTON, Mr. GARAMENDI, Mr. PAYNE, Mr. BLUMENAUER, and Mr. PAULSEN.

H.R. 1191: Mr. FILNER.

H.R. 1210: Mr. ARCURI.

H.R. 1310: Mr. HEINRICH.

H.R. 1322: Mr. DOYLE.

H.R. 1362: Mr. WEINER, Ms. NORTON, Mr. PITTS, and Mr. KLINE of Minnesota.

H.R. 1520: Mr. CONNOLLY of Virginia.

H.R. 1526: Mr. GUTHRIE.

H.R. 1549: Mr. FILNER.

H.R. 1551: Mr. CONNOLLY of Virginia.

H.R. 1557: Mr. TANNER.

H.R. 1616: Mr. CAO.

H.R. 1625: Ms. MOORE of Wisconsin, Ms. RICHARDSON, Mr. MOORE of Kansas, Ms. CHU, Mr. SIRES, Mr. CARNAHAN, Ms. SHEA-PORTER, and Mr. MCNERNEY.

H.R. 1670: Ms. MOORE of Wisconsin.

H.R. 1751: Ms. RICHARDSON, Mr. BACA, and Mr. PASCRELL.

H.R. 1826: Mr. LIPINSKI, Mr. CLEAVER, and Mr. SCHAUER.

H.R. 1844: Mr. CAPUANO.

H.R. 1855: Mr. WELCH.

H.R. 1875: Mr. FILNER and Mr. SHERMAN.

H.R. 1912: Mr. MAFFEI.

H.R. 1943: Mrs. MALONEY.

H.R. 1995: Mr. FORBES.

H.R. 2054: Ms. KILROY.

H.R. 2142: Mr. MATHESON, Mr. SCHIFF, Mr. MINNICK, and Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 2414: Mr. TOWNS and Ms. RICHARDSON.

H.R. 2425: Mr. ELLISON.

H.R. 2478: Mr. RANGEL, Mr. SULLIVAN, and Mr. BRALEY of Iowa.

H.R. 2480: Mr. ROGERS of Michigan.

H.R. 2483: Mr. PALLONE.

H.R. 2546: Mr. CAMPBELL.

H.R. 2565: Mr. PETRI.

H.R. 2583: Ms. KILROY.

H.R. 2733: Mr. LOEBSACK and Mrs. MCMORRIS RODGERS.

H.R. 2766: Ms. CLARKE and Mr. CONNOLLY of Virginia.

H.R. 2807: Ms. MARKEY of Colorado, Mr. BLUMENAUER, and Ms. KILPATRICK of Michigan.

H.R. 2808: Mr. BURTON of Indiana and Mr. DUNCAN.

H.R. 2891: Mr. KAGEN and Ms. CORRINE BROWN of Florida.

H.R. 2932: Mr. LYNCH and Mr. ELLISON.

H.R. 3018: Mr. GENE GREEN of Texas.

H.R. 3043: Mr. MORAN of Virginia, Mr. MAFFEI, and Mrs. CAPPS.

H.R. 3116: Mr. MILLER of Florida.

H.R. 3131: Mr. CAMPBELL.

H.R. 3189: Mr. FORBES.

H.R. 3243: Mr. CONNOLLY of Virginia.

H.R. 3315: Mr. MOORE of Kansas.

H.R. 3339: Mrs. KIRKPATRICK of Arizona.

H.R. 3393: Mr. TANNER, Mr. BRIGHT, Mr. COOPER, Mr. CHANDLER, and Mr. SCHIFF.

H.R. 3415: Mr. ROSS, Mr. MARCHANT, and Mr. SESSIONS.

H.R. 3421: Ms. DELAURO and Mr. MARCHANT.

H.R. 3464: Mr. PRICE of North Carolina, Mr. TEAGUE, Mrs. MILLER of Michigan, and Mr. ADERHOLT.

H.R. 3487: Mr. MILLER of Florida.

H.R. 3554: Mr. ROGERS of Michigan.

H.R. 3668: Mr. CARSON of Indiana, Mr. BRADY of Pennsylvania, Mr. MARKEY of Massachusetts, Mr. LYNCH, Mr. CULBERSON, Mr. CAPUANO, Mr. SCOTT of Georgia, Ms. ROYBAL-ALLARD, Mr. HELLER, Mr. FARR, Mrs. MALONEY, Ms. MATSUI, Mr. NADLER of New York, Mrs. NAPOLITANO, Mr. MICHAUD, Mr. BARTLETT, Mr. GARAMENDI, Mr. AL GREEN of Texas, Ms. NORTON, Mr. PASCRELL, Ms. SUTTON, Mr. ORTIZ, Mr. MELANCON, Mr. HALL of New York, Mrs. MCCARTHY of New York, Mr. TIM MURPHY of Pennsylvania, Mr. PETRI, Mr. CARNAHAN, Ms. PINGREE of Maine, Mr. GUTHRIE, Mr. WEINER, and Mr. BERRY.

H.R. 3715: Mr. MAFFEI.

H.R. 3720: Mr. LOEBSACK.

H.R. 3745: Ms. SPEIER and Mr. CAPUANO.

H.R. 3787: Mr. ARCURI.

H.R. 3790: Mr. CALVERT, Mr. BRIGHT, Ms. KILROY, and Mr. LUCAS.

H.R. 3799: Ms. NORTON.

H.R. 3924: Mr. GRIFFITH, Mr. TERRY, Mr. ROGERS of Michigan, and Mr. BROWN of South Carolina.

H.R. 4021: Mr. SCOTT of Virginia.

H.R. 4090: Mr. RAHALL and Mr. ELLISON.

H.R. 4094: Mr. SCOTT of Virginia.

H.R. 4109: Mr. HASTINGS of Florida and Mr. BISHOP of Georgia.

H.R. 4123: Ms. SUTTON.

H.R. 4144: Mr. MCDERMOTT.

H.R. 4148: Ms. RICHARDSON.

H.R. 4178: Mr. CLAY.

H.R. 4196: Mr. KUCINICH.

H.R. 4199: Mr. COURTNEY.

H.R. 4255: Mr. SCHRADER and Ms. SUTTON.

H.R. 4296: Mr. LYNCH and Mr. KING of New York.

H.R. 4300: Mr. KRATOVIL.

H.R. 4321: Mr. LANGEVIN.

H.R. 4351: Mr. CARNEY.

H.R. 4399: Mr. ACKERMAN.

H.R. 4402: Ms. WOOLSEY and Mr. CONNOLLY of Virginia.

H.R. 4405: Ms. BALDWIN, Mr. FATTAH, Mr. HONDA, Mr. KUCINICH, Ms. NORTON, and Mr. ELLISON.

H.R. 4410: Mr. MCCOTTER, Mrs. MILLER of Michigan, Mr. HILL, and Mr. SHERMAN.

H.R. 4426: Ms. CHU.

H.R. 4443: Mr. WEINER.

H.R. 4494: Mr. RYAN of Ohio.

H.R. 4530: Mr. OBERSTAR and Mr. PETERS.

H.R. 4544: Mr. LANGEVIN, Mr. ROGERS of Alabama, and Mr. WILSON of Ohio.

H.R. 4594: Mr. DOYLE, Mr. FATTAH, Mr. LUJÁN, Mr. SCHIFF, Mr. KISSELL, and Mr. HOLT.

H.R. 4599: Mr. CONNOLLY of Virginia.

H.R. 4607: Mr. RYAN of Ohio.

H.R. 4669: Mr. GUTIERREZ and Ms. VELÁZQUEZ.

H.R. 4671: Mr. CONNOLLY of Virginia.

H.R. 4676: Mr. SKELTON and Mr. KLEIN of Florida.

H.R. 4684: Mr. MCGOVERN, Ms. JACKSON LEE of Texas, Mr. EHLERS, Mr. BROWN of South Carolina, Mrs. MYRICK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCDERMOTT, Mr. RYAN of Ohio, Mr. WILSON of South Carolina, Mr. ROGERS of Michigan, Mr. UPTON, Ms. MARKEY of Colorado, and Mr. HOLDEN.

H.R. 4690: Mr. GEORGE MILLER of California and Mr. LYNCH.

H.R. 4692: Mr. YARMUTH and Mr. FILNER.

H.R. 4711: Mr. HEINRICH.

H.R. 4720: Mr. HALL of New York.

H.R. 4722: Mr. CONNOLLY of Virginia, Mr. DINGELL, Mr. ELLISON, and Mr. SCOTT of Virginia.

H.R. 4733: Mr. PETERS and Mr. CONNOLLY of Virginia.

H.R. 4745: Mr. SHERMAN, Mr. WATT, and Ms. RICHARDSON.

H.R. 4746: Mr. HALL of Texas, Mr. MCCAUL, Mr. SIMPSON, Mr. ALEXANDER, Mr. LATTA, Mr. WILSON of South Carolina, Mr. PAUL, Mr. POE of Texas, and Mr. FRANKS of Arizona.

Poe of Texas, and Mr. FRANKS of Arizona.

H.R. 4749: Mr. HODES.

H.R. 4752: Mr. LYNCH and Mr. JACKSON of Illinois.

H.R. 4753: Mr. ROSS.

H.R. 4764: Mr. FILNER, Mr. WILSON of South Carolina, Mr. WITTMAN, Mr. ROGERS of Alabama, and Mr. TIM MURPHY of Pennsylvania.

H.R. 4785: Mr. JOHNSON of Georgia, Mr. GORDON of Tennessee, Mr. PASTOR of Arizona, and Ms. MARKEY of Colorado.

H.R. 4788: Mr. ARCURI, Mr. CONNOLLY of Virginia, Mr. CARNAHAN, Mr. HOLDEN, Mr. BOCCIERI, Mr. ELLISON, Mr. CARNEY, and Mr. HALL of New York.

H.R. 4790: Mr. CONYERS, Mr. GENE GREEN of Texas, Mr. HODES, Mr. LYNCH, Mrs. NAPOLITANO, Mr. OLVER, Mr. SARBANES, and Ms. WOOLSEY.

H.R. 4797: Mr. CONNOLLY of Virginia.

H.R. 4812: Mr. HEINRICH, Ms. EDWARDS of Maryland, Mr. LUJÁN, Mr. MAFFEI, Ms. SPEIER, Mr. COURTNEY, Mr. DELAHUNT, and Mr. YARMUTH.

H.R. 4818: Mr. RUSH.

H.R. 4819: Mr. HARE and Ms. JACKSON LEE of Texas.

H.R. 4830: Mr. GUTIERREZ.

H.R. 4835: Mr. GUTHRIE.

H.R. 4844: Mr. ALEXANDER, Mr. CAO, and Mr. SCALISE.

H.R. 4850: Mr. DAVIS of Alabama, Mr. MCCOTTER, Mr. SPACE, Ms. RICHARDSON, Mr. WILSON of Ohio, Mr. VAN HOLLEN, Mr. TOWNS, Mr. UPTON, Mr. MEEK of Florida, Mr. MAFFEI, Mr. NUNES, Mr. PASCRELL, and Ms. BERKLEY.

H.R. 4856: Mr. ROSS, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MOORE of Kansas, and Mr. SCHIFF.

H.R. 4862: Mr. JOHNSON of Georgia.

H.R. 4868: Mr. RANGEL and Mr. NADLER of New York.

H.R. 4870: Mr. ISRAEL.

H.R. 4879: Mr. KIRK, Ms. BALDWIN, Mr. STARK, Mr. PETERS, Mr. PALLONE, and Mr. SMITH of Washington.

H.R. 4898: Mr. CAO and Mr. FILNER.

H.R. 4903: Mr. BILIRAKIS.

H.R. 4904: Mr. LATTA and Mr. MORAN of Kansas.

H.R. 4910: Mr. SMITH of New Jersey, Mr. YOUNG of Alaska, and Mr. LAMBORN.

H.R. 4921: Mr. MOORE of Kansas.

H.R. 4923: Mr. FORTENBERRY, Mr. MARSHALL, and Ms. SUTTON.

H.R. 4925: Ms. BERKLEY and Ms. KILROY.

H.R. 4947: Mr. MARSHALL and Mr. ROSS.

H.R. 4956: Mr. WOLF.

H.R. 4960: Mr. DENT and Mr. LANCE.

H.R. 4966: Mr. BILBRAY.

H.R. 4972: Mr. BILIRAKIS.

H.R. 4981: Mrs. BACHMANN and Mr. SKELTON.

H.R. 4985: Mr. SESSIONS and Mr. ROHRABACHER.

H.R. 4995: Mr. TIAHRT.

H.R. 4996: Mr. SESSIONS, Mr. POE of Texas, Mr. ROE of Tennessee, and Mr. HERGER.

H.R. 5000: Mr. ROTHMAN of New Jersey and Mr. CLAY.

H.R. 5006: Mr. JOHNSON of Georgia.

H.J. Res. 81: Mr. BISHOP of Georgia, Mr. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CONYERS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Ms. EDWARDS of Maryland, Ms. FUDGE, Ms. JACKSON LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. LEE of California, Mr. LEWIS of Georgia, Ms. MOORE of Wisconsin, Ms. NORTON, Mr. PAYNE, Ms. RICHARDSON, Mr. RUSH, Mr. THOMPSON of Mississippi, and Mr. SERRANO.

H. Con. Res. 4: Mr. PETERSON.

H. Con. Res. 88: Mr. FORBES.

H. Con. Res. 92: Mr. WU, Mr. STARK, and Ms. ZOE LOFGREN of California.

H. Con. Res. 98: Mr. JACKSON of Illinois, Ms. WATSON, Mr. SMITH of Washington, and Mr. HINCHEY.

H. Con. Res. 137: Mr. MEEKS of New York and Ms. CLARKE.

H. Con. Res. 233: Mr. KUCINICH.

H. Con. Res. 255: Mrs. CHRISTENSEN, Mr. LIPINSKI, Mr. REYES, Mr. DAVIS of Illinois, Mr. RYAN of Ohio, Mr. MCGOVERN, Ms. DELAURO, Mr. WAXMAN, Mr. BACA, Mr. QUIGLEY, Ms. PINGREE of Maine, Mr. SCHAUER, Mr. PRICE of North Carolina, and Mr. TONKO.

H. Res. 111: Ms. FALLIN, Mr. HILL, and Mr. SULLIVAN.

H. Res. 407: Mr. BUTTERFIELD.

H. Res. 639: Mr. FORBES.

H. Res. 886: Mr. GOODLATTE.

H. Res. 1056: Mr. ROE of Tennessee, Mr. HOLDEN, Mr. MICHAUD, Mrs. BACHMANN, Mr. FILNER, Mr. INGLIS, Mr. PLATTS, Mr. WILSON of South Carolina, and Mr. ROGERS of Michigan.

H. Res. 1064: Mr. HOLT, Mr. CUMMINGS, Mr. CAPUANO, and Ms. RICHARDSON.

H. Res. 1116: Mr. GINGREY of Georgia, Mr. GRIFFITH, Ms. MATSUI, Mr. PITTS, Mrs. BLACKBURN, Mr. LATHAM, Mr. SPACE, Mrs. CAPPS, Mr. BOUCHER, Ms. DEGETTE, and Mrs. BONO MACK.

H. Res. 1143: Mr. KIRK, Mr. FILNER, Mr. REICHERT, and Mr. RYAN of Ohio.

H. Res. 1158: Mr. ADERHOLT.

H. Res. 1181: Mr. MILLER of Florida.

H. Res. 1182: Mr. MARKEY of Massachusetts, Mr. DOYLE, Mr. BUTTERFIELD, Mr. WILSON of Ohio, Mr. HALL of New York, Mr. DINGELL, Mr. RAHALL, Mr. RYAN of Ohio, Mr. WAXMAN, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. HODES, Ms. RICHARDSON, Mr. CONNOLLY of Virginia, Mr. ROSS, Ms. NORTON, Mr. HOLDEN, Mr. GORDON of Tennessee, Mr. COSTELLO, Mr. GONZALEZ, and Ms. LEE of California.

H. Res. 1187: Ms. TITUS, Mr. ISRAEL, Mr. TONKO, Ms. LORETTA SANCHEZ of California, Mr. KILDEE, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Ms. CLARKE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK of Michigan, Mr. JACKSON of Illinois, Mr. PALLONE, Mr. HOLT, Mr. PASTOR of Arizona, Mr. STARK, Mr. OLVER, Ms. ROYBAL-ALLARD, Mr. KLEIN of Florida, Ms. WATERS, Ms. WOOLSEY, Mr. BERRY, Ms. BALDWIN, Mr. ELLISON, Ms. SCHWARTZ, Ms. ESHOO, Ms. CASTOR of Florida, Mrs. LOWEY, and Ms. DEGETTE.

H. Res. 1211: Ms. CORRINE BROWN of Florida and Ms. LEE of California.

H. Res. 1216: Mr. STUPAK and Mr. MCCOTTER.

H. Res. 1240: Mrs. CHRISTENSEN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1549: Ms. BERKLEY.

H. Con. Res. 49: Mr. BRADY of Pennsylvania.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, WEDNESDAY, APRIL 14, 2010 *No. 52*

Senate

The Senate met at 9:31 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.

Today, O God, bring our Senators' hearts and minds into harmony with Your will, so that they may be assured that their lives are fulfilling Your high purpose. Give them the incentives they need, the trust that is essential, and the joy that is possible as they face the duties and opportunities that lie ahead. Lord, inspire them with the wisdom to correctly use the great power You have given them, so that they and others may be blessed. Bless them with Your maximizing power for the challenges, decisions, and responsibilities of this day. We pray in Your holy 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, April 14, 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.

MOMENT OF SILENCE

Mr. REID. Today, with this moment of silence, we are going to honor the people of Poland because of the tragedy that occurred there a few days ago. I extend my deepest condolences to the people of Poland. That plane carried 96 souls—parents, husbands, wives, and friends. It carried that nation's President, its First Lady, its Deputy Foreign Minister, lawmakers, and so many other military and civilian leaders. It is hard to comprehend. The tragedy and loss is unthinkable, and America grieves alongside our friends in Poland.

I also want to commend Senators DURBIN and JOHANNS for taking the lead on a resolution expressing sympathy for the people of Poland. With this resolution, the Senate formally states our condolences for the people of Poland.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now observe a moment of silence in solidarity with the people of Poland.

(Moment of silence.)

The ACTING PRESIDENT pro tempore. I thank the Members of the Senate.

Who seeks recognition? The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today, following the remarks by Senators regarding the tragedy in Poland—and we appreciate very much their being here—there will be a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each. The Republicans will control the first 30 minutes, and the majority will control the final 30 minutes.

Following morning business, the Senate will resume consideration of H.R. 4851, the Continuing Extension Act, with the time until 12:30 p.m. equally divided and controlled between the two leaders or their designees. If a point of order is raised against the pending Baucus amendment, at 12:30 p.m. the Senate will proceed to a vote on the motion to waive the Budget Act.

REFLECTION ON POLAND

Mr. REID. Mr. President, I would like to say, recognizing that she is here, that one of the remarkable moments of my career was a time a number of years ago when we were in Poland. The delegation was led by Senator John Glenn, and we were meeting with a number of dissidents in Poland—people who were fighting against the repression coming from the Soviet Union. Senator Glenn said a few words, and then I asked that Senator MIKULSKI, who is so proud of her Polish heritage, be recognized to say a few words to these freedom fighters in Poland, and it was one of the most remarkable speeches I have ever heard.

She was so powerful, talking about her background in Baltimore, her heritage, and I have never, ever forgotten that speech made by the Senator from Maryland. It was one of the most remarkable statements I have ever heard in my professional career.

EXPRESSING SYMPATHY FOR THE PEOPLE OF POLAND

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Printed on recycled paper.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 479, submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 479) expressing sympathy for the people of Poland in the aftermath of the devastating plane crash that killed the country's President, First Lady, and 94 other high ranking government, military, and civic leaders on April 10, 2010.

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, 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 479) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 479

Whereas the United States and Poland are close allies, with a shared bond of history, friendship, and international cooperation;

Whereas Polish immigrants were among the first Jamestown settlers, and Casimir Pulaski immigrated to the United States to fight in the Revolutionary War;

Whereas more than 9,000,000 Americans of Polish descent now reside in the United States, bringing vitality to major metropolitan areas such as Chicago, Detroit, and New York City;

Whereas Polish-Americans have been leaders in all walks of American life;

Whereas the American people stood in support of the Solidarity movement as it fought against the oppression of the communist government of Poland through peaceful means, eventually leading to Solidarity members being elected to office in open democratic elections held on June 4, 1989, events that helped spark the movement to democracy throughout eastern Europe;

Whereas Poland joined the North Atlantic Treaty Organization (NATO) in 1999, joined the European Union in 2004, and has contributed to United States and NATO operations in Iraq and Afghanistan;

Whereas Poland has enjoyed a thriving and prosperous free market democracy since the end of the Cold War;

Whereas the President of Poland Lech Kaczynski and 95 other people, including Poland's First Lady, the deputy foreign minister, dozens of members of Parliament, the chiefs of the army and navy, and the president of the national bank, were tragically killed in a plane crash in western Russia on April 10, 2010;

Whereas President Kaczynski and his colleagues were traveling to Katyn, Russia for a memorial service to mark the 70th anniversary of the Soviet secret police killing of more than 20,000 Polish officers, prisoners, and intellectuals who were captured after the Soviet Union invaded Poland in 1939;

Whereas Anna Walentynowicz, the former dock worker whose firing in 1980 sparked the Solidarity strike that ultimately overthrew the communist government of Poland, was also killed in the crash;

Whereas Ryszard Kaczorowski, who served as Poland's final president in exile before the country's return to democracy, also perished in the crash;

Whereas Chicago suffered the loss of a respected artist when Wojciech Seweryn, whose father was killed in Katyn, died in the crash;

Whereas Mr. Seweryn recently completed a memorial to the victims of Katyn at St. Adalbert Cemetery in Niles, Illinois, which President Kaczynski planned to visit in May;

Whereas President Barack Obama said, the ''loss is devastating to Poland, to the United States, and to the world. President Kaczynski was a distinguished statesman who played a key role in the Solidarity movement, and he was widely admired in the United States as a leader dedicated to advancing freedom and human dignity.'';

Whereas Former Solidarity leader and ex-president Lech Walesa said, ''Today, we lost part of our intellectual elite in a plane crash. It will take a long time until the wounds of our democracy are healed.''; and

Whereas thousands of Poles gathered in the center of Warsaw and elsewhere around the world on Saturday to mourn those killed in the crash and affirm their continued solidarity with the people of Poland: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its deepest sympathies to the people of Poland and the families of those who perished for their profound loss;

(2) expresses strong and continued solidarity with the people of Poland and Polish-American communities in the United States; and

(3) expresses unwavering support for the Government of Poland as it works to address the loss of many key public officials.

Mr. DURBIN. Mr. President, I also want to join Senator REID in acknowledging the cosponsors of this resolution, and I am sure this list will grow as our colleagues come forward and ask to be added, but I thank Senator JOHANNS for joining me in this effort. I give special thanks to Senator MIKULSKI. We know of her pride in her Polish heritage and we know of her deep respect for the people of Poland and our shared grief over the loss to that great nation. Senators KERRY, VOINOVICH, BROWN of Ohio, CARDIN, and others have also joined me in considering this resolution.

I come to the floor of the Senate, Mr. President, with a heavy heart. I express my sympathy to the people of Poland and to Ambassador Kupiecki who is here representing them. I shared a moment with him earlier this morning and mentioned that when I heard the news of this tragic loss, my thoughts went back immediately to 47 years ago when we lost our President, John Kennedy, and what it meant to our Nation and how devastating it was. This city ground to a halt on that day, and the bells began to peal in the church towers all across Washington every hour on the hour as our Nation reflected on its great loss. It was a time of great sadness, as it should have been in our history, and as I am sure it is now in Poland, as people reflect on the morning of Saturday, April 10, when a plane carrying Polish President Lech Kaczynski, his wife Maria, and 94 other high-ranking government, military and civilian leaders crashed while traveling to a memorial service in Russia that was to recognize and memorialize the dreadful Katyn massacre.

The tragic accident is a devastating loss to the Nation of Poland and to their friends around the world. This photo I brought to the floor shows literally thousands of Poles who gathered in Warsaw on Saturday evening to remember those who died. They were outside St. John's Cathedral in Warsaw grieving for the loss of their President and so many leaders of their nation.

The pain of this sad moment is felt around the world but especially in the city of Chicago, which I am honored to represent. It is home to more Polish American families than anywhere else in the United States. And what a proud heritage they bring to our city, our State, and our Nation; what a contribution they have made. The grief they feel today is a grief we share.

Yesterday, as I mentioned, my fellow Senators joined me in offering this resolution. The United States and Poland share a strong bond of history, friendship, and international cooperation. Polish Americans have become leaders in all walks of life. In the Senate, Senator MIKULSKI and others of Polish heritage have shown that their contribution to America continues to this day. We joined with Poland in our Revolutionary War, and we are so grateful for those Poles who, like Casimir Pulaski and others, stepped forward and joined us in our effort to gain independence. When the time came many decades later, and Poland was seeking its own independence after the Solidarity movement, the United States stood by their side.

We know President Kaczynski was part of that effort, and we know he was in fact interred in prison because he fought for democracy in Poland. He was respected throughout his country for the role he played and the leadership he brought to this modern, free, democratic Poland today. We have stood by Poland as the Solidarity movement grew into a strong, vibrant democracy. We have supported Poland's membership in NATO, so that we are joint allies in an effort to defend the values we share and in the European Union where they have become a modern economy and a major leader in Europe. Poland also stood by the United States as well in our efforts in Iraq and Afghanistan.

As Poles struggle to come to terms with this week's tragedy, the United States will stand with them and will support their government as it works to overcome the loss of so many of its great leaders.

President and Mrs. Kaczynski and their delegation were on a mission to try, so many years later, to close a deep wound to the Polish people of the Katyn massacre of World War II, where more than 20,000 Poles were executed by Soviet secret police and buried in

mass graves in that forest. As the Ambassador said to me this morning, that Katyn Forest is a holy and a cursed place because now this tragedy is added onto the memory of the loss that took place so many years ago.

Russia and Poland have begun to deal with this tragedy, and that is a positive thing. Russian Prime Minister Vladimir Putin recently joined Polish Prime Minister Donald Tusk at a ceremony marking that tragedy. Prime Minister Putin—the first Russian leader to attend that memorial service—said:

We bow our heads to those who bravely met death here.

This was the beginning of the closure of a critical chapter in the history of those two nations. This is the beginning of healing, which is long overdue. Sadly, the Katyn tragedy has now been compounded by the loss of so many of Poland's leaders who were destined to head to this location in memory of those who had fallen.

Aboard the plane were some of Poland's highest military and civilian leaders—the Deputy Foreign Minister, the Chiefs of the Army and Navy, the president of the national bank, and dozens of Members of Parliament. Two prominent civilian leaders aboard the plane were Wojciech Seweryn and Anna Walentynowicz.

Seweryn was an artist from Chicago and an influential member of Chicago's Polish community. Mr. Seweryn's father died at Katyn, and it soon became his life's passion to honor his father's memory with beautiful memorials that he had built in the United States and in the location of the Katyn Forest. What a bitter irony that he would lose his life journeying to this memorial occasion. Throughout his life he brought awareness to the Katyn tragedy. He led an effort in the Chicago area to construct a memorial in remembrance of the Katyn massacre at St. Adalbert Cemetery, which Poland's President Kaczynski was planning to visit in just a few weeks.

Anna Walentynowicz was a famous civilian leader and a former dock worker whose firing in 1980 sparked the Solidarity strike that ultimately overthrew the Polish Communist government. Due in part to her inspiration, Poland has emerged as a thriving and prosperous free market democracy since the end of the Cold War.

Poland shares a state partnership program with my home State's National Guard, a partnership that has been in place since shortly after the fall of the Berlin Wall. It is one of the many partnerships our Illinois National Guard has with former Warsaw Pact member nations. Since 1993, hundreds of Illinois National Guard members have participated in exchanges with Polish forces in cooperative efforts supporting the conflicts in Iraq and Afghanistan and in other military training and exchanges.

Among those killed in last week's tragedy are officers who were well known to the Illinois National Guard. Several troops in the Illinois Guard have served under the officers who were on President Kaczynski's aircraft. These fine soldiers are in the thoughts of all the people of Illinois and the 13,000 men and women of the Illinois National Guard today.

On Saturday I visited the Polish Consulate in Chicago to pay my respects and leave my regards in the condolence book. People were starting to flock to this site, people in Chicago, driving with Polish flags proudly displayed over their vehicles, to come to this consulate to express their own sorrow for this loss, to join in the long line signing the condolence book, and to leave flowers at the flagpole bearing the Polish flag right outside of the consulate.

I have such admiration for the people of Poland who have endured so many trials and struggles. What has brought them through time and again is faith and family, and those two enduring qualities will help them as they try to cope with this massive crisis that is facing their country.

As the ambassador said to me this morning, there is no doubt that Poland will emerge strong; that this government is going to be stable; that it is going to move forward. He can count as well that we will be at his side and the side of the people of Poland as they rebuild their government and their nation from this tragedy.

I urge my colleagues to join me in cosponsoring of this measure and support passage of the resolution which we just considered on the floor of the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. JOHANNS. Mr. President, let me start my comments today by thanking the senior Senator from Illinois. It has been an honor to join with him on this important resolution.

I rise today to pay my respects to the people of Poland, to acknowledge the great work of their President, President Lech Kaczynski, to acknowledge the death of his wife and 94 other Poles who died in the plane crash in western Russia this last Saturday, April 10.

They were traveling to Katyn, Russia for a memorial service to mark the 70th anniversary of the Soviet killing of more than 20,000 Polish officers in 1940.

Among the Polish leaders killed in the plane crash last Saturday were dozens of members of Parliament, revolutionary heroes from 1989, senior military commanders, and the president of the national bank. This is a terrible, heartbreaking loss, not just for Poland but for its close friend and ally, the United States.

The tight bond that has been forged between Poland and this country has been one of the most welcome results of the end of the Cold War. Since the fall of communism, in which the Polish Solidarity movement played a major role, Poland has led the way in building a pro-United States free market democracy. Poland's access to NATO in 1999 has led to invaluable Polish contributions to peace and stability around our world. Polish soldiers have fought side by side with Americans in Iraq and Afghanistan, including in key coalition leadership positions. We have suffered together when our troops took casualties, and today we grieve together.

The foundation of our close partnership was laid by many Polish immigrants to America. Today, over 9 million Americans of Polish descent reside in the United States, including the State of Nebraska. I am very proud to be one of them. My grandparents immigrated here from Poland many decades ago.

The Polish are an important part of this great country and have been since the earliest days of our Nation when they helped settle Jamestown, VA. I am very pleased to introduce this resolution along with the senior Senator from Illinois. The senior Senator may not know this, but he represents some of my relatives in Chicago, and represents them well. I joined with him and all of our colleagues in a moment of silence, as we have done today. I want to pay our respects to the Poles, both in this part of the country and across this great Nation, as well as in Poland. I also acknowledge the great contributions they have made to our country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I, too, join with my colleagues to rise to express my deep and heartfelt condolences to the people of Poland on this unbelievable and tragic loss. I thank my colleague Senator DURBIN for organizing this time, joined by Senator JOHANNS of Nebraska.

As one who notes the Senate floor today, I see we stand here not as Democrats and not as Republicans but as Americans who want to extend our heartfelt sympathy to the people of Poland. I thank my colleague for organizing this resolution and for all of his efforts in support of Poland—from the years of trying to get the truth out about the Katyn Forest, to his very able and unstinting efforts to bring Poland into NATO and to advance Polish democracy. I thank him.

I rise here today as a granddaughter of a woman who came from Poland over 100 years ago, when women did not even have the right to vote. When she got off of that boat at Fells Point in Baltimore she was a 16-year-old girl in search of the American dream. Little did she dream that less than 100 years later, her granddaughter would stand on the floor of the Senate, advocating for democracy in Poland, righting the wrongs of World War II. And little did I realize, with the great honor the people of Maryland have given to me, that

I would stand on the floor of the Senate and express sympathy at this tragedy of unimaginable magnitude.

Poland has suffered a loss where the wounds might not ever heal. The facts are now well known. Poland lost their President, Lech Kaczynski, a great leader with a lifetime of service to this country.

The Polish people lost their First Lady, Maria, beloved by the people for her good works and her good deeds. More than 90 other dedicated Polish patriots perished that terrible Saturday morning—esteemed and decorated military officers, the equivalent of our Joint Chiefs; experienced diplomats; elected leaders; the head of their central bank, and citizens who have put their lives on the line for Poland. All were Polish patriots. My heart weeps for the terrible loss and for the people of Poland.

We know the terrible story of the Katyn massacre that brought them to this site, this unbelievable site for the last 70 years saturated with incredible melancholy. In the spring of 1940, the Soviet secret police executed over 20,000 Polish prisoners of war—20,000 Polish military officers. Then there were other intellectuals from law, from science, from medicine. A whole generation of Polish patriots and lenders was murdered in that terrible place, people who died for Polish freedom.

Part of Stalin's efforts to destroy the Polish people was to destroy its leaders. The Nazis then continued what Stalin had begun. Then the world—after a brutal war, the terrible death camps—at Yalta and Potsdam the West abandoned Poland, and Poland, against its will, was forced behind the Iron Curtain.

What do we know about the Polish people? Their nation never dies because their nation does live not only in a government, not only now under a rule of law and a constitution that is serving them so well at this troubled time, but Poland lives within the hearts of its people. No massacre, no Iron Curtain, could ever take it away from them.

During those dark years when Poland continued to be under Soviet domination, there were those who worked to tell the story of what happened at Katyn. Joining with my colleagues in the Congress, I fought for many years to release the information about that horrific massacre, even contacting President Gorbachev, as part of his glasnost and perestroika, to at least release all the information. Finally, in 1990 they began to do it. But it was only now, last Wednesday, 1 week ago, at the site where the massacre occurred, the Prime Minister of Poland, Mr. Tusk, with Mr. Putin, met in that forest where Putin issued a formal apology to the Polish people and said all information and archives would be open.

We were so filled with joy. It was a time of great reconciliation. That is what Saturday was about, it was the continuation of a great and grand reconciliation between these nations.

Kaczynski traveled to bring the leadership there. In the leadership were people who had been trail blazers. Mr. Kaczynski himself had been a member of Solidarity, his wife solidly at his side. And now, as he was President of Poland, forging new relationships, mending the wounds with the Jewish community, it was a time of Polish leadership reaching out to the world in efforts of reconciliation. In this case, Russia reached back.

One of the people who died—it was so poignant—was a woman named Anna Walentynowicz. She was in many ways the Rosa Parks of Solidarity movements. She was a crane operator in the Gdansk shipyard. They fired her for trying to form a union and when Anna stood up, so did Lech Walesa, and Solidarity was born. When he leapt over that wall he took the whole world with him. Down it came, after years of martial law and occupation. We had Solidarity and then ultimately a free Poland.

At this time of great tragedy as we honor those who died in the forest in 1940, and those who died in the forest on Saturday, we can see that hopefully some good would come out of this. It has been a triple tragedy—the massacre of 1940, the coverup by the Soviet Union, and now the Saturday airplane crash. But out of this we hope would come a new sense of cooperation. I acknowledge that the Russian Government has been working with the Polish Government to recover the bodies and send them home with dignity and honor. Their promises of a complete investigation seem to be unfolding and they have invited Polish officials to join with them, side by side.

We hope out of this tragedy might further come other acts of great reconciliation. That is what we need to think about, how Poland continues to move the world to peace and to reconciliation.

I want to acknowledge the people from Poland and what they did for the United States. Pulaski helped fight in our Revolution. Kosciuszko built West Point, was one of the architects of the American Revolution. When he went back home to help Poland be free, he left money with Thomas Jefferson to fight for the abolition of slavery.

Through all of the wars, Poland has always been on the side of the West. During World War II, those who would escape from Poland led the armies in exile. They were at Monte Cassino, they flew in the Kosciuszko Squadron with the RAF, they have been at our side in Iraq and Afghanistan. Wherever there is a fight to be made for freedom, the Poles are there and they need to know, when they make those fights, the United States of America is with them.

For those who died on Saturday in that terrible, melancholy forest, our hearts go with them. To the people of Poland we express our sympathy, but we also express our pride in their stalwart, unrelenting, unflinching commitment to peace and justice in their own country and in the world.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank the Senator from Maryland. She is of proud Polish heritage. When she spoke of her grandmother coming to Fells Point in Baltimore, I couldn't help but think of my grandmother coming to that same place, 99 years go, from Lithuania, to become part of this American family. I would like to acknowledge, too, on behalf of many who followed her, our gratitude to Poland over the years. Poland was first to democracy in the region, and stood by the Baltic States, particularly Lithuania, their neighbor, as they reached their own level of democracy and freedom.

The Senator from Maryland will be heartened to know that we have just been notified by the cloakrooms that all 100 Senators have asked to be added as cosponsors of this resolution, to show our solidarity with the people of Poland.

I thank the ambassador for his attendance this morning and hope he will express to his government and the people of his country our profound grief at his loss and our determination that our strong friendship with Poland continues.

I yield the floor and suggest the absence 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.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

FINANCIAL REFORM

Mr. MCCONNELL. Mr. President, yesterday morning I came to the floor to point out, regretfully, that the financial regulatory bill the Democratic majority plans to introduce in the coming days is fatally flawed. It not only allows endless bailouts for Wall Street, it institutionalizes them, making them official government policy. This is truly astonishing. For nearly 2 years, the American people have been telling us that any financial reform should have two goals: It should prevent the kind of crisis we experienced in the fall of 2008, and it should ensure that the biggest Wall Street banks pay for their own mistakes—the biggest Wall Street banks pay for their own mistakes. Yet

the bill we are being asked to consider does not even begin to solve these fundamental problems. In fact, it exacerbates them. It is almost as if the people who wrote this bill took the pulse of the American people and then put together a bill that endorses the very things they found most repugnant about the first bailout.

The proponents of this bill will make a lot of claims about what this bill does and does not do. But the American people did not go through the financial crisis, did not put up their own collateral to bail out Wall Street only to be deceived about the contents of this Wall Street bill.

We need some truth in advertising here, so let's look at what this bill actually does. Its authors claim the bill gives the government the authority to wind down failing firms with no exposure to the taxpayer. But as a factual matter the bill creates bailout funds, authorizes bailouts, allows for backdoor bailouts in the FDIC, Treasury, and the Fed, and even expands the scope of future bailouts.

It does this, first of all, by creating a new permanent bailout fund, a prepaid $50 billion bailout fund, the very existence of which would, of course, immediately signal to everyone that the government is ready to bail out large banks the same way it bailed out Fannie Mae and Freddie Mac. So the same distortions—the very same distortions that developed within the housing market would inevitably develop in the financial sector. Didn't like Fannie Mae and Freddie Mac? How about 35 to 50 of them? That is what this bill would give us.

Second, it authorizes bailouts for creditors. In other words, it is not enough to bail out a bank; the people who invested in the bank would get a bailout too. Made a bad bet? No problem; the government will bail you out. Made a bad bet on a company that made a bad bet? No problem; the government will bail you out, too—provided, of course, that you are among the creditors favored by the White House. This is great if you are on Wall Street; it is not so great if you are on Main Street. It is great if you are in a union; it is not so great if you are not. This bill institutionalizes the picking of winners and losers and gives the government broad authority in choosing which creditors get paid in full and which ones do not.

Third, the bill gives the government a backdoor mechanism for bailouts by extending to the Federal Reserve an enhanced emergency lending authority that is wide open to abuse. It gives the Federal Deposit Insurance Corporation and Treasury broad authority over troubled financial institutions without requiring them to assume responsibility for their own mistakes. This means that unproductive firms which would otherwise go into bankruptcy would now be propped up by the government like zombies.

Fourth, this bill expands the scope of potential future bailouts—expands the scope of potential future bailouts. It does this by authorizing a financial stability oversight council to designate nonbank financial institutions as potential threats to financial stability and, hence, too big to fail. So a new government board based in Washington would determine which institutions would qualify for special treatment, giving unaccountable bureaucrats and self-appointed wise men in Washington even more power to protect, promote, or punish companies at whim. These favored firms would then have a funding advantage over their competitors, leading to outsized profits and the extension of enormous additional bailout risk for taxpayers even beyond the largest banks.

Fifth, the bill does nothing to correct the massive market distortions that we all know were created by Fannie Mae and Freddie Mac. Job 1 in writing this bill should have been to address the inherent problems caused by these massive government-sponsored entities. This bill ignores that issue entirely.

The American taxpayer has suffered enough as a result of the financial crisis and the recession it triggered. They have asked us for one thing: Whatever you do, they say, do not leave the door open to endless bailouts of Wall Street banks. Whatever you do, the American people have said, do not leave the door open for endless bailouts of Wall Street banks. This bill fails at that one fundamental test.

If there were two lessons we should have drawn from this crisis, one is that if investors are reckless, then they should pay for their recklessness. If investors are reckless, they should pay for their recklessness. The other thing we should have learned is that Washington bureaucrats are horrible at seeing these kinds of crises develop. It should be beyond obvious that more bureaucrats will not prevent the kinds of problems other bureaucrats overlooked.

If you need to know one thing about this bill, it is that it would make it official government policy—official government policy—to bail out the biggest Wall Street banks. This bill would make it official government policy to bail out the biggest Wall Street banks. So if the administration is looking for bipartisan support on this Wall Street bill, they can start by eliminating this aspect of the bill, not because Republicans are asking for it but because community bankers, community bankers all across the country, and American taxpayers are demanding it.

Unfortunately, the administration evidently is more interested in using this debate as a political issue than in actually addressing, on a bipartisan basis, the many weaknesses that are currently built into our economy. For example, it has been reported that the senior Democratic Senator from Arkansas was working on a bipartisan solution to one of the key areas where reform is needed but that she was told by the White House in no uncertain terms that it didn't approve of her efforts at forging a bipartisan deal. It has also been reported that the Democratic chairman of the Banking Committee backed out of bipartisan negotiations under pressure from the White House. The White House spokesman was even more explicit, saying late last month that the White House is not interested in compromising on this legislation. So the White House has been really quite clear. It plans to take the same approach on financial reform as it took on health care—put together a partisan bill, then jam it through on a strictly partisan basis. It should go without saying that this is not the kind of approach most Americans want in Washington, and it is not the kind of approach they were told they could expect from this administration.

We can do better, and we must. Americans are still dealing with the fallout from the financial crisis. Getting this policy right should be our first priority. This bill gets it very, very wrong.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

FISCAL RESPONSIBILITY

Mr. LEMIEUX. Mr. President, I come to the floor today to speak on a topic I have addressed many times since I came to the Senate in the fall of last year. Having come from running a business and having worked in State government, every day it is still alarming to me the way Washington spends money. In no other place in America and perhaps no other place in the world is money spent by an organization without any reference to how much money is being taken in. Unfortunately, the situation has gotten to a point where it is completely unsustainable for this country.

We open our newspapers today and we read stories about Greece having to borrow money from the European Union, being so far in debt that the forecast of the country's viability is in question. Yet our country is headed on the same path, but few come to the floor of this Chamber and sound the alarm. I will continue to do that for

the remainder of the time I have here in this body because the future of this country is at peril.

While we have spent too much for many years, the rate and pace of that spending now is beyond control. But it need not be. We need not continue in the ways of spending more money than we can possibly pay back. Let me set the table, if I may, of the financial situation we are in.

Here in 2010, we are about the business of setting up the budget for 2011. You would think the first question we would ask would be, How much money do we expect to take in in 2011? Well, the number is about $2.2 trillion. Yet the projected budget of how much we are going to spend is $3.8 trillion. We will run a deficit in this year alone of $1.6 trillion.

Now, these numbers are so big. Well, $1 trillion—what is $1 trillion? Well, $1 trillion is $1,000 billion—$1,000 billion. A billion is 1,000 million. The numbers are so hard to fathom, but let me explain, if I can, in a way I have often talked about here on the floor. If you put dollar bills side to side, you could cover two football fields with $1 million.

If one laid $1 billion on the ground in one-dollar bills side by side, they could cover Key West, FL, which has a square area of more than 3 miles. They would blanket the city with one-dollar bills with $1 billion. Mr. President, $1 trillion will cover the State of Rhode Island twice. Every one of these dollars is a dollar taken from the American taxpayer, a dollar they could spend on families, on children's education, on homes, on needed repairs. We take those dollars and spend them. Now we spend them beyond an ability to pay them back. Right now, because of the money we borrow, more than $200 billion a year goes to interest payments alone, paying for the money we should not have spent in the past. At our current rate of spending, according to this administration, by the end of this decade, we will have another almost $10 trillion in debt, making our total debt $22 trillion.

At that point, our interest payment each year will be $900 billion. At that point, the budget breaks. At that point, what we call mandatory spending on entitlements, such as Social Security and Medicare and Medicaid, will be all of the budget plus the interest. There will be no money for defense, no money for homeland security, for any of the other programs in government.

If we have this impending crisis, if we are driving the car toward the wall, why aren't we making any changes? Today I am filing legislation to enact a change, enact a mechanism, an architecture to have a discussion on the floor in this Chamber and in the House to find a solution to put America back on a stable financial path. The bill is what I call the 2007 solution. In 2007, the economy was still going strong. It was not until December of that year that we found ourselves beginning the recession.

If I go home to Florida, as I did this past weekend, and talk to Floridians and ask: Could you live on what you had in 2007? Based on these difficult times, my constituents had more money in 2007 than they do in 2010. Why shouldn't the Federal Government be able to live on what we spent in 2007? Why can't that be enough? If we did that, if we froze spending across the board at 2007 levels, when the economy was still going strong, before we injected all this stimulus money, if we go back to a place of normalcy—and, trust me, there was plenty of redundant and wasteful spending in 2007—let's go back to that as a framework. If we were to cap our spending at 2007 levels, by 2013, we would balance the budget and start running a surplus. By 2020, instead of having a $22 trillion national debt that is unsustainable, we would have a $6 trillion national debt. We would have cut it in half. We would have preserved the American dream for our children and grandchildren.

I have four small kids—we just had a baby 2 weeks ago—Max, Taylor, Chase, and Madeleine, 6, 4, 2, and 2 weeks. My greatest fear is, someday one of my kids is going to come to me, when they are an adult, after they have gone to school, and say: Dad, we are going to move to India or Brazil or Ireland or some other country. The opportunities in those countries are better than the ones in the United States. Dad, your generation and the generation before so mismanaged this government that you ruined the American dream. Our taxes now are so high to pay for the debt for things you spent in the past. Our entitlements are so weighty we can't afford them. We are going to leave.

The 2007 solution would solve that problem. How does it work? Every year under this bill, the majority leader of the Senate and the majority leader in the House would have to come to the floor and file a procedure to allow for 50 hours of debate on this floor and on the floor of the House of Representatives to decide how we are going to make cuts to stay within 2007 levels. If the majority leader doesn't do it, the minority leader has the opportunity. If the minority leader doesn't do it, any Senator can do it. Then we will have to, for the first time, have an adult conversation about priorities. Maybe then we would call in the agency heads of the different agencies of government who have had 10, 15, 20 percent-plus increases year after year in their budgets for more than a decade, and we would say: Can you make some cuts? Can you do things more efficiently?

American businesses for the past 3 years have been making tremendous cuts because they have to. We don't make cuts in our agencies. Our agency heads don't meet with the members of their organizations, the tens and thousands of workers who work in the different agencies, and say: Can we do things differently? Can we do things more efficiently?

This morning I had the opportunity to speak to a friend of mine who is about to become speaker of the house of the Florida House of Representatives, a man named Dean Cannon. Right now the Florida legislature is in session. They have to balance their budget, a very unfamiliar notion in Washington, DC. They are cutting billions of dollars from the Florida budget, as they did last year and the year before, because revenues are down because the economy is hurting. They have three choices. They can make cuts, raise taxes, or find new sources of revenue. Right now they are going through the process of cutting because they have to. They are making responsible leadership decisions. That process does not happen in Washington, DC. Under this bill, a framework would be provided that would require that debate. It would require that focus.

The majority of my colleagues are more interested in new programs than making the programs we have run more efficiently and effectively. We cannot afford new programs. We cannot afford the programs we have now. If we keep blindly looking off and pretending we don't have this crisis, the car is going to hit the wall. Our children are going to be in a situation where they can't fulfill the American dream. The 2007 solution says we are going to have a debate for 50 hours on the floor of this Chamber every year about how we can get back to 2007 levels. It doesn't specify where the cuts should be. Shall we make cuts in the Defense Department? Do we need to reform our entitlement programs? Is there waste, fraud, and abuse in Medicare? We would have those discussions. It would be our governing, focusing principle for at least 50 hours. Do we not have 50 hours to figure out whether we can run government more efficiently and effectively?

There are hundreds of billions of dollars we could cut out of the Federal Government and not impact our constituents back home. I am convinced of it. Do we not think there is 10 percent waste in Federal agencies that have not made cuts for more than a decade? If we cut 10 percent across the board in Federal agencies, we would save more than $100 billion a year; 20 percent gets us close to $300 billion. Businesses, families, State governments are doing this right now and have been doing it for years. The 2007 solution, which I hope my colleagues on the other side of the aisle will embrace, says: Let's have a discussion. Let's have the architecture in place to get back to a level of sustainable spending. If we did that, if we were principled about it, we could save this country. It is to that point. The debt is cascading out of control.

I came to this body in September of last year. I stand on the floor of the Senate in April, and we have gone $1 trillion more in debt since I arrived, $1 trillion in a 6- or 7-month period. It took us until 1980, from 1789 to 1980, to go $1 trillion in debt. We did it in 6 or

7 months. Our spending is out of control. We need a solution. We need a framework for a governing leadership discussion. I believe the 2007 solution bill can do that.

I hope my colleagues will embrace this provision. I hope we can create an architecture to put America back on the right path. I know there are people of good conscience on both sides of the aisle, including the man who sits in the chair today, who care about this spending problem. If we could get past partisanship, if we could get past rhetoric and focus on this issue, we could save America.

I yield the floor and 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.

Mrs. MURRAY. 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.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak under morning business on the Democratic side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Thank you, Mr. President.

UNEMPLOYMENT AND JOB CREATION

Mrs. MURRAY. Mr. President, last Sunday at midnight thousands of people in my home State of Washington, who have lost their jobs through no fault of their own, had the rug pulled out from underneath them. That is because these men and women, who wake up each day to scan the classified ads and send out resumes and travel to interview after interview, had the unemployment benefits they count on suddenly cut off. In losing that critical support, they lost an important source of security they need to help them stay in their homes or make rent and the stability that allows them to continue to afford to look for work.

Over the last 2 weeks, I have traveled throughout my State, talking to my constituents and discussing our economy and working to support job-creation efforts, and I have to say the frustration is very clear. It is written on the faces of so many in my State who just cannot seem to get a break, who have come close to being hired but have been told the time is just not right, they should come back next month or next year. These are people who are struggling job seekers, and they do not hold back when describing what they continue to face. It is an emergency. It is an emergency that affects their ability to pay their bills, their ability to put food on the table, and their ability to keep their job search going. It is an emergency that time and again we have worked hard here to respond to, but time and again we have faced opposition to do that.

Before we left for the recess, we had an opportunity to pass an extension of the unemployment benefits, to respond to that emergency in our job market, and to avoid the uncertainty job seekers across the country now face. Democrats put an unemployment extension out on the table. It was a proposal that was similar to extensions we have done routinely in difficult times, and, as we all know, times have seldom been more difficult. But it has become an all too familiar story now: Those on the other side of the aisle said no and put obstruction before assistance, politics before people, and point-scoring before the needs of those who have lost their jobs.

This week, we have a chance to make things right. The legislation we are trying so hard now to pass this week is very straightforward. This bill will get unemployment insurance to millions of struggling families who rely on it to meet their basic needs, to pay their mortgage, and afford school. It will restore the safety net that is critical to keeping our economy stable. It will give those people who are looking for jobs the means to afford to keep looking for them. And it will keep our economic turnaround on course. It is aimed at helping real families with the real problems they face every day.

But make no mistake, the consequences of not reaching a compromise and passing this bill are just as real. Today, families in every single one of our States are sitting around their kitchen table trying to figure out how they are going to make it through the weeks and months ahead without these payments. Oftentimes, they have spent their day calling employers and going to job fairs with long lines and very few opportunities, filling out more job applications. These families are now looking to us for the help they need in a time of crisis. But every evening these families are turning on the nightly news to hear another story about gridlock in our Nation's Capital. They see this Senate being forced to jump through procedural hoops and endure endless delay tactics to get even emergency legislation passed. They see politics clouding policy, obstruction impeding process, and, do you know what, they are really getting sick of it.

So today I urge all of us to come together and move forward with the same urgency those who have lost their unemployment have, that we join together the way we did to pass the Children's Health Insurance Program or fair pay for women in the workplace or small business tax cuts. We need to restore the faith of the American people and pass this critical extension.

But for those who are fighting to get back to work and support their families once again, unemployment obviously is not enough. We need to be taking every step we can to improve the job market unemployed workers wake up to face every morning because while there certainly have been signs of improvement, we have a lot of work left to do. I certainly believe that work starts with helping our small businesses, which are the heart and soul of our economy.

Growing up, my dad ran a five-and-ten-cent store on Main Street—actually Main Street—in Bothell, WA. All six of my brothers and sisters and I worked there. From an early age, we swept floors, we stocked the shelves, we worked the register. And when small businesses like ours struggled, we all knew the consequences. We saw it in the till at the end of the day. We saw it in the families who were coming to buy things from my dad. Small businesses really were the economic engine of Main Street then, and, do you know what, they still are today.

But what I hear time and again today is that while Wall Street is doing a whole lot better, Main Street is still really struggling and that the small community banks, which are a major source of capital in all of our communities, are not lending. When small banks, which are the lifelines of our small businesses, do not lend, then credit is not flowing, businesses are not hiring, and recovery is not coming to Main Street. That is exactly why I have introduced legislation that would redirect TARP dollars to buy toxic assets such as bad mortgages off the books of our community banks at home to help free up their credit and get them lending to our small businesses again. We have done enough for Wall Street. It is past time we concentrate on helping our small businesses and local employers.

Another way to help improve local job markets and all those who are looking for work is to, of course, lessen the tax burden on our small businesses so they can afford to hire new workers. Over the recess, I had the opportunity to talk to owners of local bakeries and motels and marketing companies and a lot more throughout my entire State, and, do you know what, they all told me the same thing. They want to hire and they want to expand. They even see new opportunities. But the risks for them now are just too great. What they need from us is certainty and security. I told them we are working to provide them with just that. I told them the health care reform bill we just passed includes a 35-percent tax credit that small business owners can receive immediately to help them cover their workers. I encouraged them to hire unemployed workers who have been out of work for more than 60 days because we now are giving them an exemption from their payroll taxes for those new employees. I told them now is the time to make big purchases they want because we have worked to pass legislation that will allow them to write those purchases off immediately. I told them we have worked to ensure that the Small Business Administration is increasing its local lending efforts. But

I also told them, of course, that we have more to accomplish and they, the small businesses, need to be the focus of recovery efforts from this point on.

Another central tenet of improving the job market is included in the historic health care reform legislation we passed into law last month. As we all know, that bill greatly expands access to care in communities across the Nation, but what has gone less noticed is that the bill also greatly expands access to health care careers to help meet that new demand.

I was the Senator in the HELP Committee who was responsible for the health care workforce section of the bill we passed, and I worked to make sure we made numerous investments to create and sustain good-paying health care jobs. Our bill that is now signed into law includes incentives such as loan repayment programs, scholarships, and grants, all to help encourage students to go into high-need fields and to work in underserved areas. It invests in education, training, and retention efforts, not just for new health care workers but for those who are already working to provide quality care in our country. Investments in our health care workforce create jobs. They ease the strain on overworked health care professionals. And it is going to keep Americans healthy so they can be productive on the job.

Finally, I believe we need to pay particular attention to our efforts to hire our Nation's heroes, and they, of course, are our veterans. Right now, the unemployment rate for veterans who are returning from Iraq and Afghanistan is over 21 percent. More than one in five of the men and women who went and fought for our country are returning home only to have to fight to find work. These are disciplined, technically skilled, determined workers who nonetheless have been left to stand at the back of the line or have their resumes lost in a stack somewhere.

Over the last 2 weeks, I talked to many unemployed veterans in my home State of Washington about just what it is that is keeping them from finding work, and, frankly, what they told me was shocking. Many veterans told me they sometimes leave off the fact they are veterans from their resume because employers are looking at it as a negative rather than a positive because of the stigma of the invisible wounds of war. National Guard members talked of coming home to find they have been laid off because their job no longer existed at the company they left behind when they went to serve our country. Other veterans told me the Pentagon and VA transition programs just are not working for today. And they struggle to have employers understand how the technical skills they learned in the military will translate to help them in the civilian working world.

What I heard is unacceptable, and it has to change immediately. So next week I am going to be introducing a bill on the Senate floor that will take a look at why our military skills are not translating into skills that get them jobs when they come home. It will help our veterans get into apprenticeship programs and careers where I know they will excel. It will improve the military and civilian transition process. And we are going to set up a veterans business center within the Small Business Administration to help our veterans get the skills and resources to start their own businesses.

This week on the Senate floor, we have a chance to keep our unemployed workers afloat. It is an unemployment extension that is a lifeline. It is a lifeline that will help allow unemployed workers to continue looking for every job opportunity and to support their families in that process. But ultimately we need to get these workers into the boat. We need them to get good, stable jobs. That means supporting our community banks, reducing the tax burden on small businesses, and expanding opportunities for health care workers and our returning heroes—our veterans.

As I said earlier, the American people are watching us. They want us to have the same urgency they feel in their lives every day. They want to know their dinner table debates are our floor debates. They want to know that creating jobs is our No. 1 priority and that we will be at the back of those who are trying so hard to get back to work.

So I come to the floor to urge everyone to come together to pass this important extension of unemployment benefits, put politics aside for a couple weeks and months, and help us all work together to create job opportunities and get Americans back to work.

Thank you. I yield the floor, and 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 ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. 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.

FINANCIAL REFORM

Mr. DODD. Mr. President, I rise this morning to try and set the record straight, if I can, on some of the rhetoric I have heard over the last 24 hours or so regarding the financial reform efforts I have been engaged in along with my colleagues on the Senate Banking Committee for the past 38 months.

I became chairman of the Banking Committee in January of 2007, about 38, 39 months ago. Since that time, of course, we have held countless hearings and meetings to deal with the financial crisis beginning in January and February of 2007. In fact, the very first hearings we held were on the foreclosure crisis in the Nation and trying to get the attention of the previous administration, Secretary Paulson and others, to pay attention to the situation that was emerging. Our economy was collapsing and too many people were losing their homes, an economic catastrophe was looming, and, frankly, there was not enough attention being paid initially to this issue by the previous administration. Nonetheless, we worked forward. So, today, we find ourselves on the brink of making an effort to deal with this problem.

After listening to some of the rhetoric of the last 24 hours, I wonder if we are in not only the same Chamber in the same city but on the same planet when it comes to the efforts that have been made to try and reach bipartisan agreement to deal with financial reform. I have almost unlimited patience, as many of my colleagues know, but that unlimited patience is being tested by some of the comments I have heard. So I felt incumbent to respond this morning to some of these accusations about the effort being made to achieve a proposal on financial reform that might attract broad support in this Chamber, unlike other efforts that have been made over the past several years, as I have said repeatedly during the many months we have been working on this important legislation.

These are complex issues. We have gone through the most serious financial crisis since the Great Depression. That is how serious this is. In the words of financial leaders in this country and elsewhere, we were on the brink of a meltdown of the entire financial system in this country, and we came perilously close to having that occur. For those 7 million who lost their homes or the 8.5 million who have lost their jobs, it might as well have been a financial meltdown, not to mention the retirement incomes that evaporated and, of course, the loss of confidence in our future, along with health care and a variety of other things that have happened to working families in this country.

During the course of this debate, as critical as it is, of these complex matters that make up the structure of the architecture of our financial system, it is critical to the future of our economy and the livelihoods of millions of middle-class Americans across this Nation that this debate should not be sullied by misinformation or derailed by those who would try and make it just another partisan game. Playing politics with this issue is dangerous indeed. Unfortunately, the talking points deployed by the Wall Street lobbyists, in an effort to protect the status quo, leave my constituents and many Americans vulnerable to yet another economic crisis. Those arguments are littered with falsehoods—outright falsehoods—that I regret to say are now being repeated by people who should know better and, frankly, do know better.

So today and this morning I wish to set the record straight. I wish to start by attacking one of the wildest and, frankly, most dishonest objections to this legislation, which is the notion that it is somehow a partisan document. I consider the minority leader and the ranking member of the Banking Committee to be good friends. They are patriots, with whom I have worked over many years on many issues. Senator SHELBY and I have been working together for over 1 year on these issues, and I cannot, for the life of me, understand how anyone can claim with a straight face that what I have tried to achieve on this bill is a partisan effort. I have spent the last year seeking bipartisan consensus.

In February of 2009, over 1 year ago, with the new Obama administration freshly sworn in, I insisted from the very beginning that Senator SHELBY's staff be included in meetings with the White House and Treasury Department on all financial matters. When I had the opportunity to take over the chairmanship of the HELP Committee, the committee charged with the responsibility of writing the health care reform legislation, I chose to stay as chairman of the Banking Committee, in no small part because I received commitments from Senator SHELBY and others that we would work together on this financial reform legislation.

When I introduced a discussion draft of this proposal back in November—almost 6 months ago—Senator SHELBY indicated we had bipartisan consensus on at least 70 percent of the bill back in November. To get closer to a full agreement, I created four bipartisan working groups almost 6 months ago, each of which was charged with achieving real and meaningful progress in various sections of the bill. Even when Senator SHELBY and I found areas where we could not agree, I continued to reach out to other members of the committee, including my friend and colleague from Tennessee, Senator CORKER, and others, spending weeks working to try to achieve a consensus on financial reform. It is not even a slight exaggeration to say we spent countless hours—phone calls, meetings, e-mails, discussion drafts—day after day, week after week, month after month, to try to get closer and closer to a proposal our colleagues could support.

We can see the results. The bill we marked up in our committee last month was much changed from the proposal I made in November, the initial discussion draft, to reflect the work that had gone on over those many weeks and months and the ideas brought to the table by colleagues of both parties from members of that committee and others. My friends on the other side of the aisle may not like every line in the bill that will now be before us in a few short days, but at the very least let us not pretend the bipartisan work that produced this legislation didn't happen. It did happen. That is a disservice to yourselves—those who make these allegations—and their good staffs who worked hard over these many weeks with my Democratic staff and others to produce this product.

If Members wish to vote against the bill, they can do that. That is their right to do so. They can go on record in support of leaving their constituents vulnerable to more lost jobs, more foreclosures, more shuttered small businesses, more wiped out retirement accounts. It is up to each individual Member to decide for themselves that is the vote they wish to cast when it comes to this effort. But the outcome of this debate will, mark my words, affect the economic security of ordinary Americans, and they deserve to know the truth of what has happened.

Today, I wish to talk about bailouts. Nobody likes them.

Under our proposal, they will never happen again. As the President said in his State of the Union Address, bailing out some of the large banks whose own mismanagement caused the crisis was ''about as popular as a root canal.'' That, of course, happened under the previous administration, I should note.

But serious legislators of both parties realized that we had no choice. Our system was so broken that these companies had become too big to fail. If we did nothing else, our entire economy could collapse, we were told.

You would think that if you wanted to avoid being backed into that corner again, if you wanted to avoid more bailouts, you would oppose efforts to protect the status quo. But Wall Street special interests needed a way to defend this broken system. After all, for many of them, the kind of mismanagement that costs us millions of jobs is the way they pad their profits and pay their lobbyists. So they turned to Frank Luntz, their political strategist.

Let me tell you what he came up with. I will quote from Mr. Luntz's memo that was leaked, I will quote from his partisan memo:

> The single best way to kill this legislation is to link it to the big bank bailout.

No matter what is proposed, no matter what is in the bill, no matter what protections it includes, call it a bailout. It is a naked political strategy. If it succeeds and this legislation goes down, and another crisis sinks the American economy, then the next recession and all of the damage it will bring to the working families of this country will have happened for the sake of that false talking point that Mr. Luntz has been proposing. I don't expect Frank Luntz to care about the truth of what we are engaged in here. That is not his job. He is a political strategist. He is to provide political talking points to people when you want to defeat something. I don't expect the bank lobbyists and special interests to care about the truth; they don't seem to worry about that. But the American people deserve better from us in this Chamber.

That is why I have been so dismayed over these last 24 hours to hear Members of this body repeat the utter falsehood—concocted by special interests whose jobs and pensions are plenty secure, thank you very much—that this bill will lead to more bailouts.

Frank Luntz suggested that allies of the big banks say:

> If there is one thing we can all agree on, it's that the bad decisions and harmful policies by Washington bureaucrats that in many ways led to the economic crash must never be repeated.

The minority leader, speaking yesterday, said:

> If there's one thing Americans agree on when it comes to financial reform, it's this: Never again should taxpayers be expected to bail out Wall Street from its own mistakes. We cannot allow endless taxpayer-funded bailouts for big Wall Street banks. That's why we must not pass the financial reform bill that's about to hit the floor.

Remember what Frank Luntz said:

> The single best way to kill any legislation is to link it to the big bank bailout.

It is straight from the Wall Street special interest talking points. That is what they are determined to do to defeat this bill—suggest somehow that there is a bailout provision in this bill. Nothing could be further from the truth.

The bill, as drafted, ends bailouts. Nothing can be more clear in the legislation. For the very first time, our Nation will have someone with the job of monitoring risks to the financial system and sounding the alarm before those risks can take down the entire system, as it almost did. The bill imposes sufficient standards on Wall Street firms that create those risks.

Our bill establishes a financial stability oversight council to monitor risks and requires the Federal Reserve to write strict rules, including stronger requirements regarding capital, leverage, liquidity, and risk management on the largest financial companies, making it hard for them to get too large and limiting the risk they represent. Cracking down on the biggest players is critical to ending bailouts.

If a Wall Street firm does become too large or too complex and poses a grave threat to our financial stability, the Federal Reserve has the power to restrict its risky activities, restrict its growth, and even to break up those institutions. I will repeat that. If a Wall Street firm becomes too large and too complex, the Federal Reserve has the power under our bill to prohibit those activities, including even breaking up those institutions.

Additionally, our bill extends oversight to dangerous nonbank financial companies, such as AIG, that could pose a risk to our financial stability, as it did.

It prohibits banks and other financial institutions that own banks from engaging in proprietary trading, making risky bets with money that doesn't even belong to them.

Second, our bill eliminates the Federal Reserve's ability to prop up individual institutions using what is called

the 13(3) authority, another way to stop banks from thinking that they could be bailed out if in fact they engage in activities that cause them to begin to fail. The Fed's lending authority is strictly restricted, not expanded, as some have claimed.

Third, our bill sets up predictable, orderly, and safe processes for shutting down dangerous Wall Street firms that fail without endangering the entire economy. No financial firm will ever again be ''too big to fail.'' Quite the opposite. We insist that the provisions be in place so that it can never again make the claim that they are too big to fail.

Large, complex financial companies will be required to submit plans for their own shutdown—we call them living wills—if the company goes under. Companies that fail to produce a realistic plan will be hit with tougher capital requirements, restricted in how much they can grow, and even can be broken up.

Most large financial companies would be resolved through the normal bankruptcy process. That is the presumption in our bill—receivership.

Where bankruptcy is not an option, the bill creates a mechanism for the FDIC to unwind those companies. The management will be fired, shareholders will be wiped out, and creditors will take their losses. Middle-income families on Main Street won't have to pay a penny. The largest Wall Street firms would have to put up money for a $50 billion fund to cover the costs of liquidating the failed financial firm, and any shortfall will be made up by the largest and riskiest financial firms. Why should the American taxpayer have to pay for unwinding these companies? They should put up the money themselves. Let them pay for the unwinding that goes on. Don't charge it to the American taxpayer. Our bill includes those provisions.

Wall Street doesn't like this fund, and they are plenty content to let taxpayers continue to pay the price for industry mistakes. Let me be clear, despite what their apologists may claim, these funds can only be used by the FDIC and only used to liquidate the failed company, not prop it up.

To review, our bill imposes tougher standards on large, risky Wall Street firms. It eliminates the Federal Government's capacity to bail out individual companies. It requires that financial firms write their own shutdown plans and even pay for the liquidation process if it is needed.

Here is what I have to say to Wall Street. If you have a better idea, let's hear it. If you have other ideas, let's debate them. But if all you have is black-and-white talking points that bear no relation to reality, don't reflect the efforts that have gone on for months to try to produce a proposal that might gain broad support here in this Chamber, then get out of the way and let the serious legislators work. Don't write this off by quoting a political strategist's talking points, when all of this effort has been made over these many months.

I am told by my staff—and I have dealt with 42 pieces of legislation in 39 months—that about 37 have become the law of the land. I made a determination as chairman to work together, wherever possible, to achieve common points. So my history is to try to achieve that wherever possible, and I take great offense at the suggestion that it has been otherwise.

The outcome of this debate affects the economic security of every single American and every single American family. What we have been through, we should never have to go through again. Our bill takes steps to try to achieve that. It is not that we are going to stop every economic crisis in the future. That would be a foolish suggestion. But what we have done is fill in the gaps that allowed this crisis to occur and provide tools for the coming generation so they can address future economic crises and still allow for the vitality of a financial services sector to produce jobs, create wealth, allow credit to flow and capital to form so our economy can prosper again.

Trying to achieve those three goals has been the hallmark of what I have tried to put together with the bill, along with my colleagues on the committee. I believe we have done a good job in achieving that. I would be the last one to claim perfection. If people have other ideas, that is what the process is for. But to castigate it and label it as nothing more than a partisan debate and suggest that somehow what we have done here is to perpetuate ''too big to fail'' is poppycock. It is unfortunate that at this hour in this debate, that is all we hear from on the other side.

The door is still open. We are not yet on the floor debating this bill. I will have meetings with Senator SHELBY and others. My patience is running out. I have extended the hand, and I have written provisions in the bill to accommodate various interests. I will not continue doing this if all I am getting from the other side is a suggestion that this is a partisan effort. We have been through it over and over on the floor for the last year and a half. I think the American people are sick of it. They want to see us work together to achieve results that benefit them, not some political party, or narrow ideology, and certainly not the narrow interests on Wall Street.

In the coming days, I will give you a bill I think we can vote for and stand up and proudly support and, more importantly, one that we can say to the American people we will not have to go through what we have been through in the last 2 years, and never again should another generation face the kinds of risks we did because of the gaps that existed in our financial regulatory structure.

I ask unanimous consent that the entire Frank Luntz memo be printed in the RECORD. I want the public to read it so they will know what we are up against here with this political chicanery.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE LANGUAGE OF FINANCIAL REFORM

(By Dr. Frank Luntz, Jan. 2010)

THE FINANCIAL REFORM CLIMATE

SETTING THE CONTEXT

This document is based on polling results and an Instant Response dial session conducted after the House of Representatives passed ''Financial Reform'' legislation and prior to the Senate's consideration of the bill. The document helps capture not just how Americans feel about the ''financial crisis'' (they believe it still exists) and potential reform initiative (they're against)—and how they want to address the issue (carefully).

When it comes to the financial crisis, there is one clear consensus—the crisis is a stain on the fabric of America's economy that will linger for years to come. The impact of the crisis is real and has reverberated throughout every part of our society. Rule #1:

When addressing the crisis, never forget its impact on your audience. Above all else, never EVER minimize the pain.

1. Americans are divided on the cause of the crisis. The consequences of the crisis may be undeniable, but its cause is debatable.

—To conservatives: government policies caused the bubble and its ultimate crash. Fannie Mae, Freddie Mac, the Federal Reserve, and the Community Reinvestment Act all had a role in the catastrophe. The government inflated economic bubbles with easy credit policies. Interest rates were kept intentionally low. Low-income families were encouraged to become homeowners despite the knowledge that many would never be able to pay them back. Government bought and backed these subprime loans, essentially encouraging brokers to find more subprime clients—risk be damned.

—To liberals: the roots of the crisis lie in Big Business and the marketplace. Mortgage companies peddled adjustable rate mortgages without ever explaining the future costs. Credit card companies flooded college campuses with high interest credit cards. Wall Street firms traded mortgage-backed securities and created credit default swaps that played key roles in the economic calamity. Contracts written in legalese, coupled with the risks of adjustable rate mortgages, were never explained to the average consumer—perhaps intentionally. Those that blame the market are passionate about the need for more reform.

—But to a majority of Americans believe that individuals who ran up their credit cards and took out mortgages they couldn't afford are also responsible for the calamity that ensued.

What industries bear the brunt of the blame? Home mortgage companies (33%) and banks (31%) are seen as primarily responsible. But it is not the companies so much as the leadership of the companies that are to blame. . .

But the largest percentage of Americans believes ''all of them'' played a role in today's economic conditions.

2. You must acknowledge the need for reform that ensures this NEVER happens again. Despite the different perspectives on the causes of the crash, there is an agreement that the crisis must be addressed—that changes must be made so the mistakes that led to this point are never repeated. The status quo is not an option. The system failed

us—all of us—and the causes of the failure must be corrected.

3. Now, more than ever, the American people question the government's ability to effectively address the issue. Billions in handouts to Wall Street. A stimulus bill that isn't creating jobs. Cash for Clunkers. Health Care. A ''Credit Card Bill of Rights'' that increases fees and interest rates on consumers. The American people believe Washington has gone wrong, and these legislative initiatives have become symbols of Washington's inability to do anything right. A majority of both Republican and Democrats believe that. . .

WORDS THAT WORK

If there is one thing we can all agree on, it's that the bad decisions and harmful policies by Washington bureaucrats that in many ways led to the economic crash must never be repeated.

This is your critical advantage. Washington's incompetence is the common ground on which you can build support.

Ordinarily, calling for a new government program ''to protect consumers'' would be extraordinarily popular. But these are not ordinary times. The American people are not just saying ''no.'' They are saying ''hell no'' to more government agencies, more bureaucrats, and more legislation crafted by special interests.

Incredibly, these results are PRIOR to efforts to educate voters about the inherent problems of the legislation. One reason why initial support for more government action is rooted in the simple belief that government cannot effectively regulate the financial markets at any level . . .

4. Public outrage about the bailout of banks and Wall Street is a simmering time bomb set to go off on Election Day. To put it mildly, the public dislikes taxpayer bailouts of private companies. Actually, they HATE it.

In fact, a vote in favor of creating a permanent bailout fund of private companies is like committing political hari-kari. Frankly, the single best way to kill any legislation is to link it to the Big Bank Bailout.

WORDS THAT WORK

Taxpayer-funded bailouts reward bad behavior. Taxpayers should not be held responsible for the failure of big business any longer. If a business is going to fail, no matter how big, let it fail.

5. The public is angriest about lobbyist loopholes. Part of public perception that Washington cannot do anything right is the belief that lobbyists write most of the bills. The American people are tired of add-ons, earmarks, and backroom deals—but they are mad as hell at ''lobbyist loopholes.'' This bill is riddled with such loopholes. You must put proponents of the legislation on the defensive, forcing them to attempt to justify the ''lobbyist loopholes'' and exemptions placed in the bill:

—Why were pawnbrokers exempted?

—What about car dealers?

—Vegas casinos and their credit lines?

The power of this argument cannot be underestimated. When participants in our dial sessions heard that the casinos and pawnbrokers were exempted from the legislation, someone remarked, ''We have become the Roman Senate.''

Highlight the exemptions. Broadcast them. Remind them, ''The legislation is filled with lobbyist loopholes that exclude certain wealthy, powerful industries from regulations.'' As Churchill would say, that statement is the ''soft white underbelly.'' When the participants were presented a list of nearly a dozen objections to the bill, the lobbyist loopholes blew away virtually every other argument against the legislation.

6. You must be an agent of change. We have spent so much time in this analysis on general economic perceptions because that's what you need to address. You have to be on the side of change. Always. The financial crisis is not a theoretical economic textbook concern. The pain felt by the crisis is real and omnipresent. Retirement funds were depleted. Homes were foreclosed. Jobs were eliminated. The status quo is unacceptable. However, it's wrong to assume government can correct the problem without addressing its role in the crisis, yet that is what Congress is trying to do. What to say? ''It addresses market excesses but keeps government excesses in place.'' The American consumer wants more easily understood contract language so that consumers have all the information they need.

7. Demand accountability—government accountability. Despite creating economic conditions comparative to the Great Depression, it is important to ask some basic questions—What government regulator lost their job for their hand in the crisis? What government policies were changed? What laws were repealed? The obvious answer is none.

WORDS THAT WORK

We don't need another Federal government agency. We don't need bigger government. What we need is a better approach that promotes accountability, responsibility and effective oversight.

Yet, Congress is poised to add another Washington agency with more Washington bureaucrats on top of existing laws and regulations. In fact, the proponents of the new government agency and regulations are the same members of Congress who created and supported the housing bubble.

WORDS THAT WORK

The architects of failure are now designing the rescue. Many of the same members of Congress responsible for the legislation that helped create the housing bubble and the Wall Street financial crisis are now attempting to create another new government agency with an unlimited budget and almost unlimited regulatory powers.

I'm sorry to say this but they don't know what they're doing. They have gotten it wrong time and time again and now they want to do it yet again.

The perceived incompetence of Washington extends to its leadership. Barney Frank, the Chairman of the House Financial Services Committee, is an example. Frank's favorable rating is 13%. His unfavorable rating is 30% (though a majority don't give him any rating at all—so don't make him the enemy. Washington is the enemy.)

8. More bloated government bureaucracy is not the solution. We're witnessing out-of-control federal spending. The Government takeover of health care and other industries has Americans questioning the competence of government. They want smarter solutions, not more of the same. ''A new agency with new bureaucrats is not change we can believe in.'' It's not change at all. As our dial session participants agreed, ''It's another agency to clean up a mess from a different agency.''

WORDS THAT WORK

The financial crisis hurt all of us. Homes were lost. Jobs were destroyed. Businesses closed. There is enough blame to go around. We need a solution to the problem, not more of the same. Creating another costly government bureaucracy on top of existing bureaucracy isn't a solution—it helped cause the problem. This time, let's get it right.

9. Devil is in the details. Every bill passed by Congress is larded up with pork, handouts, and earmarks. The American people have lost faith in Congress, and no matter how good a bill sounds, they want to know ''What is in the fine print?''

10. Caution: Unintended consequences ahead. The government caused the Savings and Loan crisis by changing the rules. Congress jacked up fees and interest rates on consumers after enacting the ''Credit Card Bill of Rights.'' What will be the effects and impact of the CFPA? How will small business be affected? Will choices be limited? Will consumer fees be impacted? Evidence suggests the answer is definitely ''yes''.

LANGUAGE FINDINGS

11. Enforcement of current law trumps creation of new laws. Despite the need for reform, the public believes real reform means ensuring current laws are enforced rather than adding another layer of agencies, laws, regulations, and red tape on top of the existing agencies, laws, regulations, and red tape.

WORDS THAT WORK

We don't need more laws. We need better enforcement of current laws. We don't need more bureaucrats. We need the people in charge to do their jobs as they were meant to be done. We don't need layers and layers of additional federal bureaucracy. What we need is to instill accountability, responsibility and effective oversight to what is being done already.

12. The bailout provisions get the most visceral reaction. It is not often you come across an issue where people of all political stripes come together so stridently on an issue. Taxpayer bailouts of CEOs and companies are such an issue.

WORDS THAT WORK

Bailouts for Wall Street. Government takeovers of insurance companies. Trillions of taxpayer dollars to bail out CEOs and their risky investment schemes. And now Congress is preparing to enact legislation to pass a law with $4 trillion more for more bailouts. Should people who write the financial reform laws be the same ones who helped cause the crisis? Should taxpayers be punished and the big banks and credit card companies be rewarded? The time has come to take a stand. Oppose the big bank bailout bill.

13. ''Bureaucrats'' are worse than ''bureaucracies.'' While Americans don't like bureaucracy, they loathe bureaucrats even more. In fact, America's disdain of bureaucrats is almost as high as Americans' dislike and mistrust of lobbyists.

14. Americans want to end the legalese and confusion in contracts. The strongest argument in favor of the CFPA is the claim the agency would somehow end confusing contracts written by lawyers in language only lawyers can understand. When was the last time a government agency made things easier to comprehend?

WORDS THAT WORK

We must require greater transparency and more easily understood contract language so that consumers have all the information they need.

15. Just the facts, ma'am. In the testing of the ads and other communications, it is clear that Americans want more than just red meat rhetoric. You have to give them two concrete facts to prove your case—or you will be just another special interest group playing politics with their lives. Two facts. Two statistics. Two clear-cut statements of evidence.

16. Personalize the impact. It's small business owners, and not small businesses, that will be harmed by this legislation. Yes, they recognize small business as a key component of the economy, but stronger arguments against creation of the CFPA lie elsewhere. Americans want to support small businesses, but are more willing to support a person who owns a small business. Make it personal.

17. It's not ''reform.''—This is not a reform bill. It is the ''Stop the Big Bank Bailout bill.'' This is important.

18. Small business ownership is about the American Dream. The most popular images of small business owners both projected optimism with signs saying ''grand opening'' or ''open.''

WORDS THAT WORK

Owning a small business is part of the American Dream and Congress should make it easier to be an entrepreneur. But the Financial Reform bill and the creation of the CFPA makes it harder to be a small business owner because it will choke off credit options to small business owners. That will make it harder to start a new company and harder to expand an existing one.

19. No surprise here. The strongest image ad we tested pertained to the bailout provisions and the ''lobbyist loopholes'' for the casino industry.

20. The Final Word. The department store Syms used the slogan ''an educated consumer is our best customer.'' We could easily say an educated citizen is the biggest opponent or, your biggest ally against the creation of the Financial Reform bill and the CFPA.

WORDS TO USE

Accountability, Transparency & Oversight, Lobbyist Loopholes, Enforcement of Current Laws, Bureaucrats, Wasteful Washington Spending, Never Again, Government Failures and Incompetence, Let's Help Small Businesses, Big Bank Bailout Bill, Bloated Bureaucracy, Fine Print, Unintended Consequences, Special Interests, Hard Working Taxpayers, Another Washington Agency, Unlimited Regulatory Powers, Devil Is in the Details, Red Tape.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. KAUFMAN. Mr. President, I ask unanimous consent to extend morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

ENDING TOO BIG TO FAIL

Mr. KAUFMAN. Mr. President, I have come to the floor several times now to discuss the problem of too big to fail, which I believe is the most critical issue to be addressed in any financial reform bill.

Financial institutions that are too big to fail are so large, so complex, and so interconnected that they cannot be allowed to fail nor follow the normal corporate bankruptcy process because of the dire threat that would pose to the entire financial system.

The largest six bank holding companies—Bank of America, JPMorgan Chase, Citigroup, Wells Fargo, Goldman Sachs, and Morgan Stanley—are certainly too big to fail. The term may also cover a larger set of institutions.

After all, last year's most vaunted stress tests of the largest bank holding companies covered 19 institutions, and even that exercise did not include many other systemically significant nonbank financial institutions, including Fannie Mae and Freddie Mac, insurance companies, derivatives clearinghouses, and hedge funds.

While many in government and industry want to eliminate the term ''too big to fail,'' the fact is these too-big-to-fail financial institutions are bigger, more powerful, and more interconnected now than ever before.

Only 15 years ago, the six largest U.S. banks had assets equal to 17 percent of overall gross domestic product. The six largest U.S. banks now have total assets estimated in excess of 63 percent of gross domestic product. That goes from 17 percent of GDP just 15 years ago to 63 percent of GDP now.

While some still argue there are benefits to having very large financial conglomerates—and I am sure there are—virtually everyone agrees the problem of too big to fail needs to be address. The disagreement is how this be done.

I was interested to hear Senator MCCONNELL on the Senate floor yesterday say we must never use taxpayer money again to bail out too-big-to-fail institutions. But no one wants to do that. No one is thinking about that. No one is planning to do that.

The question is, What is the solution to prevent these institutions from failing in the first place? The other party has put forward no solution, and doing nothing is by far the worst solution of all.

The minority leader came to the floor today and said the bill before the Senate is good for Wall Street and bad for Main Street. That is simply an astounding statement to make. Main Street wants Congress to act. Main Street wants Congress to ensure that Wall Street never engages in reckless behavior again. Yet what does the minority leader offer?

Despite the experience of Lehman Brothers, the minority leader apparently believes we should do nothing and simply stand back in the future and let these megabanks fail when they take risks that go wrong.

The minority leader said yesterday:

> The way to solve this problem is to let the people who made the mistakes pay for them. We won't solve this problem until the biggest banks are allowed to fail.

Astounding. His answer is, the resolution of too-big-to-fail banks needs to be dealt with through the bankruptcy process. In my view, that approach is dangerous and irresponsible.

If we do nothing and wait for another crisis, future Presidents—whether Republican or Democratic—will face the same choices as President Bush: Whether to let spiraling, interconnected, too-big-to-fail institutions, such as AIG, Citigroup, and others, collapse in a contagion, sending the economy into a depression or step in ahead of bankruptcy and save them with taxpayer money.

If that happens, the choice of allowing bankruptcy will mean tremendous economic pain on Main Street America. So some Congress in the future will similarly be faced with another TARP-like decision, which in the fall of 2008 many in both parties believed they had no choice but to support, including the minority leader.

Relying on bankruptcy law is not the answer. The approach by many conservatives and those on the other side of the aisle is to simply let them fail and let U.S. bankruptcy law—where shareholders get wiped out and creditors take a haircut—reimpose the discipline in the financial system that was lacking in the runup to the crisis.

For example, Peter Wallison and David Skeel have argued in the Wall Street Journal:

> The real choice before the Senate is between the FDIC and the bankruptcy courts. It should be no contest, because bankruptcy courts do have the experience and expertise to handle a large-scale financial failure. This was demonstrated most recently by the Lehman Brothers bankruptcy.

If bankruptcy was a cure in Lehman Brothers, it was one that almost killed the patient. When former Treasury Secretary Hank Paulson decided to let Lehman Brothers go into bankruptcy, our global credit markets froze and creditors and counterparties panicked and headed for the hills. Instead of imposing market discipline, it only prompted more bailouts and almost brought down the entire financial system. It ultimately took 18 months to close out the case on Lehman Brothers, an eternity for financial institutions that mark to market and fund their balance sheets on an interday basis.

Bankruptcy is an even more unattractive option when one considers that Lehman was an investment bank, while today's megabanks operate under the bank holding company umbrella. It is virtually impossible to have an integrated resolution of a large and complex bank holding company. The bank subsidiary would go into FDIC resolution, the insurance affiliates would go into State liquidation procedures, the securities affiliate would go into chapter 7, while other affiliates and overall holding companies would go into chapter 11.

A plan this unwieldy is no plan at all. In fact, the only way to truly eliminate the problem with too-big-to-fail banks is for Congress to act. It is true that I believe we should go further than the current bill. I would break these big banks apart, thus limiting their size and leverage. Given the consequences of failing to do enough to prevent another financial crisis, the safest thing to do today is for Congress to put an end to too big to fail. If you believe these megabanks are too big, if you reject the choice of bankruptcy that will lead to a recession or depression, then breaking them up is the logical answer. That is the only way that greatly diminishes the future probability of another financial disaster. The Great Depression of the 1930s must be avoided at all cost.

Two years ago, permitting Lehman Brothers to enter bankruptcy brought about the Great Recession, the most painful economic downturn this country has seen since the Great Depression. If we were to let other institutions fall into bankruptcy, adopting the minority leader's approach, the horrors our economy would have faced would make the realities of the past 2 years pale in comparison.

I certainly don't want to rely on bankruptcy to break the boom-bust-bailout cycle. I believe Congress should break the cycle today. We should not follow an abdication of regulatory responsibility with an abdication of democratic government. As representatives of the people most hurt by the financial crisis, Congress should act decisively to ensure that we benefit again from decades of financial stability, not do nothing, which most assuredly would leave us to live on the precipice of financial disaster, as the minority leader would have us do.

We need a full and straightforward debate in the Senate about what Congress must do. In my view, the mere existence of too-big-to-fail institutions perpetuates a long cycle of boom, bust, bailout. Instead of hopelessly trying to impose order and discipline in a chaotic crisis, we need to clearly, decisively, and preemptively deal with the problem of too big to fail now.

As Senator LEVIN pointed out this week, when he kicked off the Permanent Subcommittee's hearings on its investigation of the financial crisis, there are many eerie parallels between this crisis and the one in the late 1920s and early 1930s. In both cases, bankers were derelict in their duties, while drawn to disruptive and excessive speculation, fueled in part by their compensation arrangements. Does that sound familiar? Bankers were derelict in their duties, while drawn to disruptive and excessive speculation, fueled in part by their compensation arrangements.

In the 1930s, in response to these problems, we built an enduring regulatory framework that put our entire financial system on stable footing for decades. We simply cannot afford another financial meltdown. The choice is clear. But it is also clear that the worst thing we can do is to take the dangerous risk of doing nothing. To me, the choice that is best for the American people is clear.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I also rise to discuss financial reform and, to be blunt, to try to set the record straight about some misleading statements that have been made on this floor about both the process and the substance of the bill that the Banking Committee reported out recently.

Under Chairman DODD's leadership and working with ranking minority member Senator SHELBY, I have worked hard, since coming to the Senate, to understand the root causes of the crisis we are only now beginning to emerge from economically but to recognize that we have to have a robust solution in place to make sure we are never again confronted with the type of crisis and the lack of preparation this Nation faced back in the fall of 2008.

I also come to this body, as you know, as someone who spent an awful lot of time around the capital markets. Quite candidly, I will put my free market, procapitalist credentials up against anybody's in this body. But I come to the floor as well as someone who has tried to recognize that the financial crisis—perhaps more than any other issue we have addressed—doesn't have a Democratic or a Republican root of origin, nor does it have a partisan solution set. We have to recognize that, perhaps on this piece of legislation more than ever, we have to have a bipartisan basis to establish a long-term financial framework for the next hundred years.

I am very proud of the fact that we have worked so far in a bipartisan way. I have particularly appreciated, over the last year, the partnership I have built with Senator CORKER of Tennessee, where we both recognize that while we both have backgrounds in business and both have experience and exposure to the capital markets, there is a great deal of complexity in trying to rewrite the financial rules in the sense that it will be not only for this country but because the rest of the world will follow what America does, for the whole world. So it will require a great deal of humility and a recognition that we have more to learn.

Because of that, Senator CORKER and I, starting early in 2009, began holding a series of seminars, in fact, where we brought in established financial leaders and invited members of both parties to come and learn with us as we tried to put in place rules and regulations governing the financial system. While I have been disappointed, particularly by the Republican leader's comments yesterday, I am not naive. I still believe there is a path to a bipartisan bill. What we need to do is to simply lower the rhetoric and do what is needed for the American people.

Let's put in place a robust set of rules and a robust regime of reform that will ensure that never again will the American taxpayer have to bail out firms that are too big to fail. While there were differences that we had on how we approached health care reform, this is one area where—whether it is a liberal blogger group or a tea party convention—there is a unanimity of opinion that never again should the taxpayers be put at risk because of the financial interconnectedness of large firms.

Soon, the Senate will consider the bill Chairman DODD has put together. While there are bits and pieces that different folks will disagree with, this is a strong bill that vastly improves regulation and the structure of our financial markets. Let me repeat that Senator DODD has put together a strong bill. One part of the bill Senator CORKER and I have been particularly engaged in deals with systemic risk in ending the notion of too big to fail. That was the subject yesterday of some wildly inaccurate statements on this floor, which I am here to address.

I have to admit I am deeply invested in this section, and that investment comes in no small part because of the months of work Senator CORKER and I put into this area. Let me acknowledge at the front end that there are parts of this section that both Senator CORKER and I will want to change and amend. Those changes and amendments we would probably reach agreement on in perhaps 5 or 10 minutes, but the basic structure we set up is one I believe will lead to meaningful financial reform.

Now, let's go to what we are talking about. We recognized at the outset that never again could we allow the financial system and the interconnectedness of this financial system to come to the brink of crisis and, in effect, the regulatory system and the legal system have no recourse and rules on how we deal with an impending crisis.

One of the things we recognized at the outset was that in the past there was very little collaboration and coordination between different regulators. You might have a Prudential supervisor who is looking at the depository institution and having one view of an institution; and you might have the regulator looking at the bank holding structure and having another view. Because these complex institutions may also have security aspects, the SEC is over here. But there was no coordinated place where this collaborative view, beyond the stovepipes and beyond the silos, could all come together and recognize that while the institution's single actions in a single sector might not pose a systemic risk, that in toto these risks, when aggregated together, put our financial system in jeopardy.

So what do we propose? Along with Senator CORKER and experts from the industry, we propose creating a Systemic Risk Council that would, in effect, be the early warning system for our overall financial system to spot these large, systematically important institutions and, in effect, put some speed bumps in their path.

I may not even agree with some of the Members of my own side of the aisle that we ought to go out proactively and break up these institutions just because they are too large. Size, in and of itself, was not the problem. It was the interconnectedness of their activities and the fact that if you started to pull on the string of some of these activities, the effect that had basically collapsed the whole house of cards. It was not size alone, it was interconnectedness and recognizing how to spot that interconnectedness at the front end, and putting some speed bumps on these systemically large institutions that is important.

One of the things we found was that oftentimes the regulators did not have current, real-time data on the extent of these transactions and this interconnectedness. So a part of the bill that has received very little attention is the creation of the Office of Financial Research, which will aggregate, on a daily basis, all the status of transactions of all these institutions and allow us to have at least the transparency at the regulator level to know what is going on and allow the regulators never again to say: Well, the last piece of data we had was the last quarterly report. This information will flow up to the Systemic Risk Council, and the Systemic Risk Council will then be able to put in place what I call speed bumps on these systematically large institutions.

Increase capital. One of the questions that comes back time and again from financial experts, we need to increase the capital reserve levels of many of these large institutions. We have to look at their liquidity ability. In many cases the institutions that failed during the crisis were not insolvent but there was a rush because of fear in the system and the liquidity crisis this caused, so how do we be sure we use liquidity in a better way?

Leverage, traditional additional financial institutions—I look at our neighbors in Canada, about a 20-to-1 leverage ratio. We saw on some of the off-balance sheet operations not 10- or 20-to-1 traditional ratios, but 50- or 100-to-1 leverage ratios.

We put in place as well something that has been advocated by folks at New York Fed—it originally comes out of the University of Chicago—a whole new set of financial structure in these large institutions that will convert to equity in the precursor, before a crisis takes place. In effect, shareholders will be diluted by this contingent capital requirement, putting again more pressure on management not to make undue risks.

We believe these speed bumps, while they may not prevent any future crisis, will be huge impediments to these large systemically risky institutions taking undue risks and outrageous actions.

We have also put a new requirement in place, one that again has not gotten a lot of review. We will literally require the management of these large institutions to put in place their own funeral plans, their own plans on how they will unwind their institutions through an orderly bankruptcy process.

I believe there were large systemically important institutions in the fall of 2008 that in effect came to the regulators and in effect said we are so big and interconnected that we do not know how to unwind ourselves.

Never again should we allow that to happen. We allow the regulators to work, and in effect bless the funeral plans these systemically large institutions will put in place.

We think we have put in place these appropriate barriers that will restrict some of the unduly risky activities from these large institutions, but you cannot predict and cannot foresee every crisis. So what we need to do is set a framework on how we would address the crisis if these speed bumps and this early warning system does not fully function. I do not, actually, candidly, completely agree with my colleague from Delaware. I do believe we need a strong, robust bankruptcy process that gives predictability to investors so they know what will happen through the normal dissolution of a firm that has made mistakes in the marketplace. We need to ensure that bankruptcy becomes the normal default process. Again, as I mentioned, having these large firms write their own funeral plans, write their own bankruptcy plans that have to be approved by the regulators, will give us guidance on that path.

But we also have to realize when there may be a management team that does not see the handwriting on the wall or when a firm is, even with all of these checks, falling into the potential of its failure causing systemic risk, we still have to have the ability to act.

Let me state very clearly, the resolution process that was put in the Dodd bill, no rational management team would ever elect to choose because resolution will not lead to conservatorship, resolution will lead to receivership and extermination of the firm. The firm's common share equity will be wiped out, the firm's management will be wiped out—resolution will never be chosen as a preferred route. Bankruptcy will be the preferred route.

Even in that case, we still put additional protections in place so that no future administration, having seen the blowback from the public on using resolution in 2008—I cannot imagine any future administration actually wanting to use this mechanism, but to ensure, again—Senator CORKER and I spent a great deal of time on this—that we have, again, protections so resolution is not misused, we put very strict criteria in before it can be implemented. We require three keys, in effect, to be turned simultaneously—in effect the nuclear option analogy of different keys being turned before this tool could be used.

We require the Chair of the Federal Reserve, the FDIC, and the Treasury Secretary in consultation with the President to all agree that we have to act, to move a firm into resolution rather than going through bankruptcy.

But that, again, is not all. Senator CORKER, I think rightfully, pointed out that we need, in case there were an overly aggressive administration, a judicial check as well. So we put an additional judicial check in place before resolution could be implemented—resolution only as the last resort, only as a path that makes sure that the parts of this systemically important firm can be transferred to some other existing entity, not preserved. The firm will be wiped out, but the functions that are important do not bring down the overall financial system.

One of the most curious comments of the Republican leader yesterday was the critique that, if you invoke resolution, the question becomes where is the money going to come from and who is going to pay for it? What I found very curious in the Republican leader's comments yesterday was that we—and this was by no means set in stone—put in place a $50 billion fund that would be prefunded by the industry; not the $150 billion that was in the House bill that could rightfully create moral hazard, but in effect a dollar amount up front. It could go down lower. That would basically keep the lights on at these institutions until the FDIC could go out and, in effect, borrow against the unencumbered assets of this firm to get the real dollars in place to keep the resolution process going in an appropriately functioning way.

Is $50 billion the right number? It may not be. Reasonable people can disagree; $25 billion might be the right number. There might be other paths. Senator CORKER and I worked on the notion of a trust that could be created. But what I find curious is no one in the financial sector that we have spoken to thinks this dollar amount is a bailout. No one in the financial sector has said this will be an adequate amount of capital to resolve a whole crisis. The funding to resolve the whole crisis will come from the ability we give the FDIC to borrow against the unencumbered assets.

If there is a better way to get there, we are all for it. At least I can say for my side, I am willing to look at any other option. But what I find curious is, I believe if we had not put up this industry prefunded amount, in effect a bridge until we can actually get the FDIC process in place, we would hear criticisms, at least from some, saying not putting up any industry prefunding would allow taxpayer exposure. One of the things we want to make sure is that taxpayers, again, are never, ever exposed to the kind of risk that took place in 2008.

I would also add that whatever these prefunds, trust instruments, or even the funding that would come from borrowing against the unencumbered assets, we need to buy a little time so it is not done in a haphazard way so any of these funds will be ultimately recouped after the crisis from the industry based on those institutions that benefited, those institutions that also were part of the causation.

Again, let me stress all of these funds, whatever will be repaid—and again whatever funds that are invested in these institutions in the interim will not go in, as what happened in 2008, as common equity as an effort to, in effect, prop up the systemically important firms. But it will go in as, in effect, top in the creditor process, debtor-in-possession financing.

Did we get this perfect? No, perhaps not. There are ways, again, that we can improve. But the framework we put in place, the almost uniform response we have received, has been we have taken a gigantic step toward ending too big to fail in a rational, thoughtful approach.

I see my colleague, the Senator from Tennessee, has arrived on the floor. I again compliment him for his work, for the fact both of us said at the outset for neither of us was this religion. We just need to get it right. If we have to ruffle a few feathers on both sides of the aisle so that never again are the American taxpayers put in the position they were in 2008, then so be it.

I appreciate the good work of the Senator from Tennessee on this effort. I appreciate our working together on the preference toward bankruptcy, on the recognition that we have to have that judicial check, that we cannot go out and grab firms willy-nilly that are not depository, that are systemically important. I think we have taken giant steps forward.

I ask my colleagues from both sides of the aisle to lower the rhetoric a bit, to recognize this can and still should be a place where this Senate can work in a bipartisan fashion to put in place a set of rules so we can, with the appropriate speed bumps in our financial system for those firms that are systemically important—that we do put in financial rules of the road for the 21st century, that we do allow America to continue to be the financial capital of the world and the innovation in financial products capital of the world. I think we can still get there.

I look forward to work not only with my friend from Tennessee but colleagues from both sides of the aisle to get it right.

I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I wish to speak for a couple of minutes. I think I have permission to do that. Then I wonder if I can have permission from the Presiding Officer to enter into maybe a couple of minutes colloquy with my friend from Virginia?

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Reserving the right to object, might I inquire, under the current procedure, when is the bill expected to be reported?

The PRESIDING OFFICER. The bill is to be reported at this time.

Mr. BAUCUS. At this time?

The PRESIDING OFFICER. At this time.

Mr. BAUCUS. Mr. President, I suggest the regular order be followed.

The PRESIDING OFFICER. Is there objection to the request?

Mr. BAUCUS. That would allow the Senators to speak.

Mr. President, I ask the bill be reported and the Senator then be recognized to speak, Senator CORKER first and then Senator LEMIEUX.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. I thank the Chair.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CONTINUING EXTENSION ACT OF 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4851, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4851) to provide a temporary extension of certain programs, and for other purposes.

Pending:

Baucus amendment No. 3721, in the nature of a substitute.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 will be equally divided between the two leaders or their designees.

The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, I appreciate it. I had not planned to come to the floor today, but my great friend, Senator WARNER from Virginia, is here. I did want to clarify a couple of things. I did not hear all of his comments.

I very much appreciate the partnership we have had, the work we have been able to do together. I think what is happening on this financial regulation bill is a lot like what happened during the health care debate in many ways. There is something that is being focused on. Some of it is sort of being blown out of proportion.

I did want to clarify something. Senator WARNER spent a lot of time talking about a couple of titles in the bill that Senator DODD has put forth. There are other places in this bill that do, in fact, create an opportunity for large institutions that fail to continue on. Treasury got involved in this bill a couple of weeks before—about a week before it came to committee. There are some loopholes in this bill that give Treasury and the FDIC the ability to allow large institutions to continue on without failing. My sense is the Senator from Virginia knows what those are. My sense is the Senator from Connecticut, who is the chairman of the committee, knows what those are. And my sense is that on those topics—and they do exist, so criticisms about the Dodd bill allowing potentially creation of loopholes for large institutions not to go through an orderly liquidation or bankruptcy, are valid. But the fact is I think we can fix those in about 5 minutes.

My point is I think everyone understands what Treasury did. I think everyone understands what the FDIC did. I think we can come to a conclusion in solving that very quickly. But I wanted to clarify that was not part of the title that Senator WARNER came up with.

The focus, then, has been on this $50 billion fund. I think Senator WARNER eloquently talked about the fact this was a lot of debate. The FDIC wanted $50 billion as a debtor-in-possession fund to be operating, to figure out what the assets of these firms were worth before they sold them off. Treasury wanted no fund.

My guess is that at the end of the day, on one hand you are protecting taxpayers more fully, on the other hand you are not—but my guess is, the Senator from Virginia and the Senator from Connecticut might drop that in about 5 minutes—not that the Senator from Virginia is actually advocating, he is just trying to solve that problem. My point is I think that is something that in about 5 minutes could be solved.

So I do think what Senator WARNER has said is true; that is, the rhetoric around this, an issue that could be dealt with literally in about 5 minutes, is probably overheated. The fact is, what we need to do is figure out a way to focus on this issue in an intelligent way.

I think that, as the Senator from Virginia mentioned, people on both extremes want to make sure that if a large institution in this country fails, it is just like the small institutions in this country—they go out of business. And I think we are united on that. Are there some flaws that exist? Yes. Did the bill get a little sideways at the end? Yes. But do people understand the way we can deal with this in an intelligent, thoughtful way and fix that? Yes.

I wonder if the Senator from Virginia would wish to not maybe get into specifics but agree that there are some flaws that need to be corrected, but we know what they are, and they can be corrected pretty quickly, can they not?

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Let me just acknowledge that we may—the Senator from Tennessee and I may differ slightly on how large some of the things the Treasury and FDIC put in at the end—because clearly one of the things that I think the Senator from Tennessee—and we can very quickly get into the weeds, but the weeds are important on this—the so-called 13–3 authority of the Fed would no longer be used for specific institutions, but the ability to help supplement around a liquidity crisis so that we don't have firms move from a liquidity crisis into a solvency crisis was an important tool, but it was perhaps misused in the past in terms of targeted at specific firms rather than issue-wide.

There are certain other aspects that I believe can be corrected, but the overriding point that I think Senator CORKER and I both want to make is I

think we put together, at least in title I and title II—and I think there has been good work done in other parts of this bill as well, but in title I and title II, systemic risk, too big to fail resolution—we have put the framework in place that while some on both ends of the political extremes may be attacking, the overwhelming response has been that this is a good framework. Like any piece of legislation, it needs some fine-tuning, but the fine-tuning ought to be preserving this framework, perhaps moving back from some of the pieces the FDIC and Treasury put in place. But we can get there, and this is too important to allow this piece of legislation to be drawn by the aisle that separates this body into Republican and Democratic camps. We need to put a piece of legislation and solution in place that sets the financial framework and predictability for the next century, and I think we have gone a long way toward doing that.

Mr. CORKER. Mr. President, I want to speak for 60 more seconds and then stop. I thank the Senator from Montana and the Senator from Florida for allowing me to do this. I want to be clear and say we have had a great partnership, numbers of us have. Some of the claims in this bill about preserving too big to fail are legitimate because of some changes that occurred about 10 days before the bill came to committee, maybe a week. But the fact is, they can be very easily fixed, and I think we all know how to fix them, and they can be fixed very quickly.

The prefunding issue is an issue that, to me, is a legitimate debate. If it needs to go to zero, the framework, as Senator WARNER just talked about, is still intact. It still works exactly the same way. It is a debate as to whether you want to absolutely make sure taxpayers are protected. But if people think this prefund is something that looks like a bailout, let's drop it, let's get rid of it, let's end it. Let's let borrowing capacity at the FDIC be the only avenue.

But my point is, these are all—in the scope of things, they are being made into really big things, when, in essence, a couple of semithoughtful people could solve these things in just a few minutes and we could move on to other aspects of the bill that do need to be corrected.

The one place I think the Senator from Virginia and I might differ more greatly is that I do think there are other issues in this bill that create problems that need to be resolved, and I hope the spirit we have shown with each other will emanate on both sides of the aisle—I think it will—and that we will work through those, too, and end up with a good bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. LEMIEUX. Mr. President, I rise to speak today on this extenders bill that we will vote on here on a point of order that I will make in just a few minutes. The purpose of this point of order is this: Not too long ago in this Congress, we passed legislation called pay-go, and what pay-go is supposed to mean is that we will pay as we go in this Congress; that when we create a new program, we extend a current program, we will pay for it; that we will not continue to borrow against our children's future. I was here in the Senate when we had that debate. It was a debate that came down to a purely party-line decision.

I am new to this body, and I wanted to vote for this because I believe pay-go might actually be something that limits the out-of-control spending of Washington. I talked to my colleagues, and some of my colleagues who have been around longer than I said: Look, Senator, it is not really going to do anything. They are just going to move to waive it every time it comes into effect. They are not going to play by the rules. They are not going to pay for things as you go. It is just cover.

I wanted to vote for it. I struggled with it. In the end, I did not vote for it. And here we are just a few months—2 months past February 12 when the President signed this pay-as-you-go legislation—only 19 days after that, we waived it on a bill very similar to this, and now we are going to seek to waive this legislation again to spend $19 billion and put it on the tab of our children and our grandchildren.

Let's talk about what this bill is. It would extend unemployment compensation and it would extend COBRA, which is health care benefits for people who lose their jobs. If we were to vote on this and pay for it, I think 100 Senators would vote for it. Shortly before the recess for the holiday break, there was an agreement in this Chamber between Republicans and Democrats that we would find the money to pay for this so that we wouldn't have to put it on the backs of our children, so that we would not have to borrow the money from China, so that we wouldn't have to increase our growing debt and deficit.

Our national debt is now nearly $13 trillion. It has gone up $1 trillion in the short time I have been here in the Senate. To give you reference on that, it took until 1980, from the founding of this country until 1980 for us to amass our first trillion dollars in debt.

The system of spending is unsustainable. I spoke on the floor this morning about it. But don't just take my word for it; take Ben Bernanke, the Chairman of the Federal Reserve, who testified today before the Joint Economic Committee of Congress and said this government must begin to make difficult choices to address its deficits and warned that postponing them will only make them more difficult. So here today we are going to spend another $19 billion and put it off on our children, and they will have to pay for it because we are going to have to borrow this money.

We are not supposed to be able to waive this rule, this legislation, unless it is an emergency. This is no emergency, and that is the basis of my point of order I will make here in just a few minutes.

What is an emergency? Well, most of us think it is what Merriam-Webster says it is: an unforeseen combination of circumstances resulting in a state that calls for immediate action—an unforeseen combination of circumstances. Has it been unforeseen that we were going to have to extend unemployment compensation? Was it unforeseen that we were going to have to extend COBRA? Of course, it is not. We knew we were going to have to do this, but there is an unwillingness in this Congress to pay for things. There is a willingness to put the debt upon our children and our grandchildren.

The Budget Act of 1974 that we operate under says that an emergency is necessary, essential or vital, sudden, quick coming into being and not building up over time, urgent, pressing, compelling, unforeseen, unpredictable, not permanent, temporary in nature. None of those requirements are met by this attempt to waive the pay-as-you-go requirements. Why do we have pay-go if we are just going to waive it every time we think we need to spend more money?

This is no emergency. This is just part and parcel of the problem we have in Washington of continuing to spend in an unsustainable way. And when, 5 years or 10 years from now, we are in the same situation Greece is in; when we have failed this country for our children; when we have $900 billion in interest payments alone in 2020 on our current course, which will not allow us to spend money on anything else because that plus mandatory spending will be all there is in the budget; when our economic system fails because we have failed to make the decisions to control our spending, you will know why—because of the decisions that are being made today, in 2010, in April, decisions to add another $19 billion to our national debt.

I yield the floor. I reserve my right to speak shortly before the vote is called at 12:30.

The PRESIDING OFFICER. The Senator from Montana is recognized.

AMENDMENT NO. 3721, AS MODIFIED

Mr. BAUCUS. Mr. President, pursuant to the previous order, I have a modification to my amendment at the desk, and I so modify my amendment.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

Strike all after the enacting clause and insert the following:

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 ''June 2, 2010'';

(B) in the heading for subsection (b)(2), by striking ''APRIL 5, 2010'' and inserting ''JUNE 2, 2010''; and

(C) in subsection (b)(3), by striking ''September 4, 2010'' and inserting ''November 6, 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 ''June 2, 2010'';

(B) in the heading for paragraph (2), by striking ''APRIL 5, 2010'' and inserting ''JUNE 2, 2010''; and

(C) in paragraph (3), by striking ''October 5, 2010'' and inserting ''December 7, 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 ''June 2, 2010''; and

(B) in subsection (c), by striking ''September 4, 2010'' and inserting ''November 6, 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 ''November 6, 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 enactment of the Temporary Extension Act of 2010 (Public Law 111–144).

SEC. 3. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—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 ''May 31, 2010''.

(b) RULES RELATING TO 2010 EXTENSION.—Subsection (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(b) of the Temporary Extension Act of 2010 (Public Law 111–144), is amended by adding at the end the following:

''(18) RULES RELATED TO APRIL AND MAY 2010 EXTENSION.—In the case of an individual who, with regard to coverage described in paragraph (10)(B), experiences a qualifying event related to a termination of employment on or after April 1, 2010 and prior to the date of the enactment of this paragraph, rules similar to those in paragraphs (4)(A) and (7)(C) shall apply with respect to all continuation coverage, including State continuation coverage programs.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

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 ''May 31, 2010''; and

(2) in subparagraph (B), by striking ''April 1, 2010'' and inserting ''June 1, 2010''.

SEC. 5. 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. 6. 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 ''May 31, 2010''.

SEC. 7. 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 May 31, 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. 8. 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. 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 ''April 30, 2010'' and inserting ''May 31, 2010''; and

(B) in subsection (e), by striking ''April 30, 2010'' and inserting ''May 31, 2010''.

(2) TERMINATION OF LICENSE.—Section 1003(a)(2)(A) of Public Law 111–118 is amended by striking ''April 30, 2010'', and inserting ''May 31, 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 ''April 30, 2010'' and inserting ''May 31, 2010''; and

(2) in paragraph (3)(C), by striking ''May 1, 2010'' each place it appears in clauses (ii) and (iii) and inserting ''June 1, 2010''.

SEC. 10. EXTENSION OF SMALL BUSINESS LOAN GUARANTEE PROGRAM.

(a) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, $80,000,000, for an additional amount for ''Small Business Administration—Business Loans Program Account'', to remain available until expended, for the cost of fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) and loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) EXTENSION OF SUNSET DATE.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking ''April 30, 2010'' and inserting ''May 31, 2010''.

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 Senate Budget Committee, 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)).

Mr. BAUCUS. Mr. President, shortly, the Senate will vote on the motion to waive the Budget Act for the consideration of my amendment and this important bill to extend unemployment

insurance benefits and other vital safety net programs.

We need to waive the Budget Act to allow this bill to move forward. We need to waive the Budget Act for the people who depend on unemployment insurance benefits.

We need to waive the Budget Act for people like the Montanans from whom I have heard.

We need to waive the Budget Act for Bonnie from Whitefish, MT. Bonnie lost her job in property management last year, and has been scraping by on unemployment benefits ever since. Bonnie has already sacrificed much, but she is still falling behind on her rent. She is unable to afford many necessities. Unemployment benefits help her get by from day to day.

We need to waive the Budget Act for people like Richard from Bozeman. Unemployment insurance has helped keep Richard afloat as he searches for a job. So far, Richard has applied for more than 150—think of it! 150—jobs and has had only 2 temporary part-time positions to show for his effort. Though his financial situation is grim, it would be even more so without unemployment benefits.

We need to waive the Budget Act for people like the single father from Missoula. He has been out of work for weeks. He exhausted his State benefits, and is now receiving Federal extended benefits. He recently called the Montana Unemployment Insurance Claims Processing Center for additional help because he does not know how he can take care of his daughters.

Unemployment benefits help these Montanans to pay the bills. Unemployment benefits help these Montanans and millions of Americans who, through no fault of their own, have fallen victim to this Great Recession.

The average unemployment benefit is $335 a week. These days, $335 only stretches so far.

Benefits have lapsed for 200,000 Americans. Since Authority expired a few days ago. If we do not pass this bill this week, another 200,000 Americans could lose their benefits.

Responding to recessions is the very definition of an emergency. Responding to this kind of need is why the Budget Act built in motions to waive the budget in the first place. The budget needs to have flexibility to address truly unusual circumstances like today's economy.

Extending unemployment insurance benefits is a good investment to make now. It is an investment, in our economy.

Unemployment benefits help our unemployed neighbors. And in helping our neighbors, unemployment benefits also help to keep open the neighborhood grocery store, and the neighborhood gas station.

In helping our unemployed neighbors, unemployment benefits also help the economy. The nonpartisan Congressional Budget Office says that extending additional unemployment benefits would have one of the largest effects on economic output and employment per dollar spent compared with any other action we could take. CBO says for each dollar spent, increasing aid to the unemployed could increase the gross domestic product by up to $1.90. That is 2 to 1. For every dollar spent on unemployment benefits, that could increase gross domestic product by $1.90. Households receiving unemployment benefits spend their benefits right away. That is very important. They don't save it; they spend it. That spurs demand for goods and services. That boosts production and leads businesses to hire more employees.

Some critics insist that emergency spending to address the recession is busting the budget. Some critics blame emergency spending and the Recovery Act for the huge budget deficits we face today.

We do need to address our Nation's fiscal circumstances, of course, we do. We are currently laboring to reach an agreed-upon package of offsets to pay for much of the long-term extension in unemployment insurance and other programs the Senate passed on March 10.

And on a larger level, we also need to balance the Nation's revenues and outlays. The President's fiscal commission will begin its work a week from Tuesday. We will need to think about fundamental tax reform as part of that exercise. And we will need to make sure that we get a dollar's worth of value for every taxpayer dollar the government spends.

But let me set the record straight. Emergency spending like this bill and the Recovery Act is responsible for only a small share of the deficit.

In fact, the cost of the Recovery Act is projected to be less than 10 percent of the total deficit legacy over the next 10 years.

The chart behind me tells the story. The majority of the deficit we will face over the next 10 years stems from inherited policies. The tax cuts enacted under the previous administration, the wars in Afghanistan and Iraq, and the economic downturn itself explain nearly $11 trillion of our deficit over the next 10 years.

These policies were enacted before the current administration and before this Congress. Because these policies were not paid for, we are now facing huge deficits.

Unemployment benefits are not the cause of the deficit. We should not balance the budget on the backs of the unemployed.

Right now, it is essential we pass a temporary extension of unemployment benefits. It is essential we help Americans put food on the table. It is essential to pay the bills, while they continue to look for work.

So let us waive the Budget Act for Bonnie from Whitefish.

Let us extend unemployment insurance benefits for Richard from Bozeman, MT.

Let us extend this vital lifeline for the single father from Missoula and for his daughters who depend on him.

And in this great recession, let us waive the Budget Act to enact this temporary extension of unemployment insurance for the hundreds of thousands of Americans struggling, through no fault of their own, just to get by.

It is true that very soon we must significantly address the budget deficit. The real test will be the degree to which this country, the President, and the Congress buckle down and start to reduce the budget deficit during times of prosperity; that is, after we get out of this recession and when unemployment levels start to reach sensible, lower levels. That is when we face the true test of whether we reduce the budget deficit. It is our responsibility to do so. We should let unemployment benefits be extended. We should not have to pay for those now. But soon, when the unemployment rate falls, when the country comes out of the recession, then it is up to us to go the extra mile to make sure we, in a responsible way, start to address the huge deficits. When we do, it will keep interest rates low, and other countries will have more confidence in the United States. I daresay they have confidence now, but they will have even more confidence. I very much expect and hope that this body will exercise that effort responsibly to begin to tackle huge deficits.

Now is not the time. Soon we will face the time. It is not now.

I suggest the absence of a quorum and ask unanimous consent that time under the quorum be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEMIEUX. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEMIEUX. Mr. President, I thank my colleague, the chairman of the Finance Committee. I appreciate his comments about the need for this body to enter into a discussion about fiscal discipline. I offered legislation today to have a requirement that we would have a debate every year to talk about bringing spending back to 2007 levels, prior to the stimulus, prior to the recession, certainly a time when this country had a much better economy than now. If I asked Floridians if they could live off of what they had in 2007, they would be happy to have that much money. Whatever the architecture is, we need to get into that. Our budget deficit and the debt are cascading out of control.

I disagree with my colleague that we can wait until the recession is over. While I am optimistic that we will soon be turning the corner, times are very tough in my State. I don't know if it is

going to be next year or the year after that we are out of this recession. We have the worst unemployment we have had since we have been keeping records in Florida, 12.2 percent. I don't know that we can wait, especially when we hear the Chairman of the Federal Reserve say we must act now.

Recently, we were in a situation where bonds went out to issue, and the Wall Street Journal reported that the yield rate the Federal Government had to offer on those bonds, the interest rate was more than Warren Buffett had to offer. Warren Buffett was a better investment than the United States. Why is that? It is because the world is beginning to believe the United States can't manage its debt. Places such as Brazil have had their stock market increase 100 percent in the last year because they are now seen as a better investment than this country.

We can't wait. We can't wait for 6 months or a year from now. Perhaps the time has already gone too far.

I raise a point of order pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LEMIEUX. I raise a point of order against the emergency designation in the pending substitute amendment and note this is not a budget point of order. It doesn't kill this provision. It only requires that it be paid for by the end of the year. Everybody is for extending unemployment compensation. Everyone is for paying for COBRA. The point is, pay for it.

The PRESIDING OFFICER. Does the Senator wish to raise a point of order?

Mr. LEMIEUX. I have raised a point of order. I repeat, pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010, I raise a point of order against the emergency designation provision in the pending substitute amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Pursuant to section 904 of the Congressional Budget Act and section 4(g)(3) of the Statutory Pay-As-You-Go Act, I move to waive all applicable provision of those acts and applicable budget resolutions for consideration of the pending amendment, No. 3721, as modified, and the underlying bill, and I ask for the yeas and nays on the motion to waive.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. BAUCUS. 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. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion.

The yeas and nays have been previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 58, nays 40, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—58

Akaka	Franken	Nelson (NE)
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Rockefeller
Bingaman	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown (OH)	Kerry	Shaheen
Burris	Klobuchar	Specter
Byrd	Kohl	Stabenow
Cantwell	Landrieu	Tester
Cardin	Lautenberg	Udall (CO)
Carper	Levin	Udall (NM)
Casey	Lieberman	Voinovich
Conrad	Lincoln	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feingold	Mikulski	
Feinstein	Murray	

NAYS—40

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bond	Enzi	Murkowski
Brown (MA)	Graham	Reid
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Thune
Collins	Johanns	Vitter
Corker	Kyl	Wicker
Cornyn	LeMieux	
Crapo	Lugar	

NOT VOTING—2

Bennett	Leahy

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 40.

Three-fifths of Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The emergency designation is stricken.

Mr. REID. Madam President, I enter a motion to reconsider.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Madam President, with the consent of the minority, I suggest we go into a period of morning business for 1 hour, and at 2 o'clock we go back on this bill. As soon as Senator COBURN comes—Chairman BAUCUS will be here around 2:15 and he will be ready to offer his first amendment. If there are any procedural issues, which there shouldn't be because this point of order was not well taken—so if there is anything we need to do, staff will be working on that so that procedurally we can get to him.

We all know that at 2:15 we will be back on the bill, and Senator COBURN will be offering his first amendment.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that we go into a period of morning business until 2 p.m., and at that time we go back on the bill, and that Senator COBURN be recognized to offer an amendment at 2:15.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that during the time of morning business, Senator WARNER and his colleagues be allowed to enter into a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

JUDICIAL NOMINEES

Mr. WARNER. Madam President, I appreciate the opportunity to get back into morning business. A number of my freshman and sophomore colleagues and I have come to the floor to discuss an important issue. We also came to the floor during the final throes of the health care debate. We are here to raise the issue that, while we are enormously proud to be Members of the Senate and respect the traditions of the Senate, something seems a little strange when 15 months into this President's administration, we still have approaching 100 nominees who have not been voted up or down so that they can serve in these most important positions to make sure we get our country back on the right path.

We are going to reiterate these issues, and we will come back to try to urge Senators who have concerns about nominees to come to the floor and make their case against the nominees. They ought to be voted up or down, and if they are not approved, the administration can move on to someone else. But 15 months is a long time. As a former CEO in business and a former Governor, I think this President ought to have his team in place.

First, this is an issue that a number of us have raised over a period of time. We all have previous experience before coming on this body. I call on my colleague, the Senator from Minnesota, Senator KLOBUCHAR, to make a few comments.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I thank the Senator from Virginia.

As a member of the Judiciary Committee, I have seen what is going on here. We get these nominations through our committee, and then they vanish into thin air. You can look at the numbers with what is going on here. You have a situation where President Bush had 100 circuit and district court confirmations during the first 2 years of his Presidency. To date, President Obama has only 18. There are literally dozens of nominees waiting.

Why does this matter? We can spend the whole morning spouting numbers

and talking about the times and differences between the months. Why does it matter? This is about a drug dealer who doesn't get prosecuted, someone who is running a drug ring, because there is not a judge to bring the case in front of. I was a prosecutor running an office of 400 people, and I saw what would happen if we didn't have judges. It is also about a felon in possession of a gun, and they can't bring up his case because they have a heavy docket of criminal, civil, and corporate cases, and because of this you cannot get criminals off the street. Or this is about complicated white-collar crimes such as the one with Bernie Madoff. In a recent case in Minnesota, there was a lengthy trial involving a guy who got a 50-year sentence. If we don't have the judges to handle these things, criminals will be out there committing crimes. That is what this is about.

I will say this before I turn it over to my colleague, the Senator from New Hampshire. President Bush had 100 circuit and district court confirmations during the first 2 years of his Presidency. Today, President Obama has 18. If we are going to hit this hundred number and get 82 more judges confirmed, we are going to have to do nearly 3 per week.

The new Members of the Senate are here to say let's get this done because justice delayed is justice denied.

I turn this over to Senator SHAHEEN.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I am here to join my colleagues to raise our concerns about what is undoubtedly a deliberate attempt to keep President Obama's nominees from getting through the Senate and taking over their jobs, regardless of whether it is a court justice or whether it is the Director of the Office of Violence Against Women. I was on the floor a couple months ago because the Director of the Office of Violence Against Women, from New Hampshire, had been held up 2 months after unanimously being approved in the committee. She was held up not because it had anything to do with her qualifications but because somebody objected to something else—who knows what. The person who objected never had to tell why they were objecting.

That is the situation we are in now. We have 94 nominees being held up by the other side of the aisle, and they are not telling us why they are holding up these nominees. They have to come forward and allow a vote. It is time for us to move forward on the judiciary nominees—on all of those 94 nominees—and get a vote and keep government moving.

Mr. WARNER. Madam President, I thank the Senator. She realizes the importance of getting a team in place, whether it is judicial or administrative.

Somebody who feels very passionate about this and a lot of other issues is the Senator from Vermont. He wishes to speak.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Madam President, I think most Americans understand that in the Senate, and in government in general, honest people will have honest differences of opinion. They debate issues, represent constituencies, and vote. Sometimes you win and sometimes you lose. I think there is a growing anger and frustration when a lot of what takes place on the floor has nothing to do with an honest debate on the issues but simply obstructionism, obstructionism, obstructionism.

The American people have a hard time understanding when you have well-qualified nominees for the judicial positions, when some of these nominees have gotten out of committee with unanimous or almost support, it takes months and months to get these nominees approved so they can do their job.

As the Senator from Minnesota said a moment ago, the issue is that justice delayed is justice denied. We have some dangerous people out there who should be tried and found guilty and sent to jail. We have ordinary citizens who have claims before courts and they want their day in court. Right now, they cannot get that day because the courts are backed up because we don't have enough judges. So I hope very much that we can get moving and do what has to be done, and that is to appoint these judges. I hope we can get an up-or-down vote on them.

I yield the floor.

Mr. WARNER. Madam President, again, there are judicial nominees and there are administrative nominees. I ask my friend, the newest Member of the Senate, who comes from a different business than I—I came from the telecom business and he comes from a different business.

Mr. FRANKEN. I kind of came from telecom.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. FRANKEN. Madam President, I am going to tie together judicial nominees and administrative nominees. You heard from my colleague, Senator KLOBUCHAR from Minnesota. She talked about how President Bush had, during his first two years in office, about 100 judicial nominees confirmed, and it is 18 judges so far for President Obama. The district court nominees who have been reported out of committee are waiting almost twice as long to be confirmed as during the Bush administration, and circuit court nominees are waiting five times longer. I have heard my colleagues from the other side say, well, the President isn't nominating judges as fast as President Bush did. First, you would think if that were the case, they would have to wait less time because there are fewer of them. The reason he has been nominating fewer is because they are holding up Christopher Schroeder, from the Office of Legal Policy at DOJ. He is the guy who vets nominees for judgeships. He was reported out of the Judiciary Committee in July of 2009. We could not get him a vote on the floor. Then he wasn't carried over. The Republicans objected, so now he has been renominated earlier this year and reported out again. We cannot get a vote on him. He is the guy who helps the President vet the people for the judgeships.

I don't want to hear complaints from my friends on the other side about the pace of the judgeships being nominated, when they are holding up the guy who helps the President vet the judgeships.

This is a perversion of the filibuster. The whole point of the filibuster was that our Founders said the Senate was the saucer to cool the passions of the House of Representatives, right? We wanted to prevent the tyranny of the majority. This isn't about that—not when you are holding somebody up, and then when you have the vote, it is 99 to 0. That has nothing to do with what the purpose of the filibuster is. Do you know what this is? This is running out the clock. This is used to stop business before the Senate.

The American people ought to be incensed about this, because what this is doing is slowing down anything from getting done on jobs, on Wall Street reform, and on energy. That is what this is about. This is about not letting this President and this Congress achieve anything. This is about obstructionism.

I yield back to the Senator from Virginia.

Mr. WARNER. I thank my colleague from Minnesota. In his case in point, we had a judicial nominee endorsed by a Republican Governor, reported out unanimously, filibustered, and then she was confirmed 99 to 0.

I respect the traditions of the Senate, but something is broken. I now ask the Senator from Colorado to speak. He is actively talking with the people of Colorado who hired him for this position. He hears the frustration they express about why can't you get things done.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Madam President, there is not a person in this Chamber, I guarantee you, who does not go home at the end of the week and hear from people of their State—Democrats, Republicans, or unaffiliated voters—''what in the world are you guys doing back there? What's with all the political games being played? Why can't people act in a bipartisan way?''

I think it is important to say that we are talking about a bunch of nominations that actually have broad bipartisan support. Most of them passed out of committee by voice vote—certainly on a bipartisan basis.

As the Senator from Virginia was saying, there is instance after instance where there has been delay, delay, delay, only to see somebody pass 97 to 0 or 98 to 0. That is not about partisanship or about Republican versus Democrat. To me, that is about Washington

being completely out of touch with the real world. The real world doesn't act this way. They don't use rules to make excuses for not getting their work done. The real world doesn't say we are frightened to debate these issues. The real world doesn't take people who are qualified for their jobs and prepared to serve this country at an enormously difficult time in our history and say: Let's put it off until next week or the week after that or the week after that. Nobody here is saying we should not have a vote. Nobody here is saying we should not have a debate. We are saying that the American people deserve better than that. By the way, people may not know this. In this institution, it is actually possible to put a hold on somebody and not say who you are.

I say to the Senator from Virginia, as the Governor of the Commonwealth of Virginia, how could you ever have gotten anything done if that were the case?

It is possible to put a hold on somebody in this institution and never explain why you did it. You do not know what the issue is. That is why we need to have this debate and move forward.

Everybody in this Chamber has an obligation, whether they are Democrat or Republican, to look at the merits of the nominees and to vote their conscience on those nominees. But the American people are enormously frustrated with the current state of affairs. They want an open and sensible conversation about the policy choices we face as a country, and I think they want an end to the political games.

It is important we are all here today. I hope there are others who will join us in the days ahead. I thank the Senator from Virginia for organizing this discussion.

Mr. WARNER. Madam President, again, this should not fall on partisan lines. We welcome those Senators on the other side of the aisle who are frustrated by this process and want to bring, while respecting the traditions of the Senate, rationality back to the process.

My good friend from Delaware, while he is a freshman Senator, has served in this institution longer than most of us and has watched the transformation of this institution. I would love to have Senator KAUFMAN's comments on this issue.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Madam President, some things have changed. I came here in 1973 working for now-Vice President BIDEN. Back then, if you asked the American people what they most disliked about Washington, they would say partisan bickering, the back-and-forth. That is what they really do not like about what goes on.

My basic reaction is, and I have said to people that today what looks like a lot of partisanship—basically, Senators like each other. This is not about people not liking each other. There is not a Senator on the Republican side of the aisle whom I do not have a positive relationship with and feel good about. You can say that about the issues. What I say is there is a difference on the issues. Basically, we disagree about the issues. But I do have a hard time, when it comes to judicial nominations especially, on the rationale for the argument because it is not a matter of issues.

We have differences about some judges, but the vast majority of judges still being held are judges we all agree are competent judges. So why is it they are not being confirmed, especially when we talk about the two areas about which most Americans are so concerned? One is crime, that we deal with crime and deal with it in a quick manner; that people are given a fair trial, but then if they are guilty, they are put in jail. All Americans agree to that. To do that, one of the key chokepoints for us is the judges. We need the judges to be confirmed in order to deal with crime.

The other area, as I know my friend from Virginia is so aware, is the business side. If you are a businessperson, you need certainty. You need the ability to know, if you have a dispute, that you can get it handled in a court and that you get prompt action. That is what everyone wants. With many of these things, it isn't as important that you win as it is that you get an answer. When we have vacancies in district and circuit courts, that holds up everything.

The final point is, there were always differences of opinion, but starting about the 1980s, the judges became a football. They just became a football. When I hear about the old wars—it is like the Hatfields and McCoys. Who was the first Senator to hold up the most number of judges and when did it happen? Our judge did this. You did this. We did that. It really sounds like the Hatfields and McCoys on the floor sometimes.

I am saying it is time to put that behind us. It is time to put that behind us, especially when it comes to these judges whom we know are competent; where there is agreement, there is no disagreement. I defend the right of the minority to hold up judges they think are not competent. We had three judges in a row who were confirmed by unanimous votes of the Senate.

What I am saying is it is time to put that behind us. The American people are looking to us to behave in a bipartisan manner. Again, we are going to have partisan differences on some judges, but when we have judges where there is bipartisan agreement, the American people are stymied to understand why in Washington we are behaving this way. I call on my colleagues to work together and see if we cannot get these judges confirmed.

I thank the distinguished Senator.

Mr. WARNER. I thank the Senator from Delaware for his comments and perspective.

Again, while many of my colleagues talk about this related to judges, we have, as the Senator from Minnesota said, members of the DOJ who are held up. We have a very qualified and talented individual up for Treasury Under Secretary for International Affairs. They are enormously important positions.

I know my friend and colleague, the Senator from Maryland, wishes to speak on this subject matter.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Maryland.

Mr. CARDIN. Mr. President, I thank Senator WARNER for taking this time to bring to the attention of our colleagues a very serious problem.

One of the most fundamental responsibilities for a Member of the Senate is to advise and consent on the President's nominations. There are literally hundreds of appointments that are going to require our confirmation—more than that; thousands, actually, that we have to confirm. Our responsibility is to take the appointments the President has given us, to evaluate them, and then to act, either to confirm or not confirm.

The American people depend on these individuals being in office to perform the services they need, whether it is services that come forward in the Department of the Treasury in dealing with the economic issues of this Nation, the regulatory functions that are important to protect consumers in America, to be able to give those who have been wronged an opportunity in our judicial system to have courts that can handle their dockets in a timely way. All that is dependent upon the Senate carrying out its responsibility to advise and consent to take up the nominations of the President.

Look at what has happened in this Congress. Let me point out the district court judges. District court judges are the judges who hear the overwhelming number of cases. If you have a problem and you go to Federal court, you go to district courts. That is where 99 percent of the cases are going to be heard.

In 2002, when George Bush became President, 35 of his district court appointments were confirmed. They waited on average 13 days after being reported by the Judiciary Committee for confirmation votes on the floor of the Senate. On this date, there were no further pending district court appointments that required the confirmation of the Senate. We had acted on every one of them.

Now let's take a look at the current situation. This Senate has only confirmed 11 of President Obama's district court nominations, and they waited on average 43 days. There are 17 district court nominations that have been reported out by the Judiciary Committee. Most have been reported by voice vote, by unanimous vote, no controversy at all with most of these nominations, and they have been pending on average 46 days.

This is an intentional action by the Republicans to block the ability of

President Obama to place his appointees either in the courts or in his administration. That is just wrong. If you have a disagreement, let's debate it. If there is a legitimate concern, let's talk about it. But that is not what is happening here.

The people of Maryland, the people around this Nation are being denied essential services because of a partisan strategy to block this body from timely considering the appointments by the President. That is just wrong. It is time we bring an end to it. It is time the Democrats and Republicans work together in the best interests of the American people.

I yield my time to the Senator from Virginia.

Mr. WARNER. Mr. President, I thank the Senator from Maryland for his comments. Again, we want to be respectful of Senate traditions, but it just seems at this moment in time, with so many issues our country is confronting, we need a rational process. We need to be able to explain, as the Senator from Colorado said, to the American folks why we are not getting business done. Part of the reason we are not getting business done is the President does not have his team in place, judges are not in place, and a lot of time is wasted on the Senate floor with needless filibusters.

There is another freshman Senator with whom I have had a number of conversations, my good friend from North Carolina. This is a little different from the way she operated as State senator in Raleigh, NC. I would love to hear her comments.

Mrs. HAGAN. Mr. President, I thank the Senator from Virginia for helping us come together to talk about this issue because it is of critical importance.

In North Carolina, we have two justices for the Fourth Circuit Court coming before this body. They were heard in the Judiciary Committee back in January. They are ready to go. However, once again, the individual who is to vet justices has not been heard, Chris Schroeder. We need to bring him up. Although both of these individuals, Judge Wynn and Judge Diaz, have come out of the Judiciary Committee, they are waiting to come up for a vote. They are behind in the queue from all the other district court judges who have not come forward. I will say that my colleague, Republican Senator BURR, is in total agreement with both of these nominees. We need to bring them forward for a vote. The interesting fact is that one of these positions has been open since 1994. Talk about justice delayed is justice denied. It is high time this body had an opportunity to vote to put forward Judge Diaz and Judge Wynn to represent our State on the Fourth Circuit Court of Appeals.

Mr. WARNER. Mr. President, I thank the Senator for her comments, again recognizing that some of the judges she is talking about have had bipartisan support. If this was a question of qualifications, it ought to be legitimately questioned and debated.

I know there are other colleagues showing a little bit of the radical transformation we are making. Having freshmen Senators speak is part of that.

I now call on my good friend from Pennsylvania to add his comments. I believe the Senator from Pennsylvania has judges in Pennsylvania and other appointees who have been pending.

Mr. CASEY. I thank the Senator from Virginia for getting us together to talk about something that is fundamental. Basically, we are talking about our system of justice. We heard the number of days, when we compare this administration to the prior administration, it takes to confirm a judge on the appellate court or on the district court.

It is important for people to realize that we are not talking about saying they on the other side should be voting for all of our judges or they should be endorsing them, even though when they come to the Judiciary Committee we have had tremendous bipartisan votes on a lot of these judges.

Here is a lot of what the American people do not understand. They can understand that when Senators are making their minds up about how to vote on a particular nominee to be on a district court or on an appeals court, we might have a difference of opinion as it relates to judicial philosophy, for example, or the experience of this particular individual or their character, their ability to serve with integrity. All of those basic considerations we have to weigh and I think by extension the American people weigh when they are deciding whether or not someone is fit to serve on a district court or appellate court. All of those considerations are considerations Democrats and Republicans will weigh, but we cannot do that unless we can get a vote, unless we can put a nominee in front of the Senate for an up-or-down vote based upon their record, based upon their views and philosophy. But this idea of obstructing purely for political reasons, sometimes to slow down the President's agenda for no good reason, sometimes to bottle up things in the Senate, makes no sense as all. Why don't our colleagues want these nominees for various positions in our system of justice to go before the Senate to have an up-or-down vote, and then we can have a debate as part of that about their qualifications or about their educational background or their ability. We can certainly do that. This idea of obstructing for political and partisan reasons makes no sense to us, and I am sure it makes no sense to the American people.

I yield the floor.

Mr. WARNER. What we have heard in the case of Pennsylvania, as we heard from all of us, is frustration. As the Senator from Colorado said, folks who have legitimate complaints about an individual, whether they are a judge or a Presidential appointee, ought to bring them to the floor and debate them. While we want to be respectful of Senate traditions, I think allowing the process to go along without using the existing rules to try to force us to confront these issues does not make any sense when our country faces many enormous challenges.

I call on my good friend from Colorado who, while he served in the other body, has obviously had a longtime family tradition of public service. I am sure the folks in Colorado are scratching their heads about the rules under which we operate.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, I thank Senator WARNER.

I did want to touch on the concerns of the people of Colorado with respect to the discussion we are having today. I want to start by saying that one of the fundamental roles of the Senate is to advise and consent the President of the United States. We do not even have a chance to advise the President, much less consent, because of the anonymous holds and the slowdown tactics that have been utilized when it comes to all these important nominees.

We ought to have a chance to debate on the floor of the Senate, which is the advisory role, and we may find some judges do not pass muster, but they deserve an up-or-down vote on the floor of the greatest deliberative body in the world, the U.S. Senate. That is not happening.

I note that some of my colleagues pointed out two cases where Judge Thompson from Rhode Island for months was stalled on the Executive Calendar. There was no reason given. When she was finally brought to the floor, there was a 98-to-0 vote, a unanimous vote. What was the problem? Why couldn't she be confirmed earlier?

With Judge Keene from the State of the Senator from Virginia, we had to have a cloture vote to bring her to the floor—4 months. She was approved 99 to 0. There was no objection expressed to her sitting on the circuit court. This is senseless. This is absurd.

In Colorado, we have had two vacancies on our district court for many months, going on years now. That bench is undermanned right now. Those judges are appealing to Senator BENNET and me to get two more judges for reinforcements so that docket can be reconsidered. Those district court judges are not being moved on the floor of the Senate so that we can advise and then, hopefully, consent.

We have a Federal attorney whom we need to see confirmed. There has been no movement there as well. So for me, the Senate is not keeping faith with the people of our respective States and not keeping faith with the people of the United States.

I know we can do better. I know the American people, when they look here to Washington right now, wonder why we are behaving like children. Children

have an excuse, don't they, Senator? They are children. We are not. We have greater responsibilities. I hope we can set aside our differences, bring these nominees to the floor, across the board, and have an up-or-down vote.

I would suggest that perhaps we ought to bring a block of nominees to the floor under a unanimous consent request. They have all been vetted. The President needs to have a full complement of people in his administration to do the work of the American people.

Again, I thank Senator WARNER. We will continue to beat these drums until these nominees have had a chance to be voted upon. This is crucial to me and to the challenges our country faces here today.

Mr. WARNER. I thank the Senator from Colorado for his comments and his great perspective on this issue, and again, part of what he is raising is that we want to consider the rules and traditions. Today, we have all these freshmen and sophomore Members coming to the floor and saying the process seems to be broken. We want to urge our colleagues on the other side to allow the process to move forward and to suggest that we are not going to let business as usual continue to go on. We want to give them appropriate notice. There is no attempt to ambush on process here, but we are saying enough is enough. We owe it to this body and we owe it to the folks across the country.

Madam President, someone who comes to this floor regularly to talk about health care and a series of other issues has these same issues facing him in his great State of Ohio, and he wishes to make some comments on this as well.

Mr. BROWN of Ohio. I appreciate the work Senator WARNER is doing, along with Senator HAGAN and Senator UDALL. I came to the Senate 3½ years ago. I am personally not a lawyer, and I have, obviously, never sat as a judge, but I understand the custom here is that, typically, if there is a Senator from a State with the same party affiliation as the President, that Senator makes a recommendation to the President for a Federal judgeship or a district Federal judgeship, and normally the President will accept that. My senior Senator, my colleague from Ohio, is a Republican. So rather than block him out of the appointment process, the confirmation process, I asked him to join with me and we put together a committee for the northern district in Ohio for a judge vacancy. Actually, there were two, one in the northern district and we did one in the southern district. We had a panel of, I believe 17 people. The northern district panel was actually majority Republican. I am a Democrat; the President is obviously a Democrat. The southern district was a majority Democrat, barely. The panel did lengthy interviews of about 20 potential judges each—Federal judges—for the one vacancy in the northern district and the one in the southern district. In these interviews were people who were active in their communities, who donated their time and spent 2 or 3 full days.

The panel then submitted to me the top three candidates in both the northern and southern districts, and I interviewed each of the three and chose who I thought would be the best Federal district judges. I then spoke with Senator VOINOVICH and he signed off on them. Both of these candidates were then submitted to the President, who in turn submitted them to the Senate and the Judiciary Committee. The Judiciary Committee voted overwhelmingly for each of them. Yet they still haven't come to a vote on the Senate floor.

I couldn't have done this in a more bipartisan and fair way to make it happen, and I know Senator VOINOVICH wishes to move on these judges. He signed off on them, and on the day we announced them we put out a joint statement where we said these were important judgeships and that we had selected the right people.

As Senator CARDIN said, this is wrong. There are backlogs in these courts and, as Senator HAGAN of North Carolina said, we need to fill these positions. As has been said, justice delayed is justice denied. There are backlogs both in the northern and southern district and we have these two ready to be voted on. We could do it today. It could be done by unanimous consent request, as Senator UDALL of Colorado suggested. We could do that.

There are now two new vacancies in Ohio, and so we will start that process. But it doesn't make sense that President Obama's district court nominees have waited twice as long after being favorably reported by the Judiciary Committee to be voted upon. So in addition to the other judges who have been vetted by a whole process—from the State senator to the FBI, to the President, to the Senate Judiciary Committee—it is time now for a vote. And most of these will be unanimous or close to it.

I think there will be overwhelming support for Judge Pearson in the northern district and Judge Black in the southern district. They have proven they are ready to go and they would be good judges. Both are U.S. magistrates now, so they have gone through other vetting processes for those jobs. I hope my colleagues will decide to accept these and move on, because we have so many other things to do. This delay and obstructionism on judges is wrong and we need to move on.

Madam President, I thank Senator WARNER for his leadership on this issue.

Mr. WARNER. I thank the Senator from Ohio. A lot of my colleagues and I talk about judges, but this goes way beyond judges. As a matter of fact, a Senator who has been a leader on this issue, my friend, the Senator from Montana, has come to this floor on other occasions by himself to talk about certain other nominees the President has put forward, and my understanding is that some of these nominees were held up because of totally unrelated issues.

I don't know about the folks in Montana, but the folks in Virginia are scratching their head and saying: What do Canadian tobacco laws have to do with a Presidential nominee for a totally different type of job that has nothing to do with Canada or tobacco? So I would like my good friend, Senator TESTER, to speak to these issues.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, I thank my colleague for the recognition and for his leadership and his ability to see through the fog that has been created here in the Senate.

You know I am a farmer. Most folks in this body know I am a farmer and I have been my entire life. One of the things farmers can't deal with is idle hands. When there is work to be done, you roll up your sleeves and you get out there and you get the work done. In Montana, right now it is planting season, and the folks there who are in agriculture—as with small businesses and working families, but in agriculture particularly—are looking at either getting their fields ready or they are in the field putting seeds in the ground because the work is there and it has to be done. You have an opportunity to do it, and you do it.

Well, it is planting season in the Senate all the time. Whether it is creating jobs or turning the economy around or fixing health care or whatever it may be, we have important work to do. The folks on the other side of the aisle, I guess, are watching the clouds roll by, because the fact is, it is time to go to work. Obstructionism is not something that takes a lot of skill, but getting things done requires hard work, and it is time to get things done.

These judicial appointments we have to do right now in the Senate are critically important. They are critically important for this country and for the process to work, and yet they are being held up for literally no reason whatsoever or just because they can be held up.

Let me give a quick statistic, because we always compare what goes on in past administrations. I can tell you that in the first 2 years of the Bush Presidency he had 100 circuit and district court nominations confirmed. To date, President Obama has had 18 over 2 years in. This is idle work. Idle hands get nothing done. It is time to go to work in the Senate, it is time to do away with the obstructionism, and it is time to put the Senate back on the side of the people.

Mr. WARNER. I thank the Senator for those comments, and in the interest of full disclosure, I might try to use that line about idle hands—as a matter of fact, in a speech later this afternoon.

I know we have been joined by one more of our freshman colleagues who

may not have grown up as a farmer but who understands equally as well the importance of this body getting its work done, and that is my friend, the Senator from Illinois, Senator BURRIS.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. I thank my colleague from Virginia, Senator WARNER, who has taken a leadership role on this important and crucial issue in the Senate.

At a time when we are looking at trying to move all this major legislation and solve problems for the people of America, we find ourselves stymied with regard to our third branch of government. The upcoming vacancy on the Supreme Court has already started a lot of talk across the Nation, despite the fact that we don't even have a nominee as yet. But let's forget about that. We must still focus on a number of immediate judicial nominations.

My Republican friends continue to delay and obstruct, and for what reason, I have no idea. Take, for example, my home State of Illinois. There are currently five judicial vacancies, two in the central part of the State and three in the northern part, which is, of course, where we have Chicago. The caseload is tremendous on those current judges and so there are all these delays. If you want to know why it takes so long to bring someone to trial, that is because the judges there are overworked and the numbers there need to be brought up to par with what the requirements call for.

Illinois is not alone. This is happening all over the country. So the numbers are such that we have all of these nominees who have been nominated, and some have been cleared by the committee unanimously. On some of the other judges, whom we did get confirmed, we had to go through cloture. They cleared the committees, they were blocked, but then, when we got to vote on them, the result was 99 to 0. That is uncalled for. So we must do what we can in order to make sure that the judicial process is not being delayed. That is, after all, our third branch of government. That is where justice is rendered for individuals who have violated any of the Federal laws.

My Republican friends are holding these up. They are blocking these important nominations and stopping the Senate from performing its constitutional duty to advise and consent. We cannot consent because of the delay tactics they are using. As a former attorney general of my State, I have a deep understanding of how this obstructionism brings our justice system to a standstill, and justice delayed, of course, is justice denied. It is simply inexcusable.

I urge my Republican colleagues to stop blocking these qualified nominees, stop playing political games at the expense of our court system—the third branch of our government—and let's bring all of those nominees to a vote.

I thank the Senator, and I yield to him.

Mr. WARNER. I thank the Senator from Illinois.

Madam President, I think we have had more than a dozen Senators speak this afternoon. I appreciate all of them coming out on relatively short notice.

We raised these issues before we went on recess, because we want to be respectful not only of traditions but to our colleagues on the other side. We recognize, as the Senator from Colorado has said, that there are rules that allow us to ask unanimous consent to bring these folks up, and in future days and weeks we will use those rules to try to urge a full-fledged debate, and not just on judicial nominees. As the former CEO of a business, and the former CEO of a State, I know there are a whole host of administrative nominees which are part of the administration that this President needs to get in place.

I thank the Presiding Officer for the time we have had to share our concerns about this process. Again, I encourage my colleagues and friends on the other side to allow us to get this fixed, to get back to the substantive debates that are so important—financial reregulation, energy, and jobs—and that the American people deserve and demand.

With that, Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURRIS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CENSUS 2010

Mr. BURRIS. Madam President, in 1790, Secretary of State Thomas Jefferson became the first government official to perform the essential duties laid out in Article One Section Two of the U.S. Constitution.

He oversaw a team of marshals, who fanned out across all 13 United States to conduct the very first U.S. census.

In those days, it took quite a long time to gather an accurate count and certify the results.

But, in many ways, that first census laid the cornerstone of our democracy.

It codified the principle that our system of government depends upon accurate representation of the people.

And, even today, that's exactly what the census is all about.

It determines the size of the House of Representatives, and ensures that congressional districts and electoral votes are distributed accurately.

It helps target Federal funding for schools, hospitals, community centers, infrastructure projects, and a whole host of other programs.

In short, it helps our government work the way it is intended in each community, so everyone's voice can be heard.

It is about nothing less than who we are as a country.

It is about enfranchisement, and civic duty, and ensuring the success of the American system of self-government.

That is why our Constitution mandates that the census take place every 10 years.

And that is why, 220 years after Thomas Jefferson started this tradition, we are once again asking all Americans to stand up and be counted.

Our country has grown by leaps and bounds since Jefferson's time. Making sure we get an accurate count can be a complicated process, but it has never been more important, especially for low-income and minority communities, which are in the greatest need for the resources that will be allocated based on this census.

The problem is that many of these communities also have low participation rates—so they are often undercounted, and receive less funding than they deserve.

That is why we need make a special effort to reach out to these communities.

We need to let everyone know how important it is to participate, so we can get a clear, accurate snapshot.

Fortunately, unlike in Jefferson's day, the 2010 census will not take several months to complete—it will take about 10 minutes.

This year's form is one of the shortest in history—and it bears a close resemblance to the original questionnaire that was used in 1790.

Filling it out will be quick and easy—but it will make a world of difference.

I ask my fellow Americans to join me in doing their civic duty, as required by the Constitution. Take 10 minutes to fill out and return this census form. It could be the most productive 10 minutes of the decade. It will make your vote count for more on election day. It will make sure hospitals, fire departments, and police departments are up to the task of serving your community. It will secure adequate funding for roads, bridges, rail lines, and other important infrastructure. And it will help us reaffirm the unwavering commitment shared by all Americans—to a representative government—a government of the people, by the people, and for the people; a government that serves not only the best interests of this great country but of the world.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. 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.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak as in

morning business for no more than 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO TOMASZ MERTA

Mr. BROWN of Ohio. Mr. President, I rise as a result of the resolution offered earlier today commemorating the tragic deaths of so many Polish leaders, especially the death of Tomasz Merta, who is the Minister of Culture in Poland.

I worked with Tomasz Merta a couple times over the last 25 years. In the early 1990s, he was a very young man, was still in his twenties, and he worked with Ohio State's Mershon Center, where I worked, helping his country's government transition from communism to democracy. We worked on everything from curricula writing to training teachers.

I worked with him again when I was a Member of Congress. This time I went to Ukraine, and he helped us train Ukrainian teachers, helped write curriculum, and help those Ukrainian teachers teach government courses on civic education in Kiev.

So Tomasz Merta, born in 1965, graduate of Warsaw University, got a Ph.D. His whole career was all about love of country, all about democracy, all about doing the right thing. He, in the nineties and since, was a prolific writer. He wrote articles about democracy, articles about teaching democracy, articles about building democracy. He was so important to this country. He was one of the youngest leaders who was killed on this terrible, tragic flight.

He had a terrific future. He was the Secretary of State and the Minister of Culture and National Heritage. We will all miss him. Tomasz, as his nickname was—Tomek is his real name. Tomasz is like Thomas and Tommy. Tomasz was a devoted husband, the father of three daughters.

I last saw him several years ago in Kiev. I so appreciate what he did. As I will say now in Polish: I offer my deep condolences to the people of Poland for this tragic loss.

Tomasz and some of his friends taught me some Polish. I must admit I read it, but the pronunciation he helped me with—he and Alicija and others in Poland. I am so sad about his loss. I am so sad for his country. I am so sad for his wife and his three beautiful daughters. I know that country will mourn his loss as it mourns the loss of so many other Polish patriots.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. 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.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, morning business is closed.

CONTINUING EXTENSION ACT OF 2010—Continued

The ACTING PRESIDENT pro tempore. The Senate will resume consideration of H.R. 4851.

The Senator from Oklahoma is recognized.

AMENDMENT NO. 3723

Mr. COBURN. Mr. President, if anybody has been watching the Senate today, there was a point of order made that the spending we are going to pass to pay for unemployment insurance extension benefits and benefits for health insurance for those people, in terms of buying through their former employers, as well as the sustainable growth rate formula, failed to be overriden.

We will have another vote on that because the majority side was missing one Member, and they will eventually win on that. What that says is, we are once again back to the point where we refuse to make the hard choices to pay for things we need to do today by eliminating things that are not as important.

The point of order was on the fact that it is an emergency so, therefore, we can say: Time out. But those who voted to override it fail to recognize the other major emergency that is happening in our country. We have $12.8 trillion worth of debt as of today. We are going to add another $1.4 to $1.5 trillion this year, this calendar year; that the increase in the cost of that debt over the last 12 months will require an additional, next year, $125 billion worth of expenditures.

There has to come a point in time when we grow to the responsibility that has been given to us; that is, make hard choices. It is very easy to pass an unemployment insurance bill by charging it to our children. The majority leader has graciously agreed to give me an opportunity to offer three different ways to pay for that. I am going to put those out today. One amendment now, which we will vote on, another amendment later, and then a third amendment later.

Most of the ideas for cutting spending, quite frankly, have come from my colleagues on the other side, and many of them you have already voted for. So it is going to be an interesting exercise today. The majority leader also spoke to me before lunch saying it did not matter because I was going to lose anyway.

That sends a signal. The leadership of our Senate today says: We do not have to pay for things.

Prior to leaving here, we agreed on a compromise of tax loophole closures that would have paid for this for a period of 30 days. The bill we voted on back then was for 30 days. We have now before us an identical bill before us for 60 days. It is going to cost $18.2 billion. That is what CBO says. The question I have to ask is, is it morally right for us to steal that money from our children's future or make hard choices about wasteful spending today? The choices are not hard other than in our stubbornness that we don't want to agree.

When businesses are taken over, when a larger business buys a smaller business, the first thing they do is become great cash managers of the business. In other words, they make sure the money in the business is always working for the business. So if there is excess cash lying around in accounts, they take that money and reduce whatever outstanding debts they have or forgo borrowing money and use that cash in a more efficacious and serious manner. The first amendment I will offer is asking us to do nothing but the same.

At the end of last year, the Federal Government had on its books money it borrowed but had not spent of $676 billion. That is what is sitting in accounts, money we have borrowed that is not being utilized efficiently. At the end of next year, at the end of fiscal 2011, according to the OMB, it will be $614 billion. That is almost half of the debt we will borrow this year. This first amendment simply says: Let the administration utilize its executive prerogatives and instead of us borrowing $18.2 billion from our children and then paying interest on that—and, by the way, the interest on that $18.2 billion that will go on in perpetuity, because we are not retiring any debt, is about $900 million, almost $1 billion a year. Why would we borrow money when we have money sitting there that is not being utilized effectively and pay almost $900 million every year? Why would we borrow again next year an extra billion to pay for the money we are going to borrow to fund this program?

Let me give an example of where this money lies. In our own accounts to run the legislature, we have $1.450 billion sitting there. In other words, it has not been promised to do anything. It is sitting there. It was sitting at $1.876 billion at the end of last fiscal year. It is projected to be $1.481 billion next year. We are keeping that money in the bank and not using it.

The Department of Agriculture has $20 billion and is estimated in 2011 to have still $12 billion sitting in an account that we are paying interest on that is not being utilized, not obligated for anything at the time, unobligated.

What all these figures show when you total them up is that we are sending money so fast to agencies, they can't spend it. In other words, we are throwing money at the agencies far faster than they can spend it, and it would be wise and prudent of us to send less money—still with the same rules, still with the same instruction, to utilize their money better.

The chairman of the House Appropriations Committee, Congressman

OBEY, has already agreed to do that on the summer jobs program in certain accounts.

The idea behind this amendment is to take some of the $1 trillion that is sitting in accounts that is not obligated—in other words, it will not be utilized this year; it won't be utilized for at least 2 years—and utilize that rather than charge our children.

I have used Madeline's picture a lot, but I don't think you can overutilize this picture. This little girl was caught on the street outside of Washington protesting. Obviously, her parents put her up to it. At the time she was wearing a sign that says: I am already $38,375 in debt and I only own a dollhouse. At the end of this fiscal year, she will be $45,000 more in debt, and she will still only own a dollhouse. Why would we want to do that?

This bill adds $500 for every man, woman, and child in this country. Why wouldn't we want to not charge it to them and utilize what we have in excess now, the inefficient use of the cash balances we have, to pay for something we all agree we want to pay for but the disagreement is over whether we should steal it from our children or actually make hard choices? These are not even hard choices. These are easy choices. We were told, when we came to an agreement prior to the April recess, that the reason this wasn't acceptable in the House is they didn't want to set the precedent of starting to pay for things when we are spending money. I would put forth that the American people are ready for us to start doing that. They are ready for us to start making tough choices. They think we need to make tough choices.

Out of every dollar we spend, we are borrowing 43 cents against the future. That is what happened last year. It will actually be probably higher this year. Maybe not. But somewhere about 43 cents out of every dollar the Federal Government spends is borrowed. Is there a time that we should stop and pause and say: Maybe a review is in order of our priorities, looking at the priorities of the Federal Government? I know that builds a lot of resistance in this body. But what I would like somebody to tell me is, when is that time? Is it when the Chinese won't buy our bonds anymore? Do we wait for the firestorm to come where we are at critical mass and then the choices are limited and few? Or do we start making the proper decisions now and live up to the authority and responsibility given to us?

There is a saying that the easiest thing in the world is to spend somebody else's money. I also think it is the most addictive thing in the world. We can see that. It doesn't matter whether it is Republicans in charge or Democrats. We have not seen the kind of behavior in Congress that will get our Congress out of the financial problems we face.

In terms of an almost $4 trillion budget, $18 billion doesn't seem like a lot, but if you keep doing that every 60 days, in a year you have done over $120 billion that you will add to the debt. Our kids will get to pay it back, but they will get to pay it back on compounded interest.

The interesting thing is what the OMB and CBO agree to. Actually, CBO came out with the latest numbers. We are going to borrow $9.8 trillion if we don't change things over the next 9 years, and fully 50 percent of that will be borrowed money to pay interest on the money we have already borrowed. Should we not do what is right for the unemployed but also what is right for the Madelines of this world in terms of protecting their future?

I call up amendment No. 3723 and ask for its consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment No. 3723.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To pay for the full cost of extending additional unemployment insurance and other Federal programs by rescinding unspent federal funds not obligated for any purpose)

At the end of the amendment, insert the following:

SEC. ___. RESCISSION OF UNSPENT AND UNCOMMITTED FEDERAL FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated Federal funds, the greater of $20,000,000,000 and the amount determined necessary under the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 124 Stat. 8) to offset the budgetary effect of this Act, excluding this section, in appropriated discretionary unexpired funds are rescinded.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) identify the accounts and amounts rescinded to implement subsection (a); and

(2) submit a report to the Secretary of the Treasury and Congress of the accounts and amounts identified under paragraph (1) for rescission.

Mr. COBURN. Here is a fairly painless way—just more efficient management of the money we have—of paying for this needed program without charging it to the children. We don't have to go to the bond market to borrow more. We don't have to incur an additional $900 million a year of debt, a tremendous benefit to those who follow us. The question is, when will we decide to start being responsible?

I am going to be offering two other amendments, if this one is not agreed to, that will give specific choices. Wait to hear the howling. In other words, nothing is less important than unemployment insurance. Said the other way, everything is more important. In other words, we can't cut anything to pay for unemployment insurance.

Let's talk about that for a minute. Just through competitive bidding, if we had mandatory competitive bidding in the Federal Government—in other words, we will not buy things that are not competitively bid—we would save $62 billion a year. But we have sweetheart deals out the kazoo. We have earmarks that have noncompetitive bidding. We have contracts that the government does without competitive bidding. We could save $62 billion a year by instituting competitive bidding.

Here are examples. It was recently reported that the Defense Department rewards no-bid work to small contracts for repairs at military bases costing taxpayers $148 million more than they were competed for. This is in 1 year on repair contracts. That is just on the repair of small items on military bases. We could save $148 million a year. Federal funds were spent by the State of Wisconsin, $47.5 million, on two Spanish-made passenger trains, no competitive bid. The Legal Services Corporation, 37 out of 38 consultant contracts had not been competitively bid. The Department of Interior inspector general issued a report on sole-source contracting within the Department of Interior total savings; $44.5 million, had they used competitive bidding.

If we go through all of the agencies, what we come up with is a potential savings of billions and billions of dollars; as a matter of fact, enough to extend this same bill for 7 months, if we use competitive bidding. But that will not be considered important. It is going to be too important to do that so we will borrow the money from our children.

Let's look at ourselves. In 2010, the legislative branch received $4.7 billion in discretionary funding, a 6-percent increase over last year. Do we know of any other people who got those kinds of increases who work in small business or private enterprise in a down economy? Last year and this year alone, every day without this bill we are adding $4.3 billion to our debt a day. Is that an emergency? I think that is the real emergency, that we are absolutely stealing opportunity from our children and grandchildren.

When Members of the Senate or the House don't utilize all their funds—and I average turning back about $600,000 a year—that money does not go back to the Treasury. It is consumed in other areas of the legislative branch. There is a disincentive for Members to be efficient with the dollars they are allotted as they represent their individual States. We ought to change that. There ought to be an incentive to be efficient. We ought to change it to where whatever we turn back goes to retire the debt, not goes back to spend on something that is not a priority.

If you look at the Department of Agriculture, for which one of my amendments will have some recommended eliminations, there are hundreds of millions of dollars that are wasted every year. But when we offer an

amendment that is going to have a program that both the Bush administration and the Obama administration have recommended be removed, we are going to have people say: Oh, no, you can't do that because maybe 1,000 people or 1,500 people want that gravy train, when we have 10 million people unemployed. So we are going to keep the gravy train for the small numbers and borrow the money from our children and grandchildren to take care of unemployment benefits.

In 2009, the Department of Agriculture made errors in payments and overpaid by $4.2 billion in that year alone. Think about that. That is just the Department of Agriculture. Should we not eliminate that to pay for unemployment insurance or should we borrow from our children? Which is it we should do? Should we make the hard choice and force the Department of Agriculture to clean up its act or should we borrow the money from our kids? It is a lot easier to just borrow it from our kids. Then we do not have to work. Oh, by the way, we do not get any of the complaints from the administration that: You are making our job too hard—let alone the fact that they are not efficient and oftentimes not effective.

In 2008, the Agriculture Department had 7,000 different employees attend conferences around this country. There was $22 million of expenditures in 2005 alone. The USDA is ranked among the four worst Federal agencies in paying its travel credit bills on time. As a matter of fact, they get charged interest because they cannot even pay their bills on time. Ten percent of their travel cards are in delinquent status. They have embezzlement cases on their credit cards. But have we done the work to clean that up? No. Have we gone after the $4.5 billion in overpayments? No. Mr. President, $4.5 billion a year for 10 years is $45 billion. Just cleaning up one aspect of improper payments at only the Department of Agriculture will pay for this bill for 4 months. But we will not do the hard work. We do the easy work. And the easy work is to put the credit card into the machine and not think about how that is going to steal opportunity and potential from those who follow us.

The Department of Defense—everybody says: Well, you can't go after the Department of Defense. My question is, Why not? It is the only Federal Government agency that cannot even come close to an audit anywhere. We cannot even audit their books they are in such a mess. But what we do know is we can save at least $36.5 billion from the Department of Defense by putting in competitive bidding, by making cogent management changes that every small business in this country runs on in the practices that are there. But it has not been changed. We have not insisted it be changed. We have not limited funding in areas that are noncritical to our troops to force the Department of Defense to come up and save this $36.5 billion.

Mr. President, 10 to 15 percent of everything that is spent in the Pentagon is wasted. Why wouldn't we go after that? Because somebody will accuse us of not supporting our troops? Well, what are our troops fighting for? They are fighting for the future of their kids and our country. Yet we refuse to look where the payments can be made in a way that is more efficient in the elimination of waste and fraud, with the institution of competitive bidding so we are not borrowing $18.2 billion against our kids and grandkids. Why do we refuse to do that? Is it too hard? Do we love our jobs so much that we love our jobs more than our children and our grandchildren? I do not think that is the case. I think the case is that we are focusing on the wrong emergency.

The emergency in front of us is that in 2020 we are going to have a debt-to-GDP ratio of 90 to 100 percent. Every economist in the world will agree that will suppress our potential growth by at least 2 percent a year. So we will go in a downward spiral. When you have that kind of a debt-to-GDP ratio, what happens is the debt service—the money that pays the interest—is not available to invest in capital and equipment to grow jobs, to improve efficiencies, to expand our Nation's economic base. We are adding to that problem by being irresponsible in terms of paying for an $18.2 billion program.

Over the past 4 years, I have identified in the Federal Government waste, fraud, abuse, and duplication in excess of $350 billion a year. When I bring those amendments to the floor, they get voted down—not because they disagree with them but because we do not have the political will to make the hard choices.

The Congress, in a historic move, passed the health care bill that is going to continue to allow $150 billion of fraud a year to come out of Medicare and Medicaid. We did not do anything to fix it. There are no significant changes in the health care bill that will address a source of $150 billion in losses. Why? Because it is too hard? Kids are not important?

We are at a turning point in our country like we have never been before. We have never been walking into a financial situation that will totally limit our ability to get out of a situation. We can come out of this recession. But if we do not change the trajectory of the way we spend money and put the government back within the limited role the Constitution says it is to have, then the future will not only be economically not bright but not bright from a standpoint of liberty.

I have told my colleagues—and we are going to have this on every bill that comes before the Senate—it does not matter if it is a supplemental spending bill for the war, we ought to be paying for it. Rather than borrowing it from our kids, we ought to be paying for it. We ought to be making the hard choices about what is not as important as supporting our troops rather than charging the extra funding to our grandkids. So we are going to go through at least three cycles of votes on every bill that comes to the floor that is not paid for, that will add to the debt. I am not going to serve my last year in the Senate and say I did not do everything I could to try to put us back on track. So when we vote that this is an emergency and we do not have to pay for it, we are not hurting us. You are not hurting TOM COBURN. You are hurting the generations that follow us.

It would be different if we had an efficient, effective, well-run Federal Government that was within the bounds of what the Constitution said we were supposed to be doing. But we are not anywhere close to that. There is so much fraud, so much waste, so many well-connected goodies going to the well-endowed and well-heeled in this country because they have a connection politically, and we need to clean it out.

Everything ought to be competitively bid. There is no reason for it not to be competitively bid. To pass up that $65 billion a year because we do not do it—there is another thing we do. We spend $8 billion a year maintaining properties the Federal Government does not want. Think about that. For 3 years, I have tried to get through real property reform and cannot get it through. We either need to tear these structures down so we quit spending money on them or sell them, but we should not continue to spend $8 billion a year on buildings and properties we do not need. We have not done a thing to solve that problem in the last 3 years.

I have a book full of further examples. Just think about this: We want people to go into math, engineering, science, and technology. Everybody agrees with that. We know if we can get our younger students going into those areas, that is where they are going to have their greatest benefits of having a wonderful living in utilizing those skills.

The Federal Government has 105 different programs through six different agencies to incentivize math, engineering, science, and technology. The administrative cost for 105 different programs is ridiculous, and not 1 of them has a metric on it of whether it is working. So every time somebody raises the issue, some Senator comes and creates another new program, and we pass it, and we never look at what we are doing already. We do not eliminate things that are not effective. We do not put metrics on it to say we are going to look at this every year, and if it is not working we are going to get rid of it or we are going to fix it, and we are not going to create another program. Yet we have 105 different programs.

In the month of December, my staff found 640 separate instances just like that where we have duplication of programs across government agencies. In

the last debt limit extension, we passed one of my amendments that said the GAO must report to us a government-wide assessment of all the duplications in all the programs because Congress does not know it. We do not know what is out there. So we see another problem. It does not matter that we may have 105 programs working on it; we go create another one. That is called incompetence. It is also called laziness.

Just inside the Department of Education are 230 duplicative programs and $10 billion in waste, fraud, and mismanagement—230. Why? Because we refuse to do the hard work of oversight.

So when we vote on this amendment, what we are going to be voting on is whether we have the courage to start making choices. If you vote to defeat this amendment, what you are saying is you lack the courage to do the hard work to pay for something out of waste today and mismanagement of Federal funds and you think the Madelines of this world ought to pay for that lack of integrity and lack of hard work. And there is not another reason for it.

We are going to hear why you should not vote for this. We are going to hear why it is going to be hard if we take $18.2 billion out of the management accounts of all these agencies. It is just going to be, out of what is there, about 3 percent of the cash that is sitting idle—about 3 percent of what will be idle in 2011. What is idle this year, it will be less than 3 percent; it will be about 2.5 percent. Yet we are going to vote it down. We are going to vote it down because we care more about making a political point than doing the hard work of getting our country back on track.

We do not have forever to get our country back on track. If we get to 90 to 100 percent of our GDP, the job of making these decisions becomes 3 and 4 and 5 and 6 and 7 times more difficult because we will have less growth. We have a precarious economy right now. It is coming out of a recession. We want that growth to boom. We want those jobs to be created. When we borrow more money, we are putting a brake on that.

So if we can utilize the money we already have, we get the stimulatory effect of getting people unemployment insurance that buys the necessities of life, but we are not adding to the debt, which depresses the economy.

I will close for right now on this amendment. I will ask for the yeas and nays at a time that is agreeable to the majority leader.

I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, we seem to be muddling along here with short-term extensions and incremental stimulus bills to deal with a failure as this Congress decides what we are going to do about unemployment insurance and physicians' pay and things of that matter that are in the bill.

I believe this is an important discussion, I do, and I am worried about where we are. This legislation before us would add another $18.1 billion to the national debt. Just like that, another $18 billion. Oddly, that is almost the same amount of money that was tacked on to the Defense bill last year, and I produced a chart about it and demonstrated what happens when we get into that mode of appropriating, when we forget what our budget is and we treat everything as an emergency and just ignore our budget and spend. The truth is, this cannot continue.

Every witness we have had before the Budget Committee—every one—two-thirds of which are usually called by our Democratic leader, and usually about one-third are Republican witnesses—have all said our spending and our debt is at an unsustainable rate. They didn't say that lightly. What they meant was it is unsustainable. We cannot continue to spend like this and to borrow this amount of money on top of the $800 billion that is now being spent that we appropriated last year—$800 billion. Every penny of that $800 billion is borrowed because we don't have the money. We are already in debt to fund another $800 billion in stimulus, and we will have to, of course, borrow that.

I think a lot of people haven't understood that. People tell me, when I am in my State, that they are shocked, stunned, and worried about our spending. They know we are spending too much, but I don't think they know how much we actually are spending and how much we are adding to our debt and that it can threaten the future viability of the American economy for a short-term benefit.

I will just remind my colleagues that the history of stimulating an economy with borrowed money has not been too good. If it was, Japan would have a booming economy today. They have been trying this year after year and it has not worked for them.

We were told we would have an unemployment rate that would stop at 8 percent if we would just pass this $800 billion and borrow the money and spend it today to stimulate the economy. It sounds so good. It sounds so tempting. But I didn't believe it was an appropriate allocation of that much money, No. 1; and No. 2, that the money we were being asked to spend was going to be spent in ways that would stimulate the economy and create jobs.

I cited here before the vote an op-ed in the Wall Street Journal by Gary Becker, the Nobel Prize winner from the University of Chicago. Mr. Becker said that, in his opinion, the bill fell far short of being the kind of stimulative spending that would create jobs and help this economy bounce back and, therefore, he had to oppose it. Mr. Becker is in his seventies and he was just sharing his experience. He had another person participate with him in the research that led them to that recommendation. Was Mr. Becker proven right or not?

The great tragedy—the biggest tragedy with the stimulus package—was what little stimulus we got. If you spend $800 billion, it is breathtaking how much that can be done with it. The Alabama general fund budget for the entire State, including State government and State troopers and all of that is less than $2 billion. But $800 billion? That is huge. So I am worried about what we are doing.

At the time the legislation passed—this stimulus package that added so much to our debt—the Congressional Budget Office, whose Director is hired by our Democratic majority, had good people working in that office. They try to do a good job. They have some economists who I think have been successful in years past at predicting things. They said: Yes, if you spend $800 billion in the next 2 to 3 years, you will have an economic benefit during that period, there is no doubt. They didn't predict a lot—not nearly as much as a lot of people said it would do—but they predicted some benefit. But do you know what they said? They said over 10 years that this economic spending, this borrowing to spend, would actually weaken the economy and the total growth over 10 years would be less than if we did not pass the stimulus package at all. It does appear if they were in error, their error was that we did not get as much growth as they predicted in the short run. But when you spend $800 billion, surely you are going to get some benefit—some, economically. But we have not gotten what we need. It was not crafted in that way.

It was a bill that said it was going to fix crumbling infrastructure, and what happened? We spent less than 4 percent of this money on bridges and roads. We spent it mostly on social spending, we spent it on State aid, we spent it on a lot of different things. But at least when you build a road you have a highway that is there and it will be there for another 50 or 100 years, making the Nation more productive and efficient. But this other kind of spending has produced so little for us. I express my concern about that.

All of this is where we are. The point is simply this. The spending track we are on is unsustainable because in 2008 our total public debt was $5.8 trillion. It is more than that if you consider the gross debt, the internal debt, but this is what is held by private investors from around the world and in the United States—$5.8 trillion. By 2013 it will double to $11.8 trillion; by 2019 it will be $17.3 trillion, and there is no plan to pay it down. But in 2019, 2020, we are talking about deficits of almost another $1 trillion a year. So we are not even close to moving to a balanced

budget, much less paying down this debt.

Where does the money come from? As I said, we borrow that. This chart shows what the borrowing costs are. When you borrow money, people pay interest, you pay them interest on the money they give you. They loan you money, you pay them rent on the money. They do not give you money for no good reason.

In 2009 we paid $187 billion in interest that 1 year. Remember, Alabama's general fund budget is $2 billion; the Federal highway bill a year or so ago was $40 billion. We spent $187 billion, almost five times the highway bill. But look what happens in 2020 after we spent all this money and run up our debt—$840 billion in interest payments in 1 year. That exceeds the Defense bill, it exceeds any other bill in our budget. It is a stunning number. These are Congressional Budget Office numbers based on the President's budget. Surely something will intervene. We will elect somebody, somewhere—in this Senate, probably—who is going to say no to this because the American people are getting hot about it. Some people are going to be wondering why they are no longer here, if they keep up with this kind of stuff.

They say don't worry about this, it is just $18 billion, and after the $800 billion, $18 billion may look small. But let me show you what I demonstrated previously with $18 billion when you cheat, or you add it and bust the budget by one $18 billion expenditure.

In 2010 we slipped another $18 billion on the Defense appropriations bill, and added it to the debt. People said don't worry, it is just $18 billion. But it goes into the baseline. It goes into your basic funding of the government. So what happens next year when you say OK, we are not going to spend this $18 billion. They say: You are cutting spending. We cannot do that. You can't cut spending. Besides, we need an increase in spending—inflation was 2 percent. We need at least 2 percent.

The State Department got a 30-percent increase in funding this past year. The Environmental Protection Agency got a 30-percent increase in funding.

Look at that. What if you do it another year? You come up with another $18 billion. You got around the budget, you declared it an emergency event and you spent another $18 billion. It is not just $18 billion because you have $18 billion in the first baseline, you add another to it and that year it has cost the taxpayers $36 billion. Let's say the next year, 2013, now you are adding $18 billion to $36 billion and it is $54 billion in your baseline. You have another budget gimmick to add $18 billion and you end up with $72 billion that year.

This is how we get out of control. And you end up, that $18 billion, when it goes into the baseline and we do not understand how it occurred, increases our spending to a degree that we should not do. So that ends up, if you add it up, to $990 billion from an $18-billion-a-year gimmick, manipulation, violation of the budget.

What I want to say is this bill before us today violates the budget. It is for unemployment compensation, it is for other things that are not emergencies. They are part of our governmental operation that needs to be paid for. Luckily, we have some money to pay for it. We have it in an unspent stimulus package. We have some opportunities that our Democratic colleagues have said they could take money from in the past. If we put all those together we could pay for this, fund this bill without having to borrow it all.

I am at a point where I am not inclined to go along with this anymore. I think the American people are of the same mind. What we have to do is we have to lead and we have to be responsible like our Governors. They are having to face challenges. Our mayors are having to face challenges. They are making tough decisions. But not us. We spend more, not less. We are spending more. I believe we have done enough. We have gone beyond what is logical and reasonable. We are in the realm of reckless and dangerous and it is time for us to begin having a national discussion in this country and in this Congress about how much we can borrow to spend today to make our life better today and then shift that debt to the future.

The reason CBO said that the $800 billion would not advance the economy over 10 years, it actually would hurt the economy over 10 years, is that you crowd out investment. If the government borrows $800 billion, it is not available for private people who need to go out and borrow money. It has already been loaned to the government. It crowds out, the economists said, private borrowing.

Also, we have an interest on it that we have to carry and pay every year that is a burden on every generation. Every young person after us will carry that interest burden. It hurts them and makes them less able to prosper and to have economic growth. So it is a moral question: How much can we afford to benefit ourselves this very day and shift it to our children and to what extent do we need to be responsible? I think it is time to get responsible, so reluctantly I feel an obligation to vote no to this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I stand in strong support of the comments of my distinguished colleague from Alabama. Of course I agree with virtually every single Member of the Senate that these programs need to be extended. But I also agree with many Members here, and the huge majority of the American people, that we need to pay for it. We cannot keep running up the deficit as though it had no consequence to us and our economy and our children and grandchildren. The American people get it. Certainly my constituents in Louisiana get it. They say of course you need to extend necessary programs and of course you cannot run up the deficit to do it every 2 months.

Mr. President, $18 billion—the distinguished Senator from Alabama has used the figure over and over, and he is right, $18 billion, but it is $18 billion for 2 months of extension. So we are supposed to come back every 2 months and put another $18 billion on our kids' and grandkids' tab? It is $108 billion over a year of increasing deficit and debt that is already at historic levels. That is crazy.

We can do better. We can meet both of those commonsense objectives of the American people. We can extend necessary programs and we can do it in a way that does not add to deficit and debt. We have several ways to do that. We have a menu of proposals. We will have votes a little later on about doing that. In fact, before the recess we had discussions on the floor of the Senate and we had come to agreement here in the Senate about an extension without increasing the deficit and debt. Unfortunately it was rejected by the Speaker of the House. So it is not as though this goal of achieving both of those important objectives is impossible. It is absolutely possible and many different Members have laid out how to get there.

Let's follow the common sense of the American people. Let's follow the common sense of folks all across Louisiana who say of course you need to extend necessary programs and of course you cannot add to the deficit and debt every month, every 2 months that you need to do this, $18 billion a pop, $108 billion. That is a good part of $1 trillion over 1 year.

I want to focus on a particular part of this package that is particularly galling, quite frankly, for someone such as me from Louisiana. A tiny part of this overall bill is extending the National Flood Insurance Program. Again, I hope everyone agrees we need to extend the National Flood Insurance Program. I certainly agree with that. I have certainly fought for that. It is about 1 percent of this bill.

Do you know what percent it is of the debt increase, the deficit increase? It is zero percent of that because that extension does not even increase the deficit or debt in any way. So it should not be held up by this debate in any way, shape, or form—a necessary program, 1 percent of the bill in terms of dollar figures, zero deficit and debt increase, zero impact on that central issue. Why can't we at least come together and extend that necessary program immediately and not have that held up at all? It never should have been held up before the recess. It should not be held up now. There is a simple way to fix that and the simple way is to take that portion of the bill out; to extend it immediately. I do not think there is any opposition to the underlying extension of the program. It has zero impact on the deficit and debt

so there is no reason for it to be caught up in this other debate.

With that in mind, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3203. That is a bill I have introduced that extends the National Flood Insurance Program for the same amount of time as this underlying bill but does it separately. I ask that the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER (Mr. FRANKEN.) Is there objection?

Mr. BAUCUS. Mr. President, reserving the right to object, I might note that the Senator seeks to take up and pass one of the specific provisions in the underlying bill, section 7 in the underlying bill. Since the Senator seems to be endorsing a part of the underlying bill, and the pending Baucus amendment, I might ask the Senator to amend his request to provide for the passage of all of the underlying bill and pending Baucus amendment.

Mr. VITTER. I will be happy to do that in a version that is paid for, incorporating the very sensible, commonsense objections that have been offered to pay for all of this extension. So I would be happy to amend my request in that manner if the Senator would agree to it.

Mr. BAUCUS. So the Senator is not willing to amend his request for passage of all of the underlying bill containing the section 7?

Mr. VITTER. Not if it increases the deficit and debt $108 billion a year. No, sir, I am not. And the American people are not. And the American people are getting fed up with it.

Mr. BAUCUS. Mr. President, I am constrained to object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Reclaiming my time, the suggestion was pretty simple. There is the one element of this bill which is a necessary program for all of the United States, particularly for flood-prone areas. It is 1 percent of the overall bill, but it is zero percent of the deficit and debt increase. It has no impact on deficit and debt. So the suggestion was pretty simple: Why don't we take that out? Why have that stalled because of this broader debate? Let's take that out and pass it. There should be no objection to that. Everybody is for the program. It does not increase the deficit and debt. Unfortunately, there is objection from the Democratic chairman.

I hope we have given the chairman and other Members of the majority the detailed proposal. It is, as the chairman said, taking section 7 out and passing it separately because it has no deficit and debt impact. I would urge the chairman and others to look at that and to hopefully agree to that because—I heard the objection. I don't understand the basis for the objection, and I would be happy to hear the basis for the objection because I just don't understand it.

Mr. BAUCUS. Mr. President, the Senator from Louisiana supports part of the bill. I would just ask the Senator to broaden his mind to support all of the bill. That way, we can get this done.

Mr. VITTER. Sort of like the ''Louisiana purchase'' with health care reform. Let's put one sweetener in the bill to pass something really bad—a $108 billion debt increase over a year. Let's take one hostage, including folks who are held hostage who need this insurance, to pass a debt increase that big because otherwise that is a stinker.

I get it. I have seen that deal played out over and over, including with the ''Louisiana purchase'' for health care reform. I am not taking that offer, no offense. I hope the Senator will reconsider my very reasonable proposal.

I yield the floor.

Mr. BAUCUS. Mr. President, there are a number of reasons to oppose the amendment offered by the Senator from Oklahoma. First, it would reverse the considered judgment of the Congress as expressed through the annual appropriations process. Congress has spoken on appropriations that are authorized and obligated, and his amendment defers that considered judgment. I will defer, frankly, to the chairman of the Appropriations Committee to address these concerns in greater detail when he arrives on the floor.

Second, the House of Representatives has made it clear that it views unemployment insurance and the other provisions in this bill as emergency provisions. The House has made clear that it would send the bill back to us again if we adopted the amendment by the Senator from Oklahoma. That is clear. I have had conversations with the House. It is clear that it would be sent back, and that would needlessly delay much needed aid to the people receiving unemployment insurance benefits. Let's not forget that there are so many people—200,000 people, in fact—who are not receiving benefits because we let the legislation expire. It has expired. So 200,000 people today who are entitled to unemployment insurance payments are not getting them, and if we send the bill back to the House again, that is further delay. It will not be long before that number of 200,000 is going to double to 400,000. That is just playing games with the lives of unemployed Americans.

Third, and perhaps most dramatically, the amendment would delegate powers to rescind $20 billion to the unelected Director of the Office of Management and Budget. This would be a breathtaking abdication of Congress's power of the purse. In the Federalist Papers, the power of the purse is described as the most singular power to protect the rights of the free people. We should not quickly surrender that power, and the Senator's amendment would surrender that power to the tune of $20 billion. The Senator's amendment would give the Director of the Office of Management and Budget a blank check. It would give him the power to cut whatever unobligated balances he should choose. This is truly a sweeping grant of power, and it is truly a dramatic surrender of that power.

The Senator from Oklahoma talked about budget deficits. He and I agree. We do, as a nation, need to address the budget deficits. As a rhetorical question, he asked: When is the time to make the changes to balance the budget? The Senator asked the question as if the answer were self-evident, but the answer is not self-evident.

A wise person once said: For every difficult question, there is usually a very simple answer and it is usually not true. This is an example of that maxim at work.

The simple answer in this case would be to require the government to balance the budget every year, year-in and year-out. That is pretty simple. That answer, even though it sounds nice, would be wrong. The Nation should balance the budget over the course of a business cycle. We should spend in a recession and exercise more discipline when the country is very prosperous to get the budget under control.

But the Nation should not attempt to balance the budget in the grips of a recession. Why is that? That is because in a recession, business slows down. People actually pay less tax revenue to the government. In a recession, spending on automatic stabilizer programs automatically increases, like unemployment benefits, food stamps, and many others. That is what should happen during a recession. To do otherwise would be economically disastrous.

To try to balance the budget in the grips of a recession would mean raising taxes or cutting spending even more than is automatically occurring. That would reduce the amount of demand in the economy, and that would further slow economic growth and put even more people out of work. So most reputable economists would say you should not try to balance the budget in a recession. There is pretty broad agreement on that point among reputable economists.

So that is why it does not make sense to try to balance the budget this year. Yes, we should balance the budget over the business cycle, but we should not try to raise taxes and cut spending even more to balance the budget right now. And that is why it does make sense to spend money on unemployment insurance benefits as an emergency matter.

As the nonpartisan Congressional Budget Office has said, spending on unemployment insurance benefits is one of the most effective things Congress can do to increase economic growth. It is one of the most effective things we can do to save and create jobs. For every dollar we spend on unemployment insurance benefits, the Congressional Budget Office says economic growth is increased by up to $1.90; it is

almost a 2-to-1 return on our investment. That is a pretty sound investment.

That is the economic reason why it makes sense to spend now on unemployment insurance benefits and to balance the budget over a longer period, but even more compelling is the human reason. The human reason is people such as the single dad in Missoula, MT, who depends on the extra unemployment insurance benefits to support his daughters and put food on the table. He called the Montana unemployment office, and we learned that this fellow said he honestly did not know how he was going to make ends meet without these benefits. The Senate should not be playing games with the lives of people like this man and his daughter in Missoula and all of the other men and women around the country who desperately depend on unemployment payments to make ends meet. Congress should not balance the budget on the backs of the unemployed.

Last of all, we must reject amendments like these. That is why we should pass the underlying bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, this is the third time we find ourselves debating the same rescission amendment that sounds like good policy on first blush but in fact is not.

Members need to understand that this amendment is irresponsible governing, and causes harm to our national and international security, and to our economy.

Members on the other side of the aisle have frequently criticized the majority party for asking them to vote on measures that they have not had a chance to thoroughly read or comprehend.

But that is certainly what Members are being asked to do today.

It is irresponsible to vote in support of this amendment that indiscriminately cuts $20 billion from discretionary projects and services given that we do not know what programs are impacted by such significant cuts.

On January 27 of this year I spoke at some length about an almost identical amendment offered by the junior Senator from Oklahoma, and again on March 3 about an almost identical amendment offered by the junior Senator from Kentucky. Today it is the junior Senator from Oklahoma's turn to offer the amendment again.

I would like to take just a few moments to remind my colleagues of why they voted against this amendment twice already, and why I hope they will again choose to vote against this financially irresponsible and harmful amendment.

The majority of unobligated balances are not eligible for rescission under this amendment because they are, in fact, mandatory funds.

Second, because of the small amount of unobligated funding eligible for rescission, this amendment indiscriminately rescinds prior year unobligated funding from certain critical programs, jeopardizing our national defense, and our homeland security.

I have mentioned this before, but need to mention it again because nothing has changed between January, March and today.

While we cannot say with certainty which programs are impacted by this amendment, here are some of the expected impacts based on current discretionary unobligated balances available.

We require the Department of Defense to budget up front for all the costs required to procure military equipment such as ships or aircraft. But it takes several years to complete construction.

For shipbuilding specifically, funds provided to the Department of Defense are available for obligation for 5 years.

Rescinding unobligated funds now could require the Navy to cancel contracts for ships under construction and layoff thousands of workers across our Nation's shipyards.

In terms of our veterans who have returned from war or have fought bravely in past wars, this amendment could impact the construction of new hospitals by the Veterans Administration. It takes a few years to build a hospital. The Veterans Administration requests full funding for a construction project in the first year. As a result, the VA has 43 active major construction projects at various stages of completion totaling over $1.6 billion in unobligated balances. This could be wiped out. Over 49,000 construction jobs would be terminated with the loss of that funding, further delaying critical services to our brave men and women who have served. We made a solemn promise to them.

Rescinding unobligated balances in the Department of Homeland Security could stop the construction of the Coast Guard national security cutter and would rescind funding for the purchase of explosive detection systems. Rescinding unobligated balances in NOAA could create a minimum 6-month gap in coverage for the geostationary weather satellite system which focuses directly over the United States and constantly and accurately monitors storm conditions. Over 200 employees would lose their jobs.

The Senator from Oklahoma argues that if funding is not spent immediately, then it is not necessary. This reasoning is irresponsible when it comes to overseeing taxpayers' dollars and the capitalization of large projects such as ships, hospitals, and satellites. I am certain everyone in this Chamber knows that a ship is not built in a year. I hope everyone knows that a hospital is not built and equipped in a year. I hope everyone knows that satellites are not built and launched every year.

In addition to the potential impact on large procurements, this amendment could impact the funding of programs the Congress voted on and agreed to provide only a few months ago. The impact of these cuts could have significant consequences for many critical services such as HUD programs providing affordable housing to our Nation's low-income citizens—we had a great debate on that here—or funding for climate change research or funding to purchase explosive detection equipment for airports.

This is a bad amendment with bad consequences. It is time for us, the Members of the Senate, to act responsibly. We have a well established process for funding the Federal Government. It involves the Budget Committee that sets our allocations. It involves the consideration and approval by the Senate of every appropriations bill. I can assure my colleagues in this Chamber that the Appropriations Committee takes this responsibility seriously. Every agency budget is reviewed and oversight provided throughout the year. Each year the Appropriations Committee recommends rescissions of funds that are not needed, but those rescissions are based on detailed oversight and understanding of the programs, not indiscriminate action such as this amendment.

This amendment is not based on careful review, would harm many worthwhile programs, and fails to meet the test of proper oversight.

Therefore, I urge my colleagues to oppose the amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. COBURN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3723, AS MODIFIED

Mr. COBURN. I send to the desk a modification of the pending amendment.

The PRESIDING OFFICER. The Senator has the right to modify his amendment at this time.

The amendment is so modified.

The amendment, as modified, is as follows:

At the end of the amendment, insert the following:

SEC. ____. RESCISSION OF UNSPENT AND UNCOMMITTED FEDERAL FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated Federal funds, the greater of $40,000,000,000 the amount determined necessary under the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 124 Stat. 8) to offset the budgetary effect of this Act, excluding this section, in appropriated discretionary unexpired funds are rescinded.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) identify the accounts and amounts rescinded to implement subsection (a); and

(2) submit a report to the Secretary of the Treasury and Congress of the accounts and amounts identified under paragraph (1) for rescission.

Mr. COBURN. Mr. President, I am prepared for the vote anytime the chairman of the Finance Committee is ready to proceed.

Mr. BAUCUS. Mr. President, I move to table the Coburn amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Vermont (Mr. LEAHY), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—51

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown (OH)	Kaufman	Sanders
Burris	Kerry	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Levin	Tester
Conrad	Lieberman	Udall (CO)
Dodd	McCaskill	Udall (NM)
Dorgan	Menendez	Warner
Durbin	Merkley	Webb
Feinstein	Mikulski	Wyden

NAYS—46

Alexander	DeMint	Lugar
Barrasso	Ensign	McCain
Bayh	Enzi	McConnell
Bennett	Feingold	Murkowski
Bond	Graham	Nelson (NE)
Brown (MA)	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Klobuchar	Voinovich
Corker	Kyl	Wicker
Cornyn	LeMieux	
Crapo	Lincoln	

NOT VOTING—3

Byrd	Leahy	Whitehouse

The motion was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, we are not in a quorum call; is that right?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, the Republican leader and I have discussed this vote that will take place at 5:45, if the unanimous consent request is granted, and we are going to keep the vote open for a while. There are a number of things people have to do this evening, and there is one Senator, because of the funeral of his best friend, who is going to be getting here late, so we will keep the vote open until he returns from the funeral. Everyone knows that. I have spoken to the Republican leader and he is fine with that.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that at 5:45 p.m. today the motion to proceed to the motion to reconsider the vote by which the Budget Act was not waived be agreed to, the motion to reconsider be agreed to, and the Senate then proceed to a vote on the Baucus motion to waive all applicable Budget Act points of order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. 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 that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COBELL V. SALAZAR SETTLEMENT

Mr. DORGAN. Mr. President, while we are waiting, I want to speak about two issues. First is something called the Cobell settlement, which perhaps many will not know about. It is the settlement of a class action lawsuit against the federal government for mismanaging the trust accounts of American Indians for well over a century.

The trust accounts for American Indians come from property that belonged to the Indians that the federal government holds in trust. The trust was managed by the U.S. Interior Department and many accounts over a long period of time were mismanaged. Revenue from oil wells, from extraction of minerals, and revenue from leasing lands for cattle never showed up in the accounts or mailboxes of the Indians who owned the property. Many of these Indians and members of the class action have long since passed away, not having survived the 14 years of this lawsuit. The lawsuit has been ongoing for some 14 years now, and the Federal court has become very impatient while waiting for Congressional approval.

At long last, the Interior Secretary, Secretary Salazar, negotiated an agreement to settle the Cobell suit. Friday, April 16th, is the third date which the court set for Congress to act on this settlement. We will miss this date just as we missed the first two dates. The court has just now indicated that it will approve a fourth date by which the Congress must act to approve this settlement of Indian claims. The judge has also indicated that if Congress does not act, he will invite some Members of the Congress to his court to talk about why action was not taken. That would probably be an interesting constitutional issue.

In any event, the judge in this case is very impatient and wants to see the settlement approved by Congress.

The first Americans, Indians who are owed this money and for whom the settlement was acceptable and, the Interior Secretary, who has called me many times urging approval of the settlement, are also very impatient. I hope we will not miss a fourth deadline established by the Federal court.

Republicans and Democrats in this Chamber and in the House of Representatives have an obligation. Literally, money was stolen from American Indians, from property they owned and the income from that property that was supposed to go for their assistance and living conditions because it was owned by them, and in many cases these accounts were mismanaged, and in some cases the money was stolen.

This settlement, which will be paid from the United States Judgement Fund, is fair and is long overdue. It will settle a lawsuit that has languished for about 14 years. I hope, in working with the House of Representatives, we will not miss another deadline. Perhaps if we do, the judge will ask some Members of Congress to visit with him. We will see what happens as a result of that.

Mr. President, on another matter, I ask unanimous consent to speak for 5 more minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BRIGADIER GENERAL MICHAEL J. WALSH

Mr. DORGAN. Mr. President, I would not criticize another Member of the Senate on the floor of the Senate—certainly not by name—unless I first had told the Senator I was intending to do so. I have done that, and I will shortly explain why.

There is a man named GEN Michael Walsh, a commander in the Corps of Engineers. He is an extraordinary general. He is a one-star general, a brigadier general, and he has been recommended for the rank of major general. That recommendation was made nearly 6 months ago.

Six months ago, the Armed Services Committee, with the support of Senator LEVIN, the chairman, and Senator JOHN MCCAIN, the ranking member, unanimously approved the promotion to major general for Michael Walsh. Six months ago that action was taken in the committee. There has been no major general rank for General Walsh because it has been held up on the Senate floor, with what is called a hold, by a Member of the Senate, Senator VITTER from Louisiana.

The fact is, this is an extraordinary general, a general who has been to war. This is a general who went to Iraq to fight for this country. This general has 30 years of distinguished service to America, a patriot. He doesn't make the policy at the Corps of Engineers. This is a commander who executes the policy at the Corps of Engineers.

My colleague, in letters to the Corps of Engineers, is upset with the Corps of Engineers and is demanding they do certain things that the Corps in some cases cannot and in other cases will not do because it is unwise. Some of the demands have been met where the Corps believed it was appropriate, although it has not been funded yet because that has to be done by the Appropriations Committee. The Corps cannot meet other demands. I opposed one of the significant ones brought to the Appropriations Committee, and upon my opposition, the full Appropriations Committee voted against it. So it is not going to happen.

But to hold up a general's rank to major general, hold up his promotion and have him now 6 months behind other generals both in pay and promotion and opportunity is just unfair. It is just not fair. This is not someone who can fix the aches and pains and ills and concerns of my colleague from Louisiana.

This is a general who is a patriot and has served this country for 30 years. I don't think he ought to be used as a pawn in some concerns about water policy or concerns about issues in New Orleans or Louisiana dealing with flood control and responding to the needs of that city and that State. As chairman of the committee that funds energy and water programs, I can tell you that we have sent billions and billions of dollars down to Louisiana and to New Orleans—I am proud to have done it—in order to say, after Hurricane Katrina and during the rebuilding, to the people of Louisiana: You are not alone, we are with you. We have spent a lot of money doing that. I am proud to have been a part of that.

But the demands that are required now by Senator VITTER in order for him to lift a hold on the move to the rank of major general for a one-star general who has served this country for 30 years and fought in Iraq, in my judgment, are unfair. We should not hold a general's promotion and career hostage to the demands of one Member of the Senate. That is exactly what has happened for 6 months.

I ask unanimous consent to have printed in the RECORD a January 13 letter from my colleague to the Corps of Engineers. It is a letter from my colleague, Senator VITTER; a March 12 letter in response to that letter by the Corps of Engineers to Senator VITTER; a March 16 letter to the Corps of Engineers from Senator VITTER; and, finally, a March 19 letter back to Senator VITTER from the Corps of Engineers.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 13, 2010.

Brigadier General MICHAEL J. WALSH,
Commander, Mississippi Valley Division, United States Army Corps of Engineers, Vicksburg, MS.

DEAR GENERAL WALSH: Here is a detailed brief of the issues I would like you to address for me to release my current nomination hold. This list was also hand delivered to you and your staff in our meeting November 5, 2009.

Issues for Resolution:

OUTFALL CANALS/PUMP TO THE RIVER

Request: Corps provide a formal commitment to complete a comprehensive risk analysis associated with the three options laid out in the Corps pumping station report within 18 months, suspend any activity unless the activity is consistent with options 2 and 2a described in the Corps report, and conduct a feasibility level of analysis (including a cost estimate) for the project.

OUACHITA LEVEES

Request: Corps performs bank stabilization or levee setbacks as needed to stabilize the flood control structures.

Cite past practice by the Corps in performing levee setbacks under FCA of 1928 and the MR&T Program, or,

Raise the issue that much of the bank caving has been caused by barge wakes, which are the result of the federal navigation channel project, or,

Use P.L. 84–99, 33 USC 701, Flood Emergencies.

AGMAC

* * *

DEPARTMENT OF THE ARMY, OFFICE OF THE ASSISTANT SECRETARY, CIVIL WORKS,
Washington, DC, March 12, 2010.

Hon. DAVID VITTER,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR VITTER: This letter is in response to your letter of January 13, 2010, and follow up to meetings held on November 19, 2009 and March 2, 2010, regarding issues that you would like the Army Corps Engineers to address in order for you to release your current nomination hold on Brigadier General (P) Michael J. Walsh. We have thoroughly analyzed all nine issues. Our response to each issue raised in your January 13, 2010 letter follows below. We have made every effort to provide you the best way forward within the limits of existing law, funding and policy for each of the nine issues.

ISSUE 1: OUTFALL CANALS/PUMP TO THE RIVER

REQUEST: Corps provide a formal commitment to complete a comprehensive risk analysis associated with the three options laid out in the Corps pumping station report within 18 months, suspend any activity unless the activity is consistent with options 2 and 2a described in the Corps report, and conduct a feasibility level of analysis (including a cost estimate) for the period.

In fulfillment of the requests of the Louisiana Coastal Protection and Restoration Authority (CPRA), the Southeast Louisiana Flood Protection Authority-East, Jefferson Parish, and the Sewerage and Water Board of New Orleans, which you have supported, the Corps previously agreed to construct the permanent structures and pump stations with adaptability measures that will facilitate addition of Options 2 or 2a features should either option be authorized and funded by Congress for construction or undertaken and funded by non-Federal interests in the future. In light of the limited service life of the existing temporary pumps (estimated to expire in 2011–2013), it is vitally important for the protection of the citizens of New Orleans that a permanent pumping solution be implemented as quickly as possible, and suspension of any activity not consistent with Options 2 and 2a would create an unacceptable risk to the citizens. The Corps will conduct a supplementary risk reduction analysis as part of the detailed engineering feasibility study, including the National Environmental Policy Act (NEPA) compliance documentation, for Options 2 and 2a, if Congress appropriates funds for the study. When completed we would transmit the study to the Office of Management and Budget for consideration of submission to Congress for appropriate action. This study would provide the information necessary to allow the Congress to make an informed decision on authorization of Option 2 or 2a. As we discussed, we estimate that it will cost $15.6 million and take approximately 36 months to complete this study (including NEPA compliance).

ISSUE 2: OUACHITA RIVER LEVEES

REQUEST: Corps performs bank stabilization or levee setbacks as needed to stabilize the flood control structures.

At you urging, the Corps is using Public Law (PL) 84–99 to address bank caving associated with recent flood events. We have identified 8 to 9 discrete sites, addressing bank caving along approximately one percent of the Ouachita River and Tributaries project, where it appears that damages have occurred as a result of flood events during the period of October 2009 to January 2010. We anticipate that the cost of pursuing the repair work at these sites will cost approximately $10–$20 million.

The Corps' assessment indicates that the bank caving along the Ouachita River is not attributable to vessel wash. In addition, the bank caving is not associated with features of the Mississippi Rivers and Tributaries (MR&T) project. The authorization for the Ouachita River and Tributaries projects specifies that levee maintenance is a non-Federal responsibility. Congress has not enacted a general provision of law that would supplant this non-Federal responsibility or that would allow the Corps to correct levee damages that are not associated with flood events.

ISSUE 3: ACADIA GULF OF MEXICO ACCESS CHANNEL (AGMAC)

REQUEST: Corps work with the state (CPRA) using existing CWPPRA projects along Freshwater Bayou to develop a plan to build significant bank stabilization and spoils build-up within the 902 limit before January 1, 2010.

The AGMAC request envisions the placement of dredged material along the Freshwater Bayou and refers, directly or indirectly, to two distinct authorities: 1) the Port of Iberia navigation project authorized in Water Resources Development Act (WRDA) of 2007 at a total cost of $131,250,000; and 2) the CWPPRA authorization that provides for the creation, protection, restoration, and/or enhancement of wetlands to provide for the long-term conservation of such wetlands and dependent fish and wildlife populations. The Port of Iberia authorization directs the Corps to ''use available dredged material . . . [on] the west bank of the Freshwater Bayou to provide incidental storm surge protection . . .'' This authorization would allow the Corps to place available dredged material from the Port of Iberia navigation project along the west bank of the Freshwater Bayou provided this work provides incidental storm surge protection and is within the applicable section 902 cost limitation. You are correct that CWPPRA provides independent authority to create wetlands along the Freshwater Bayou. The Corps will work with the State and others to explore use of CWPPRA authority to implement a project along the Freshwater Bayou. The CWPPRA Task Force identifies and selects which projects will be pursued under this authority. If the project is selected as a nominee, then the CWPPRA Technical Committee will consider it at an April 4, 2010 public meeting for further evaluation as a Priority Project List 20 Candidate Project.

ISSUE 4: MORGANZA TO THE GULF

REQUEST: Corps restart the lock design on the Houma Navigation Canal, provide separate authority for the Houma Navigation Lock project or the next WRDA bill, and help expedite the 404 permitting process on existing projects.

The Houma Lock is part of the Morganza to the Gulf hurricane and storm damage risk reduction project, which was authorized in WRDA 2007 at a total cost of $886,700,000. Following Hurricanes Katrina and Rita, the levee design criteria for this project changed and, as a result, the project can no longer be built for the amount envisioned by the Congressional authorization. Some design work on the Houma Lock had been completed based on the design criteria used in the original project plan, but because this criteria had changed, the Corps halted further design work on the Lock pending the redesign of the overall project plan that takes the new criteria into account. The Corps is not authorized to construct the Houma Lock as an independent, freestanding project or as a separable element of the Morganza to the Gulf project, and additional authorization will be required to construct the Morganza to the Gulf project in accordance with the new design criteria. The Post Authorization Change report required to support the request for additional authorization is scheduled to be completed by December 2012. The Corps is willing to resume design of the Houma Lock using the new criteria, but has insufficient funds to resume this effort and complete the overall project plan. The Corps will work with others to expedite the Section 404 permitting process. Additionally, enclosed, as a legislative drafting service, is draft legislation for separate authority for the Houma Navigation Lock.

ISSUE 5: WEST BANK AND VICINITY

REQUEST: Corps provide for O&M costs associated with proposed navigation project on the Algiers Canal. Corps policy states: (1) ''If the waterway users are subject to fuel taxes paid into the IWTF, there are not any non-Federal cost sharing requirements in connection with the Federal project improvements to the waterway (not for LERRD, construction, or OMRR&R)''; (2) Section 206 of the Inland Waters Revenue Act of 1978, as amended, (33 U.S.C. Section 1804) contains the listing of inland waterways subject to fuel taxes paid in to the IWTF. The Gulf Intracoastal Waterway, from St. Mark's River, Florida, to Brownsville, Texas, is included on that list; and (3) The Corps' decision to provide, in lieu of raising the Algiers Canal Levees to 100-year level of protection, works along the Algiers Canal and the construction of a navigation closure structure complex on the GIWW does not preclude this according to its internal policy associated with navigation and section 206 of the Inland Waters Revenue Act of 1978.

The Gulf Intracoastal Waterway (GIWW) closure structure across the Algiers Canal is part of the West Bank and Vicinity project. Its purpose is to provide hurricane and storm damage risk reduction. The GIWW closure structure will only be operated when needed to prevent damages from storm surge, or during maintenance exercises of the structure and pumps. When Congress authorized this project, it specified that the non-Federal Sponsor is responsible for the costs of operation and maintenance. Additional authority and funding would be required for the Corps to operate and maintain the hurricane and storm damage reduction closure structure across the Algiers canal.

ISSUE 6: NEW ORLEANS TO VENICE, JESUIT BEND 100-YEAR PROTECTION

REQUEST: Formal commitment to Local Preferred Plan (LPP), with milestone schedule, and a minimally visible closure at Oakville.

The Corps is receptive to implementing a LPP for Jesuit Bend as part of the incorporation of non-Federal levees into the Federal New Orleans to Venice project. To date, the State and Plaquemines Parish have not identified a specific LPP that they are certain they want to pursue. They have asked the Corps to assist them in the analytical effort necessary to determine the cost of the plan and whether or not it should be pursued at non-Federal expense. The State and Parish must enter into a written agreement with the Corps in which the State and Parish agree to pay for this analysis. Once the agreement is executed, the Corps will complete the analysis within four months. If the State and the Parish determine that they want to pursue a LPP, the LPP must be approved by the ASA(CW). Our offices will work expeditiously to approve an LPP when presented. The Corps plans to construct a swing gate for closure at Oakville for the West Bank and Vicinity project. This closure option was considered along with several other closure options, including a minimally visible closure option. The Corps has determined that the swing gate option was a superior closure option from a risk, reliability, and operation and maintenance standpoint.

ISSUE 7: LOWER ATCHAFALAYA BASIN BACKWATER FLOOD PROTECTION

REQUEST: Corps produce the study on the backwater flood issue, as committed in writing to Mayor Matte on Nov 2007 and Dec 2008. Because the issue pertains to the Atchafalaya River and the Floodway Basin, such a study clearly should be covered under MR&T. Furthermore, the original solution to the backwater flooding, the Avoca Island Levee Extension, was deemed to be under MR&T; so should any other solution to be studied or proposed.

The Corps has the authority to conduct a study addressing this backwater flooding issue and is working with the local representatives on scope and schedule. The study would determine if there is Federal interest and would determine if the recommended solution can be implemented within existing MR&T project authority or if additional authority would be required. The Corps is willing to pursue this study effort. However, since this study is a new activity, an appropriation is required to initiate this effort.

ISSUE 8: LOUISIANA HIGHWAY 3241

REQUEST: Corps create a significantly accelerated Environmental Impact Statement (EIS) or other timetable compared to the current timetable.

Similar EIS's typically take two to three years to complete. The Corps is working with the Louisiana Department of Transportation and Development to streamline this process and to expedite completion of the Louisiana Highway 3241 EIS. Significant progress has been made on this front and the current schedule for completing this effort already has been reduced to 18 months. The Corps will adopt other streamlining proposals provided they are acceptable under applicable law and regulation. The Corps will provide your office with monthly reports advising you of further schedule adjustments.

ISSUE 9: LOUISIANA WATER RESOURCES COUNCIL

REQUEST: Corps create and fund the Louisiana Water Resources Council, as mandated in WRDA 2007.

The Corps previously planned to establish the Louisiana Water Resources Council with appropriations specifically made available for this purpose. The Corps will now use existing appropriations. The Corps has developed a proposed draft charter that was forwarded to the State of Louisiana on February, 26, 2010, and has received initial comments that are under consideration.

We trust that it is evident the Corps and the Army have listened to you carefully and are providing the answers in this letter as our best attempt to address your concerns. We both look forward to resolving the nomination hold on a very able and deserving General Officer in the very near future.

Very truly yours,

JO-ELLEN DARCY,
Assistant Secretary of the Army (Civil Works).

R. L. VAN ANTWERP,
Lieutenant General, US Army,
Chief of Engineers.

U.S. SENATE,
Washington, DC, March 16, 2010.

Hon. JO-ELLEN DARCY,
Assistant Secretary of the Army (Civil Works), Washington, DC.

Lieutenant General ROBERT VAN ANTWERP,
Commander, U.S. Army Corps of Engineers, Washington, DC.

Re Brigadier General Walsh Issues.

DEAR SECRETARY DARCY AND LIEUTENANT GENERAL VAN ANTWERP: Thank you for our most recent meeting two weeks ago and the commitments you made, including to have the Louisiana Water Resources Council operating within four months of that meeting.

I identified a finite number of follow-up questions/requests at that meeting. Although you always underscore how time-sensitive Brigadier General Walsh's promotion is, you still have not responded to those questions/requests, including in your letter of March 12, 2010.

In one final effort to resolve this impasse, I offer the following very short list of three items, some of the details of which are different from our last discussion. Please indicate in writing if the Corps can honor all of these requests.

1. OUTFALL CAUALS/PUMP TO THE RIVER

Request: Corps conduct within 18 months a formal cost/benefit analysis, using existing Corps' authority and money, of previously cited project options 1, 2, 2a, and any other options the Corps deems advisable to consider. This cost/benefit analysis to be peer reviewed by the soon-to-be operational Louisiana Water Resources Council. The Corps clearly has the authority for this study under previous language and can find the money for it if it wants to. Regarding Lieutenant General Van Antwerp's suggestion at our last meeting that this must be a full feasibility-level analysis, the Corps was given broad authority to do post-Katrina work without full feasibility studies and in an expedited manner, and has not even performed feasibility-level analysis on Option 1.

2. AGMAC

Request:

Option A—Corps provide containment areas for the deposition of spoil material using O&M funds which should be constructed to provide embankment stabilization and reestablish the berm that historically provided storm surge attenuation benefits to Vermilion Parish. Thus, Corps O&M authority can be used to help solve the 902b cost issue. This would be directly analogous to O&M work done on the MRGO. If O&M funds are not available, the Corps/Administration would proactively request and support the appropriation of such O&M funds as are necessary.

Option B—Corps successfully obtain *final approval* at the state level of a CWPPRA program which, when combined with the Corps' WRDA authority, accomplishes the bank build-up as authorized and intended in WRDA. This will require some type of special/emergency CWPPRA meeting.

3. MORGANZA TO THE GULF

Request:

Option A—Corps restart the lock design on the Houma Navigation Canal using existing authority and move the lock forward as an independent project. In 1998, a Chiefs Report established authority to move the lock forward outside of the overall Morganza Project in response to a WRDA 1996–directed study. The Corps would either use this existing authority to move the lock forward independently or proactively support language in the next WRDA to do so. (The reason I am not pursuing Lieutenant General Van Antwerp's suggestion at our most recent meeting that we work on full project authorization language for a 2011 WRDA subject to a Chief's Report, is because the re-study of the project is not due until December 2012, and contingent authorizations for projects have only been granted up to December 31 of the year of a WRDA's passage.)

Option B—Corps outline any other way the entire Morganza to the Gulf project or a significant portion of it is authorized and moves forward under the new WRDA, assuming a new WRDA is passed in 2011. If Corps cannot do this, then you are admitting that you plan on our missing the next WRDA train yet again regarding this vital and long-suffering project, which is completely unacceptable.

These three goals can clearly be met under the Corps' significant existing authority and flexibility. If you truly want to do so but need to explore the above methods more fully before transmitting a written response, please have your staff contact Glen MacDonald of my office and Garrett Graves of the State of Louisiana. If, on the other hand, these three goals are not going to be met by the Corps, I look forward to moving on with an existing Major General for the position in question.

Sincerely,

DAVID VITTER,
U.S. Senator.

DEPARTMENT OF THE ARMY, OFFICE OF THE ASSISTANT SECRETARY, CIVIL WORKS,
Washington DC, March 19, 2010.

Hon. DAVID VITTER,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR VITTER: This letter is in response to your letter of March 16, 2010. On March 12, 2010, we responded to your previous letter and to questions raised in several meetings addressing nine specific issues. In your letter of March 16, you posed three follow-on questions, which are addressed below. In summary, the responses we provided on March 12, 2010 represent the best way forward within the existing law, funding and policy. The new requests in your most recent letter either require changes to law or changes to policy which, given current legal and fiscal constraints, we regretfully cannot support.

1: OUTFALL CANALS/PUMP TO THE RIVER

REQUEST: Corps conduct within 18 months a formal cost/benefit analysis using existing Corps' authority and money, of previously cited project options 1, 2, 2a, and any other options the Corps deems advisable to consider. This cost/benefit analysis to be peer reviewed by the soon-to-be operational Louisiana Water Resources Council. The Corps clearly has the authority for this study under previous language and can find the money for it if it wants to. Regarding Lieutenant General Van Antwerp's suggestion at our last meeting that this must be a full feasibility-level analysis, the Corps was given broad authority to do post-Katrina work without full feasibility studies and in an expedited manner, and has not even performed feasibility-level analysis on Option 1.

Following Hurricane Katrina, the Administration requested authorization and funding for the work referred to as Option 1 for the purpose of reducing exposure of the interior of the City of New Orleans to surge from Lake Pontchartrain. Congress authorized and funded Option 1 in the 4th Supplemental, P.L. 109–234 and the 6th Supplemental, P.L. 110–252. This construction work is being completed under a design/build contract, which incorporates ongoing planning and design while the project is being built.

Your new request is that the Corps complete a formal cost/benefit analysis of Options 1, 2, 2a, and other possible appropriate options, within 18 months. Determining whether and how the City's interior drainage facilities could be improved is a complex and extensive undertaking. As we have stated previously, the Corps is willing to proceed with such a study; however, we estimate that it will take approximately 36 months to produce a cost/benefit analysis that would provide Congress with adequate information to make an informed decision on whether to authorize construction of Option 2, 2a, or some other option.

You also suggested that we complete the study with existing appropriations. The appropriations provided by Congress were for the purpose of hurricane and storm damage risk reduction. Options 2 and 2a would address interior drainage issues without providing additional storm surge protection. The Administration's focus is on providing the storm surge protection for the City of New Orleans that Congress expected us to provide on a priority basis. It would not be appropriate to divert existing appropriations away from this high priority objective.

2: AGMAC

REQUEST:

Option A—Corps provide containment areas for the deposition of spoil material using O&M funds which should be constructed to provide embankment stabilization and reestablish the berm that historically provided storm surge attenuation benefits to Vermilion Parish. Thus, Corps O&M authority can be used to help solve the 902b cost issue. This would be directly analogous to O&M work done on the MRGO. If O&M funds are not available, the Corps/Administration would proactively request and support the appropriation of such O&M funds as are necessary.

Option B—Corps successfully obtain final approval at the state level of a CWPPRA program which, when combined with the Corps' WRDA authority, accomplishes the bank build-up as authorized and intended in WRDA. This will require some type of special/emergency CWPPRA meeting.

Your new AGMAC request envisions using Operation and Maintenance (O&M) funds to construct containment areas for the deposition of spoil materials to provide embankment stabilization and reestablishment of the berm that historically provided storm surge attenuation benefits to Vermilion Parish. You believe that this would help to solve the section 902 of WRDA 86 cost issue related to the Port of Iberia navigation project authorized in Water Resources Development Act (WRDA) of 2007 at a total cost of $131,250,000. The Corps does not have authority to use O&M funds to construct projects or separable elements of projects, nor does the Army have authority to reprogram O&M or any other Civil Works funds to initiate a previously unfunded project. This is not analogous to O&M work done on the MRGO. In that case, Congress specified that the Corps undertake certain enumerated activities with appropriations made available for O&M.

There is an established nomination process under the CWPPRA program, as outlined in the CWPRRA project standard operating procedure manual dated June 3, 2009, whereby agencies, parishes, landowners, and other individuals may confer to further develop projects. The guidelines suggest that nominated projects should be developed to support one or more ''Coast 2050'' strategies to create, restore, protect or enhance coastal wetlands. Should this project make it through the CWPPRA nomination process, the Corps, as a member of the Task Force, will support its inclusion in the CWPPRA program.

3: MORGANZA TO THE GULF

REQUEST:

Option A—Corps restart the lock design on the Houma Navigation Canal using existing authority and move the lock forward as an independent project. In 1998, a Chief's Report established authority to move the lock forward outside of the overall Morganza Project in response to a WRDA 1996-directed study. The Corps would either use this existing authority to move the lock forward independently or proactively support language in the next WRDA to do so. (The reason I am not pursuing Lieutenant General Van Antwerp's suggestion at our most recent meeting that we work on full project authorization language for a 2011 WRDA subject to a Chief's Report, is because the re-study of the project is not due until December 2012, and contingent authorization for projects have only been granted up to December 31 of the year of a WRDA's passage).

Option B—Corps outline any other way the entire Morganza to the Gulf project or a significant portion of it is authorized and moves forward under the new WRDA, assuming a new WRDA is passed in 2011. If Corps cannot do this, then you are admitting that you plan on our missing the next WRDA train yet again regarding this vital and long-suffering project, which is completely unacceptable.

The Corps does not have authority to implement the Houma Navigation Lock as an independent project. Section 425 of WRDA 1996 authorized a study of an independent lock, but did not authorize construction. Section 425 in part reads . . . ''The Secretary shall conduct a study of environmental, flood control, and navigation impacts associated with the construction of a lock structure in the Houma Navigation Canal as an independent feature of the overall damage prevention study being conducted under the Morganza, Louisiana, to the Gulf of Mexico feasibility study.'' The Corps conducted a study in response to Section 425, but that study did not recommend construction of an independent Houma Navigation Lock feature due to uncertainties of benefits and concerns over justification of an independent lock structure. As a result, a Chief's Report was not completed for the Houma Navigation Lock project.

The Army understands the importance of completing the Morganza to the Gulf project reanalysis, and will continue to look for ways to move forward as expeditiously as possible on the Post Authorization Change report required to support a request for additional authorization. As noted previously, our best estimate is this report will be completed by December 2012. You have our commitment that we will continue to seek ways to accelerate this schedule.

Very truly yours,

JO-ELLEN DARCY,
Assistant Secretary of the Army (Civil Works).
R. L. VAN ANTWERP,
Lieutenant General, US Army,
Chief of Engineers.

Mr. DORGAN. Simply, GEN Michael Walsh is someone I have known for a

long time. He is an extraordinary soldier and a patriotic American who doesn't deserve, and never deserved, to have his promotion derailed for 6 months by one Member of the Senate. That is not fair. That is using this person, this patriot, as a pawn in trying to extract from the Corps of Engineers something the Appropriations Committee has already voted against, in one case.

In other cases, it is something that the Corps of Engineers cannot legally do without authorization from Congress. We cannot do that to soldiers who have served their country. That is not fair.

I am not going to ask consent today because my colleague, Senator LEVIN, previously asked consent, and Senator COBURN from Oklahoma, on behalf of Senator VITTER, the other day objected to this promotion. But I will ask my colleague from Louisiana to stand down on this and give this soldier the respect and honor and the due that is owed him by the Congress.

The Armed Services Committee, with its chairman and ranking Republican member, unanimously decided that this good soldier should be promoted to the rank of a two-star general. That was 6 months ago. Six months later, he is a pawn on the floor of the Senate held by one person trying to extract from the Corps of Engineers some things that the Corps cannot possibly do, and some things that are not wise to do, and I would not support in any event.

As I said when I started, I would not come to the floor of the Senate and criticize a colleague without first informing him of that criticism. I did that. I don't take any measure of satisfaction in criticizing a colleague. But I will tell you this: What happened to this general is just flat wrong. There is no way for anybody in this Congress to justify holding this general hostage for 6 months in his promotion to major general.

I ask my colleague from Louisiana to end this hold, to give this soldier his due. This soldier has earned his second star, and 6 months ago this Congress should have voted in response to the unanimous vote by the Armed Services Committee to give this soldier his second star. I hope that soon my colleague will delete that hold so my colleague from Michigan can seek unanimous consent to do right by GEN Michael Walsh.

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. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, my colleague wishes to offer an amendment. I want to make sure there is time available to him.

Mr. COBURN. I am only going to take 5 minutes.

Mr. DORGAN. 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. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3726 TO AMENDMENT NO. 3721

(Purpose: To pay for the full cost of extending additional unemployment insurance and other Federal programs)

Mr. COBURN. Mr. President, I thank my colleague for giving me a short time to deal with these two amendments. I have an amendment at the desk that I call up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3726 to amendment No. 3721.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 3727 TO AMENDMENT NO. 3721

(Purpose: To pay for the full cost of extending additional unemployment insurance and other Federal programs)

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and my next amendment be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3727 to amendment No. 3721.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. COBURN. Mr. President, I yield the floor to my colleague from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I again ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INTERNET

Mr. DORGAN. Mr. President, we just completed a hearing moments ago in the Senate Commerce Committee on something that has received some headlines recently, although in the scheme of things, it is not ranking with health care or energy or education reform. It is the issue of a circuit court decision a week ago in the Comcast case dealing with the Federal Communications Commission and its ability or inability to be a referee with respect to the free market system and the Internet.

The Internet is an extraordinary innovation in our lives. We tend to take it for granted, I suppose, because it is so normal for all of us every day to use the Internet, whether it is a wireless device or a laptop computer, or whatever. We use the Internet in so many different ways.

The question is: What is the regulatory approach to the Internet? We know what we have done for telephones over the many years, the many decades of regulatory capability. What is it for the Internet?

What we have always had for the Internet from its origin is what is called a free and open Internet, the open architecture. Anybody can get on the Internet with their Web site, and anybody from the rest of the world who has broadband capability or Internet capability can access that site.

A man named Larry and a man named Sergey in a dorm room in California conceived of something which 10 years later we know as Google. What if somebody had said to Larry and Sergey: You know what, you are in a dorm room, you are not much of a business; you only have two employees. We want to charge you for being able to get on our system so others can see you. There would not have been Google, would there?

Free and open architecture of the Internet means anybody, anyplace, any time can access anything. I told a story in the Commerce Committee about going to the home I grew up in in a town of slightly less than 300 people. I had not been back to my boyhood home since I was a teenager. I knocked on the door in my hometown and asked the woman if I could see the home I grew up in. She said: Of course.

In the shed where you walk in first, there was cardboard and tape. And in the kitchen just off the shed, the woman had a camera and a little arm that stuck out of a little appendage she had by the kitchen counter. She was taking a picture of a bracelet that was hanging from this arm. I said: What are you photographing?

She said: I am photographing a bracelet because I sell jewelry on the Internet.

From a town of 250 or 300 people in my little two-bedroom white house in that small town, this woman has an Internet business. Her Web site can be accessed by anybody in the world. She is not a big business person. She makes some money. It could not have happened years ago but can happen now in that small town. It can happen in any town. Anybody around the world can access her Web site. But what if somebody said: We are going to decide which Web sites are going to get on our system. That is a gatekeeper, a provider

that is deciding we are going to pick winners and losers.

We do not do that. We let the marketplace pick winners and losers on the Internet. That is why the Internet grew. Its origin and growth was under something called a nondiscrimination rule. You cannot discriminate. Just like telephone service, you cannot discriminate.

The FCC, under former Chairman Powell, moved the Internet from a telephone service to an information service, and that is what the lawsuit was about. Comcast brought a lawsuit and said under Title I of the Communications Act, as an information service, the FCC does not have the authority with respect to Internet freedom as I call it, to impose net neutrality rules. The circuit court said the FCC does not have that authority under Title I. That gets very technical and very legal.

The question is: What does the FCC do now? The question is what should we aspire to achieve for the Internet in the long term? Some say hands off, let's have what is called in the hearing today a light touch. I said: I am not interested in a light touch; I am interested in the right touch by regulators. I have just seen a decade in which regulators at the SEC and the CFTC and others who engaged in financial regulations said: We are engaged in light touch. In fact, we are engaged in no touch. We will be blind for 8 years. We will not even look. We are regulators, but we intend to get paid. We do not even care what you do. That is the ultimate light touch, but I have had a bellyful of that. I want regulators to regulate effectively to make sure the market remains open and free and fair. That is the job of a regulator. That is the job of the FCC.

We are going to have a big debate about this in the Congress. But first and foremost, I hope the Federal Communications Commission takes action under its own authority because it has plenty of authority to respond to this decision. It has authority under Title II of the Communications Act, and it has other authorities it can use. I encourage it to proceed. I hope that is the case.

Second, Senator SNOWE and I and others on a bipartisan basis will continue to press the Congress to enact net neutrality, what I call Internet freedom, legislation, because if the FCC does not do it, let's make sure we do it in law.

This is a very important issue. The issue of the Internet and the question of who controls the Internet, if anybody, is very important.

At town meetings when somebody says, The Federal Government cannot do anything right, I say there are a number of things it cannot do right, but answer the question, Who invented the Internet? Who created the Internet? The Federal Government did that. It started here. It is a wonderful innovation that has changed our lives in so many wonderful ways. I just described one with the woman living in my former boyhood home. It changed her life. But that is multiplied a billion times around this world.

We need to make certain the Internet remains open and free. The free market system is the best system I know with which to allocate goods and services. I know none better. But I also understand that the free market system needs referees to make sure it remains free and open, to call the fouls, to wear the striped shirt with the whistle and call the fouls when necessary. It did not happen in the financial area. It did not happen at all. When people traded things that did not exist, buying things from people who did not have them, making money on both sides, all of a sudden there should have been regulators saying: Wait, this is gambling. You can't do that. You are putting the American people at risk. On the telecommunications side, we need effective regulatory capability, not to stifle or injure the free market but to protect it.

This is a very important issue in the wake of the circuit court decision. I believe Chairman Genachowski has the capability and authority to move forward in the Federal Communications Commission to do the right thing, and I encourage him to do that.

I know as well going forward that legislation, perhaps not this year but legislation in future Congresses will reaffirm the opportunity for the FCC to protect and nurture a free and open architecture of the Internet. I believe it is critically important.

Mr. BAUCUS. Mr. President, before the Senator yields, in the form of a question, I deeply appreciate the Senator's statement. He is on the right track. I believe the Internet should be free and open, too. I was stunned by the circuit court decision.

I ask the Senator if he could tell us how he thinks the FCC can remedy the situation now without legislation, and if the FCC cannot, we need legislation. But I am asking for the Senator's view again. He already stated it once. Maybe he can expand on it further.

Mr. DORGAN. Mr. President, I thank the Senator from Montana. Let me state the reason for the urgency. I described it today, but it has been said in other venues. Mr. Whitacre from AT&T most famously said it: These are my pipes. I want Google to pay for the use of my pipes. That was a famous statement by Mr. Whitacre. Yes, those pipes belong to the providers, but there is a requirement there be a nondiscrimination approach to the use of those pipes. We do not want providers to set up tollbooths or gates to say: OK, you are a big site out there. We are going to charge you to use this. Maybe that person cannot pay the charge. The billions of people who would access that site now will not have access because there is a gatekeeper who said: We are only going to allow these folks to be on our site. That is the point of it.

There is, it seems to me, a potential problem that could not have existed previously when the nondiscrimination rules existed. But now that the nondiscrimination rules were obliterated, we need to restore them.

The Senator from Montana asked the question how can the Federal Communications Commission do this. I believe there are general powers in the Federal Communications Commission Act, and I believe the Commission itself has general powers that will allow it to act in a manner that the court would view to be in compliance with the law.

The FCC is not interested in doing something that it does not have the legal authority to do. I believe they have the capability. They certainly have the capability to determine that the Internet is regulated under Title II in which they would have the capability to enforce the nondiscrimination rule.

Again, this is not going to be one of those headline issues, but nonetheless it is a very important issue and one we need to get right. The last time we had a discussion about this issue in the Commerce Committee, it was a very contentious discussion. Senator SNOWE and I offered an amendment that lost on an 11-to-11 tie. This is not an easy issue. There are a lot of people who feel strongly on both sides, but I come down on the side of saying the way the Internet was conceived and the way it grew and the way it flourished was with nondiscrimination rules that say anybody—it is the ultimate democracy—anybody anywhere can set up a site and anyone in the world can access that site. That is the genius of this great innovation in our lives.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, the Senate just rejected the previous Coburn amendment by a vote of 51 to 46. The Senate, I might say, rejected an attempt by the Senator from Oklahoma to give the Director of the Office of Management and Budget sweeping powers to cut unobligated balances by billions of dollars.

The Senator from Hawaii, Mr. INOUYE, chairman of the Appropriations Committee, explained why that would be unwise. Essentially, there are many contracts which take more than 1 year to be fulfilled—building ships, for example, aircraft carriers, and so on. It takes a good number of years to build them, and it would make no sense to rescind all those unobligated balances.

The Senator from Oklahoma has two more amendments. One in particular is virtually the same amendment. It gives the Director of OMB powers to cut unobligated balances by billions of dollars, so the arguments of the Senator

from Hawaii would apply there as well. So the same reasons given for opposing the Coburn amendment just a short while ago—and the one that was defeated—should be the same reasons that would apply with respect to this next Coburn amendment that we will be voting on in the not-too-distant future.

The Senator from Oklahoma has another amendment which would reverse decisions of the Congress through the appropriations process, and it also would, I might say, affect some tax provisions that would be inappropriate if we were to pass them now.

I would remind my colleagues if the Coburn amendment were to be adopted, there is another problem with it; that is, the delay of the extension of unemployment benefits. Because if it were to pass, it would have to go over to the House, and I am not quite sure how quickly the House would accept the Coburn amendment. They have said many times they would not accept it; that they would send it back, probably as is, without the pay-fors on the extension of unemployment benefits. So we would just be delaying unemployment benefits to people who were cut off a few days ago because of the failure of Congress to act on the extension.

So I would suggest to my colleagues that the other two amendments the Senator from Oklahoma has offered are very similar to the first amendment he offered. The Senate defeated that first amendment by a vote of 51 to 46, and I suggest that these other two amendments be defeated when they are brought up because then we can give needed unemployment benefits to people who need it during this time of recession.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, not to belabor the point, but at a hearing I held in the Finance Committee this morning, we heard from Mark Zandi, who is the chief economist and cofounder of Moody's Analytics, and he was talking about unemployment benefits.

In fact, part of the hearing was to determine ways to improve the efficiency and effectiveness of unemployment benefits. Actually, the panel came up with a lot of very interesting ideas. Different States are, frankly, using the unemployment program to help create jobs as well as make payments.

Anyway, at this hearing, Mr. Zandi volunteered, frankly, that now is not the time for extension of unemployment benefits to be paid for. He said that is self-defeating. It is unproductive. He said, now that we are in a recession, frankly, unemployment compensation benefits should not be paid for.

Who is Mark Zandi? Mark Zandi is a moderate economist, very well respected by Senators on both sides of the aisle. He also was the adviser for Presidential candidate JOHN MCCAIN—Mark Zandi was. The point is, clearly, he is not a liberal, leftwing economist. I don't know even now if he is a moderate economist. But whatever he is—moderate, leftwing or liberal—he is an economist, and he has worked for Presidential candidate JOHN MCCAIN. He volunteered today on the record at the Finance Committee hearing that it would not be wise to pay for unemployment benefits at this time because that would be self-defeating.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I have at the desk two cloture motions.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Baucus substitute amendment No. 3721 to H.R. 4851, a bill to provide a temporary extension of certain programs, and for other purposes.

John D. Rockefeller, IV, Benjamin L. Cardin, Jeanne Shaheen, Al Franken, Daniel K. Akaka, Kent Conrad, Sheldon Whitehouse, Patty Murray, Tom Udall, Bernard Sanders, Richard J. Durbin, Ron Wyden, Robert P. Casey, Jr., Edward E. Kaufman, Patrick J. Leahy, Mark L. Pryor, Byron L. Dorgan.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the second motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 4851, a bill to provide a temporary extension of certain programs, and for other purposes.

John D. Rockefeller, IV, Benjamin L. Cardin, Jeanne Shaheen, Al Franken, Daniel K. Akaka, Kent Conrad, Sheldon Whitehouse, Patty Murray, Tom Udall, Bernard Sanders, Richard J. Durbin, Ron Wyden, Robert P. Casey, Jr., Edward E. Kaufman, Patrick J. Leahy, Mark L. Pryor, Byron L. Dorgan.

The PRESIDING OFFICER. Under the previous order, the motion to proceed to the motion to reconsider the vote by which the Budget Act was not waived was agreed to, and the motion to reconsider was agreed to. The question on reconsideration is on the Baucus motion to waive all applicable budget discipline for the consideration of amendment No. 3721, as modified, and the underlying bill.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 60, nays 40, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—60

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown (OH)	Kerry	Sanders
Burris	Klobuchar	Schumer
Byrd	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Voinovich
Dorgan	McCaskill	Warner
Durbin	Menendez	Webb
Feingold	Merkley	Whitehouse
Feinstein	Mikulski	Wyden

NAYS—40

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Wicker
Corker	Kyl	
Cornyn	LeMieux	

The PRESIDING OFFICER (Mr. UDALL of Colorado). On this vote the yeas are 60, the nays are 40. Upon reconsideration, three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The motion to waive the point of order made pursuant to section 4(g) of the Pay-As-You-Go Act having been reconsidered and agreed to, the Chair's previous action sustaining the point of order is annulled and the language previously stricken by the Chair is now restored to the amendment.

Mr. CASEY. Mr. President, I ask unanimous consent that the mandatory quorums, as required under rule XXII, be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE EXPLANATION

Mr. MENENDEZ. Mr. President, due to an official event in New Jersey, I was necessarily absent for rollcall vote No. 109. Had I been present, I would have voted ''yea'' on the motion to invoke cloture on the motion to proceed to H.R. 4851, the Continuing Extension Act of 2010.

Mr. CASEY. Mr. President, I ask consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING BILL GEORGE

Mr. CASEY. Mr. President, I rise tonight for a very specific purpose. It is to speak about a person I have known a long time—25 years or more—who is currently the President of the Pennsylvania State AFL/CIO, a great labor leader in the Commonwealth of Pennsylvania. I will submit a longer statement for the RECORD due to the late hour, but I did wish to say a few words about him. His name is Bill George, and anyone who knows anything about organized labor in Pennsylvania, anyone who knows anything about the topic of battling on behalf of working men and women, knows the name Bill George. He has been the President of our State AFL/CIO since 1990, 20 years in that position. Prior to that, he was a great leader with the United Steelworkers of America and someone I came to know long before I was a candidate for public office, and certainly in the 15 years or so that I have been either a candidate or a public official he has been a source of great inspiration and a great friend.

Even beyond the work he has done for candidates and for causes, this is someone who understood, at a very young age, what it means to battle—to fight the battles for working men and women, to work together with people to collectively bargain for wages and benefits, making sure that working men and women have a voice, and someone who understood what an election means. At the end of the process of conducting an election, you elect someone to public office—or a group of candidates—and their votes and their actions have an impact on working men and women. Bill George has always understood that. He has always understood that those in our society who do not have a voice need people like him to stand and fight battles.

I know the Presiding Officer is well aware that organized labor—and I think Bill George has been a great example of this—often has been battling the hardest on issues from which they do not necessarily benefit directly. The case in point, the minimum wage. We know that those who are represented by unions in almost every circumstance have a pretty solid wage compared to those who may be making a minimum wage or less. We know organized labor, thankfully over many generations now, has been able to bargain collectively for health care benefits. But even despite that, they have battled for those who do not have health insurance. Bill George has been one of the leaders in Pennsylvania for 20 years, making sure the voice of working men and women have been heard but also making sure the poor had a voice, the vulnerable, the forgotten, the people who have been left out. To use a line from Scriptures, ''The least, the last and the lost'' have been beneficiaries of his great voice and his strength of personality, his commitment to fighting for justice and especially fighting for economic and social justice.

Tonight, as we are here in Washington and voting, there is a huge crowd of Pennsylvanians at the David L. Lawrence Convention Center, a convention center named in honor of one of our greater Governors, a native of Pittsburgh. The AFL/CIO tonight is paying tribute to Bill George and also Dan Rooney, the great owner of the six-time Super Bowl Pittsburgh Stealers and now the Ambassador to Ireland. So I wish to compliment both Dan Rooney and Bill George on their award tonight at the AFL/CIO dinner in Pittsburgh.

But in a very particular way, I wish to commend and salute the work Bill George has done over so many years in our Commonwealth of Pennsylvania, culminating in the last 20 years as President of the Pennsylvania AFL/CIO. Congratulations to Bill George. I know he will stay active in Pennsylvania and beyond, but we want to commend him especially tonight.

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. UDALL of Colorado. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY.) Without objection, it is so ordered.

Mr. UDALL of Colorado. Mr. President, I listened intently to the Presiding Officer's remarks just before I took the floor, and I, too, wanted to add my congratulations to Bill George and associate myself with his remarks.

I was particularly moved by the comments the Senator made about often organized labor in this country works on behalf of all Americans, all working Americans, and organized labor often does not receive acknowledgment. Sometimes it receives absolutely the opposite, slings and arrows that are often sent toward organized labor.

There is much that organized labor has done over the years that we take for granted in the workplace, everything from workplace safety to pension protection to the 40-hour workweek. Children do not work in our factories anymore because of what organized labor did for many decades.

So, again, that was very moving for me to hear. I salute Mr. George. I also took note of the mention of the six-time world champion Pittsburgh Steelers. In my State we have a two-time world champion football team, the Denver Broncos. It always seemed, though, we had to go through Pittsburgh. Often we fell short, but on two occasions we were able to make it to the Super Bowl itself. We also had to pass the test that the Steelers presented.

(The remarks of Mr. UDALL of Colorado pertaining to the introduction of S. 3201 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

HONORING OUR ARMED FORCES

SERGEANT SEAN DURKIN

Mr. UDALL of Colorado. I want to close and take advantage of another minute or two to speak on a separate note but a related note.

I wish to talk about Sean Durkin. He was a soldier from Fort Carson whom we just lost from wounds that he suffered in Afghanistan in a roadside bomb attack. Those are the most casualty-ridden attacks that our forces have faced over and over, not only in Afghanistan but in Iraq.

Last week, Army SGT Sean Durkin died at Walter Reed because of his wounds. He had been one of three Fort Carson soldiers who were presented a Purple Heart from President Obama when he visited Kabul and went to the military hospital when he was there.

On his Facebook page, he included a quotation from an unnamed marine. This quotation said:

> This is my charge to you. Tell everyone of the heroism of the soldiers who lost their lives and of the soldiers who are fighting to recover what they have lost.

I wanted to tell everyone here, everyone listening, everyone watching of Sergeant Durkin's heroism and ask that we keep in our prayers and our thoughts all of our service men and women and their families as they serve us all over the world.

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. CASEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

MORNING BUSINESS

Mr. CASEY. 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.

SEXUAL ASSAULT AWARENESS MONTH

Mr. REID. Mr. President, I rise today in recognition of Sexual Assault Awareness Month. During the month of April, I urge my colleagues and Americans around the country to reflect on the effects of sexual assault and domestic violence in their communities and to join me in making a commitment to end this stain on our society. In conjunction with Sexual Assault Awareness Month, our country will observe

National Crime Victims' Rights Week on April 18–24, 2010. This year's theme, Crime Victim's Rights: Fairness, Dignity, and Respect, is a reminder of the progress our country has made as well as the work that still must be accomplished.

As a former U.S. Capitol Police Officer, I understand the effects violent crime can have on a family and community. I recognize the significant role government and other supporting agencies must play in assisting victims of sexual assault and preventing violence. We must never forget that sexual assault is a violent crime with devastating implications.

One in six women and one in thirty-three men reported experiencing rape or attempted rape in the United States. In 2008, an estimated 222,000 rapes or sexual assaults on individuals age 12 and older were reported. One in four women will experience domestic violence from a partner in their lifetime. Each year, an estimated 1.3 million women are victims of physical assault by an intimate partner. These numbers, while terrible, grossly underestimate the problem. Many cases of sexual assault and domestic violence are not reported because victims are afraid to tell the police, their family, or their friends about the abuse.

Such violence affects not only the victims of abuse, but their families, communities, and, most unfortunately, their children. Women, men, and children throughout our country suffer the long-lasting effects of sexual assault and domestic violence through the emotional and physical scars they carry each day.

It is clear we must do more to prevent these crimes and help those who are victimized. I have long supported efforts to recognize, prevent, and combat violent crimes committed against women and children, and I am always seeking to improve Federal laws and programs regarding this issue. In 1990, I was a cosponsor of the original Violence Against Women Act, VAWA, proposal, and I supported passage of the bill when it became law in 1994. Additionally, I support the Family Violence Prevention and Services Act, FVPSA, and I am pushing for greater funding for FVPSA programs and grants.

Countless organizations throughout our country are helping victims of abuse every day, thanks in part to VAWA and FVPSA. It is essential to recognize the organizations committed to providing victims of abuse the assistance they need to overcome the trauma of violence. Please join me in commending the dedicated efforts of the individuals who work tirelessly to stop violence in our communities.

TRIBUTE TO MARK LEET

Mr. MCCONNELL. Mr. President, I rise to honor Mr. Mark Leet of Flemingsburg, KY, for recently receiving the middle school Teacher of the Year award presented by the Veterans of Foreign Wars of the United States, VFW. Mr. Leet was recognized by the VFW for his dedication to educating students about the importance of citizenship and patriotism.

Today, I wish to honor Mr. Leet's dedication to the children of the Commonwealth and congratulate him on this well deserved award.

TRIBUTE TO JESSICA K. VAUGHAN

Mr. MCCONNELL. Mr. President, I rise to congratulate Miss Jessica K. Vaughan of Bowling Green, KY. Miss Vaughan was recently selected by the Veterans of Foreign Wars of the United States to receive the Patriot's Pen scholarship award. This scholarship program is a youth essay contest that gives middle school students from across the Nation the opportunity to articulate their views on democracy.

Miss Vaughan, an eighth grade student, was selected to receive this award based on her essay entitled ''Does Patriotism Still Matter?'' I wish to congratulate Miss Vaughan on her hard work, perseverance and dedication.

TRIBUTE TO MISS SOPHIA BROWN

Mr. MCCONNELL. Mr. President, today I rise to honor Miss Sophia Brown of Louisville, KY. Miss Brown was recently selected by the Veterans of Foreign Wars of the United States to receive the National Voice of Democracy scholarship. This scholarship competition gives high school students from across the Nation the opportunity to write and then record a broadcast based on a selected theme.

I am particularly proud since Miss Brown is a sophomore at my alma mater, duPont Manual High School. She was awarded the scholarship based on her broadcast pertaining to American heroes. I wish to congratulate Miss Brown on her hard work, perseverance and dedication.

TRICARE DEPENDENT COVERAGE EXTENSION ACT

Ms. MIKULSKI. Mr. President, I rise to speak in favor of the TRICARE Dependent Coverage Extension Act.

Last month, President Obama signed the health care reform bill into law. It was a historic day. For the first time in American history we committed to ending the abuses of the insurance industry. We committed to covering every single American. It extends the solvency of Medicare for nearly a decade. It ends the punitive practices of insurance companies that deny coverage based on gender, age, or race. It expands universal coverage to 32 million Americans who have been without insurance. And we pay for it with an emphasis on wellness and quality. We say goodbye to quantity medicine by emphasizing quality medicine. It was a very big deal. But there is more to do.

I voted for health care reform because I listened to the people of Maryland at diners and in the grocery store, at roundtables, tele-town halls, in hearings, and in letters and emails. Time and again I heard, ''Save my Medicare.'' I heard, ''Don't take my mammograms away.'' I heard, ''They turned me down for health insurance because I had a C-Section.'' I voted for health care reform because I listened to the stories of the people. I know that the best ideas come from the people.

Over the recess I heard from another group in Maryland. I met with my wonderful Veterans Advisory Board. They represent Vets from World War Two to Desert Storm. They are my eyes and ears in the veterans' community. One of my board asked me a question. He said, ''We think health care reform is great but we think there is a problem.'' The part of the health care bill that extends parents' health insurance to kids age 26 and younger left out military families. I promised him that if there was a problem, that I would fix it! Wow was he right. Military families in the TRICARE system were left out.

TRICARE is a critical benefit for our military and their families. It covers active duty military, retired military, Coast Guard, National Guard and Reservist in a certain status, and the uniform corps of the Public Health Service and the National Oceanographic and Atmospheric Administration. They were all left out. That is why I am here today—to right this wrong.

I am proud to join Senator UDALL and my colleagues in introducing the TRICARE Dependent Coverage Extension Act. This bill says that if military children can't get insurance through an employer that their parents can keep them on their TRICARE insurance until they reach age of 26. This is the right thing to do. If the kids of a hedge fund manager can stay on their parents' health care until they are 26, then kids in military families should be able to be covered to age 26 too.

I am so proud of the men and women of our military. I stand here today saluting them for their honor, courage, and commitment to our country. Make no mistake. I have my marching orders. I commit to making this right for them. I will fight to see this bill signed into law. Because promises made must be promises kept.

RECOGNIZING THE PETER M. GOODRICH MEMORIAL FOUNDATION

Mr. LEAHY. Mr. President, it is a great pleasure to call the Senate's attention to the inspiring work of Donald and Sarah ''Sally'' Goodrich of Bennington, VT, through their efforts to turn their own devastating personal tragedy into new opportunity and hope for children and families a world away in Afghanistan.

Confronted by the death of their son Peter aboard the flight that struck the south tower of the World Trade Center on September 11, 2001, Don and Sally

Goodrich channeled their grief and energy into a foundation established in his memory—a foundation with a unique and uplifting purpose.

The Peter M. Goodrich Foundation provides food, clean water, shelter and educational opportunities to Afghan children facing extreme hardship, dismal circumstances and little hope for the future. The foundation's mission is far broader than offering basic humanitarian services to a country torn by conflict; its work recognizes the untapped potential of a generation of Afghan children, helping them to rise above hate and to embrace values based on understanding, tolerance and respect.

With this vision and this goal, the Goodrich Foundation supports exchange programs that bring Afghan students to the United States and vocational programs that allow them to put their knowledge and skills to use upon their return to Afghanistan. The foundation also promotes the work of The Afghan Women's Writing Project, which helps Afghan women to be heard in their own right rather than solely through their male relatives. These are just a few examples of the tremendous amount of good the foundation has achieved in less than a decade. We can all be grateful to Sally and Don for opening their hearts, amid their personal grief, and lighting an enduring flame of hope after one of our Nation's darkest hours.

ADDITIONAL STATEMENTS

TRIBUTE TO WALTER J. BISHOP

● Mrs. BOXER. Mr. President, I am pleased to pay tribute to Walter ''Wally'' Bishop, general manager of the Contra Costa Water District—CCWD—as he retires after 18 years of dedicated service.

A native of Washington DC, Mr. Bishop started his career in 1973 as an engineer for the Washington Suburban Sanitary Commission. Upon arriving in California, he went to work as an engineer for the Ventura Regional County Sanitation District in 1975 before moving to northern California, where he worked for the East Bay Municipal Utility District from 1983 to 1992.

The CCWD serves over 550,000 people in Central and Eastern Contra Costa County and carries a large influence on the direction of California water policy, given its location on the Delta's edge. Starting as CCWD's general manager in 1992, Mr. Bishop continually advocated for a customer-first, entrepreneurial approach throughout the district. Under his leadership, CCWD's Los Vaqueros Reservoir Project was permitted, designed, and completed. It was the first major reservoir to be permitted and constructed in more than a decade.

A well-known leader in both State and national water issues, Mr. Bishop has been recognized by numerous organizations for his commitment to water issues and policy. He was recently awarded the Edward J. Cleary Award from the American Academy of Environmental Engineers for his leadership in environmental engineering and management. He has also been a two-term member of the National Drinking Water Advisory Council, which advises the Environmental Protection Agency Administrator on everything that EPA does relating to drinking water.

I commend Mr. Bishop for his 18 years of dedicated service to the CCWD. Along with his friends and colleagues throughout Contra Costa County and the San Francisco Bay Area, I thank him for his efforts and wish him the best as he embarks on the next phase of his life.●

RECOGNIZING THE ASSOCIATED: JEWISH COMMUNITY FEDERATION OF BALTIMORE

● Mr. CARDIN. Mr. President, I would like to take this opportunity to honor The Associated: Jewish Community Federation of Baltimore on its 90th anniversary. The Greater Baltimore Area is comprised of more than 90,000 Jews, many of whom rely on The Associated to provide support and resources to a vibrant Jewish community in the region. The Associated was officially formed in 1920 by the merger of two community organizations, the Federated Jewish Charities with the United Hebrew Charities. The Associated and its agencies have worked hard to better the lives of Jewish Baltimoreans for almost a century.

The talents, commitment, and compassion of Baltimore's Jewish community activists, philanthropists, volunteers, and professionals have created and sustained The Associated. From Harry Greenstein to Marc Terrill, from Jacob Epstein to Jimmy Berg, men and women have provided their experience and expertise to help turn the organization into one of the most powerful and cohesive Jewish federations in the country today.

Through its Jewish Community Services program, The Associated helps support and serve the needs of the entire Baltimore Jewish community. It provides a wide array of counseling programs to help with substance abuse, relationship problems, depression, and grief. Its social workers also offer outstanding support for parents, caregivers, job seekers, teenagers, and senior citizens. All of these programs and initiatives have been vital in helping many Jewish individuals and families improve both their economic and mental health situations while still maintaining a positive connection to the Jewish community.

The Assocaited's international outreach also has been just as profound and important as its local impact. Since the early years of the federation, it has played an active role in the relocation of Jews to Baltimore. It helped more than 3,000 German Jews flee the Nazi regime and settle in the Baltimore area and has provided support for both Iranian Jews and Russian Jews to resettle in Baltimore in recent years as well.

The federation has also played an integral part in strengthening the bond between Baltimore and Israel through its new sister city partnership with the Israeli city, Ashkelon. This relationship has already spurred initiatives that will help educate Jewish leaders in both communities on economic and leadership development. A different partnership with the Ukrainian city of Odessa complements the one with Ashkelon by promoting cross-cultural exchange and education as well.

In honor of its 90th anniversary, the federation is doing what it does best: helping people. The Associated has called on its community to log 90,000 volunteer hours together—1,000 hours for every year of existence. This is just one more act of generosity among countless others The Associated has sponsored throughout the years.

I ask my colleagues to join me in recognizing The Associated: Jewish Community Federation of Baltimore for its continued commitment to tikkun olam—repair of the world—and gemilut chasadim—acts of loving-kindness—as well as all the work it has done to better the lives of Baltimore Jews throughout the past 90 years.●

REMEMBERING CLIFFORD HARDIN

● Mr. JOHANNS. Mr. President, I wish to pay tribute to a great Nebraskan and great American. Last week, we lost a visionary figure who, through years of service, made lasting contributions to our society: former University of Nebraska chancellor and later U.S. Secretary of Agriculture Clifford Hardin.

I was deeply saddened to hear of the passing of Cliff Hardin. His lifetime of service both in government and academia provides a shining example of the impact one person can have.

As chancellor of the University of Nebraska, Cliff was the steady hand that guided the University through a turbulent era. He was appointed to the position in 1954 at the age of 38—the youngest university president in the country at the time. His tenure at Nebraska lasted 15 years.

In reading the many tributes to Cliff over the last week, I was touched by one particular story that showed his true colors. Upon learning that a rival university had plans to place Nebraska's Black football players in one hotel and the White players in a separate hotel, he refused to let the team even board the plane to go to the game. It wasn't long until the other school changed course and offered the same accommodations for all players.

As Secretary of Agriculture, Cliff was a results-oriented advocate for farmers and ranchers in my home State of Nebraska and across the country. He put a premium on bipartisanship, and his

distinguished record of accomplishments set a wonderful example for me during my time as Secretary of Agriculture. As Congress works this year to reauthorize child nutrition programs, his impact is still felt. It was then-Secretary Hardin who established the Food and Nutrition Service within the Department of Agriculture to administer nutrition programs.

I extend my deepest condolences to the entire Hardin family. Cliff leaves behind a legacy of service and leadership. He will be missed but not forgotten.●

TRIBUTE TO DR. RICHARD J. PAPPAS

● Mr. LEVIN. Mr. President, I am proud to recognize Dr. Richard J. Pappas, who assumed the presidency of Davenport University in August 2009 and was formally installed in this role on March 31, 2010. This investiture ceremony was surely a significant milestone for Dr. Pappas and his family, and is the result of many years of dedication and hard work. Indeed, Dr. Pappas is poised to lead this fine institution to new heights as he builds on Davenport University's proud tradition.

With 14 campuses located across Michigan and an enrollment of more than 12,000 students, Davenport University is an important part of the educational landscape of Michigan. With his ''Vision 2015,'' Dr. Pappas has embarked on an effort to reshape and sharpen the focus of the university. Vision 2015 emphasizes academic programming, market position, and financial strength, three aspects critical to the success of a college or university. This is a comprehensive plan, one that will position Davenport University for success for many years.

Throughout his career, Dr. Pappas has proven to be a talented administrator and leader in the field of higher education. Before assuming the presidency of Davenport University, Dr. Pappas served as president of three other institutions: National-Louis University, Lake Michigan College, and Harford Community College. With Dr. Pappas at the helm, Davenport University will benefit from a leader that brings more than three decades of experience in higher education to this position, including 20 years as the head of an institution of higher education. This broad knowledge of the needs of students at both 4-year and 2-year institutions will be especially helpful.

In addition to leading two institutions in Michigan, I am proud to say that Dr. Pappas is a native Michiganian. After growing up in Michigan, he earned his undergraduate degree from Eastern Michigan University and his master's and doctoral degrees from the University of Michigan. He is committed to civic and community endeavors, which is evidenced by his years of involvement in charitable organizations and civic boards. As a result of his many efforts, Dr. Pappas has received several prestigious awards over the years, including the University of Michigan's Norman C. Harris Alumni Award and the National Council for Marketing and Public Relations Pacesetter Award. And above all, Dr. Pappas is a family man and is buoyed by his wife, Pam, and his three children.

Again, I am privileged to have an opportunity to honor Dr. Pappas as he embarks on a wonderful journey. There is no more noble cause than educating our next generation of leaders. His imprint on the lives of these young people will be tremendous, and I know he is well-suited and eager to undertake this challenge. I look forward to hearing about Davenport University's many successes in the years ahead.●

REMEMBERING BRANNON WOODHAM

● Mr. SESSIONS. Mr. President, Brannon Woodham was one of the finest people I have ever known. He combined a deep and mature Christian faith, a love of family that constantly showed itself in his conversations and actions, a rich appreciation of the exceptional nature of his country which he had faithfully served for so many years, and a loyalty to his friends and church.

We were in the same Sunday School class for over 30 years. Ever positive and welcoming, he was one of the constants—a rock really—that set the class's tone and direction. This fellowship and spiritual journey meant much to him and enriched his classmates.

That on this day Brannon would want no pomp and circumstance, there can be no doubt. But, if it were done, he would say better it be done quickly, and, importantly, honestly because he was indeed an honest man. In fact, I think he would want me to express his love to all of you and to note—what we already know—that if his honesty had offended anyone, he would ask pardon, shaking his head ruefully saying he couldn't help it, that was just the way he was made.

In Sunday School class, he was a wise and perceptive participant. He had great spiritual depth, Scriptural knowledge, and mature beliefs. He did not speak too often but when he had something to say, he said it—in plain words. Often his wit brought a burst of laughter—usually because he had hit the nail on the head. As Jesus might say, ''You are close to the kingdom, brother.'' Importantly, those beliefs that he stated, he lived.

Mary and I were honored to be among his friends and were always pleased to have his invitation to his home in the woods when he hosted his storied church supper club. That was a special time of food and fellowship, on his bridge, getting a tour of his workshop—to be at ''his place,'' which he had shared with his beloved Ursula, his partner for 48 years, and to have a direct look into the heart of a great man who lived a good life.

Mary and I often enjoyed lunch with Brannon after church at the Whistle Stop or some such place. In those conversations, his principles shone through and he would talk with pride and joy of his children, grandchildren, the baseball games, going to Auburn, working together. They had a unique bond.

Brannon believed in honesty and hard work—the Protestant ethic, if you will, for which he made no apology.

Politically, he was not a party man, following, I suppose, the best traditions of good civil servants. But he was an encourager to me. He wanted me to be a ''statesman,'' not a politician. I would indeed feel very badly if I had failed him in this regard.

You may not know that he was an excellent writer. He wrote me many handwritten letters—long ones—that I cherish. They were filled with wisdom, good values, sound policy ideas, and what he was hearing from the community. A year or so ago, he gave me a copy of a plan he helped write some 40 years ago as part of a committee for the development of Mobile. He was proud of their work, and indeed their concepts and vision are still valid today.

His accomplishments are many. One of his most important was the critical role he played in the 'growth and character of Ashland Place United Methodist Church for four decades.

As a Southeastern Conference champion wrestler at Auburn, he demonstrated courage, strength, and discipline. There are just two in the ring and only one winner. He was a consistent winner.

I have come to understand the importance of our top civilian personnel at our military bases. Generals come and go but able civilians keep the bases running. Our civilian leaders are crucial to our military's success, and they are promoted on merit and on performance. At Robbins Air Force Base, Brannon led the avionics section that consisted of some 2,300 personnel. A place where errors are not allowed.

I visited him in the hospital, not long after his heart surgery. I thought he looked good, and he felt confident. But Brannon was no Polyanna. He was a realist. His words and manner conveyed that he well knew that he had had serious surgery, that nothing was guaranteed, and in the scheme of things life is short—''but a vapor'' the Scripture says.

Daughter Ursula says later on during his final illness, and as he weakened, he knew the end was near and he was at peace. Of that I have no doubt. See, he knew he had had a good life of family and friends. He had done his best to be true. He was confident in his salvation. He felt blessed. And right he was.

So we celebrate honestly this remarkable and good man: a champion and fearless wrestler; a great leader at one of our Nation's military bases; a

pillar of his church; a faithful and loving husband; an example to all in love of family; a man of principles and conviction; a man of courage, honesty, and honor; but humble, encouraging, and loving.

His values represent the highest and best of our faith, and of our Nation. His family has received a great legacy—which to their credit they fully recognize—and we, his friends, a true lesson in how to live a ''good'' life.

Well done, good friend.●

RECOGNIZING VARNEY'S STORE

● Ms. SNOWE. Mr. President, we frequently hear stories of small businesses across our Nation that are struggling to survive, a trend which has only been exacerbated by the present economic recession. Facing numerous challenges, too many small firms simply end up closing their doors. Yet fortunately, thanks to the generosity of one man, the story has a different ending for one small business in my home State of Maine. Today I honor Varney's Store, a longstanding fixture in the central Maine town of Windsor, that recently reopened to the approval of the store's many loyal customers.

Shirley Varney has been running Varney's Store, a traditional, family-owned convenience store at the corner of Routes 17 and 32 in Windsor, for the past 73 years. Over these many years, she has experienced times of terrible burden and significant difficulty, such as when her husband and business partner sadly passed away 60 years ago. Additionally, Mrs. Varney suffered a stroke several years ago, which has left her confined to a wheelchair. As a result, it became difficult for Mrs. Varney to run her store, which she recently had to close.

The closing of Varney's Store left a noticeable void in the community. Not long after, Mike Richardson, a Maine State trooper and local patron of the store for 35 years, stepped forward to offer a helping hand. Mr. Richardson had developed a lengthy relationship with the Varney family through his patronage of the store, and often came to Mrs. Varney's aid throughout the years. Displaying a true act of kindness, Mr. Richardson petitioned to become Mrs. Varney's legal guardian, committing to look after her and her son, who is also wheelchair bound.

Furthermore, Mr. Richardson had the desire to resurrect the fabled general store, and embarked on an ambitious plan to make significant renovations and reopen the establishment to its dedicated customers. Along with his son Corey, now the manager of the store, Mr. Richardson gutted and revamped the inside, adding new and improved hardware and furnishings. The duo also incorporated a brand new grill area, tables, coolers, counters, and restrooms, and added a new parking lot outside. Mr. Richardson insisted that the unique character and ambiance be maintained, and so the store contains the original wood interior, several old tools, pictures of the original store, and many of the notable antiques that have made this institution so famous in the eyes of its clients. The store still boasts its famous swinging doors, which have been standing for the past 73 years.

Thanks to the hard work and commitment of Mike Richardson, the new Varney's Store hosted a friends and family night on February 20 to celebrate the grand reopening of this famous locale, and the store was back in operation early the next morning, serving breakfast to longtime customers who had awaited its return.

For nearly three-quarters of a century, Varney's Store has offered the people of Windsor and surrounding towns the goods they need for everyday living, but more significantly, it has provided them with a feeling of hospitality. I thank Mrs. Varney for her numerous years of dedicated service to make her store such a welcoming environment. Additionally, the story of Varney's Store resurgence is exemplary of how a neighbor's kindness can give hope to a family and an entire community. It is through the compassionate and gracious deeds of Mike Richardson and his family that Varney's Store has been refurbished and reopened, and I wish him and everyone at Varney's Store much success as they aim to continue its tradition of excellence.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:57 a.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. 4887. An act to amend the Internal Revenue Code of 1986 to ensure that health coverage provided by the Department of Defense is treated as minimal essential coverage.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 4:55 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 4573) to urge the Secretary of the Treasury to instruct the United States Executive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti's debts to such institutions, and for other purposes.

ENROLLED BILL SIGNED

At 6:59 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. 4573. An act to urge the Secretary of the Treasury to instruct the United States Executive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti's debts to such institutions, and for other purposes.

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–5336. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–332, ''Office on Latino Affairs Grant-Making Authority Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5337. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–333, ''Rhode Island Place Shopping Center Working Group Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5338. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–334, ''Rent Administrator Hearing Authority Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5339. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–335, ''Legalization of Marijuana for Medical Treatment Initiative Applicability Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5340. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–336, ''Real Property Tax Reform Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5341. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–337, ''Healthy DC Equal Access Fund and Hospital Stabilization Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5342. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–338, ''Haiti Earthquake Relief Drug and Medical Supply Assistance Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5343. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–339, ''Energy Efficiency Financing Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5344. 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 ''Flutolanil; Pesticide Tolerances'' (FRL No. 8817–9) received during adjournment of the Senate in the Office of the President of the Senate on March 31, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5345. 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 ''Thifensulfuron methyl; Pesticide Tolerances'' (FRL No. 8818–9) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5346. 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 ''Kasugamycin; Pesticide Tolerances for Emergency Exemptions'' (FRL No. 8808–7) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5347. 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 ''Alkyl (C12–C16) Dimethyl Ammonio Acetate; Exemption from the Requirement of a Tolerance'' (FRL No. 8816–5) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5348. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Changes in Hourly Fee Rates for Science and Technology Laboratory Services—Fiscal Years 2010–2012'' (Docket No. AMS–ST–09–0016) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5349. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Nectarines and Peaches Grown in California; Changes in Handling Requirements for Fresh Nectarines and Peaches'' (Docket Nos. AMS–FV–09–0090; FV10–916/917–1 IFR) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5350. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Citrus Seed Imports; Citrus Greening and Citrus Variegated Chlorosis'' (Docket No. APHIS–2008–0052) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5351. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Colorado; Relaxation of the Handling Regulation for Area No. 3'' (Docket Nos. AMS–FV–08–0115; FV09–948–2 IFR) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5352. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Grapes Grown in a Designated Area of Southeastern California and Imported Table Grapes; Relaxation of Handling Requirements'' (Docket Nos. AMS–FV–09–0085; FV10–925–1 IFR) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5353. A communication from the Chief of Research and Analysis, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Vendor Cost Containment'' (RIN0584–AD71) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5354. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Revised Nomination and Balloting Procedures'' (Docket Nos. AMS–FV–09–0070; FV09–929–1 FR) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5355. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''U.S. Honey Producer Research, Promotion, and Consumer Information Order; Referendum Procedures'' (Docket Nos. AMS–FV–07–0091; FV–07–706 FR) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5356. A communication from the Chief of Research and Analysis, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Child and Adult Care Food Program: At-Risk Afterschool Meals in Eligible States'' (RIN0584–AD15) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5357. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Common Crop Insurance Regulations; Florida Avocado Crop Insurance Provisions'' (RIN0563–AC22) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5358. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Common Crop Insurance Regulations; Basic Provisions; and Various Crop Insurance Provisions'' (RIN0563–AB96) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5359. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, (98) Selected Acquisition Reports (SARs) for the quarter ending December 31, 2009; to the Committee on Armed Services.

EC–5360. A communication from the Under Secretary of Defense, transmitting a report on the approved retirement of Vice Admiral Joseph Maguire, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–5361. A communication from the Under Secretary of Defense, transmitting a report on the approved retirement of Vice Admiral Michael K. Loose, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–5362. A communication from the Under Secretary of Defense, transmitting a report on the approved retirement of General Charles C. Campbell, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–5363. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to the Program Acquisition Unit Cost and the Average Procurement Unit Cost for the Longbow Apache Block III (AB3) program exceeding the Acquisition Program Baseline values by more than 25 percent; to the Committee on Armed Services.

EC–5364. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to the man-portable and vehicle mounted guided missile systems to replace the current Javelin and Tube-launched, Optically tracked, Wire-guided missile (TOW) systems; to the Committee on Armed Services.

EC–5365. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, the 2009 annual report relative to the STARBASE Program; to the Committee on Armed Services.

EC–5366. A communication from the Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, a report relative to activities under the Secretary's personnel management demonstration project authorities for Department of Defense Science and Technology Reinvention Laboratories; to the Committee on Armed Services.

EC–5367. A communication from the Assistant Secretary of Defense (Special Operations/Low-Intensity Conflict and Interdependent Capabilities), Department of Defense, transmitting, pursuant to law, a report relative to the training of the U.S. Special Operations Forces with friendly foreign forces during fiscal year 2009; to the Committee on Armed Services.

EC–5368. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Freedom of Information Act'' (RIN1557–AD22) received in the Office of the President of the Senate on April

12, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5369. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations; Defining Mutual Funds as Financial Institutions'' (RIN1506–AA93) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5370. 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 during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5371. A communication from the Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report relative to the acquisition of articles, materials, and supplies manufactured outside of the United States; to the Committee on Banking, Housing, and Urban Affairs.

EC–5372. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Kingdom of Morocco; to the Committee on Banking, Housing, and Urban Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FEINGOLD:

S. 3197. A bill to require a plan for the safe, orderly, and expeditious redeployment of United States Armed Forces from Afghanistan; to the Committee on Foreign Relations.

By Mr. NELSON of Nebraska:

S. 3198. A bill to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE (for herself and Mr. HARKIN):

S. 3199. A bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 3200. A bill to designate the facility of the United States Postal Service located at 23 Genesee Street in Hornell, New York, as the ''Zachary Smith Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. UDALL of Colorado (for himself, Mr. BEGICH, Mrs. MCCASKILL, Ms. LANDRIEU, Mr. WARNER, Mr. NELSON of Nebraska, Mr. BENNET, Mr. LEAHY, Ms. MIKULSKI, Mrs. MURRAY, Mr. KERRY, Mr. BAYH, Ms. KLOBUCHAR, Mrs. LINCOLN, Mr. CASEY, Mr. MENENDEZ, Mr. CARDIN, Mr. BROWN of Ohio, Mr. SANDERS, Mr. LAUTENBERG, Mr. WHITEHOUSE, and Mr. DURBIN):

S. 3201. A bill to amend title 10, United States Code, to extend TRICARE coverage to certain dependents under the age of 26; to the Committee on Armed Services.

By Mr. LUGAR (for himself and Mr. LEAHY):

S. 3202. A bill to promote the strengthening of the Haitian private sector; to the Committee on Foreign Relations.

By Mr. VITTER:

S. 3203. A bill to extend the National Flood Insurance Program through May 31, 2010; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN of Ohio:

S. 3204. A bill to authorize the Secretary of Education to award grants to improve access to, sharing of, and use of, education data to improve student outcomes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself, Mr. MENENDEZ, Mr. LAUTENBERG, Mrs. LINCOLN, Mrs. SHAHEEN, Ms. KLOBUCHAR, Mr. CARDIN, Mr. BEGICH, Mrs. MCCASKILL, Mr. LEAHY, Mr. HARKIN, and Mr. SANDERS):

S. 3205. A bill to amend the Internal Revenue Code of 1986 to provide that fees charged for baggage carried into the cabin of an aircraft are subject to the excise tax imposed on transportation of persons by air; to the Committee on Finance.

By Mr. HARKIN (for himself, Mrs. BOXER, Mr. BEGICH, Mr. BINGAMAN, Mr. BROWN of Ohio, Mr. BURRIS, Mr. DODD, Mr. DURBIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. KERRY, Mr. LAUTENBERG, Mr. MERKLEY, Ms. MIKULSKI, Mrs. MURRAY, Mr. SCHUMER, and Ms. STABENOW):

S. 3206. A bill to establish an Education Jobs Fund; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself, Mrs. GILLIBRAND, and Mrs. MURRAY):

S. 3207. A bill to protect victims of crime or serious labor violations from deportation during Department of Homeland Security enforcement actions, 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. DURBIN (for himself, Mr. JOHANNS, Mr. KERRY, Ms. MIKULSKI, Mr. VOINOVICH, Mr. BROWN of Ohio, Mr. CARDIN, Mr. REID, Mr. MCCONNELL, Mr. KYL, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAUFMAN, Ms. KLOBUCHAR, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 479. A resolution expressing sympathy for the people of Poland in the aftermath of the devastating plane crash that killed the country's President, First Lady, and 94 other high ranking government, military, and civic leaders of April 10, 2010; considered and agreed to.

By Mr. GREGG (for himself, Mr. MCCONNELL, Mr. BENNETT, Mr. BROWNBACK, Ms. COLLINS, Mr. LIEBERMAN, and Mr. LEAHY):

S. Res. 480. A resolution condemning the continued detention of Burmese democracy leader Daw Aung San Suu Kyi and calling on the military regime in Burma to permit a credible and fair election process and the transition to civilian, democratic rule; to the Committee on Foreign Relations.

By Mr. AKAKA (for himself, Mr. VOINOVICH, Mr. LIEBERMAN, Ms. COLLINS, Mr. LEVIN, Mr. CARPER, Mr. LAUTENBERG, Mr. BURRIS, and Mr. KAUFMAN):

S. Res. 481. A resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued public service to the Nation during Public Service Recognition Week, May 3 through 9, 2010; to the Committee on Homeland Security and Governmental Affairs.

By Ms. KLOBUCHAR (for herself and Mr. BURR):

S. Res. 482. A resolution designating April 2010 as ''National 9-1-1 Education Month''; considered and agreed to.

By Mr. LEMIEUX (for himself, Mr. RISCH, and Mr. DEMINT):

S. Con. Res. 57. A concurrent resolution establishing an expedited procedure for consideration of a bill returning spending levels to 2007 levels; to the Committee on the Budget.

ADDITIONAL COSPONSORS

S. 379

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 379, a bill to provide fair compensation to artists for use of their sound recordings.

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 704

At the request of Mr. HARKIN, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Montana (Mr. TESTER) were added as cosponsors 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. 752

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 891

At the request of Mr. BROWNBACK, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 891, a bill to require annual disclosure to the Securities and Exchange Commission of activities involving columbite—tantalite, cassiterite, and wolframite from the Democratic Republic of Congo, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1674

At the request of Mr. WYDEN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1674, a bill to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

S. 1743

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1743, a bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes.

S. 2781

At the request of Ms. MIKULSKI, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 2781, a bill to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability.

S. 2882

At the request of Mr. KERRY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2882, a bill to amend the Internal Revenue Code of 1986 to modify the rules relating to the treatment of individuals as independent contractors or employees, and for other purposes.

S. 2919

At the request of Mr. UDALL of Colorado, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2919, a bill to amend the Federal Credit Union Act to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

S. 2925

At the request of Mr. WYDEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2925, a bill to establish a grant program to benefit victims of sex trafficking, and for other purposes.

S. 3031

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3031, a bill to authorize Drug Free Communities enhancement grants to address major emerging drug issues or local drug crises.

S. 3106

At the request of Mrs. HAGAN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 3106, a bill to authorize States to exempt certain nonprofit housing organizations from the licensing requirements of the S.A.F.E. Mortgage Licensing Act of 2008.

S. 3195

At the request of Mr. CARDIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3195, a bill to prohibit air carriers from charging fees for carry-on baggage and to require disclosure of passenger fees, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 3197. A bill to require a plan for the safe, orderly, and expeditious redeployment of United States Armed Forces from Afghanistan; to the Committee on Foreign Relations.

Mr. FEINGOLD. Mr. President, today I am introducing legislation that would require the President to establish a flexible timetable for the responsible drawdown of U.S. troops from Afghanistan. Rep. MCGOVERN and Rep. JONES are also introducing companion legislation in the House.

This bicameral, bipartisan legislation would make clear our timeframe and our intention to focus on a global counterterrorism strategy that is essential to our efforts to combat al Qaeda. As we were reminded again by the nearly successful attack on Christmas day, al Qaeda is an agile enemy with affiliates operating and recruiting around the world. Sending more U.S. troops to Afghanistan this year will not help us deter or thwart attacks by al Qaeda's increasingly dangerous regional affiliates, nor will it eliminate al Qaeda's safe haven in Pakistan. The costly, military-centric, nation-building campaign currently underway in Afghanistan is unsustainable, unrealistic and unnecessary for our counterterrorism goals.

This bill would require the President to set a timetable for drawing down our forces in Afghanistan and identify any variables that would require an extension of that timetable. While I am disappointed by his decision to expand our military involvement in Afghanistan, I commend the President for setting a start-date for redeployment, namely July 2011. Our allies have stated that it has helped ''focus the minds'' of our partners in Afghanistan and around the world. Having a start date is essential, but alone it is insufficient—it should be accompanied by an end date, too. The President should convey to the American and Afghan people how long he anticipates it will take to complete his military objectives. So long as our large-scale military presence remains open-ended, al Qaeda will have a valuable recruiting tool and our partners in Afghanistan will have an incentive to take the back seat, leaving U.S. troops and U.S. taxpayers on the hook.

As our own ambassador to Afghanistan has reportedly stated, sending more troops for an indefinite period of time will only increase Afghan dependency upon the international community, exacerbate misconceptions about why we are there and further enable Afghan leadership to shun responsibility. I do not know what led the ambassador to ultimately endorse the open-ended commitment of additional troops, but I believe his concerns remain valid today. Indeed, President Karzai's recent statements before a variety of audiences only raise more questions about his willingness to take the necessary steps to address corruption and security.

This bill does not itself set a specific date for the withdrawal of U.S. troops. Rather, it requires the President to set a timeline by which the redeployment of U.S. troops will be completed and to identify what variables, if any, would warrant the alteration of that timeline. While the President has set detailed objectives and metrics for Afghanistan, many of our objectives are dependent upon the conduct of officials in the Afghan and Pakistani governments, both of which have been unreliable partners for many years. We must make clear to our partners in both countries that our support is not unconditional and that we will not continue to bear the burden of our current military deployment indefinitely.

Some of my colleagues have suggested that we should give the President's new strategy in Afghanistan a ''chance'' to succeed. After over eight years of war, after so many lost lives and hundreds of billions of dollars spent, I think we need to ask ourselves instead to consider whether an open-ended military presence makes sense. To me, that answer is clearly ''No.'' We will be putting at risk the lives of 100,000 U.S. troops and spending tens of billions of dollars on a military effort that is neither necessary for the national security imperative of pursuing al Qaeda's global network, nor likely to succeed in remaking the situation on the ground in Afghanistan to a meaningful extent.

Addressing the threat from al Qaeda and its affiliates around the world

must be our top national security priority. The attempted terrorist attack on Christmas Day serves as a reminder that we have not put adequate resources into this priority, especially in safe havens such as Yemen. We are spending in Yemen only a tiny of a fraction of what we are spending in Afghanistan even though, according to the President's top terrorism advisor, ''al Qaeda has several hundred members in Yemen.'' We need major adjustments in our global counter-terrorism strategy if we hope to defeat our enemy. Rather than investing a disproportionate amount of our resources in Afghanistan, where al Qaeda has a minimal presence, we need to shift resources to the urgent need of pursuing al Qaeda's global network.

We do not need to maintain a massive military presence in Afghanistan in order to prevent al Qaeda from having freedom of movement in that country. Instead, we need a sustainable counter-terrorism strategy for the region that will also enable us to target any members of al Qaeda that make the mistake of returning. Drawing down U.S. troops from Afghanistan and better investing some of the billions needed to support them there would allow us to increase our ability to pursue al Qaeda as it continues to establish footholds in other locations around the world.

I also continue to be concerned that our massive military presence in Afghanistan has a destabilizing effect, both there and in Pakistan, and that our current strategy is overly dependent on actions by these two partners that have often proved unreliable. As our own ambassador reportedly noted, the last time we substantially increased forces in Afghanistan, namely the deployment of 33,000 additional troops in 2008 and 2009, overall violence and instability increased.

Our troop presence in Afghanistan has also provoked greater militancy. The reality is, our presence has driven militants across the border into Pakistan, and may be driving militant groups which normally have tense relationships closer together, compromising our ability to divide al Qaeda from its hosts in Pakistan.

Furthermore, our current military strategy is unlikely to succeed in the face of the ongoing safe haven in Pakistan. The Director of National Intelligence recently testified that unless the Taliban's safe haven in Pakistan ''. . . is greatly diminished, the Taliban insurgency can survive defeats in Afghanistan.'' He went on to state that ''Islamabad has maintained relationships with other Taliban-associated groups that support and conduct operations against U.S. and ISAF forces in Afghanistan.'' Until this sanctuary problem is fully addressed, any gains from sending additional U.S. forces may be fleeting.

Some have argued that we must pursue an open-ended military campaign in Afghanistan if only to prevent instability in Afghanistan from spreading into Pakistan. I, too, am concerned about instability in Pakistan, but I strongly disagree that sending troops to Afghanistan has helped or will improve the situation. According to our intelligence community, instability in Pakistan is driven primarily by poor governance and lack of socioeconomic reform in Pakistan. Even if we increase stability in Afghanistan, Pakistan remains at risk if these issues are not addressed. We must convey to those in Pakistan who support reform that they have our long-term support. That doesn't mean spending many billions of dollars for several years on military operations in Afghanistan. It means making a sustainable commitment to reforms in Pakistan.

We have to be realistic about our goals in Afghanistan. Without a legitimate Afghan partner, our tactical victories will likely be squandered. We may build outposts throughout Helmand and Kandahar but this has little meaning if we are unable to distinguish friend from foe and the Taliban is able to maintain shadow structures throughout the region. It does no good to ''clear'' an area of insurgents to be held by the Afghan police if the police are perceived to be corrupt or unreliable. Nor can military operations address the sense of alienation among the population in the South.

Indeed, such operations may actually undermine long-term stability as they contribute, despite our best efforts, to civilian casualties. In regards to casualties from operations related to things like checkpoints and convoys, for example, Gen. McChrystal recently acknowledged that ''[w]e've shot an amazing number of people and killed a number and, to my knowledge, none ha[ve] proven to have been a real threat to the force.'' This only reinforces the image of the United States as a hostile, occupying force.

Rather than spending $100 billion in Afghanistan in one year, primarily on military operations, it would be far better to make a sustainable commitment to this country. Long-term, gradual change is far more realistic than attempts to radically transform Afghan society at the point of a gun, especially when we have lost the support of key sections of the population. We must also prioritize efforts to promote the rule of law. Without the rule of law, our development efforts are vulnerable to waste, fraud and abuse and will further feed into the corruption that is alienating the population from the government. Indeed, Secretary Clinton has testified that ''siphoning off contractual money from the international community . . . [is] a major source of funding for the Taliban.''

For too long, we have prioritized short term security goals at the expense of the rule of law. We have prioritized quantity over quality in the Afghan National Security Forces. We have compromised the state's monopoly over the use of violence by partnering with—in Gen. McChrystal's words—''polarizing and predatory'' powerbrokers. We have turned a blind eye to corruption and human rights abuses. If we get serious about these issues, it will do more to stabilize the situation than anything we can accomplish by conducting military operations. After so many years in which our military efforts have been shortchanged by the focus on Iraq, we cannot simply turn back the clock and assume that what may have been achievable militarily in Afghanistan years ago is still achievable today.

Even if my colleagues support the President's strategy in Afghanistan, they should acknowledge the need to set a goal for when it should be brought to a close. While I have serious doubts about the wisdom of the current approach, as I have explained, and about pursuing an expansive nation-building agenda in the face of the economic problems facing our own country and the rising casualty rates in Afghanistan, this bill does not dictate a particular strategy for Afghanistan. Rather, it simply requires the President to inform the American people about how long his military strategy is expected to take.

I urge my colleagues to support this bill.

By Mr. UDALL of Colorado (for himself, Mr. BEGICH, Mrs. MCCASKILL, Ms. LANDRIEU, Mr. WARNER, Mr. NELSON of Nebraska, Mr. BENNET, Mr. LEAHY, Ms. MIKULSKI, Mrs. MURRAY, Mr. KERRY, Mr. BAYH, Ms. KLOBUCHAR, Mrs. LINCOLN, Mr. CASEY, Mr. MENENDEZ, Mr. CARDIN, Mr. BROWN of Ohio, Mr. SANDERS, Mr. LAUTENBERG, Mr. WHITEHOUSE, and Mr. DURBIN):

S. 3201. A bill to amend title 10, United States Code, to extend TRICARE coverage to certain dependents under the age of 26; to the Committee on Armed Services.

Mr. UDALL of Colorado. Mr. President, I rise to speak about health insurance reform. I wanted to remind all of us that last month we successfully passed health insurance reform, upon which I think we will have a very strong foundation to build, improve, and strengthen access to health care all across America.

Throughout the long and critically important debate on how best to fix our system, I came to the floor on many occasions, as did the Presiding Officer and a lot of my freshman Senators, to discuss the need for reform. I believe the bill that President Obama signed into law will help struggling Colorado families and hopefully our struggling economy as well.

So I think you and I agree there is a lot of work left to be done, and no bill of this magnitude and importance is perfect. To implement this new law is a major undertaking that will require us in the Congress to revisit and improve upon what we have already done.

In that spirit, I come to the Senate floor to introduce a bill that I believe is a great way to start making those improvements. I thank Senators BEGICH and MCCASKILL for working with me to develop a bill, and Senator MIKULSKI for her hard work and energy and support as well.

Our legislation is entitled ''The TRICARE Dependent Coverage Extension Act.'' It would help fulfill this important goal of the health insurance reform that the Presiding Officer and I support; that is, giving young adults the opportunity to remain on their parents' health care plan until the age of 26.

Young adults across our country are struggling to enter the job market as we get our economy back on track, and this legislation will ensure that the families of our military servicemembers are not left behind when this benefit goes into effect later this year for millions of civilian families and their children.

Currently, the TRICARE Program, which provides health insurance for military servicemembers, retirees, and their families, covers children up to the age of 21, or in some cases up to the age of 23 if they are full-time college students.

The TRICARE Dependent Coverage Extension Act will give young adults of these military families who have not been able to find health care insurance through an employer the opportunity to pay a reasonable premium and remain covered until their 26th birthday on their parents' plan.

Health reform, I think we agree, is meant to ensure that all Americans have access to affordable health care coverage. I cannot think of any of our countrymen more deserving of the peace of mind envisioned by this new law than members of our Armed Forces and their families.

They, in countries all over the world, make tremendous sacrifices every day for our Nation. I think it is over 60 different countries that we have servicemembers serving around the world. They deserve benefits that will keep them healthy and secure.

In addition to the three Senators I mentioned, BEGICH, MCCASKILL, and MIKULSKI, there are 19 of our Democratic colleagues who have also joined in supporting this legislation. I think this outpouring of support on short notice is indicative of how beneficial the bill will be for the families of our armed servicemembers.

Now, we have had our disagreements with the other side of the aisle on how best to reform our health care system as a whole. But I think there are certain areas of common interest we can still find and come together on to improve the lives of the people we are here to serve. I think this is one of those instances, and I want to offer my hand to our Republican friends and hope they will join a group of us in cosponsoring this important piece of legislation.

I sit on the Armed Services Committee in the Senate, and I served on the Armed Services Committee in the House. I would like to think I learned how to spot a good deal for our Nation's soldiers and their families, and this is a good deal.

Again, I would encourage all 100 Senators to consider joining us in this important, straightforward, cost-efficient idea that I am presenting today.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 479—EXPRESSING SYMPATHY FOR THE PEOPLE OF POLAND IN THE AFTERMATH OF THE DEVASTATING PLANE CRASH THAT KILLED THE COUNTRY'S PRESIDENT, FIRST LADY, AND 94 OTHER HIGH RANKING GOVERNMENT, MILITARY, AND CIVIC LEADERS ON APRIL 10, 2010

Mr. DURBIN (for himself, Mr. JOHANNS, Mr. KERRY, Ms. MIKULSKI, Mr. VOINOVICH, Mr. BROWN of Ohio, Mr. CARDIN, Mr. REID, Mr. MCCONNELL, Mr. KYL, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAUFMAN, Ms. KLOBUCHAR, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 479

Whereas the United States and Poland are close allies, with a shared bond of history, friendship, and international cooperation;

Whereas Polish immigrants were among the first Jamestown settlers, and Casimir Pulaski immigrated to the United States to fight in the Revolutionary War;

Whereas more than 9,000,000 Americans of Polish descent now reside in the United States, bringing vitality to major metropolitan areas such as Chicago, Detroit, and New York City;

Whereas Polish-Americans have been leaders in all walks of American life;

Whereas the American people stood in support of the Solidarity movement as it fought against the oppression of the communist government of Poland through peaceful means, eventually leading to Solidarity members being elected to office in open democratic elections held on June 4, 1989, events that helped spark the movement to democracy throughout eastern Europe;

Whereas Poland joined the North Atlantic Treaty Organization (NATO) in 1999, joined the European Union in 2004, and has contributed to United States and NATO operations in Iraq and Afghanistan;

Whereas Poland has enjoyed a thriving and prosperous free market democracy since the end of the Cold War;

Whereas the President of Poland Lech Kaczynski and 95 other people, including Poland's First Lady, the deputy foreign minister, dozens of members of Parliament, the chiefs of the army and navy, and the president of the national bank, were tragically killed in a plane crash in western Russia on April 10, 2010;

Whereas President Kaczynski and his colleagues were traveling to Katyn, Russia for a memorial service to mark the 70th anniversary of the Soviet secret police killing of more than 20,000 Polish officers, prisoners, and intellectuals who were captured after the Soviet Union invaded Poland in 1939;

Whereas Anna Walentynowicz, the former dock worker whose firing in 1980 sparked the Solidarity strike that ultimately overthrew the communist government of Poland, was also killed in the crash;

Whereas Ryszard Kaczorowski, who served as Poland's final president in exile before the country's return to democracy, also perished in the crash;

Whereas Chicago suffered the loss of a respected artist when Wojciech Seweryn, whose father was killed in Katyn, died in the crash;

Whereas Mr. Seweryn recently completed a memorial to the victims of Katyn at St. Adalbert Cemetery in Niles, Illinois, which President Kaczynski planned to visit in May;

Whereas President Barack Obama said, the ''loss is devastating to Poland, to the United States, and to the world. President Kaczynski was a distinguished statesman who played a key role in the Solidarity movement, and he was widely admired in the United States as a leader dedicated to advancing freedom and human dignity.'';

Whereas Former Solidarity leader and ex-president Lech Walesa said, ''Today, we lost part of our intellectual elite in a plane crash. It will take a long time until the wounds of our democracy are healed.''; and

Whereas thousands of Poles gathered in the center of Warsaw and elsewhere around the world on Saturday to mourn those killed in the crash and affirm their continued solidarity with the people of Poland: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its deepest sympathies to the people of Poland and the families of those who perished for their profound loss;

(2) expresses strong and continued solidarity with the people of Poland and Polish-American communities in the United States; and

(3) expresses unwavering support for the Government of Poland as it works to address the loss of many key public officials.

SENATE RESOLUTION 480—CONDEMNING THE CONTINUED DETENTION OF BURMESE DEMOCRACY LEADER DAW AUNG SAN SUU KYI AND CALLING ON THE MILITARY REGIME IN BURMA TO PERMIT A CREDIBLE AND FAIR ELECTION PROCESS AND THE TRANSITION TO CIVILIAN, DEMOCRATIC RULE

Mr. GREGG (for himself, Mr. MCCONNELL, Mr. BENNETT, Mr. BROWNBACK, Ms. COLLINS, Mr. LIEBERMAN, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 480

Whereas the military regime in Burma, headed by General Than Shwe and the State Peace and Development Council, continues to persecute Burmese democracy leader Daw Aung San Suu Kyi and her supporters in the National League for Democracy, and ordinary citizens of Burma, including ethnic minorities, who publically and courageously speak out against the regime's many injustices;

Whereas Daw Aung San Suu Kyi has been imprisoned in Burma for 14 of the last 19 years and many members of the National League for Democracy have been similarly jailed, tortured, or killed;

Whereas the Constitution adopted in 2008 and the election laws recently promulgated effectively prohibit the National League for Democracy, Buddhist monks, ethnic minority leaders, and Daw Aung San Suu Kyi from participating in upcoming elections, and do not leave much opportunity for domestic dialogue among key stakeholders; and

Whereas the persecution of the people of Burma has continued even though the Department of State has pursued a policy of engagement with the military regime designed to secure the release of political prisoners, foster national reconciliation, and facilitate peaceful transition to civilian, democratic rule: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the continued detention of Burmese democracy leader Daw Aung San Suu Kyi and all prisoners of conscience in Burma, and calls for their immediate and unconditional release;

(2) calls on the military regime in Burma to engage in dialogue with the National League for Democracy and other opposition groups, as well as with ethnic minorities, to broaden political participation in an environment free from fear and intimidation;

(3) calls upon the Secretary of State to assess the effectiveness of the policy of engagement with the military regime in Burma in furthering United States interests, and to maintain, and consider strengthening, sanctions against Burma if the military regime continues its systematic violation of human rights and fails to embrace the democratic aspirations of the people of Burma;

(4) calls upon the Secretary of State to engage regional governments and multilateral organizations (including the People's Republic of China, the Association of Southeast Asian Nations, and the United Nations Security Council) to push for the establishment of an environment in Burma that encourages the full and unfettered participation of the people of Burma in a democratic transition to civilian rule; and

(5) calls on the Secretary of State to support the National League for Democracy and the people of Burma in calling for significant constitutional and election reforms by the military regime, which will broaden political participation, further democracy, accountability, and responsive governance, and improve human rights in Burma.

SENATE RESOLUTION 481—EXPRESSING THE SENSE OF THE SENATE THAT PUBLIC SERVANTS SHOULD BE COMMENDED FOR THEIR DEDICATION AND CONTINUED PUBLIC SERVICE TO THE NATION DURING PUBLIC SERVICE RECOGNITION WEEK, MAY 3 THROUGH 9, 2010

Mr. AKAKA (for himself, Mr. VOINOVICH, Mr. LIEBERMAN, Ms. COLLINS, Mr. LEVIN, Mr. CARPER, Mr. LAUTENBERG, Mr. BURRIS, and Mr. KAUFMAN) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 481

Whereas Public Service Recognition Week provides an opportunity to recognize and promote the important contributions of public servants and honor the diverse men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States of America is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) defend our freedom and advance United States interests around the world;

(2) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(3) fight crime and fires;

(4) ensure equal access to secure, efficient, and affordable mail service;

(5) deliver Social Security and Medicare benefits;

(6) fight disease and promote better health;

(7) protect the environment and the Nation's parks;

(8) enforce laws guaranteeing equal employment opportunity and healthy working conditions;

(9) defend and secure critical infrastructure;

(10) help the Nation recover from natural disasters and terrorist attacks;

(11) teach and work in our schools and libraries;

(12) develop new technologies and explore the earth, moon, and space to help improve our understanding of how our world changes;

(13) improve and secure our transportation systems;

(14) promote economic growth; and

(15) assist our Nation's veterans;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 3 through 9, 2010, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 26th anniversary through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the Senate—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;

(2) salutes government employees for their unyielding dedication and spirit for public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon all generations to consider a career in public service; and

(5) encourages efforts to promote public service careers at all levels of government.

Mr. AKAKA. Mr. President, today I rise to recognize America's public servants, who provide so many of the vital services upon which this nation relies. As the Chairman of the Senate Homeland Security and Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, I am pleased to once again introduce a resolution honoring these employees in celebration of Public Service Recognition Week.

Every day, Americans rely on our hardworking and talented government employees. Public servants deliver our mail, educate our children, care for our veterans, guard our prisons, protect our borders and communities, and defend our country and the principles of liberty and freedom that we hold dear. They influence the lives of people around the world as diplomats, promoting peace, prosperity, and democracy in conflicted regions, and providing critical assistance to developing and impoverished communities.

Just as President John F. Kennedy did in his 1961 inaugural address, President Obama has called on Americans to make a renewed commitment to public service. Public Service Recognition Week allows us not only to honor and celebrate the works of federal, state and local public employees, but also provides an opportunity for all Americans to explore the many possible careers in public service. Throughout the

nation, public employees use the week to educate their fellow citizens on how government serves them, and how government services make life better for all of us. It is my hope that through these events, many young professionals will decide to pursue a career in public service.

As a former teacher and a life-long public servant, I am proud to highlight the importance of Public Service Recognition Week. The many domestic and global challenges we face make this a critical time for our Nation. Although we have designated a week to pay tribute to government employees, it is also important that we honor the invaluable service of public servants throughout the year. Our way of life—and the strength of our country—would not exist without the work of public employees.

This is the 26th year we have honored our public servants with Public Service Recognition Week during the first full week of May. Each year we use this week to recognize and honor the men and women who serve America as federal, state, and local government employees, and commend their dedication to serving others. I encourage my colleagues to recognize the public servants in their states and join me in this annual celebration.

SENATE RESOLUTION 482—DESIGNATING APRIL 2010 AS ''NATIONAL 9–1–1 EDUCATION MONTH''

Ms. KLOBUCHAR (for herself and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 482

Whereas 9–1–1 is nationally recognized as the number to call in an emergency to receive immediate help from police, fire, emergency medical services, or other appropriate emergency response entities;

Whereas in 1967, the President's Commission on Law Enforcement and Administration of Justice recommended that a ''single number should be established'' nationwide for reporting emergency situations, and other Federal Government agencies and various governmental officials also supported and encouraged the recommendation;

Whereas in 1968, the American Telephone and Telegraph Company (AT&T) announced that it would establish the digits 9–1–1 as the emergency code throughout the United States;

Whereas 9–1–1 was designated by Congress as the national emergency call number under the Wireless Communications and Public Safety Act of 1999 (Public Law 106–81; 113 Stat. 1286);

Whereas section 102 of the ENHANCE 911 Act of 2004 (47 U.S.C. 942 note) declared an enhanced 9–1–1 system to be ''a high national priority'' and part of ''our Nation's homeland security and public safety'';

Whereas it is important that policy makers at all levels of government understand the importance of 9–1–1, how the system works today, and the steps that are needed to modernize the 9–1–1 system;

Whereas the 9–1–1 system is the connection between the eyes and ears of the public and the emergency response system in the United States and is often the first place emergencies of all magnitudes are reported, making 9–1–1 a significant homeland security asset;

Whereas more than 6,000 9–1–1 public safety answering points serve more than 3,000 counties and parishes throughout the United States;

Whereas dispatchers at public safety answering points answer more than 200,000,000 9–1–1 calls each year in the United States;

Whereas a growing number of 9–1–1 calls are made using wireless and Internet Protocol-based communications services;

Whereas a growing segment of the population, including the deaf, hard of hearing, deaf-blind, and individuals with speech disabilities are increasingly communicating with nontraditional text, video, and instant messaging communications services and expect those services to be able to connect directly to 9–1–1;

Whereas the growth and variety of means of communication, including mobile and Internet Protocol-based systems, impose challenges for accessing 9–1–1 and implementing an enhanced 9–1–1 system and require increased education and awareness about the capabilities of different means of communication;

Whereas numerous other N–1–1 and 800 number services exist for nonemergency situations, including 2–1–1, 3–1–1, 5–1–1, 7–1–1, 8–1–1, poison control centers, and mental health hotlines, and the public needs to be educated on when to use those services in addition to or instead of 9–1–1;

Whereas international visitors and immigrants make up an increasing percentage of the United States population each year, and visitors and immigrants may have limited knowledge of our emergency calling system;

Whereas people of all ages use 9–1–1 and it is critical to educate those people on the proper use of 9–1–1;

Whereas senior citizens are at high risk for needing to access to 9–1–1 and many senior citizens are learning to use new technology;

Whereas thousands of 9–1–1 calls are made every year by children properly trained in the use of 9–1–1, which saves lives and underscores the critical importance of training children early in life about 9–1–1;

Whereas the 9–1–1 system is often misused, including by the placement of prank and nonemergency calls;

Whereas misuse of the 9–1–1 system results in costly and inefficient use of 9–1–1 and emergency response resources and needs to be reduced;

Whereas parents, teachers, and all other caregivers need to play an active role in 9–1–1 education for children, but will do so only after being first educated themselves;

Whereas there are many avenues for 9–1–1 public education, including safety fairs, school presentations, libraries, churches, businesses, public safety answering point tours or open houses, civic organizations, and senior citizen centers;

Whereas children, parents, teachers, and the National Parent Teacher Association contribute importantly to the education of children about the importance of 9–1–1 through targeted outreach efforts to public and private school systems;

Whereas we as a Nation should strive to host at least 1 educational event regarding the proper use of 9–1–1 in every school in the country every year;

Whereas programs to promote proper use of 9–1–1 during National 9–1–1 Education Month could include—

(1) public awareness events, including conferences and media outreach, training activities for parents, teachers, school administrators, other caregivers and businesses;

(2) educational events in schools and other appropriate venues; and

(3) production and distribution of information about the 9–1–1 system designed to educate people of all ages on the importance and proper use of 9–1–1; and

Whereas the people of the United States deserve the best education regarding the use of 9–1–1: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2010 as ''National 9–1–1 Education Month''; and

(2) urges Government officials, parents, teachers, school administrators, caregivers, businesses, nonprofit organizations, and the people of the United States to observe the month with appropriate ceremonies, training events, and activities.

SENATE CONCURRENT RESOLUTION 57—ESTABLISHING AN EXPEDITED PROCEDURE FOR CONSIDERATION OF A BILL RETURNING SPENDING LEVELS TO 2007 LEVELS

Mr. LEMIEUX (for himself, Mr. RISCH, and Mr. DEMINT) submitted the following concurrent resolution; which was referred to the Committee on the Budget.

S. CON. RES. 57

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. EXPEDITED CONSIDERATION.

(a) 2007 SPENDING BILL.—For purposes of this resolution, the term ''2007 spending bill'' means a bill that reduces outlays for the fiscal year beginning in the year in which the bill is considered to levels not exceeding the levels for fiscal year 2007. The bill may not increase revenues.

(b) EXPEDITED CONSIDERATION OF 2007 SPENDING BILL.—

(1) INTRODUCTION OF 2007 SPENDING BILL.—A 2007 spending bill may be introduced in the House of Representatives and in the Senate not later than July 12, 2010 or any time after the first day of a session for any year thereafter by the majority leader of each House of Congress. If 5 session days after July 12 in 2010 or after the first day of session any year thereafter the majority leader has not introduced a bill, the minority leader of each House of Congress may introduce a 2007 spending bill (during this time the majority leader may not introduce a 2007 spending bill). If a 2007 spending bill is not introduced in accordance with the preceding sentence in either House of Congress within 5 session days, then any Member of that House may introduce a 2007 spending bill on any day thereafter. Upon introduction, the 2007 spending bill shall be referred to the relevant committees of jurisdiction.

(2) COMMITTEE CONSIDERATION.—The committees to which the 2007 spending bill is referred shall report the 2007 spending bill without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, not later than 30 calendar days after the date of introduction of the bill in that House, or the first day thereafter on which that House is in session. If any committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

(3) FAST TRACK CONSIDERATION IN HOUSE OF REPRESENTATIVES.—

(A) PROCEEDING TO CONSIDERATION.—It shall be in order, not later than 7 days of session after the date on which an 2007 spending

bill is reported or discharged from all committees to which it was referred, for the majority leader of the House of Representatives or the majority leader's designee, to move to proceed to the consideration of the 2007 spending bill. It shall also be in order for any Member of the House of Representatives to move to proceed to the consideration of the 2007 spending bill at any time after the conclusion of such 7-day period. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the 2007 spending bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(B) CONSIDERATION.—The 2007 spending bill shall be considered as read. The previous question shall be considered as ordered on the 2007 spending bill to its passage without intervening motion except 50 hours of debate, equally divided and controlled by the proponent and an opponent. A motion to limit debate shall be in order during such debate. A motion to reconsider the vote on passage of the 2007 spending bill shall not be in order.

(C) APPEALS.—Appeals from decisions of the chair relating to the application of the Rules of the House of Representatives to the procedure relating to the 2007 spending bill shall be decided without debate.

(D) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in this paragraph, consideration of an 2007 spending bill shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any 2007 spending bill introduced pursuant to the provisions of this subsection under a suspension of the rules pursuant to clause 1 of House Rule XV, or under a special rule reported by the House Committee on Rules.

(E) AMENDMENTS.—It shall be in order to offer amendments to the 2007 spending bill, provided that any such amendment is relevant and would not result in an overall outlay level exceeding the level included in the 2007 spending bill.

(F) VOTE ON PASSAGE.—Immediately following the conclusion of consideration of the 2007 spending bill, the vote on passage of the 2007 spending bill shall occur without any intervening action or motion and shall require an affirmative vote of three-fifths of the Members, duly chosen and sworn. If the 2007 spending bill is passed, the Clerk of the House of Representatives shall cause the bill to be transmitted to the Senate before the close of the next day of session of the House.

(4) FAST TRACK CONSIDERATION IN SENATE.—

(A) IN GENERAL.—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order, not later than 7 days of session after the date on which an 2007 spending bill is reported or discharged from all committees to which it was referred, for the majority leader of the Senate or the majority leader's designee to move to proceed to the consideration of the 2007 spending bill. It shall also be in order for any Member of the Senate to move to proceed to the consideration of the 2007 spending bill at any time after the conclusion of such 7-day period. A motion to proceed is in order even though a previous motion to the same effect has been disagreed to. All points of order against the motion to proceed to the 2007 spending bill are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the 2007 spending bill is agreed to, the 2007 spending bill shall remain the unfinished business until disposed of.

(B) DEBATE.—Consideration of an 2007 spending bill and of all debatable motions and appeals in connection therewith shall not exceed a total of 50 hours. Debate shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate on the 2007 spending bill is in order. Any debatable motion or appeal is debatable for not to exceed 1 hour, to be divided equally between those favoring and those opposing the motion or appeal. All time used for consideration of the 2007 spending bill, including time used for quorum calls and voting, shall be counted against the total 50 hours of consideration.

(C) AMENDMENTS.—It shall be in order to offer amendments to the 2007 spending bill, provided that any such amendment is relevant and would not result in an overall outlay level exceeding the level included in the 2007 spending bill.

(D) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on the 2007 spending bill and a single quorum call at the conclusion of the debate if requested. Passage shall require an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(E) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a 2007 spending bill shall be decided without debate.

(5) RULES TO COORDINATE ACTION WITH OTHER HOUSE.—

(A) REFERRAL.—If, before the passage by 1 House of an 2007 spending bill of that House, that House receives from the other House an 2007 spending bill, then such proposal from the other House shall not be referred to a committee and shall immediately be placed on the calendar.

(B) TREATMENT OF 2007 SPENDING BILL OF OTHER HOUSE.—If 1 House fails to introduce or consider a 2007 spending bill under this section, the 2007 spending bill of the other House shall be entitled to expedited floor procedures under this section.

(C) PROCEDURE.—

(i) 2007 SPENDING BILL IN THE SENATE.—If prior to passage of the 2007 spending bill in the Senate, the Senate receives an 2007 spending bill from the House, the procedure in the Senate shall be the same as if no 2007 spending bill had been received from the House except that—

(I) the vote on final passage shall be on the 2007 spending bill of the House if it is identical to the 2007 spending bill then pending for passage in the Senate; or

(II) if the 2007 spending bill from the House is not identical to the 2007 spending bill then pending for passage in the Senate and the Senate then passes the Senate 2007 spending bill, the Senate shall be considered to have passed the House 2007 spending bill as amended by the text of the Senate 2007 spending bill.

(ii) DISPOSITION OF THE 2007 SPENDING BILL.—Upon disposition of the 2007 spending bill received from the House, it shall no longer be in order to consider the 2007 spending bill originated in the Senate.

(D) TREATMENT OF COMPANION MEASURES IN THE SENATE.—If following passage of the 2007 spending bill in the Senate, the Senate then receives an 2007 spending bill from the House of Representatives that is the same as the 2007 spending bill passed by the House, the House-passed 2007 spending bill shall not be debatable. If the House-passed 2007 spending bill is identical to the Senate-passed 2007 spending bill, the vote on passage of the 2007 spending bill in the Senate shall be considered to be the vote on passage of the 2007 spending bill received from the House of Representatives. If it is not identical to the House-passed 2007 spending bill, then the Senate shall be considered to have passed the 2007 spending bill of the House as amended by the text of the Senate 2007 spending bill.

(E) CONSIDERATION IN CONFERENCE.—Upon passage of the 2007 spending bill, the Senate shall be deemed to have insisted on its amendment and requested a conference with the House of Representatives on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, without any intervening action.

(F) ACTION ON CONFERENCE REPORTS IN SENATE.—

(i) MOTION TO PROCEED.—A motion to proceed to the consideration of the conference report on the 2007 spending bill may be made even though a previous motion to the same effect has been disagreed to.

(ii) CONSIDERATION.—During the consideration in the Senate of the conference report (or a message between Houses) on the 2007 spending bill, and all amendments in disagreement, and all amendments thereto, and debatable motions and appeals in connection therewith, debate (or consideration) shall be limited to 30 hours, to be equally divided between, and controlled by, the majority leader and minority leader or their designees. Debate on any debatable motion or appeal related to the conference report (or a message between Houses) shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report (or a message between Houses).

(iii) DEBATE IF DEFEATED.—If the conference report is defeated, debate on any request for a new conference and the appointment of conferees shall be limited to 1 hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to one-half hour, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between and controlled by the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or his designee.

(iv) AMENDMENTS IN DISAGREEMENT.—If there are amendments in disagreement to a conference report on the 2007 spending bill, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee. No amendment that is not germane to the provisions of such amendments shall be received.

(G) VOTE ON CONFERENCE REPORT IN EACH HOUSE.—Passage of the conference in each House shall be by an affirmative vote of three-fifths of the Members of that House, duly chosen and sworn.

(H) VETO.—If the President vetoes the bill debate on a veto message in the Senate under this subsection shall be 1 hour equally divided between the majority and minority leaders or their designees.

(6) RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part

of the rules of each House, respectively but applicable only with respect to the procedure to be followed in that House in the case of bill under this section, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 2. EFFECTIVE PERIOD.

This resolution shall be effective until fiscal year 2020 or the fiscal year spending levels are returned to fiscal year 2007 levels whichever date first occurs.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3723. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3721 proposed by Mr. BAUCUS to the bill H.R. 4851, to provide a temporary extension of certain programs, and for other purposes.

SA 3724. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4851, supra; which was ordered to lie on the table.

SA 3725. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3721 proposed by Mr. BAUCUS to the bill H.R. 4851, supra; which was ordered to lie on the table.

SA 3726. Mr. COBURN proposed an amendment to amendment SA 3721 proposed by Mr. BAUCUS to the bill H.R. 4851, supra.

SA 3727. Mr. COBURN proposed an amendment to amendment SA 3721 proposed by Mr. BAUCUS to the bill H.R. 4851, supra.

TEXT OF AMENDMENTS

SA 3723. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3721 proposed by Mr. BAUCUS to the bill H.R. 4851, to provide a temporary extension of certain programs, and for other purposes; as follows:

At the end of the bill, insert the following:

SEC. ___. RESCISSION OF UNSPENT AND UNCOMMITTED FEDERAL FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated Federal funds, the greater of $20,000,000,000 and the amount determined necessary under the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 124 Stat. 8) to offset the budgetary effect of this Act, excluding this section, in appropriated discretionary unexpired funds are rescinded.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) identify the accounts and amounts rescinded to implement subsection (a); and

(2) submit a report to the Secretary of the Treasury and Congress of the accounts and amounts identified under paragraph (1) for rescission.

SA 3724. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4851, to provide a temporary extension of certain programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. _____. SENSE OF THE SENATE REGARDING A VALUE ADDED TAX.

It is the sense of the Senate that the Value Added Tax is a massive tax increase that will cripple families on fixed income and only further push back America's economic recovery.

SA 3725. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3721 proposed by Mr. BAUCUS to the bill H.R. 4851, to provide a temporary extension of certain programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

TITLE II—OFFSETS FOR THE ACT

Subtitle A—Discretionary Spending

SEC. 211. RESCISSION OF UNSPENT AND UNCOMMITTED FEDERAL FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated Federal funds, the greater of $10,000,000,000 and the amount determined necessary under the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 124 Stat. 8) to offset the budgetary effect of this Act, excluding this section, in appropriated discretionary unexpired funds are rescinded.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) identify the accounts and amounts rescinded to implement subsection (a); and

(2) submit a report to the Secretary of the Treasury and Congress of the accounts and amounts identified under paragraph (1) for rescission.

Subtitle B—Revenue Offset Provisions

SEC. 221. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 222. INFORMATION REPORTING FOR RENTAL PROPERTY EXPENSE PAYMENTS.

(a) IN GENERAL.—Section 6041 is amended by adding at the end the following new subsection:

''(h) TREATMENT OF RENTAL PROPERTY EXPENSE PAYMENTS.—

''(1) IN GENERAL.—For purposes of subsection (a), a person receiving rental income from real estate (other than a qualified residence) shall be considered to be engaged in a trade or business of renting property.

''(2) QUALIFIED RESIDENCE.—For purposes of paragraph (1), the term 'qualified residence' means—

''(A) the principal residence (within the meaning of section 121) of the taxpayer, and

''(B) 1 other residence of the taxpayer which is selected by the taxpayer for purposes of this subsection for the taxable year and which is used by the taxpayer as a residence (within the meaning of section 280A(d)(1)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2010.

SEC. 223. CRUDE TALL OIL INELIGIBLE FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Section 40(B)(6)(E) is amended by adding at the end the following new clause:

''(iv) EXCLUSION OF CERTAIN PROCESSED FUELS WITH A HIGH ACID CONTENT.—The term 'cellulosic biofuel' shall not include any processed fuel with an acid number greater than 25. For purposes of the preceding sentence, the term 'processed fuel' means any fuel other than a fuel—

''(I) more than 4 percent of which (determined by weight) is any combination of water and sediment, or

''(II) the ash content of which is more than 1 percent (determined by weight).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used on or after January 1, 2010.

SEC. 224. ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 3507, subsection (g) of section 32, and paragraph (7) of section 6051(a) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 6012(a) is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(2) Section 6302 is amended by striking subsection (i).

(c) EFFECTIVE DATE.—The repeals and amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 225. UNEMPLOYMENT INSURANCE PROGRAM INTEGRITY.

(a) REPORTING OF FIRST DAY OF EARNINGS TO DIRECTORY OF NEW HIRES.—

(1) IN GENERAL.—Section 453A(b)(1)(A) of the Social Security Act (42 U.S.C. 653a(b)(1)(A)) is amended by inserting ''the date services for remuneration were first performed by the employee,'' after ''of the employee,''.

(2) REPORTING FORMAT AND METHOD.—Section 453A(c) of the Social Security Act (42 U.S.C. 653a(c)) is amended by inserting '', to the extent practicable,'' after ''Each report required by subsection (b) shall''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendments made by this subsection shall take effect 6 months after the date of enactment of this Act.

(B) COMPLIANCE TRANSITION PERIOD.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part D of title IV of the Social Security Act to meet the additional requirements imposed by the amendment made by paragraph (1), the plan shall not be regarded as failing to meet such requirements before the first day of the second calendar quarter beginning after the close of the first regular session of the State legislature that begins after the effective date of such amendment. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

(b) EXTENSION AND MODIFICATION OF COLLECTION OF PAST-DUE DEBT FOR ERRONEOUS PAYMENT OF UNEMPLOYMENT COMPENSATION.—

(1) PERMANENT EXTENSION.—Subsection (f) of section 6402 is amended by striking paragraph (8).

(2) COLLECTION IN ALL STATES.—Subsection (f) of section 6402, as amended by paragraph (1), is amended by striking paragraph (3) and redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively.

(3) COLLECTION FOR REASONS OTHER THAN FRAUD.—

(A) IN GENERAL.—Paragraph (4) of section 6402(f), as redesignated by paragraph (2), is amended by striking ''due to fraud'' each place it appears.

(B) CONFORMING AMENDMENTS.—Section 6402(f) is amended—

(i) in paragraph (3), as redesignated by paragraph (2)—

(I) by striking ''or due to fraud'' in subparagraph (B), and

(II) by striking ''and due to fraud'' in subparagraph (C), and

(ii) in the heading, by striking ''RESULTING FROM FRAUD''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to refunds payable on or after the date of the enactment of this Act.

SEC. 226. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Section 402A(e)(1) (defining applicable retirement plan) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following:

''(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) (defining elective deferral) is amended to read as follows:

''(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means—

''(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

''(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 227. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 are each amended by striking ''$50'' and inserting ''$100''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 are each amended by striking ''$250,000'' and inserting ''$1,500,000''.

(b) REDUCTION WHERE CORRECTION WITHIN 30 DAYS.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(1) is amended by striking ''$15'' and inserting ''$30''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 are each amended by striking ''$75,000'' and inserting ''$250,000''.

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) is amended by striking ''$30'' and inserting ''$60''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721 are each amended by striking ''$150,000'' and inserting ''$500,000''.

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Paragraph (1) of section 6721(d) is amended—

(1) by striking ''$100,000'' in subparagraph (A) and inserting ''$500,000'',

(2) by striking ''$25,000'' in subparagraph (B) and inserting ''$75,000'', and

(3) by striking ''$50,000'' in subparagraph (C) and inserting ''$200,000''.

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) is amended by striking ''$100'' and inserting ''$250''.

(f) ADJUSTMENT FOR INFLATION.—Section 6721 is amended by adding at the end the following new subsection:

''(f) ADJUSTMENT FOR INFLATION.—

''(1) IN GENERAL.—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d) (other than paragraph (2)(A) thereof), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any amount adjusted under paragraph (1)—

''(A) is not less than $75,000 and is not a multiple of $500, such amount shall be rounded to the next lowest multiple of $500, and

''(B) is not described in subparagraph (A) and is not a multiple of $10, such amount shall be rounded to the next lowest multiple of $10.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2011.

SEC. 228. ROLLOVERS FROM ELECTIVE DEFERRAL PLANS TO ROTH DESIGNATED ACCOUNTS.

(a) IN GENERAL.—Section 402A(c) is amended by adding at the end the following new paragraph:

''(4) TAXABLE ROLLOVERS TO DESIGNATED ROTH ACCOUNTS.—

''(A) IN GENERAL.—Notwithstanding sections 402(c), 403(b)(8), and 457(e)(16), in the case of any distribution to which this paragraph applies—

''(i) there shall be included in gross income any amount which would be includible were it not part of a qualified rollover contribution,

''(ii) section 72(t) shall not apply, and

''(iii) unless the taxpayer elects not to have this clause apply, any amount required to be included in gross income for any taxable year beginning in 2010 by reason of this paragraph shall be so included ratably over the 2-taxable-year period beginning with the first taxable year beginning in 2011.

Any election under clause (iii) for any distributions during a taxable year may not be changed after the due date for such taxable year.

''(B) DISTRIBUTIONS TO WHICH PARAGRAPH APPLIES.—In the case of an applicable retirement plan which includes a qualified Roth contribution program, this paragraph shall apply to a distribution from such plan other than from a designated Roth account which is contributed in a qualified rollover contribution to the designated Roth account maintained under such plan for the benefit of the individual to whom the distribution is made.

''(C) OTHER RULES.—The rules of subparagraphs (D), (E), and (F) of section 408A(d)(3) (as in effect for taxable years beginning after 2009) shall apply for purposes of this paragraph.''.

(b) CONFORMING AMENDMENT.—Section 402A(d)(3)(A) is amended by striking ''A'' and inserting ''Except as provided in paragraph (4), a''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in plan years beginning after December 31, 2009.

Subtitle C—Pension Funding Relief

PART I—SINGLE EMPLOYER PLANS

SEC. 231. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.

(a) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Paragraph (2) of section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following subparagraph:

''(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

''(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an 'election year'), then, notwithstanding subparagraphs (A) and (B)—

''(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

''(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

''(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

''(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

''(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

''(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

''(iv) ELECTION.—

''(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

''(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

''(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury. The Secretary of the Treasury shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

''(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

''(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

''(I) give notice of the election to participants and beneficiaries of the plan, and

''(II) inform the Pension Benefit Guaranty Corporation of such election in such form

and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

''(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).''.

(2) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—Section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following paragraph:

''(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

''(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

''(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

''(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

''(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

''(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'installment acceleration amount' means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

''(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

''(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

''(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

''(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

''(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

''(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

''(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

''(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

''(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

''(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

''(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'excess employee compensation' means, with respect to any employee for any plan year, the excess (if any) of—

''(I) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

''(II) $1,000,000.

''(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

''(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

''(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

''(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A of the Internal Revenue Code of 1986) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1) of such Code) for at least 5 years from the date of such grant.

''(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation provide for the application of this clause in the case of a person other than a corporation.

''(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

''(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

''(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

''(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term 'employee' includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of such Code for the taxable year ending during such calendar year, and the term 'compensation' shall include earned income of such individual with respect to such self-employment.

''(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) of such Code for the calendar year, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $1,000, such increase shall be rounded to the next lowest multiple of $1,000.

''(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

''(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

''(I) the adjusted net income (within the meaning of section 4043) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

''(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

''(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

''(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under clause (i).

''(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

''(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

''(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred

stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

''(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term 'applicable preferred stock' means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of this title).

''(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

''(i) PLAN SPONSOR.—The term ' plan sponsor' includes any member of the plan sponsor's controlled group (as defined in section 302(d)(3)).

''(ii) RESTRICTION PERIOD.—The term 'restriction period' means, with respect to any election year—

''(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

''(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

''(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

''(iv) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).''.

(3) CONFORMING AMENDMENTS.—Section 303 of such Act (29 U.S.C. 1083) is amended—

(A) in subsection (c)(1), by striking ''the shortfall amortization bases for such plan year and each of the 6 preceding plan years'' and inserting ''any shortfall amortization base which has not been fully amortized under this subsection'', and

(B) in subsection (j)(3), by adding at the end the following:

''(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).''.

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (2) of section 430(c) is amended by adding at the end the following subparagraph:

''(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

''(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an 'election year'), then, notwithstanding subparagraphs (A) and (B)—

''(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

''(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

''(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

''(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

''(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

''(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

''(iv) ELECTION.—

''(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

''(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

''(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary, and may be revoked only with the consent of the Secretary. The Secretary shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

''(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

''(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

''(I) give notice of the election to participants and beneficiaries of the plan, and

''(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

''(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).''.

(2) INCREASES IN REQUIRED CONTRIBUTIONS IF EXCESS COMPENSATION PAID.—Section 430(c) is amended by adding at the end the following paragraph:

''(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

''(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

''(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

''(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

''(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

''(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'installment acceleration amount' means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

''(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

''(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

''(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

''(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

''(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

''(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

''(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

''(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be

treated as an installment acceleration amount with respect to the next succeeding plan year.

''(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

''(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

''(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'excess employee compensation' means, with respect to any employee for any plan year, the excess (if any) of—

''(I) the aggregate amount includible in income under this chapter for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

''(II) $1,000,000.

''(ii) AMOUNTS SET ASIDE FOR NON-QUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

''(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

''(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

''(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1)) for at least 5 years from the date of such grant.

''(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation provide for the application of this clause in the case of a person other than a corporation.

''(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

''(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

''(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

''(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term 'employee' includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term 'compensation' shall include earned income of such individual with respect to such self-employment.

''(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $1,000, such increase shall be rounded to the next lowest multiple of $1,000.

''(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

''(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

''(I) the adjusted net income (within the meaning of section 4043 of the Employee Retirement Income Security Act of 1974) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

''(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

''(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

''(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under clause (i).

''(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

''(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

''(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

''(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term 'applicable preferred stock' means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of title I of Employee Retirement Income Security Act of 1974).

''(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

''(i) PLAN SPONSOR.—The term ' plan sponsor' includes any member of the plan sponsor's controlled group (as defined in section 412(d)(3)).

''(ii) RESTRICTION PERIOD.—The term 'restriction period' means, with respect to any election year—

''(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

''(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

''(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

''(iv) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).''.

(3) CONFORMING AMENDMENTS.—Section 430 is amended—

(A) in subsection (c)(1), by striking ''the shortfall amortization bases for such plan year and each of the 6 preceding plan years'' and inserting ''any shortfall amortization base which has not been fully amortized under this subsection'', and

(B) in subsection (j)(3), by adding at the end the following:

''(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 232. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

''SEC. 107. APPLICATION OF EXTENDED AMORTIZATION PERIODS TO PLANS WITH DELAYED EFFECTIVE DATE.

''(a) IN GENERAL.—If the plan sponsor of a plan to which section 104, 105, or 106 of this Act applies elects to have this section apply for any eligible plan year (in this section referred to as an 'election year'), section 302 of the Employee Retirement Income Security Act of 1974 and section 412 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B) shall apply to such year in the manner described in subsection (b) or (c), whichever is specified in the election. All references in this section to 'such Act' or 'such Code' shall be to such Act or such Code as in effect before the amendments made by this subtitle and subtitle B.

''(b) APPLICATION OF 2 AND 7 RULE.—In the case of an election year to which this subsection applies—

''(1) 2-YEAR LOOKBACK FOR DETERMINING DEFICIT REDUCTION CONTRIBUTIONS FOR CERTAIN PLANS.—For purposes of applying section 302(d)(9) of such Act and section 412(l)(9)

of such Code, the funded current liability percentage (as defined in subparagraph (C) thereof) for such plan for such plan year shall be such funded current liability percentage of such plan for the second plan year preceding the first election year of such plan.

''(2) CALCULATION OF DEFICIT REDUCTION CONTRIBUTION.—For purposes of applying section 302(d) of such Act and section 412(l) of such Code to a plan to which such sections apply (after taking into account paragraph (1))—

''(A) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code shall be the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, and

''(B) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

''(c) APPLICATION OF 15-YEAR AMORTIZATION.—In the case of an election year to which this subsection applies, for purposes of applying section 302(d) of such Act and section 412(l) of such Code—

''(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code for any pre-effective date plan year beginning with or after the first election year shall be the ratio of—

''(A) the annual installments payable in each year if the increased unfunded new liability for such plan year were amortized over 15 years, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

''(B) the increased unfunded new liability for such plan year, and

''(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

''(d) ELECTION.—

''(1) IN GENERAL.—The plan sponsor of a plan may elect to have this section apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan to which section 106 of this Act applies, the plan sponsor may only elect to have this section apply to 1 eligible plan year.

''(2) AMORTIZATION SCHEDULE.—Such election shall specify whether the rules under subsection (b) or (c) shall apply to an election year, except that if a plan sponsor elects to have this section apply to 2 eligible plan years, the plan sponsor must elect the same rule for both years.

''(3) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

''(e) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year beginning in 2008 shall only be treated as an eligible plan year if the due date for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this clause.

''(2) PRE-EFFECTIVE DATE PLAN YEAR.—The term 'pre-effective date plan year' means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

''(3) INCREASED UNFUNDED NEW LIABILITY.—The term 'increased unfunded new liability' means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan's assets determined under subsection 302(c)(2) of such Act and section 412(c)(2) of such Code equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act and 412(l)(8)(B) of such Code) of the plan for the second plan year preceding the first election year of such plan.

''(4) OTHER DEFINITIONS.—The terms 'unfunded new liability' and 'current liability' shall have the meanings set forth in section 302(d) of such Act and section 412(l) of such Code.''.

(b) ELIGIBLE CHARITY PLANS.—Section 104 of the Pension Protection Act of 2006 is amended—

(1) by striking ''eligible cooperative plan'' wherever it appears in subsections (a) and (b) and inserting ''eligible cooperative plan or an eligible charity plan'', and

(2) by adding at the end the following new subsection:

''(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if the plan is maintained by more than one employer (determined without regard to section 414(c) of the Internal Revenue Code) and 100 percent of the employers are described in section 501(c)(3) of such Code.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as if included in the Pension Protection Act of 2006.

(2) ELIGIBLE CHARITY PLAN.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2007, except that a plan sponsor may elect to apply such amendments to plan years beginning after December 31, 2008. Any such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

SEC. 233. LOOKBACK FOR CERTAIN BENEFIT RESTRICTIONS.

(a) IN GENERAL.—

(1) AMENDMENT TO ERISA.—Section 206(g)(9) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

''(D) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

''(i) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

''(I) such percentage, as determined without regard to this subparagraph, or

''(II) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

''(iii) APPLICABLE PROVISION.—For purposes of this subparagraph, the term 'applicable provision' means—

''(I) paragraph (3), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary of the Treasury, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

''(II) paragraph (4).''.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 436(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(3) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

''(A) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

''(i) such percentage, as determined without regard to this paragraph, or

''(ii) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary.

''(B) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(i) subparagraph (A) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(ii) subparagraph (A)(ii) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary.

''(C) APPLICABLE PROVISION.—For purposes of this paragraph, the term 'applicable provision' means—

''(i) subsection (d), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

''(ii) subsection (e).''.

(b) INTERACTION WITH WRERA RULE.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 shall apply to a plan for any plan year in lieu of the amendments made by this section applying to sections 206(g)(4) of the Employee Retirement Income Security Act of 1974 and 436(e) of the Internal Revenue Code of 1986 only to the extent that such section produces a higher adjusted funding target attainment percentage for such plan for such year.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning on or after October 1, 2008.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 234. LOOKBACK FOR CREDIT BALANCE RULE FOR PLANS MAINTAINED BY CHARITIES.

(a) AMENDMENT TO ERISA.—Paragraph (3) of section 303(f) of the Employee Retirement Income Security Act of 1974 is amended by adding the following at the end thereof:

''(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

''(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

''(I) such ratio, as determined without regard to this subparagraph, or

''(II) the ratio for such plan for the plan year beginning after August 31, 2007, and before September 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2008, and before January 1, 2011, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

''(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3) of the Internal Revenue Code of 1986.''.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (3) of section 430(f) of the Internal Revenue Code of 1986 is amended by adding the following at the end thereof:

''(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

''(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year of a plan shall be the greater of—

''(I) such ratio, as determined without regard to this subsection, or

''(II) the ratio for such plan for the plan year beginning after August 31, 2007 and before September 1, 2008, as determined under rules prescribed by the Secretary.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary.

''(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning after August 31, 2009.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2008.

PART II—MULTIEMPLOYER PLANS

SEC. 241. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.

(a) ADJUSTMENTS.—

(1) AMENDMENT TO ERISA.—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

''(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period —

''(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

''(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

''(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

''(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

''(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

''(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

''(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary of the Treasury on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

''(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

''(B) EXPANDED SMOOTHING PERIOD.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

''(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

''(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

''(III) makes both changes described in subclauses (I) and (II) to such method.

''(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

''(I) the Secretary of the Treasury shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

''(II) such changes shall be deemed approved by such Secretary under section 302(d)(1) and section 412(d)(1) of such Code.

''(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

''(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

''(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

''(i) the plan actuary certifies that—

''(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

''(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

''(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

''(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

''(i) give notice of such application to participants and beneficiaries of the plan, and

''(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.''.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

''(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period —

''(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

''(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

''(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

''(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

''(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

''(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

''(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

''(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to

the rules prescribed by the Secretary for purposes of section 165.

''(B) EXPANDED SMOOTHING PERIOD.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

''(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

''(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

''(III) makes both changes described in subclauses (I) and (II) to such method.

''(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

''(I) the Secretary shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

''(II) such changes shall be deemed approved by the Secretary under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(d)(1).

''(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

''(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

''(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

''(i) the plan actuary certifies that—

''(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

''(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

''(ii) the amendment is required as a condition of qualification under part I of subchapter D or to comply with other applicable law.

''(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

''(i) give notice of such application to participants and beneficiaries of the plan, and

''(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first day of the first plan year ending after August 31, 2008, except that any election a plan makes pursuant to this section that affects the plan's funding standard account for the first plan year beginning after August 31, 2008, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as added by this section, shall take effect on the date of enactment of this Act.

SA 3726. Mr. COBURN proposed an amendment to amendment SA 3721 proposed by Mr. BAUCUS to the bill H.R. 4851, to provide a temporary extension of certain programs, and for other purposes; as follows:

At the end of the amendment, insert the following:

TITLE II—OFFSETS FOR THE ACT

Subtitle A—Discretionary Spending

SEC. 211. RESCISSION OF UNSPENT AND UNCOMMITTED FEDERAL FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated Federal funds, the greater of $20,000,000,000 or the amount determined necessary under the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 124 Stat. 8) to offset the budgetary effect of this Act, excluding this section, in appropriated discretionary unexpired funds are rescinded.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) identify the accounts and amounts rescinded to implement subsection (a); and

(2) submit a report to the Secretary of the Treasury and Congress of the accounts and amounts identified under paragraph (1) for rescission.

Subtitle B—Revenue Offset Provisions

SEC. 221. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 222. INFORMATION REPORTING FOR RENTAL PROPERTY EXPENSE PAYMENTS.

(a) IN GENERAL.—Section 6041 is amended by adding at the end the following new subsection:

''(h) TREATMENT OF RENTAL PROPERTY EXPENSE PAYMENTS.—

''(1) IN GENERAL.—For purposes of subsection (a), a person receiving rental income from real estate (other than a qualified residence) shall be considered to be engaged in a trade or business of renting property.

''(2) QUALIFIED RESIDENCE.—For purposes of paragraph (1), the term 'qualified residence' means—

''(A) the principal residence (within the meaning of section 121) of the taxpayer, and

''(B) 1 other residence of the taxpayer which is selected by the taxpayer for purposes of this subsection for the taxable year and which is used by the taxpayer as a residence (within the meaning of section 280A(d)(1)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2010.

SEC. 223. CRUDE TALL OIL INELIGIBLE FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Section 40(B)(6)(E) is amended by adding at the end the following new clause:

''(iv) EXCLUSION OF CERTAIN PROCESSED FUELS WITH A HIGH ACID CONTENT.—The term 'cellulosic biofuel' shall not include any processed fuel with an acid number greater than 25. For purposes of the preceding sentence, the term 'processed fuel' means any fuel other than a fuel—

''(I) more than 4 percent of which (determined by weight) is any combination of water and sediment, or

''(II) the ash content of which is more than 1 percent (determined by weight).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used on or after January 1, 2010.

SEC. 224. ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 3507, subsection (g) of section 32, and paragraph (7) of section 6051(a) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 6012(a) is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(2) Section 6302 is amended by striking subsection (i).

(c) EFFECTIVE DATE.—The repeals and amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 225. UNEMPLOYMENT INSURANCE PROGRAM INTEGRITY.

(a) REPORTING OF FIRST DAY OF EARNINGS TO DIRECTORY OF NEW HIRES.—

(1) IN GENERAL.—Section 453A(b)(1)(A) of the Social Security Act (42 U.S.C. 653a(b)(1)(A)) is amended by inserting ''the date services for remuneration were first performed by the employee,'' after ''of the employee,''.

(2) REPORTING FORMAT AND METHOD.—Section 453A(c) of the Social Security Act (42 U.S.C. 653a(c)) is amended by inserting '', to the extent practicable,'' after ''Each report required by subsection (b) shall''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendments made by this subsection shall take effect 6 months after the date of enactment of this Act.

(B) COMPLIANCE TRANSITION PERIOD.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part D of title IV of the Social Security Act to meet the additional requirements imposed by the amendment made by paragraph (1), the plan shall not be regarded as failing to meet such requirements before the first day of the second calendar quarter beginning after the close of the first regular session of the State legislature that begins after the effective date of such amendment. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

(b) EXTENSION AND MODIFICATION OF COLLECTION OF PAST-DUE DEBT FOR ERRONEOUS PAYMENT OF UNEMPLOYMENT COMPENSATION.—

(1) PERMANENT EXTENSION.—Subsection (f) of section 6402 is amended by striking paragraph (8).

(2) COLLECTION IN ALL STATES.—Subsection (f) of section 6402, as amended by paragraph (1), is amended by striking paragraph (3) and redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively.

(3) COLLECTION FOR REASONS OTHER THAN FRAUD.—

(A) IN GENERAL.—Paragraph (4) of section 6402(f), as redesignated by paragraph (2), is amended by striking ''due to fraud'' each place it appears.

(B) CONFORMING AMENDMENTS.—Section 6402(f) is amended—

(i) in paragraph (3), as redesignated by paragraph (2)—

(I) by striking ''or due to fraud'' in subparagraph (B), and

(II) by striking ''and due to fraud'' in subparagraph (C), and

(ii) in the heading, by striking ''RESULTING FROM FRAUD''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to refunds payable on or after the date of the enactment of this Act.

SEC. 226. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Section 402A(e)(1) (defining applicable retirement plan) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following:

''(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) (defining elective deferral) is amended to read as follows:

''(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means—

''(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

''(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 227. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 are each amended by striking ''$50'' and inserting ''$100''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 are each amended by striking ''$250,000'' and inserting ''$1,500,000''.

(b) REDUCTION WHERE CORRECTION WITHIN 30 DAYS.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(1) is amended by striking ''$15'' and inserting ''$30''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 are each amended by striking ''$75,000'' and inserting ''$250,000''.

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) is amended by striking ''$30'' and inserting ''$60''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721 are each amended by striking ''$150,000'' and inserting ''$500,000''.

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Paragraph (1) of section 6721(d) is amended—

(1) by striking ''$100,000'' in subparagraph (A) and inserting ''$500,000'',

(2) by striking ''$25,000'' in subparagraph (B) and inserting ''$75,000'', and

(3) by striking ''$50,000'' in subparagraph (C) and inserting ''$200,000''.

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) is amended by striking ''$100'' and inserting ''$250''.

(f) ADJUSTMENT FOR INFLATION.—Section 6721 is amended by adding at the end the following new subsection:

''(f) ADJUSTMENT FOR INFLATION.—

''(1) IN GENERAL.—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d) (other than paragraph (2)(A) thereof), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any amount adjusted under paragraph (1)—

''(A) is not less than $75,000 and is not a multiple of $500, such amount shall be rounded to the next lowest multiple of $500, and

''(B) is not described in subparagraph (A) and is not a multiple of $10, such amount shall be rounded to the next lowest multiple of $10.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2011.

SEC. 228. ROLLOVERS FROM ELECTIVE DEFERRAL PLANS TO ROTH DESIGNATED ACCOUNTS.

(a) IN GENERAL.—Section 402A(c) is amended by adding at the end the following new paragraph:

''(4) TAXABLE ROLLOVERS TO DESIGNATED ROTH ACCOUNTS.—

''(A) IN GENERAL.—Notwithstanding sections 402(c), 403(b)(8), and 457(e)(16), in the case of any distribution to which this paragraph applies—

''(i) there shall be included in gross income any amount which would be includible were it not part of a qualified rollover contribution,

''(ii) section 72(t) shall not apply, and

''(iii) unless the taxpayer elects not to have this clause apply, any amount required to be included in gross income for any taxable year beginning in 2010 by reason of this paragraph shall be so included ratably over the 2-taxable-year period beginning with the first taxable year beginning in 2011.

Any election under clause (iii) for any distributions during a taxable year may not be changed after the due date for such taxable year.

''(B) DISTRIBUTIONS TO WHICH PARAGRAPH APPLIES.—In the case of an applicable retirement plan which includes a qualified Roth contribution program, this paragraph shall apply to a distribution from such plan other than from a designated Roth account which is contributed in a qualified rollover contribution to the designated Roth account maintained under such plan for the benefit of the individual to whom the distribution is made.

''(C) OTHER RULES.—The rules of subparagraphs (D), (E), and (F) of section 408A(d)(3) (as in effect for taxable years beginning after 2009) shall apply for purposes of this paragraph.''.

(b) CONFORMING AMENDMENT.—Section 402A(d)(3)(A) is amended by striking ''A'' and inserting ''Except as provided in paragraph (4), a''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in plan years beginning after December 31, 2009.

Subtitle C—Pension Funding Relief

PART I—SINGLE EMPLOYER PLANS

SEC. 231. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.

(a) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Paragraph (2) of section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following subparagraph:

''(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

''(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an 'election year'), then, notwithstanding subparagraphs (A) and (B)—

''(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

''(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

''(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

''(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

''(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

''(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

''(iv) ELECTION.—

''(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

''(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

''(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury. The Secretary of the Treasury shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

''(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

''(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

''(I) give notice of the election to participants and beneficiaries of the plan, and

''(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

''(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).''.

(2) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—Section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following paragraph:

''(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

''(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

''(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

''(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

''(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

''(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'installment acceleration amount' means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

''(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

''(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

''(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

''(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

''(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

''(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

''(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

''(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

''(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

''(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

''(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'excess employee compensation' means, with respect to any employee for any plan year, the excess (if any) of—

''(I) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

''(II) $1,000,000.

''(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

''(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

''(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

''(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A of the Internal Revenue Code of 1986) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1) of such Code) for at least 5 years from the date of such grant.

''(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation provide for the application of this clause in the case of a person other than a corporation.

''(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

''(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

''(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

''(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term 'employee' includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of such Code for the taxable year ending during such calendar year, and the term 'compensation' shall include earned income of such individual with respect to such self-employment.

''(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) of such Code for the calendar year, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $1,000, such increase shall be rounded to the next lowest multiple of $1,000.

''(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

''(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

''(I) the adjusted net income (within the meaning of section 4043) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

''(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

''(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

''(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under clause (i).

''(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the

death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

''(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

''(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

''(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term 'applicable preferred stock' means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of this title).

''(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

''(i) PLAN SPONSOR.—The term ' plan sponsor' includes any member of the plan sponsor's controlled group (as defined in section 302(d)(3)).

''(ii) RESTRICTION PERIOD.—The term 'restriction period' means, with respect to any election year—

''(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

''(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

''(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

''(iv) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).''.

(3) CONFORMING AMENDMENTS.—Section 303 of such Act (29 U.S.C. 1083) is amended—

(A) in subsection (c)(1), by striking ''the shortfall amortization bases for such plan year and each of the 6 preceding plan years'' and inserting ''any shortfall amortization base which has not been fully amortized under this subsection'', and

(B) in subsection (j)(3), by adding at the end the following:

''(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).''.

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (2) of section 430(c) is amended by adding at the end the following subparagraph:

''(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

''(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an 'election year'), then, notwithstanding subparagraphs (A) and (B)—

''(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

''(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

''(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

''(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

''(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

''(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

''(iv) ELECTION.—

''(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

''(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

''(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary, and may be revoked only with the consent of the Secretary. The Secretary shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

''(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

''(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

''(I) give notice of the election to participants and beneficiaries of the plan, and

''(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

''(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).''.

(2) INCREASES IN REQUIRED CONTRIBUTIONS IF EXCESS COMPENSATION PAID.—Section 430(c) is amended by adding at the end the following paragraph:

''(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

''(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

''(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

''(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

''(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

''(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'installment acceleration amount' means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

''(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

''(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

''(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

''(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

''(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

''(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

''(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

''(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under

subclause (I) or this subclause with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

''(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

''(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

''(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'excess employee compensation' means, with respect to any employee for any plan year, the excess (if any) of—

''(I) the aggregate amount includible in income under this chapter for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

''(II) $1,000,000.

''(ii) AMOUNTS SET ASIDE FOR NON-QUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

''(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

''(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

''(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1)) for at least 5 years from the date of such grant.

''(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation provide for the application of this clause in the case of a person other than a corporation.

''(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

''(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

''(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

''(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term 'employee' includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term 'compensation' shall include earned income of such individual with respect to such self-employment.

''(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $1,000, such increase shall be rounded to the next lowest multiple of $1,000.

''(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

''(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

''(I) the adjusted net income (within the meaning of section 4043 of the Employee Retirement Income Security Act of 1974) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

''(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

''(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

''(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under clause (i).

''(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

''(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

''(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

''(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term 'applicable preferred stock' means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of title I of Employee Retirement Income Security Act of 1974).

''(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

''(i) PLAN SPONSOR.—The term ' plan sponsor' includes any member of the plan sponsor's controlled group (as defined in section 412(d)(3)).

''(ii) RESTRICTION PERIOD.—The term 'restriction period' means, with respect to any election year—

''(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

''(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

''(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

''(iv) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).''.

(3) CONFORMING AMENDMENTS.—Section 430 is amended—

(A) in subsection (c)(1), by striking ''the shortfall amortization bases for such plan year and each of the 6 preceding plan years'' and inserting ''any shortfall amortization base which has not been fully amortized under this subsection'', and

(B) in subsection (j)(3), by adding at the end the following:

''(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 232. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

''SEC. 107. APPLICATION OF EXTENDED AMORTIZATION PERIODS TO PLANS WITH DELAYED EFFECTIVE DATE.

''(a) IN GENERAL.—If the plan sponsor of a plan to which section 104, 105, or 106 of this Act applies elects to have this section apply for any eligible plan year (in this section referred to as an 'election year'), section 302 of the Employee Retirement Income Security Act of 1974 and section 412 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B) shall apply to such year in the manner described in subsection (b) or (c), whichever is specified in the election. All references in this section to 'such Act' or 'such Code' shall be to such Act or such Code as in

effect before the amendments made by this subtitle and subtitle B.

''(b) APPLICATION OF 2 AND 7 RULE.—In the case of an election year to which this subsection applies—

''(1) 2-YEAR LOOKBACK FOR DETERMINING DEFICIT REDUCTION CONTRIBUTIONS FOR CERTAIN PLANS.—For purposes of applying section 302(d)(9) of such Act and section 412(l)(9) of such Code, the funded current liability percentage (as defined in subparagraph (C) thereof) for such plan for such plan year shall be such funded current liability percentage of such plan for the second plan year preceding the first election year of such plan.

''(2) CALCULATION OF DEFICIT REDUCTION CONTRIBUTION.—For purposes of applying section 302(d) of such Act and section 412(l) of such Code to a plan to which such sections apply (after taking into account paragraph (1))—

''(A) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code shall be the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, and

''(B) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

''(c) APPLICATION OF 15-YEAR AMORTIZATION.—In the case of an election year to which this subsection applies, for purposes of applying section 302(d) of such Act and section 412(l) of such Code—

''(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code for any pre-effective date plan year beginning with or after the first election year shall be the ratio of—

''(A) the annual installments payable in each year if the increased unfunded new liability for such plan year were amortized over 15 years, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

''(B) the increased unfunded new liability for such plan year, and

''(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

''(d) ELECTION.—

''(1) IN GENERAL.—The plan sponsor of a plan may elect to have this section apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan to which section 106 of this Act applies, the plan sponsor may only elect to have this section apply to 1 eligible plan year.

''(2) AMORTIZATION SCHEDULE.—Such election shall specify whether the rules under subsection (b) or (c) shall apply to an election year, except that if a plan sponsor elects to have this section apply to 2 eligible plan years, the plan sponsor must elect the same rule for both years.

''(3) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

''(e) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year beginning in 2008 shall only be treated as an eligible plan year if the due date for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this clause.

''(2) PRE-EFFECTIVE DATE PLAN YEAR.—The term 'pre-effective date plan year' means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

''(3) INCREASED UNFUNDED NEW LIABILITY.—The term 'increased unfunded new liability' means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan's assets determined under subsection 302(c)(2) of such Act and section 412(c)(2) of such Code equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act and 412(l)(8)(B) of such Code) of the plan for the second plan year preceding the first election year of such plan.

''(4) OTHER DEFINITIONS.—The terms 'unfunded new liability' and 'current liability' shall have the meanings set forth in section 302(d) of such Act and section 412(l) of such Code.''.

(b) ELIGIBLE CHARITY PLANS.—Section 104 of the Pension Protection Act of 2006 is amended—

(1) by striking ''eligible cooperative plan'' wherever it appears in subsections (a) and (b) and inserting ''eligible cooperative plan or an eligible charity plan'', and

(2) by adding at the end the following new subsection:

''(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if the plan is maintained by more than one employer (determined without regard to section 414(c) of the Internal Revenue Code) and 100 percent of the employers are described in section 501(c)(3) of such Code.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as if included in the Pension Protection Act of 2006.

(2) ELIGIBLE CHARITY PLAN.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2007, except that a plan sponsor may elect to apply such amendments to plan years beginning after December 31, 2008. Any such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

SEC. 233. LOOKBACK FOR CERTAIN BENEFIT RESTRICTIONS.

(a) IN GENERAL.—

(1) AMENDMENT TO ERISA.—Section 206(g)(9) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

''(D) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

''(i) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

''(I) such percentage, as determined without regard to this subparagraph, or

''(II) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

''(iii) APPLICABLE PROVISION.—For purposes of this subparagraph, the term 'applicable provision' means—

''(I) paragraph (3), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary of the Treasury, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

''(II) paragraph (4).''.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 436(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(3) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

''(A) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

''(i) such percentage, as determined without regard to this paragraph, or

''(ii) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary.

''(B) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(i) subparagraph (A) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(ii) subparagraph (A)(ii) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary.

''(C) APPLICABLE PROVISION.—For purposes of this paragraph, the term 'applicable provision' means—

''(i) subsection (d), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

''(ii) subsection (e).''.

(b) INTERACTION WITH WRERA RULE.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 shall apply to a plan for any plan year in lieu of the amendments made by this section applying to sections 206(g)(4) of the Employee Retirement Income Security Act of 1974 and 436(e) of the Internal Revenue Code of 1986 only to the extent that such section produces a higher adjusted funding target attainment percentage for such plan for such year.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning on or after October 1, 2008.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 234. LOOKBACK FOR CREDIT BALANCE RULE FOR PLANS MAINTAINED BY CHARITIES.

(a) AMENDMENT TO ERISA.—Paragraph (3) of section 303(f) of the Employee Retirement Income Security Act of 1974 is amended by adding the following at the end thereof:

''(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

''(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

''(I) such ratio, as determined without regard to this subparagraph, or

''(II) the ratio for such plan for the plan year beginning after August 31, 2007, and before September 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2008, and before January 1, 2011, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

''(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3) of the Internal Revenue Code of 1986.''.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (3) of section 430(f) of the Internal Revenue Code of 1986 is amended by adding the following at the end thereof:

''(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

''(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year of a plan shall be the greater of—

''(I) such ratio, as determined without regard to this subsection, or

''(II) the ratio for such plan for the plan year beginning after August 31, 2007 and before September 1, 2008, as determined under rules prescribed by the Secretary.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary.

''(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning after August 31, 2009.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2008.

PART II—MULTIEMPLOYER PLANS

SEC. 241. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.

(a) ADJUSTMENTS.—

(1) AMENDMENT TO ERISA.—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

''(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period—

''(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

''(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

''(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

''(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

''(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

''(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

''(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary of the Treasury on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

''(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

''(B) EXPANDED SMOOTHING PERIOD.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

''(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

''(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

''(III) makes both changes described in subclauses (I) and (II) to such method.

''(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

''(I) the Secretary of the Treasury shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

''(II) such changes shall be deemed approved by such Secretary under section 302(d)(1) and section 412(d)(1) of such Code.

''(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

''(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

''(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

''(i) the plan actuary certifies that—

''(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

''(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

''(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

''(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

''(i) give notice of such application to participants and beneficiaries of the plan, and

''(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.''.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

''(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period—

''(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

''(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

''(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

''(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

''(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

''(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

''(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary on the basis of the difference between actual and expected returns

(including any difference attributable to any criminally fraudulent investment arrangement).

''(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

''(B) EXPANDED SMOOTHING PERIOD.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

''(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

''(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

''(III) makes both changes described in subclauses (I) and (II) to such method.

''(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

''(I) the Secretary shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

''(II) such changes shall be deemed approved by the Secretary under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(d)(1).

''(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

''(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

''(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

''(i) the plan actuary certifies that—

''(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

''(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

''(ii) the amendment is required as a condition of qualification under part I of subchapter D or to comply with other applicable law.

''(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

''(i) give notice of such application to participants and beneficiaries of the plan, and

''(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first day of the first plan year ending after August 31, 2008, except that any election a plan makes pursuant to this section that affects the plan's funding standard account for the first plan year beginning after August 31, 2008, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as added by this section, shall take effect on the date of enactment of this Act.

SA 3727. Mr. COBURN proposed an amendment to amendment SA 3721 proposed by Mr. BAUCUS to the bill H.R. 4851, to provide a temporary extension of certain programs, and for other purposes; as follows:

At the end of the amendment, insert the following:

TITLE II—OFFSETS FOR ACT

Subtitle A—Revenue Offset Provisions

SEC. 201. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 202. INFORMATION REPORTING FOR RENTAL PROPERTY EXPENSE PAYMENTS.

(a) IN GENERAL.—Section 6041 is amended by adding at the end the following new subsection:

''(h) TREATMENT OF RENTAL PROPERTY EXPENSE PAYMENTS.—

''(1) IN GENERAL.—For purposes of subsection (a), a person receiving rental income from real estate (other than a qualified residence) shall be considered to be engaged in a trade or business of renting property.

''(2) QUALIFIED RESIDENCE.—For purposes of paragraph (1), the term 'qualified residence' means—

''(A) the principal residence (within the meaning of section 121) of the taxpayer, and

''(B) 1 other residence of the taxpayer which is selected by the taxpayer for purposes of this subsection for the taxable year and which is used by the taxpayer as a residence (within the meaning of section 280A(d)(1)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2010.

SEC. 203. CRUDE TALL OIL INELIGIBLE FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Section 40(B)(6)(E) is amended by adding at the end the following new clause:

''(iv) EXCLUSION OF CERTAIN PROCESSED FUELS WITH A HIGH ACID CONTENT.—The term 'cellulosic biofuel' shall not include any processed fuel with an acid number greater than 25. For purposes of the preceding sentence, the term 'processed fuel' means any fuel other than a fuel—

''(I) more than 4 percent of which (determined by weight) is any combination of water and sediment, or

''(II) the ash content of which is more than 1 percent (determined by weight).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used on or after January 1, 2010.

SEC. 204. ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 3507, subsection (g) of section 32, and paragraph (7) of section 6051(a) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 6012(a) is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(2) Section 6302 is amended by striking subsection (i).

(c) EFFECTIVE DATE.—The repeals and amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 205. UNEMPLOYMENT INSURANCE PROGRAM INTEGRITY.

(a) REPORTING OF FIRST DAY OF EARNINGS TO DIRECTORY OF NEW HIRES.—

(1) IN GENERAL.—Section 453A(b)(1)(A) of the Social Security Act (42 U.S.C. 653a(b)(1)(A)) is amended by inserting ''the date services for remuneration were first performed by the employee,'' after ''of the employee,''.

(2) REPORTING FORMAT AND METHOD.—Section 453A(c) of the Social Security Act (42 U.S.C. 653a(c)) is amended by inserting '', to the extent practicable,'' after ''Each report required by subsection (b) shall''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendments made by this subsection shall take effect 6 months after the date of enactment of this Act.

(B) COMPLIANCE TRANSITION PERIOD.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part D of title IV of the Social Security Act to meet the additional requirements imposed by the amendment made by paragraph (1), the plan shall not be regarded as failing to meet such requirements before the first day of the second calendar quarter beginning after the close of the first regular session of the State legislature that begins after the effective date of such amendment. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

(b) EXTENSION AND MODIFICATION OF COLLECTION OF PAST-DUE DEBT FOR ERRONEOUS PAYMENT OF UNEMPLOYMENT COMPENSATION.—

(1) PERMANENT EXTENSION.—Subsection (f) of section 6402 is amended by striking paragraph (8).

(2) COLLECTION IN ALL STATES.—Subsection (f) of section 6402, as amended by paragraph (1), is amended by striking paragraph (3) and redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively.

(3) COLLECTION FOR REASONS OTHER THAN FRAUD.—

(A) IN GENERAL.—Paragraph (4) of section 6402(f), as redesignated by paragraph (2), is amended by striking ''due to fraud'' each place it appears.

(B) CONFORMING AMENDMENTS.—Section 6402(f) is amended—

(i) in paragraph (3), as redesignated by paragraph (2)—

(I) by striking ''or due to fraud'' in subparagraph (B), and

(II) by striking ''and due to fraud'' in subparagraph (C), and

(ii) in the heading, by striking ''RESULTING FROM FRAUD''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to refunds payable on or after the date of the enactment of this Act.

SEC. 206. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Section 402A(e)(1) (defining applicable retirement plan) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following:

''(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) (defining elective deferral) is amended to read as follows:

''(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means—

''(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

''(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 207. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 are each amended by striking ''$50'' and inserting ''$100''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 are each amended by striking ''$250,000'' and inserting ''$1,500,000''.

(b) REDUCTION WHERE CORRECTION WITHIN 30 DAYS.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(1) is amended by striking ''$15'' and inserting ''$30''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 are each amended by striking ''$75,000'' and inserting ''$250,000''.

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) is amended by striking ''$30'' and inserting ''$60''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721 are each amended by striking ''$150,000'' and inserting ''$500,000''.

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Paragraph (1) of section 6721(d) is amended—

(1) by striking ''$100,000'' in subparagraph (A) and inserting ''$500,000'',

(2) by striking ''$25,000'' in subparagraph (B) and inserting ''$75,000'', and

(3) by striking ''$50,000'' in subparagraph (C) and inserting ''$200,000''.

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) is amended by striking ''$100'' and inserting ''$250''.

(f) ADJUSTMENT FOR INFLATION.—Section 6721 is amended by adding at the end the following new subsection:

''(f) ADJUSTMENT FOR INFLATION.—

''(1) IN GENERAL.—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d) (other than paragraph (2)(A) thereof), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any amount adjusted under paragraph (1)—

''(A) is not less than $75,000 and is not a multiple of $500, such amount shall be rounded to the next lowest multiple of $500, and

''(B) is not described in subparagraph (A) and is not a multiple of $10, such amount shall be rounded to the next lowest multiple of $10.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2011.

SEC. 208. ROLLOVERS FROM ELECTIVE DEFERRAL PLANS TO ROTH DESIGNATED ACCOUNTS.

(a) IN GENERAL.—Section 402A(c) is amended by adding at the end the following new paragraph:

''(4) TAXABLE ROLLOVERS TO DESIGNATED ROTH ACCOUNTS.—

''(A) IN GENERAL.—Notwithstanding sections 402(c), 403(b)(8), and 457(e)(16), in the case of any distribution to which this paragraph applies—

''(i) there shall be included in gross income any amount which would be includible were it not part of a qualified rollover contribution,

''(ii) section 72(t) shall not apply, and

''(iii) unless the taxpayer elects not to have this clause apply, any amount required to be included in gross income for any taxable year beginning in 2010 by reason of this paragraph shall be so included ratably over the 2-taxable-year period beginning with the first taxable year beginning in 2011.

Any election under clause (iii) for any distributions during a taxable year may not be changed after the due date for such taxable year.

''(B) DISTRIBUTIONS TO WHICH PARAGRAPH APPLIES.—In the case of an applicable retirement plan which includes a qualified Roth contribution program, this paragraph shall apply to a distribution from such plan other than from a designated Roth account which is contributed in a qualified rollover contribution to the designated Roth account maintained under such plan for the benefit of the individual to whom the distribution is made.

''(C) OTHER RULES.—The rules of subparagraphs (D), (E), and (F) of section 408A(d)(3) (as in effect for taxable years beginning after 2009) shall apply for purposes of this paragraph.''.

(b) CONFORMING AMENDMENT.—Section 402A(d)(3)(A) is amended by striking ''A'' and inserting ''Except as provided in paragraph (4), a''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in plan years beginning after December 31, 2009.

Subtitle B—Pension Funding Relief

PART I—SINGLE EMPLOYER PLANS

SEC. 211. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.

(a) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Paragraph (2) of section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following subparagraph:

''(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

''(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an 'election year'), then, notwithstanding subparagraphs (A) and (B)—

''(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

''(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

''(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

''(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

''(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

''(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

''(iv) ELECTION.—

''(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

''(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

''(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury. The Secretary of the Treasury shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

''(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

''(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

''(I) give notice of the election to participants and beneficiaries of the plan, and

''(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

''(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).''.

(2) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—Section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following paragraph:

''(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

''(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

''(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

''(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

''(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

''(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'installment acceleration amount' means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

''(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

''(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

''(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

''(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

''(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

''(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

''(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

''(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

''(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

''(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

''(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'excess employee compensation' means, with respect to any employee for any plan year, the excess (if any) of—

''(I) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

''(II) $1,000,000.

''(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

''(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

''(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

''(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A of the Internal Revenue Code of 1986) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1) of such Code) for at least 5 years from the date of such grant.

''(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation provide for the application of this clause in the case of a person other than a corporation.

''(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

''(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

''(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

''(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term 'employee' includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of such Code for the taxable year ending during such calendar year, and the term 'compensation' shall include earned income of such individual with respect to such self-employment.

''(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) of such Code for the calendar year, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $1,000, such increase shall be rounded to the next lowest multiple of $1,000.

''(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

''(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

''(I) the adjusted net income (within the meaning of section 4043) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

''(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

''(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

''(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under clause (i).

''(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

''(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

''(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

''(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term 'applicable preferred stock' means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of this title).

''(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

''(i) PLAN SPONSOR.—The term ' plan sponsor' includes any member of the plan sponsor's controlled group (as defined in section 302(d)(3)).

''(ii) RESTRICTION PERIOD.—The term 'restriction period' means, with respect to any election year—

''(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

''(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

''(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

''(iv) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).''.

(3) CONFORMING AMENDMENTS.—Section 303 of such Act (29 U.S.C. 1083) is amended—

(A) in subsection (c)(1), by striking ''the shortfall amortization bases for such plan year and each of the 6 preceding plan years'' and inserting ''any shortfall amortization base which has not been fully amortized under this subsection'', and

(B) in subsection (j)(3), by adding at the end the following:

''(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).''.

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (2) of section 430(c) is amended by adding at the end the following subparagraph:

''(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

''(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an 'election year'), then, notwithstanding subparagraphs (A) and (B)—

''(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

''(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

''(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

''(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

''(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

''(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

''(iv) ELECTION.—

''(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

''(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

''(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary, and may be revoked only with the consent of the Secretary. The Secretary shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

''(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

''(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

''(I) give notice of the election to participants and beneficiaries of the plan, and

''(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

''(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).''.

(2) INCREASES IN REQUIRED CONTRIBUTIONS IF EXCESS COMPENSATION PAID.—Section 430(c) is amended by adding at the end the following paragraph:

''(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

''(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

''(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

''(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

''(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

''(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'installment acceleration amount' means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

''(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

''(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

''(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

''(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

''(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

''(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

''(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

''(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

''(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan

year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

''(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

''(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'excess employee compensation' means, with respect to any employee for any plan year, the excess (if any) of—

''(I) the aggregate amount includible in income under this chapter for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

''(II) $1,000,000.

''(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

''(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

''(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

''(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1)) for at least 5 years from the date of such grant.

''(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation provide for the application of this clause in the case of a person other than a corporation.

''(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

''(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

''(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

''(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term 'employee' includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term 'compensation' shall include earned income of such individual with respect to such self-employment.

''(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $1,000, such increase shall be rounded to the next lowest multiple of $1,000.

''(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

''(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

''(I) the adjusted net income (within the meaning of section 4043 of the Employee Retirement Income Security Act of 1974) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

''(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

''(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

''(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under clause (i).

''(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

''(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

''(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

''(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term 'applicable preferred stock' means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of title I of Employee Retirement Income Security Act of 1974).

''(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

''(i) PLAN SPONSOR.—The term ' plan sponsor' includes any member of the plan sponsor's controlled group (as defined in section 412(d)(3)).

''(ii) RESTRICTION PERIOD.—The term 'restriction period' means, with respect to any election year—

''(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

''(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

''(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

''(iv) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).''.

(3) CONFORMING AMENDMENTS.—Section 430 is amended—

(A) in subsection (c)(1), by striking ''the shortfall amortization bases for such plan year and each of the 6 preceding plan years'' and inserting ''any shortfall amortization base which has not been fully amortized under this subsection'', and

(B) in subsection (j)(3), by adding at the end the following:

''(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 212. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

''SEC. 107. APPLICATION OF EXTENDED AMORTIZATION PERIODS TO PLANS WITH DELAYED EFFECTIVE DATE.

''(a) IN GENERAL.—If the plan sponsor of a plan to which section 104, 105, or 106 of this Act applies elects to have this section apply for any eligible plan year (in this section referred to as an 'election year'), section 302 of the Employee Retirement Income Security Act of 1974 and section 412 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B) shall apply to such year in the manner described in subsection (b) or (c), whichever is specified in the election. All references in this section to 'such Act' or 'such Code' shall be to such Act or such Code as in effect before the amendments made by this subtitle and subtitle B.

''(b) APPLICATION OF 2 AND 7 RULE.—In the case of an election year to which this subsection applies—

''(1) 2-YEAR LOOKBACK FOR DETERMINING DEFICIT REDUCTION CONTRIBUTIONS FOR CERTAIN PLANS.—For purposes of applying section 302(d)(9) of such Act and section 412(l)(9) of such Code, the funded current liability percentage (as defined in subparagraph (C) thereof) for such plan for such plan year shall be such funded current liability percentage of such plan for the second plan year

preceding the first election year of such plan.

''(2) CALCULATION OF DEFICIT REDUCTION CONTRIBUTION.—For purposes of applying section 302(d) of such Act and section 412(l) of such Code to a plan to which such sections apply (after taking into account paragraph (1))—

''(A) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code shall be the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, and

''(B) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

''(c) APPLICATION OF 15-YEAR AMORTIZATION.—In the case of an election year to which this subsection applies, for purposes of applying section 302(d) of such Act and section 412(l) of such Code—

''(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code for any pre-effective date plan year beginning with or after the first election year shall be the ratio of—

''(A) the annual installments payable in each year if the increased unfunded new liability for such plan year were amortized over 15 years, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

''(B) the increased unfunded new liability for such plan year, and

''(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

''(d) ELECTION.—

''(1) IN GENERAL.—The plan sponsor of a plan may elect to have this section apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan to which section 106 of this Act applies, the plan sponsor may only elect to have this section apply to 1 eligible plan year.

''(2) AMORTIZATION SCHEDULE.—Such election shall specify whether the rules under subsection (b) or (c) shall apply to an election year, except that if a plan sponsor elects to have this section apply to 2 eligible plan years, the plan sponsor must elect the same rule for both years.

''(3) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

''(e) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year beginning in 2008 shall only be treated as an eligible plan year if the due date for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this clause.

''(2) PRE-EFFECTIVE DATE PLAN YEAR.—The term 'pre-effective date plan year' means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

''(3) INCREASED UNFUNDED NEW LIABILITY.—The term 'increased unfunded new liability' means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan's assets determined under subsection 302(c)(2) of such Act and section 412(c)(2) of such Code equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act and 412(l)(8)(B) of such Code) of the plan for the second plan year preceding the first election year of such plan.

''(4) OTHER DEFINITIONS.—The terms 'unfunded new liability' and 'current liability' shall have the meanings set forth in section 302(d) of such Act and section 412(l) of such Code.''.

(b) ELIGIBLE CHARITY PLANS.—Section 104 of the Pension Protection Act of 2006 is amended—

(1) by striking ''eligible cooperative plan'' wherever it appears in subsections (a) and (b) and inserting ''eligible cooperative plan or an eligible charity plan'', and

(2) by adding at the end the following new subsection:

''(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if the plan is maintained by more than one employer (determined without regard to section 414(c) of the Internal Revenue Code) and 100 percent of the employers are described in section 501(c)(3) of such Code.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as if included in the Pension Protection Act of 2006.

(2) ELIGIBLE CHARITY PLAN.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2007, except that a plan sponsor may elect to apply such amendments to plan years beginning after December 31, 2008. Any such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

SEC. 213. LOOKBACK FOR CERTAIN BENEFIT RESTRICTIONS.

(a) IN GENERAL.—

(1) AMENDMENT TO ERISA.—Section 206(g)(9) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

''(D) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

''(i) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

''(I) such percentage, as determined without regard to this subparagraph, or

''(II) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

''(iii) APPLICABLE PROVISION.—For purposes of this subparagraph, the term 'applicable provision' means—

''(I) paragraph (3), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary of the Treasury, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

''(II) paragraph (4).''.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 436(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(3) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

''(A) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

''(i) such percentage, as determined without regard to this paragraph, or

''(ii) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary.

''(B) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(i) subparagraph (A) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(ii) subparagraph (A)(ii) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary.

''(C) APPLICABLE PROVISION.—For purposes of this paragraph, the term 'applicable provision' means—

''(i) subsection (d), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

''(ii) subsection (e).''.

(b) INTERACTION WITH WRERA RULE.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 shall apply to a plan for any plan year in lieu of the amendments made by this section applying to sections 206(g)(4) of the Employee Retirement Income Security Act of 1974 and 436(e) of the Internal Revenue Code of 1986 only to the extent that such section produces a higher adjusted funding target attainment percentage for such plan for such year.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning on or after October 1, 2008.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 214. LOOKBACK FOR CREDIT BALANCE RULE FOR PLANS MAINTAINED BY CHARITIES.

(a) AMENDMENT TO ERISA.—Paragraph (3) of section 303(f) of the Employee Retirement Income Security Act of 1974 is amended by adding the following at the end thereof:

''(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

''(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

''(I) such ratio, as determined without regard to this subparagraph, or

''(II) the ratio for such plan for the plan year beginning after August 31, 2007, and before September 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2008, and before January 1, 2011, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

''(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3) of the Internal Revenue Code of 1986.''.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (3) of section 430(f) of the Internal Revenue Code of 1986 is amended by adding the following at the end thereof:

''(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

''(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year of a plan shall be the greater of—

''(I) such ratio, as determined without regard to this subsection, or

''(II) the ratio for such plan for the plan year beginning after August 31, 2007 and before September 1, 2008, as determined under rules prescribed by the Secretary.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary.

''(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning after August 31, 2009.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2008.

PART II—MULTIEMPLOYER PLANS

SEC. 221. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.

(a) ADJUSTMENTS.—

(1) AMENDMENT TO ERISA.—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

''(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period—

''(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

''(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

''(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

''(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

''(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

''(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

''(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary of the Treasury on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

''(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

''(B) EXPANDED SMOOTHING PERIOD.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

''(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

''(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

''(III) makes both changes described in subclauses (I) and (II) to such method.

''(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

''(I) the Secretary of the Treasury shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

''(II) such changes shall be deemed approved by such Secretary under section 302(d)(1) and section 412(d)(1) of such Code.

''(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

''(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

''(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

''(i) the plan actuary certifies that—

''(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

''(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

''(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

''(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

''(i) give notice of such application to participants and beneficiaries of the plan, and

''(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.''.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

''(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period —

''(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

''(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

''(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

''(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

''(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

''(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

''(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

''(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

''(B) EXPANDED SMOOTHING PERIOD.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change

its asset valuation method in a manner which—

''(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

''(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

''(III) makes both changes described in subclauses (I) and (II) to such method.

''(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

''(I) the Secretary shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

''(II) such changes shall be deemed approved by the Secretary under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(d)(1).

''(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

''(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

''(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

''(i) the plan actuary certifies that—

''(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

''(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

''(ii) the amendment is required as a condition of qualification under part I of subchapter D or to comply with other applicable law.

''(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

''(i) give notice of such application to participants and beneficiaries of the plan, and

''(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first day of the first plan year ending after August 31, 2008, except that any election a plan makes pursuant to this section that affects the plan's funding standard account for the first plan year beginning after August 31, 2008, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as added by this section, shall take effect on the date of enactment of this Act.

Subtitle C—Discretionary Spending

SEC. 231. PURPOSE.

The purpose of this subtitle is to offset spending in this Act with discretionary spending.

SEC. 232. PAYMENTS TO DECEASED INDIVIDUALS AND ESTATES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture shall not provide to any deceased individual or estate of such an individual any agricultural payment under Public Law 110-246, or any law amended by this law, after the date that is 1 program year (as determined by the Secretary with respect to the applicable payment program) after the date of death of the individual.

(b) REPORT.—As soon as practicable after the date of enactment of this Act, and annually thereafter, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and post on the website of the Department of Agriculture, a report that describes, for the period covered by the report—

(1) the number and aggregate amount of agricultural payments described in subsection (a) provided to deceased individuals and estates of deceased individuals; and

(2) for each such payment, the length of time the estate of the deceased individual that received the payment has been open.

SEC. 233. RESCINDING 9-YEAR OLD UNUSED EARMARKS.

(a) DEFINITION.—In this section, the term ''earmark'' means the following:

(1) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(2) A congressional earmark, as defined for purposes of Rule XXI of the Rules of the House of Representatives.

(b) RESCISSION.—Any earmark of funds provided for any Federal agency with more than 90 percent of the appropriated amount remaining available for obligation at the end of the 9th fiscal year following the fiscal year in which the earmark was made available is rescinded effective at the end of that 9th fiscal year, except that the agency head may delay any such rescission if the agency head determines that an additional obligation of the earmark is likely to occur during the following 12-month period.

(c) IDENTIFICATION AND REPORT.—

(1) AGENCY IDENTIFICATION.—Each Federal agency shall identify and report every project that is an earmark with an unobligated balance at the end of each fiscal year to the Director of OMB.

(2) ANNUAL REPORT.—The Director of OMB shall submit to Congress and publically post on the website of OMB an annual report that includes—

(A) a listing and accounting for earmarks with unobligated balances summarized by agency including the amount of the original earmark, amount of the unobligated balance, and the year when the funding expires, if applicable;

(B) the number of rescissions resulting from this section and the annual savings resulting from this section for the previous fiscal year; and

(C) a listing and accounting for earmarks provided for Federal agencies scheduled to be rescinded at the end of the current fiscal year.

SEC. 234. OVER-THE-ROAD BUS SECURITY ASSISTANCE (PRESIDENTIAL TERMINATION).

(a) IN GENERAL.—Section 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1182) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 121 Stat. 266) is amended—

(1) in the table of contents in section 1(b), by striking the item relating to section 1532;

(2) by redesignating sections 1533 through 1542 as sections 1532 through 1541, respectively;

(3) in section 1531(e)(1)(E), by striking ''section 1534'' and inserting ''section 1533''; and

(4) in section 1534(c)(4) (6 U.S.C. 1185(c)(4)), as so redesignated, by striking ''and eligible recipients under section 1532''.

(c) APPLICABILITY.—Notwithstanding the amendment made by subsection (a), any grant made under section 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1532) before the date of enactment of this Act shall remain in effect under the terms and for the duration of the grant.

SEC. 235. RESOURCE CONSERVATION AND DEVELOPMENT (PRESIDENTIAL TERMINATION).

Subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451 et seq.) is repealed.

SEC. 236. BROWNFIELDS REVITALIZATION FUNDING (PRESIDENTIAL TERMINATION).

Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604) is amended by striking subsection (k).

SEC. 237. ENVIRONMENTAL INFRASTRUCTURE CONSTRUCTION PROJECTS (PRESIDENTIAL TERMINATION).

The Water Resources Development Act of 2007 (Public Law 110–114) is amended by repealing the following sections:

(1) Section 5039 (121 Stat. 1206).
(2) Section 5061 (121 Stat. 1215).
(3) Section 5065 (121 Stat. 1217).
(4) Section 5082 (121 Stat. 1226).
(5) Section 5085 (121 Stat. 1228).

SEC. 238. CAPITAL GRANTS FOR RAIL LINE RELOCATION PROJECTS (PRESIDENTIAL TERMINATION).

Section 20154 of title 49, United States Code, is repealed.

SEC. 239. RESCISSIONS FROM THE DEPARTMENT OF COMMERCE (HOUSE PASSED).

There are rescinded $111,500,000 from the Department of Commerce under the heading ''NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION'', under the subheading ''DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM'' to be derived from unobligated balances made available under this heading in title II of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 128).

SEC. 240. RESCISSIONS FROM THE DEPARTMENT OF TRANSPORTATION (HOUSE PASSED).

There are rescinded $44,000,000 from the Department of Transportation under the heading ''NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'', under the subheading ''CONSUMER ASSISTANCE TO RECYLE AND SAVE PROGRAM'' to be derived from unobligated balances made available in title XIII of Public Law 111–32 and in Public Law 111–47.

SEC. 241. RESCISSIONS FROM THE FOOD AND NUTRITION SERVICE OF THE DEPARTMENT OF AGRICULTURE (HOUSE PASSED).

There are rescinded $361,825,000 from the Department of Agriculture under the heading ''FOOD AND NUTRITION SERVICE'', under

the subheading ''SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)'' to be derived from unobligated balances available from amounts placed in reserve in title I of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115).

SEC. 242. RESCISSION FROM THE RURAL DEVELOPMENT PROGRAM OF THE DEPARTMENT OF AGRICULTURE (HOUSE PASSED).

There are rescinded $102,675,000 from the Department of Agriculture under the heading ''RURAL DEVELOPMENT PROGRAMS'' to be derived from the unobligated balances of funds that were provided for such accounts in prior appropriation Acts (other than Public Law 111–5) and that were designated by the Congress in such Acts as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 243. DISPOSAL OF $4 BILLION WORTH OF EXCESS, SURPLUS, UNDERPERFORMING, AND UNNEEDED FEDERAL PROPERTY.

(a) IN GENERAL.—The Director of the Office of Management and Budget, in consultation with the heads of executive agencies, before FY 2011, shall dispose of up to $4,000,000,000 in real property that is—

(1) a parcel of real property under the administrative jurisdiction of the Federal Government that is—

(A) excess;

(B) surplus;

(C) underperforming; or

(D) otherwise not meeting the needs of the Federal Government, as determined by the Director; and

(2) a building or other structure located on real property described under paragraph (1).

(b) EXCLUSION.—The disposal of real property under this section excludes any parcel of real property or building or other structure located on such real property that is to be closed or realigned under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(c) REPORTS.—The Director shall provide an itemized report to Congress of the real property disposed of, including the savings and revenues resulting from such disposals and the reasons each property was chosen and how it was disposed.

SEC. 244. ELIMINATION OF EXCESSIVE ADMINISTRATION AND WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS, AT THE DEPARTMENT OF LABOR AND OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Notwithstanding any other provision of Federal law, the Secretary of Labor and the heads of other Federal agencies shall consolidate all job training and employment programs carried out through the Department of Labor or any of those Federal agencies. In carrying out the consolidated programs, the Secretary of Labor shall reduce the cost of administering such programs.

(b) DEFINITIONS.—In this section:

(1) FEDERAL AGENCY.—The term ''Federal agency'' includes the Department of Veterans Affairs, the Department of Education, the Department of Health and Human Services, the Department of Housing and Urban Development, the Department of Commerce, the Department of Homeland Security, and the Department of the Interior.

(2) JOB TRAINING AND EMPLOYMENT PROGRAM.—The term ''job training and employment program'' includes the programs carried out under subtitle B of title I, section 167, and section 173A, of the Workforce Investment Act of 1998 (42 U.S.C. 2811 et seq., 2912, and 2918a).

SEC. 245. REPORT ON FUNDING FOR EXCESSIVE ADMINISTRATION, WASTEFUL PROJECTS, OR DUPLICATIVE PROJECTS AT THE DEPARTMENT OF LABOR AND OTHER FEDERAL AGENCIES.

(a) PURPOSE.—The purpose of this section is to identify accounts from which funds could be rescinded, to assist in offset the costs of labor spending programs such as unemployment insurance programs with a specific focus on the Department of Labor.

(b) STUDY.—The Secretary of Labor and the head of every other Federal agency shall conduct a study in which the head of the agency identifies—

(1) each account of the agency that the head estimates will have unobligated funds at the end of the program year ending after the date of enactment of this Act, and the amount of the unobligated funds estimated for each such account; and

(2) each account of the agency that the head determines is overfunded (due to funding for excessive administration, wasteful projects, or duplicative projects), and the amount of the overfunding for each such account.

(c) REPORT.—Not later than 30 days after the date of enactment of this Act, the head of each Federal agency shall submit to Congress a report containing the results of the study, and make the report publicly available on the Web site of the agency.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, April 27, 2010, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nominations of Philip D. Moeller and Cheryl A. LaFleur, to be Members of the Federal Energy Regulatory Commission.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Amanda_kelly@energy.senate.gov.

For further information, please contact Sam Fowler or Amanda Kelly.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests. The hearing will be held on Wednesday, April 28, 2010, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 1241, to amend Public Law 106–206 to direct the Secretary of the Interior and the Secretary of Agriculture to require annual permits and assess annual fees for commercial filming activities on Federal land for film crews of 5 persons or fewer;

S. 1571 and H.R. 1043, to provide for a land exchange involving certain National Forest System land in the Mendocino National Forest in the State of California, and for other purposes;

S. 2762, to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, and for other purposes;

S. 3075, to withdraw certain Federal land and interests in that land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws;

S. 3185, to require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for the Te-moak Tribe of Western Shoshone Indians of Nevada, and for other purposes; and

H.R. 86, to eliminate an unused lighthouse reservation, provide management consistency by incorporating the rocks and small islands along the coast of Orange County, California, into the California Coastal National Monument managed by the Bureau of Land Management, and meet the original Congressional intent of preserving Orange County's rocks and small islands, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to allison_seyferth@energy.senate.gov.

For further information, please contact David Brooks or Allison Seyferth.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 14, 2010, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 14, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. WARNER. 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 April 14, 2010, at 10 a.m. in room 406 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to

meet during the session of the Senate on April 14, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Using Unemployment Insurance to Help Americans Get Back to Work: Creating Opportunities and Overcoming Challenges.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on April 14, 2010, at 9:30 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Oversight of the Department of Justice.''

The PRESIDING OFFICER. Without objection, it is so ordered.

EUROPEAN AFFAIRS SUBCOMMITTEE

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 14, 2010, at 2:40 p.m., to hold a European Affairs subcommittee hearing entitled ''Unfinished Business in Southeast Europe.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on April 14, 2010, at 2:30 p.m. to conduct a hearing entitled ''Deployed Federal Civilians: Advancing Security and Opportunity in Afghanistan.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management support of the Committee on Armed Services be authorized to meet during the session of the Senate on April 14, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. WARNER. 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 april 14, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff be allowed floor privileges during the consideration of the pending bill: Randy Aussenberg, Claire Green, and Dustin Stevens.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL CONGENITAL DIAPHRAGMATIC HERNIA AWARENESS DAY

Mr. CASEY. I ask unanimous consent that the Judiciary Committee be discharged from further consideration, and the Senate now proceed to S. Res. 204.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 204) designating March 31, 2010, as ''National Congenital Diaphragmatic Hernia Awareness Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. 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. 204) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 204

Whereas the congenital diaphragmatic hernia birth defect is one of the most prevalent, life-threatening birth defects in the United States;

Whereas the congenital diaphragmatic hernia birth defect is a severe, often deadly birth defect that has a devastating impact, in both human and economic terms, affecting equally people of all races, sexes, nationalities, geographic locations, and income levels;

Whereas the congenital diaphragmatic hernia birth defect occurs in 1 in every 2,000 live births in the United States and accounts for 8 percent of all major congenital anomalies;

Whereas, in 2004, there were approximately 4,115,590 live births in the United States, and in approximately 1,800 of those live births, the congenital diaphragmatic hernia birth defect occurred, causing countless additional friends, loved ones, spouses, and caregivers to shoulder the physical, emotional, and financial burdens the congenital diaphragmatic hernia birth defect causes;

Whereas there is no genetic indicator or any other indicator available to predict the occurrence of the congenital diaphragmatic hernia birth defect, other than through the performance of an ultrasound during pregnancy;

Whereas there is no consistent treatment or cure for the congenital diaphragmatic hernia birth defect;

Whereas the congenital diaphragmatic hernia birth defect is a leading cause of neonatal death in the United States;

Whereas 50 percent of the patients who do survive the congenital diaphragmatic hernia birth defect have residual health issues, resulting in a severe strain on pediatric medical resources and on the delivery of health care services in the United States;

Whereas proactive diagnosis and the appropriate management and care of fetuses afflicted with the congenital diaphragmatic hernia birth defect minimize the incidence of emergency situations resulting from the birth defect and dramatically improve survival rates among people with the birth defect;

Whereas neonatal medical care is one of the most expensive types of medical care provided in the United States and patients with the congenital diaphragmatic hernia birth defect stay in intensive care for approximately 60 to 90 days, costing millions of dollars, utilizing blood from local blood banks, and requiring the most technically advanced medical care;

Whereas the congenital diaphragmatic hernia birth defect is a birth defect that causes damage to the lungs and the cardiovascular system;

Whereas patients with the congenital diaphragmatic hernia birth defect may have long-term health issues such as respiratory insufficiency, gastroesophageal reflux, poor growth, neurodevelopmental delay, behavior problems, hearing loss, hernia recurrence, and orthopedic deformities;

Whereas the severity of the symptoms and outcomes of the congenital diaphragmatic hernia birth defect and the limited public awareness of the birth defect cause many patients to receive substandard care, to forego regular visits to physicians, and not to receive good health or therapeutic management that would help avoid serious complications in the future, compromising the quality of life of those patients;

Whereas people suffering from chronic, life-threatening diseases and birth defects, similar to the congenital diaphragmatic hernia birth defect, and family members of those people are predisposed to depression and the resulting consequences of depression because of anxiety over the possible pain, suffering, and premature death that people with such diseases and birth defects may face;

Whereas the Senate and taxpayers of the United States want treatments and cures for disease and hope to see results from investments in research conducted by the National Institutes of Health and from initiatives such as the National Institutes of Health Roadmap to the Future;

Whereas the congenital diaphragmatic hernia birth defect is an example of how collaboration, technological innovation, scientific momentum, and public-private partnerships can generate therapeutic interventions that directly benefit the people and families suffering from the congenital diaphragmatic hernia birth defect;

Whereas collaboration, technological innovation, scientific momentum, and public-private partnerships can save billions of Federal dollars under Medicare, Medicaid, and other programs for therapies, and early intervention will increase survival rates among people suffering from the congenital diaphragmatic hernia birth defect;

Whereas improvements in diagnostic technology, the expansion of scientific knowledge, and better management of care for patients with the congenital diaphragmatic hernia birth defect already have increased survival rates in some cases;

Whereas there is still a need for more research and increased awareness of the congenital diaphragmatic hernia birth defect and for an increase in funding for that research in order to provide a better quality of life to survivors of the congenital diaphragmatic hernia birth defect, and more optimism for the families and health care professionals who work with children with the birth defect;

Whereas there are thousands of volunteers nationwide dedicated to expanding research,

fostering public awareness and understanding, educating patients and their families about the congenital diaphragmatic hernia birth defect to improve their treatment and care, providing appropriate moral support, and encouraging people to become organ donors; and

Whereas volunteers engage in an annual national awareness event held on March 31, making that day an appropriate time to recognize National Congenital Diaphragmatic Hernia Awareness Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 31, 2010, as ''National Congenital Diaphragmatic Hernia Awareness Day'';

(2) supports the goals and ideals of a national day to raise public awareness and understanding of the congenital diaphragmatic hernia birth defect;

(3) recognizes the need for additional research into a cure for the congenital diaphragmatic hernia birth defect; and

(4) encourages the people of the United States and interested groups to support National Congenital Diaphragmatic Hernia Awareness Day through appropriate ceremonies and activities, to promote public awareness of the congenital diaphragmatic hernia birth defect, and to foster understanding of the impact of the disease on patients and their families.

HONORING BLACKSTONE VALLEY TOURISM COUNCIL

Mr. CASEY. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 468, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 468) honoring the Blackstone Valley Tourism Council on the celebration of its 25th anniversary.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 468) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 468

Whereas, on April 8, 2010, the Blackstone Valley Tourism Council will celebrate the 25th anniversary of its founding;

Whereas, since 1985, the Blackstone Valley Tourism Council has been at the forefront of sustainable destination development, community building, resiliency, education, and scholarly research;

Whereas the Blackstone Valley Tourism Council is a non-profit corporation registered as a 501(c)(3) educational organization and is authorized under Section 42–63.1–5 of the Rhode Island General Laws as the State-designated regional tourism development agency for the Blackstone Valley of Rhode Island;

Whereas the development region of the Blackstone Valley Tourism Council follows the length and width of the Blackstone River Watershed, from the many tributaries in southern Massachusetts, to the end of the river at the headwaters of the Narragansett Bay in Rhode Island;

Whereas the Blackstone Valley Tourism Council represents the Rhode Island cities of Pawtucket, Central Falls, and Woonsocket, and towns of Cumberland, Lincoln, North Smithfield, Smithfield, Glocester, and Burrillville;

Whereas the Blackstone Valley is the birthplace of the American Industrial Revolution that began in 1790 in Pawtucket, Rhode Island, when Samuel Slater began textile manufacturing in a wooden mill on the banks of the Blackstone River;

Whereas, since its beginning, the Blackstone Valley Tourism Council has worked to develop, promote, and expand the economic and community development base for the cities and towns in the Blackstone Valley to create a viable visitor and cultural destination that preserves the historic heritage of the region;

Whereas the Blackstone Valley Tourism Council works as an interpreter and educator of the history and ecology of the Blackstone River, initiates ongoing international relationships of major importance to the region, provides input on future riverfront and economic development, and develops various recreational activities;

Whereas the work that the Blackstone Valley Tourism Council accomplishes benefits from its partnerships with local social and community development organizations, municipalities, regional and State economic development organizations, educational institutions, and National and international entities;

Whereas the Blackstone Valley Tourism Council was the first recipient of the Ulysses Prize from the United Nations World Tourism Organization (UNWTO) that merits distinction for innovative contributions to tourism policy, sustainable tourism planning, environmental protection and new technologies, and in 2006, the Council received the UNWTO.Sbest Certification in tourism governance, the only organization in the United States to earn this certification; and

Whereas, in 2008, the World Travel and Tourism Council (WTTC) recognized the Blackstone Valley Tourism Council with its Tourism for Tomorrow Destination Award, a prestigious sustainable tourism development award, in recognition of the integrated, community-centered, resilient approach of the Council to tourism development and community building: Now, therefore, be it

Resolved, That the Senate—

(1) honors the Blackstone Valley Tourism Council on the celebration of its 25th anniversary; and

(2) wishes the Council continued success.

NATIONAL 9–1–1 EDUCATION MONTH

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 482 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 482) designating April 2010 as ''National 9–1–1 Education Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 482) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 482

Whereas 9–1–1 is nationally recognized as the number to call in an emergency to receive immediate help from police, fire, emergency medical services, or other appropriate emergency response entities;

Whereas in 1967, the President's Commission on Law Enforcement and Administration of Justice recommended that a ''single number should be established'' nationwide for reporting emergency situations, and other Federal Government agencies and various governmental officials also supported and encouraged the recommendation;

Whereas in 1968, the American Telephone and Telegraph Company (AT&T) announced that it would establish the digits 9–1–1 as the emergency code throughout the United States;

Whereas 9–1–1 was designated by Congress as the national emergency call number under the Wireless Communications and Public Safety Act of 1999 (Public Law 106–81; 113 Stat. 1286);

Whereas section 102 of the ENHANCE 911 Act of 2004 (47 U.S.C. 942 note) declared an enhanced 9–1–1 system to be ''a high national priority'' and part of ''our Nation's homeland security and public safety'';

Whereas it is important that policy makers at all levels of government understand the importance of 9–1–1, how the system works today, and the steps that are needed to modernize the 9–1–1 system;

Whereas the 9–1–1 system is the connection between the eyes and ears of the public and the emergency response system in the United States and is often the first place emergencies of all magnitudes are reported, making 9–1–1 a significant homeland security asset;

Whereas more than 6,000 9–1–1 public safety answering points serve more than 3,000 counties and parishes throughout the United States;

Whereas dispatchers at public safety answering points answer more than 200,000,000 9–1–1 calls each year in the United States;

Whereas a growing number of 9–1–1 calls are made using wireless and Internet Protocol-based communications services;

Whereas a growing segment of the population, including the deaf, hard of hearing, deaf-blind, and individuals with speech disabilities are increasingly communicating with nontraditional text, video, and instant messaging communications services and expect those services to be able to connect directly to 9–1–1;

Whereas the growth and variety of means of communication, including mobile and Internet Protocol-based systems, impose challenges for accessing 9–1–1 and implementing an enhanced 9–1–1 system and require increased education and awareness about the capabilities of different means of communication;

Whereas numerous other N–1–1 and 800 number services exist for nonemergency situations, including 2–1–1, 3–1–1, 5–1–1, 7–1–1, 8–

1–1, poison control centers, and mental health hotlines, and the public needs to be educated on when to use those services in addition to or instead of 9–1–1;

Whereas international visitors and immigrants make up an increasing percentage of the United States population each year, and visitors and immigrants may have limited knowledge of our emergency calling system;

Whereas people of all ages use 9–1–1 and it is critical to educate those people on the proper use of 9–1–1;

Whereas senior citizens are at high risk for needing to access to 9–1–1 and many senior citizens are learning to use new technology;

Whereas thousands of 9–1–1 calls are made every year by children properly trained in the use of 9–1–1, which saves lives and underscores the critical importance of training children early in life about 9–1–1;

Whereas the 9–1–1 system is often misused, including by the placement of prank and nonemergency calls;

Whereas misuse of the 9–1–1 system results in costly and inefficient use of 9–1–1 and emergency response resources and needs to be reduced;

Whereas parents, teachers, and all other caregivers need to play an active role in 9–1–1 education for children, but will do so only after being first educated themselves;

Whereas there are many avenues for 9–1–1 public education, including safety fairs, school presentations, libraries, churches, businesses, public safety answering point tours or open houses, civic organizations, and senior citizen centers;

Whereas children, parents, teachers, and the National Parent Teacher Association contribute importantly to the education of children about the importance of 9–1–1 through targeted outreach efforts to public and private school systems;

Whereas we as a Nation should strive to host at least 1 educational event regarding the proper use of 9–1–1 in every school in the country every year;

Whereas programs to promote proper use of 9–1–1 during National 9–1–1 Education Month could include—

(1) public awareness events, including conferences and media outreach, training activities for parents, teachers, school administrators, other caregivers and businesses;

(2) educational events in schools and other appropriate venues; and

(3) production and distribution of information about the 9–1–1 system designed to educate people of all ages on the importance and proper use of 9–1–1; and

Whereas the people of the United States deserve the best education regarding the use of 9–1–1: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2010 as ''National 9–1–1 Education Month''; and

(2) urges Government officials, parents, teachers, school administrators, caregivers, businesses, nonprofit organizations, and the people of the United States to observe the month with appropriate ceremonies, training events, and activities.

ORDERS FOR THURSDAY, APRIL 15, 2010

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, April 15; 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 therein for up to 10 minutes each, with the majority controlling the first 30 minutes and the Republicans controlling the final 30 minutes; that following morning business, the Senate resume consideration of H.R. 4851, the Continuing Extension Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CASEY. Mr. President, rollcall votes are expected to occur throughout the day in an effort to complete action on the bill. As a reminder, cloture motions were filed on the substitute and the bill. The filing deadline for first-degree amendments is 1 p.m. If we are unable to complete the bill tomorrow, we will have a cloture vote on the substitute amendment Friday morning.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CASEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8 p.m., adjourned until Thursday, April 15, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

EDWARD CARROLL DUMONT, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT, VICE PAUL R. MICHEL, RETIRING.

JOHN A. GIBNEY, JR., OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA, VICE ROBERT E. PAYNE, RETIRED.

DEPARTMENT OF JUSTICE

DONALD J. CAZAYOUX, JR., OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE DAVID R. DUGAS.

PAMELA COTHRAN MARSH, OF FLORIDA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS, VICE GREGORY ROBERT MILLER.

ZANE DAVID MEMEGER, OF PENNSYLVANIA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS, VICE PATRICK LEO MEEHAN.

PETER J. SMITH, OF PENNSYLVANIA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS, VICE THOMAS A. MARINO, RESIGNED.

EDWARD L. STANTON, III, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS, VICE DAVID F. KUSTOFF, RESIGNED.

JOHN F. WALSH, OF COLORADO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLORADO FOR THE TERM OF FOUR YEARS, VICE TROY A. EID, RESIGNED.

STEPHEN R. WIGGINTON, OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS, VICE RONALD J. TENPAS, RESIGNED.

HENRY LEE WHITEHORN, SR., OF LOUISIANA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE WILLIAM R. WHITTINGTON, RESIGNED.

ARTHUR DARROW BAYLOR, OF ALABAMA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS, VICE JESSE SEROYER, JR.

MICHAEL ROBERT BLADEL, OF IOWA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS, VICE CHARLES E. BEACH, SR.

KEVIN ANTHONY CARR, OF WISCONSIN, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF WISCONSIN FOR THE TERM OF FOUR YEARS, VICE WILLIAM P. KRUZIKI, RESIGNED.

DARRYL KEITH MCPHERSON, OF ILLINOIS, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS, VICE KIM RICHARD WIDUP.

KEVIN CHARLES HARRISON, OF LOUISIANA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE WILLIAM CAREY JENKINS, RETIRED.

FOREIGN SERVICE

THE FOLLOWING—NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA.

DEPARTMENT OF STATE

JUDITH HINSHAW SEMILOTA, OF ILLINOIS

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA.

DEPARTMENT OF AGRICULTURE

ELIZABETH A. AUTRY, OF VIRGINIA
MICHAEL G. FRANCOM, OF MARYLAND
CARLOS A. GONZALEZ, OF VIRGINIA
ROBIN H. GRAY, OF VIRGINIA
M. MELINDA MEADOR, OF VIRGINIA
COREY W. J. PICKELSIMER, OF VIRGINIA
VALERIE RALPH, OF VIRGINIA
JORGE SANCHEZ, OF THE DISTRICT OF COLUMBIA
REY S. SANTELLA, OF VIRGINIA
GERALD H. SMITH, OF MARYLAND
KELLY A. STANGE, OF THE DISTRICT OF COLUMBIA
A. ELISABETH WAGNER, OF GEORGIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA.

DEPARTMENT OF STATE

EMILIA R. ADAMS, OF TENNESSEE
EMILY CALDWELL ANDERSON, OF NORTH CAROLINA
STEVEN W. ANDERSON, OF NORTH CAROLINA
DAVID E. ARNOLD, OF FLORIDA
QUENTIN R. BARBER, OF INDIANA
OLGA ELENA BASHBUSH, OF VIRGINIA
ALISON WILLIAMS BAUERLEIN, OF THE DISTRICT OF COLUMBIA
STEWART WILLIAM BEITZ, OF SOUTH CAROLINA
MONICA SUE BLAND, OF NEBRASKA
ASHLEY LORRAINE BRADY, OF TEXAS
KYLA LAUREN BROOKE, OF CALIFORNIA
MATTHEW K. BUNT, OF WASHINGTON
TODD V. CHRISTIANSEN, OF FLORIDA
MARISA NICOLE COHRS, OF WASHINGTON
KELLY ANN COHUN, OF VERMONT
ELLEN ANNE COLLERAN, OF MASSACHUSETTS
BARBARA HERMINIA CORDERO, OF FLORIDA
CYNDEE J. CROOK, OF WASHINGTON
LYN DEBEVOISE, OF CALIFORNIA
ROBERT F. DOYLE III, OF THE DISTRICT OF COLUMBIA
JEFFRY W. DUFFY, OF PENNSYLVANIA
GOTTLIEB JOHANNES DUWAN, OF VIRGINIA
HEATHER JUNE FARRAR, OF MARYLAND
KANISHKA GANGOPADHYAY, OF MARYLAND
MATTHEW J. GARRETT, OF KANSAS
JEFFREY D. GRINGER, OF WASHINGTON
MATTHEW M. HABINOWSKI III, OF NEW HAMPSHIRE
PAMELA JANE HACK, OF NEW HAMPSHIRE
ANDREW HALUS, OF PENNSYLVANIA
SEAN R. HANTAK, OF ILLINOIS
ANN MCCAMISH HARDMAN, OF KENTUCKY
BRYAN RH. HARRISON, OF ILLINOIS
IAN HAYWARD, OF THE DISTRICT OF COLUMBIA
HENRY ALEXANDER HENEGAR III, OF GEORGIA
CHELSIA CHUNSA HETRICK, OF NEW MEXICO
MARILYN J. HOLLERAN, OF FLORIDA
BRANDON ALLEN HUDSPETH, OF TEXAS
LILIANE VERLAGE HUDSPETH, OF TEXAS
BRANDI N. JAMES, OF GEORGIA
GREGORY B. KELLER, OF ARIZONA
ABDUL-RAHMAN KENYATTA, OF FLORIDA
MICHELE ANN KIMPEL GUZMAN, OF CALIFORNIA
DAMON PATRICK KITTERMAN, OF VIRGINIA
SCOTT ERIC KOFMEHL, OF PENNSYLVANIA
JUSTIN LEE KOLBECK, OF CALIFORNIA
ADAM JESSE LENERT, OF TEXAS
AARON I. MARTZ, OF TEXAS
WOSSENYELESH MAZENGIA, OF THE DISTRICT OF COLUMBIA
CAMERON DAVID MCGLOTHLIN, OF NORTH CAROLINA
LUIS F. MENDEZ, OF NEW JERSEY
JOHANNA R. MEREJO, OF NEW JERSEY
LORI J. MICHAELSON, OF THE DISTRICT OF COLUMBIA
ROYA MILLER, OF PENNSYLVANIA
BROOKE SUMMERS MOPPERT, OF FLORIDA
DAVID VAUGHAN MUEHLKE, OF NEW HAMPSHIRE
DAVID R. MYERS, OF THE DISTRICT OF COLUMBIA
CHRISTOPHER MARKLEY NYCE, OF CALIFORNIA
TULA CRUZ ORUM, OF CALIFORNIA
C. DARREN PERDUE, OF VIRGINIA
GREGORY WILLIAM PFLEGER, JR., OF VIRGINIA
SUSAN M. PLOTT, OF TEXAS
BRIANNA ELIZABETH POWERS, OF FLORIDA
ROBYN KATHERINE PRINZ, OF CALIFORNIA
ROBERT ERIC REEVES, OF VIRGINIA
AJ REI-PERRINE, OF WASHINGTON
VICTORIA CHARLOTTE REPPERT, OF MASSACHUSETTS
JOHN V. RHATIGAN, OF NEW YORK
KEVIN J. ROSIER, OF LOUISIANA
MELISSA A. SAN MIGUEL, OF CALIFORNIA
AMY CHRISTINE SENNEKE, OF ILLINOIS
EMILY C. SHAFFER, OF VIRGINIA

BRIAN LOYD SHELBOURN, OF TEXAS
SHENOA LIAN SIMPSON, OF VIRGINIA
ANNE M. SLACK, OF NEW HAMPSHIRE
ESTHER PAN SLOANE, OF NEW YORK
JOSHUA TEMBLADOR, OF NEW YORK
KAREEN KAY-ANN THORPE, OF NEW YORK
VERONICA TORRES, OF ILLINOIS
PEI J. TSAI, OF WASHINGTON
MICHAEL JOHN WHIPPLE, OF TEXAS
DAVID W. WHITTED, OF GEORGIA
MATTHEW DOUGLAS WHITTON, OF VIRGINIA
ROSALYN NUNEZ WIESE, OF FLORIDA
ANGELINA MARIE WILKINSON, OF FLORIDA
KATHLEEN ANNE YU, OF MARYLAND

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

BENJAMIN J. ABBOTT, OF NEW YORK
VANESSA GRACE ACKER, OF TEXAS
AVERY ALPHA, OF THE DISTRICT OF COLUMBIA
MATTHEW J. ARMSTRONG, OF VIRGINIA
CASSANDRA L. BABILYA, OF VIRGINIA
GOLDEN BAKER, OF THE DISTRICT OF COLUMBIA
MEGAN A. BAKER, OF THE DISTRICT OF COLUMBIA
MORGAN COLLIN BAKER, OF VIRGINIA
BLAKE A. BALCH, OF VIRGINIA
PATRICK BALL, OF TEXAS
WILLIAM BARNA, OF WASHINGTON
SAMUEL M. BARRIENTOS, OF CALIFORNIA
STEVEN JAY BARTLETT, OF VIRGINIA
RICHARD E. BARTON, OF VIRGINIA
ALISON L. BEHLING, OF WEST VIRGINIA
JOSEPH STEPHEN BERNATH, OF THE DISTRICT OF COLUMBIA
ERICK W. BERTRAND, OF VIRGINIA
SOMER BESSIRE-BRIERS, OF VIRGINIA
RICHA SONI BHALA, OF ILLINOIS
ALISSA BIBB, OF VIRGINIA
D. JAMES BJORKMAN, OF UTAH
JANE BLAIR, OF THE DISTRICT OF COLUMBIA
BENJAMIN B. BORAAS, OF VIRGINIA
STEPHANIE R. BOVEN, OF KENTUCKY
CYNTHIA BOWER, OF VIRGINIA
ROYCE MELBERT BRANCH II, OF TEXAS
ERIC G. BRAY, OF THE DISTRICT OF COLUMBIA
CHERYL A. BREEDLOVE, OF VIRGINIA
ALISON SARAH BROWN, OF WASHINGTON
EDGAR A. BROWN, OF VIRGINIA
IAN T. BROWN, OF TEXAS
BARRETT BRYSON, OF CALIFORNIA
LAUREN KAY BULCHER, OF MARYLAND
THOMAS P. BURKE, OF THE DISTRICT OF COLUMBIA
ALFRED JOHN CANIGLIA III, OF IOWA
DANIEL M. CAPLAN, OF MARYLAND
DAVID CARBAJAL, OF NEW YORK
ANGELA K. CARSON, OF THE DISTRICT OF COLUMBIA
MAUREEN CHAO, OF WASHINGTON
ANDREW CHAPMAN, OF NORTH CAROLINA
SAMUEL I. CHERNAWSKY, OF THE DISTRICT OF COLUMBIA
WILLIAM D. CHRISTEN, OF VIRGINIA
HAYLEE COHEN, OF VIRGINIA
CHRISTOPHER COLLINGTON, OF FLORIDA
JULIE MARIE CONGALTON, OF VIRGINIA
JOHN W. CROCKER, OF VIRGINIA
JENNIFER R. CUNNINGHAM, OF THE DISTRICT OF COLUMBIA
PAUL B. DAVIS, OF CALIFORNIA
FAUSTO P. DE GUZMAN, OF WASHINGTON
NATHAN HIROYUKI DEKIEFFER, OF VIRGINIA
SHAWN J. DILLES, OF VIRGINIA
NANCY MARY DILLMAN, OF VIRGINIA
DAISY A. DIX, OF COLORADO
ANTHONY A. DONADI, OF VIRGINIA
ADAM RICHARD DONAHUE, OF THE DISTRICT OF COLUMBIA
GIDEON T. DONOHO, OF THE DISTRICT OF COLUMBIA
EILEEN DOWE, OF CALIFORNIA
MICHAEL S. DRUMMOND, OF VIRGINIA
TIMOTHY J. DUNAWAY, OF FLORIDA
RICHARD E. DYCKOFF, OF MARYLAND
ALLISON D. DYESS, OF TEXAS
HEIDI ELIZABETH HOLZ EATON, OF VIRGINIA
JESSICA D. EL BECHIR, OF THE DISTRICT OF COLUMBIA
EMILY C. ELLIOTT, OF THE DISTRICT OF COLUMBIA
LISA N. EVANS, OF TEXAS
YAYA J. FANUSIE, OF MARYLAND
DANIEL DELANEY FILLEBROWN, OF VIRGINIA
DANIEL F. FREEMAN, OF THE DISTRICT OF COLUMBIA
CHERYL L. FRIEDLANDER, OF VIRGINIA
SEAN MARIANO GARCA, OF FLORIDA
EMILY H. GRANT, OF MARYLAND
MANISH GUPTA, OF VIRGINIA
RENÉ GUTEL, OF ARIZONA
CRISTINA-ASTRID HANSELL, OF CALIFORNIA
MATTHEW HARDESTY, OF VIRGINIA
JEFFREY MICHAEL HARMON, OF VIRGINIA
EMILY ANNE HARTER, OF THE DISTRICT OF COLUMBIA
JOHN TRYGUE HAS-ELLISON, OF TEXAS
DOUGLAS M. HICKEY, OF VIRGINIA
HENGAMEH V. HODA, OF VIRGINIA
JONATHAN A. HOLLAND, OF GEORGIA
BRAESON HOUSE, OF VIRGINIA
SYLVIA HROCH, OF VIRGINIA
GUY C. HUGHES, OF VIRGINIA
CURTIS M. HYATT, OF VIRGINIA
RACHAEL ANN ISENHART, OF THE DISTRICT OF COLUMBIA
RYAN M. JANDA, OF MASSACHUSETTS
DANA JENSEN, OF NEW YORK
RIAN JENSEN, OF WASHINGTON
JEREMY JEWETT, OF WISCONSIN
ANNE DUDTE JOHNSON, OF THE DISTRICT OF COLUMBIA
COURTNEY L. JONES, OF VIRGINIA
KELLY OWEN JOSEPHSON, OF VIRGINIA
TODD JUNGENBERG, OF ILLINOIS
THEODORE M. KALMBACH, OF VIRGINIA
JAYNA K. KELLNER, OF PENNSYLVANIA
JASON MICHAEL KELLY, OF THE DISTRICT OF COLUMBIA
MAX EDMUND KENDRICK, OF NEW YORK
ANDREW Z. KERNITSKY, OF VIRGINIA
SHANA LEE KIERAN, OF MAINE
JEFFREY E. KING, OF FLORIDA
CHRISTINA R. KINSELL, OF VIRGINIA
JEREMY SHANE KINSELL, OF VIRGINIA
CYNTHIA B. KNUTSEN, OF VIRGINIA
TODD R. KONKEL, OF VIRGINIA
DANIELLE J. KORSHAK, OF NEW YORK
MICHAEL JEROME KRESSE, OF VIRGINIA
ROBERT EDWARD KRIS, OF NEW YORK
KAREN ANN KUZIS, OF IDAHO
JEANNE MAE LAFLEUR, OF VIRGINIA
JOE D. LAIRD, OF WASHINGTON
BRANDON A. LANE, OF VIRGINIA
JASON ERIC LANE, OF VIRGINIA
ANDREW R. LEDERMAN, OF THE DISTRICT OF COLUMBIA
JESSICA RUTH LEVY, OF NEW JERSEY
SONAM LIBERMAN, OF THE DISTRICT OF COLUMBIA
ELIZABETH LORD, OF VIRGINIA
CLINTON G. LYONS, OF MARYLAND
JARRET SCOTT MACDONALD, OF THE DISTRICT OF COLUMBIA
ALEXANDER C. MACFARLANE, OF PENNSYLVANIA
BRADLEY COLE MADORA, OF VIRGINIA
MONA THERESE MARTINEAU, OF THE DISTRICT OF COLUMBIA
RACHEL M. MARTINEZ, OF FLORIDA
EMMA OLWEN PAMELA MARWOOD, OF NEW YORK
KRISTIN MASON, OF MARYLAND
STEVEN DAVID MAYR, OF VIRGINIA
MATTHEW R. MCALLISTER, OF PENNSYLVANIA
WILLIAM APPLETON MCCUE, OF MAINE
MICHAEL MCINERNEY, OF VIRGINIA
KEVIN W. MCINTYRE, OF VIRGINIA
SANDIP G. MEHTA, OF THE DISTRICT OF COLUMBIA
JOHN DAVID MENICHETTI, OF VIRGINIA
ADAM L. MICHELOW, OF ARIZONA
ADAM H. MILLER, OF VIRGINIA
RUSSELL DAVID MILLER, OF THE DISTRICT OF COLUMBIA
SCOTT M. MILLER, OF TEXAS
LEONEL GREENE MIRANDA, OF THE DISTRICT OF COLUMBIA
MICHAEL JOSEPH MOODY, OF KANSAS
KRISTINE O. MORRISSEY, OF MARYLAND
KAITLIN D. MUENCH, OF CONNECTICUT
THOMAS A. MULLIGAN, OF THE DISTRICT OF COLUMBIA
ORLANDO JUAN NESBIT, OF MARYLAND
MICHAEL JAMES NEUMANN, OF MARYLAND
NUALA C. O'DONOHOE, OF VIRGINIA
PATRICK F. O'NEILL, OF VIRGINIA
JULIE S. OTTE, OF SOUTH CAROLINA
MARK L. PADGETT, OF VIRGINIA
REENA PATEL, OF TEXAS
STEPHEN P. PAZAN, OF NEW JERSEY
CRISTINA T. PETRISOR, OF VIRGINIA
MARCUS TAYLOR PEVERILL, OF THE DISTRICT OF COLUMBIA
DARIN A. PHAOVISAID, OF ILLINOIS
GRANT G. PHILLIPP, OF ILLINOIS
TONE P. PHOSAI, OF VIRGINIA
BEVERLY R. PICACHE, OF VIRGINIA
MICHAEL A. POINTER, OF LOUISIANA
CHRISTOPHER THOMAS POLILLO, OF GEORGIA
JOSHUA G. PRESSLEY, OF VIRGINIA
ERIN FRANCINE PRICE, OF VIRGINIA
AARON DAVID RADER, OF MARYLAND
LUKE REYNOLDS, OF SOUTH CAROLINA
RODNEY R. RIEBSAM, OF MARYLAND
GLORIA P. RIGOR, OF VIRGINIA
BENJAMIN PATRICK RINAKER, OF NEBRASKA
KIMBERLY D. ROGERS, OF VIRGINIA
MACKENZIE LAEL ROWE, OF WASHINGTON
NOAH D. ROZMAN, OF VIRGINIA
GIUSEPPE RUGGERI, JR., OF VIRGINIA
JOSHUA ROBERT RUSHMAN, OF VIRGINIA
AARON T. RUSSELL, OF VIRGINIA
SUSAN A. RUSSELL, OF MASSACHUSETTS
STEVEN CARL SCHARRE, OF THE DISTRICT OF COLUMBIA
CASEY JAMES SCHMIDT, OF THE DISTRICT OF COLUMBIA
MAURA L. NELSON SCHRAMEK, OF VIRGINIA
MELVYN L. SCHRAMEK, OF VIRGINIA
JEROME L. SHERMAN, OF NEW YORK
MEGAN C. SHORTRIDGE, OF VIRGINIA
OSAMA EDWARD SHWAYHAT, OF THE DISTRICT OF COLUMBIA
KRISTIN E. SIMERSON, OF VIRGINIA
GREGORY D. SIMKISS, OF GEORGIA
DENISE LEE SLIWINSKI, OF FLORIDA
NATALIE SLOVIKOSKI, OF VIRGINIA
ANNE THERESE SMEDINGHOFF, OF ILLINOIS
BENJAMIN J. SMITH, OF ARIZONA
GERALD M. SMITH, OF VIRGINIA
LEVI RADMAN SMYLIE, OF NEW YORK
SARA ELISABETH SNOW, OF MASSACHUSETTS
NIMET SOYSALAN, OF VIRGINIA
LANTA V. SPENCER, OF MASSACHUSETTS
MARISA A. STARK, OF VIRGINIA
TERIC WILLIAM STATON, OF VIRGINIA
MATTHEW RYAN STEELE, OF KANSAS
THEODORE R. STEHNEY, OF VIRGINIA
MATTHEW B. STEPHENSON, OF VIRGINIA
BRYAN GREGORY STEVINSON, OF VIRGINIA
BRIAN J. STREET, OF FLORIDA
ROBERT GREGORY SUTTON, OF VIRGINIA
STACEY SUTTON, OF SOUTH CAROLINA
CLAYTON R. SWOPE, OF VIRGINIA
HUMZA TARAR, OF VIRGINIA
DENISE M. TAYLOR, OF PENNSYLVANIA
MORGAN C. TAYLOR, OF THE DISTRICT OF COLUMBIA
RONALD M. TAYLOR, OF VIRGINIA
KRISTIAN A. TEMPLETON, OF NORTH CAROLINA
DARREN THIES, OF WISCONSIN
CHAD TIMOTHY THOMPSON, OF VIRGINIA
JUSTIN S. THOMS, OF VIRGINIA
DINA MARIE TOLENTINO, OF WASHINGTON
SERGEY S. TROITSKY, OF FLORIDA
JAMES AUSTIN TURNER, OF VIRGINIA
ADAM C. UTESCH, OF THE DISTRICT OF COLUMBIA
DANIEL A. VOGEL, OF VIRGINIA
ANNA WATSON VOTE, OF VIRGINIA
MARY MARGARET WADSWORTH-SMITH, OF UTAH
JOSHUA D. WAGGENER, OF TEXAS
JASON M. WELLS, OF VIRGINIA
DANIEL WHITEHALL, OF VIRGINIA
GEORGE A. WHITNEY, OF VIRGINIA
JOSEPH D. WILLIAMS, OF GEORGIA
MCQUINZA U. WILLIAMS, OF VIRGINIA
ROBERT WALTON WILLIAMS, OF VIRGINIA
BRIAN K. WINGATE, OF WASHINGTON
BENJAMIN ASHER WITORSCH, OF VIRGINIA
SUZANNE Y. WONG, OF NEW JERSEY
THOMAS T. WONG, OF NEW JERSEY
GENEVIEVE ZAPIEN, OF VIRGINIA
BENJAMIN ZEMEK, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR, EFFECTIVE JANUARY 17, 2010:

GREGORY S. STANFORD, OF FLORIDA

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be lieutenant

REBECCA J. ALMEIDA
PAUL S. HEMMICK
LAUREL K. JENNINGS
ALLISON R. MAHANEY
MADELEINE M. ADLER
JAMES L. BRINKLEY
SEAN M. FINNEY
KYLE W. RYAN
DAVID M. GOTHAN
WILLIAM G. WINNER
MARY A. GILL
VICTORIA E. ZALEWSKI
MATTHEW C. DAVIS
MATTHEW N. GLAZEWSKI
CHRISTOPHER W. DANIELS
SARAH A. T. HARRIS
MEGHAN E. MCGOVERN
FRANCISCO J. FUENMAYOR
LECIA M. SALERNO
OLIVER E. BROWN

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPTAIN JOHN C. AQUILINO
CAPTAIN SEAN S. BUCK
CAPTAIN DAVID M. DURYEA
CAPTAIN PETER J. FANTA
CAPTAIN DAVID J. GALE
CAPTAIN CHARLES M. GAOUETTE
CAPTAIN MICHAEL M. GILDAY
CAPTAIN PATRICK D. HALL
CAPTAIN JEFFREY A. HARLEY
CAPTAIN RONALD HORTON
CAPTAIN PHILIP G. HOWE
CAPTAIN KEVIN J. KOVACICH
CAPTAIN DIETRICH H. KUHLMANN III
CAPTAIN MARK C. MONTGOMERY
CAPTAIN SCOTT P. MOORE
CAPTAIN KENNETH J. NORTON
CAPTAIN TILGHMAN D. PAYNE
CAPTAIN JEFFREY R. PENFIELD
CAPTAIN FREDERICK J. ROEGGE
CAPTAIN PHILLIP G. SAWYER
CAPTAIN JOHN W. SMITH, JR.
CAPTAIN DAVID F. STEINDL
CAPTAIN KEVIN M. SWEENEY
CAPTAIN JOSEPH E. TOFALO
CAPTAIN MICHAEL A. WALLEY
CAPTAIN MICHAEL S. WHITE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. BRETT C. HEIMBIGNER
CAPT. MATTHEW J. KOHLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. WILLIE L. METTS
CAPT. JAN E. TIGHE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. JAMES D. SYRING
CAPT. GREGORY R. THOMAS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. THOMAS H. BOND, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MATHIAS W. WINTER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

JOHN T. FOJUT
JESUS JIMENEZ
ANNE D. RESTREPO

WITHDRAWAL

Executive Message transmitted by the President to the Senate on April 14, 2010 withdrawing from further Senate consideration the following nomination:

STEPHANIE VILLAFUERTE, OF COLORADO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLORADO FOR THE TERM OF FOUR YEARS, VICE TROY A. EID, RESIGNED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 30, 2009.

EXTENSIONS OF REMARKS

RECOGNIZING OF MERIBAH MANSFIELD FOR HER 38 YEARS OF SERVICE TO OHIO'S LIBRARIES

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Ms. KILROY. Madam Speaker, I rise today to honor Meribah Mansfield for nearly four decades of service to Ohio's libraries and to congratulate her on her upcoming retirement.

Meribah has spent the last 38 years working in central Ohio's libraries and has served as the Director of the Worthington Libraries for the last nineteen years. An outstanding leader, Meribah is a past president of the Ohio Library Association and a past chair of the Ohio Library Council Board of Trustees. Over the course of her career, she has made countless and lasting contributions to Ohio's libraries including her involvement with the construction and renovation of the Columbus Main Library, the Worthington Northwest Library, and the Old Worthington Library. Meribah also has directed the creation of a Web site that commemorated the City of Worthington's bicentennial.

Public libraries play a crucial role in our communities, and we are indebted to all librarians, especially Meribah, for the indispensable service they perform.

Following her July 23rd retirement, Meribah plans to pursue her dream of becoming a deacon in the Episcopal Church. She also looks forward to spending time with her husband Bruce, children Matthew and Jessica, and grandchildren Owen and Connor. It is with great pride that I rise to honor Ms. Mansfield for her contributions to Ohio's libraries. I wish her the best in her future endeavors.

HONORING THE JACKSON-MADISON COUNTY TENNESSEE CHAPTER, NATIONAL SOCIETY OF DAUGHTERS OF THE AMERICAN REVOLUTION

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. TANNER. Madam Speaker, I rise today to honor and commend the Jackson-Madison County Tennessee Chapter, National Society of Daughters of the American Revolution, chartered in 1901. This chapter is one of the oldest chapters in the great state of Tennessee.

It is fitting that the members of this body should salute those estimable organizations that strive to promote love of country, preserve American history, and support better education for our Nation's children.

The members of the Jackson-Madison Chapter, National Society of Daughters of the American Revolution are descended from the men and women who won American independence during the Revolutionary War.

On the evening of April 18, 1775, Paul Revere was sent for by Dr. Joseph Warren and instructed to ride to Lexington, Massachusetts, to warn Samuel Adams and John Hancock that British troops were marching to arrest them. After being rowed across the Charles River to Charlestown by two associates, Paul Revere borrowed a horse from his friend Deacon John Larkin. While in Charlestown, he verified that the local ''Sons of Liberty'' committee had seen his pre-arranged signals. (Two lanterns had been hung briefly in the bell-tower of Christ Church in Boston, indicating that troops would row ''by sea'' across the Charles River to Cambridge, rather than marching ''by land'' out Boston Neck. Revere had arranged for these signals the previous weekend, as he was afraid that he might be prevented from leaving Boston); on the way to Lexington, Revere ''alarmed'' the countryside, stopping at each house, and arrived in Lexington about midnight. As he approached the house where Adams and Hancock were staying, a sentry asked that he not make so much noise. ''Noise!'' cried Revere, ''You'll have noise enough before long. The regulars are coming out!''

To celebrate the anniversary of Paul Revere's Midnight Ride, the Jackson-Madison Chapter, NSDAR will sponsor a reenactment of the famous ride around the Madison County, Tennessee Courthouse on Sunday, April 18, 2010.

This Chapter is located in Jackson—named after President Andrew Jackson of Tennessee—and Madison County—named after President James Madison of Tennessee—both of which I am honored to represent in this chamber. Nationally the NSDAR has more than 165,000 members in approximately 3,000 chapters worldwide and is one of the world's largest and most active service organizations.

Madam Speaker, I hope you and our colleagues will join me in commending the Jackson-Madison County Chapter of the National Society of Daughters of the American Revolution on its 109 years of outstanding service and its ongoing commitment to the preservation of our country's history.

HONORING MR. DENNIS LEWIS

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. Dennis Lewis. Mr. Lewis served his constituency faithfully and justly during his tenure as a member of the Charlotte 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. Mr. Lewis served his term with his head held high and a smile on his face the entire way. I have no doubt that his 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. Mr. Lewis is one of those people and that is why Madam Speaker I rise to pay tribute to him today.

TESTIMONY ON PROPOSED RULE REGARDING UNION ELECTIONS UNDER THE RAILWAY LABOR ACT

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. TIERNEY. Madam Speaker, I would like to submit the following testimony on the National Mediation Board's proposed rule regarding union elections under the Railway Labor Act.

CHANGED TIME AND CIRCUMSTANCES JUSTIFY AMENDING NMB REPRESENTATION VOTE PROCEDURES

(by Frank N. Wilner)

By Notice of Proposed Rule Making (NPRM) dated Nov. 3, 2009, the National Mediation Board (NMB) proposes to amend its rules interpreting and administering the Railway Labor Act (RLA) ''to provide that, in representation disputes [determinations as to who will be the bargaining agent for airline and railroad and commuter railroad employees], a majority of valid ballots cast will determine the craft or class representatives.''

The long-standing procedure of the NMB requires a majority of eligible voters (as opposed to those actually voting) to vote affirmatively in favor of representation, meaning a failure or refusal of an eligible voter to participate is the equivalent of a ''no union'' vote.

The NMB proposes to change its procedure so that, in the future, only ballots of those actually voting will be counted, and each voter will make a choice between representation by a specified union or ''no union.'' This will comport with the long-standing procedures of the National Labor Relations Board, which interprets and administers the National Labor Relations Act.

The NMB has authority to make this change in policy. As the Supreme Court observed:

[N]ot only does the statute [RLA] fail to spell out the form of any ballot that might be used but it does not even require selection by ballot. It leaves the details to the broad discretion of the [National Mediation] Board with only the caveat that it 'insure' freedom from carrier interference.

Says the NMB in its NPRM:

The Board's current policy requires that a majority of eligible voters in the craft or class must cast valid ballots in favor of representation. This policy is based on the Board's original construction of Section 2, Fourth of the RLA, which provides that,

'[t]he majority of any craft or class of employees shall have the right to determine who shall be the representative of the craft or class . . .'

This interpretation was made in the NMB's first annual report in 1935 ''. . . not on the basis of legal opinion and precedents, but on what seemed to the Board best from an administrative point of view.''

In its November 2009 NPRM, the NMB says:

. . . under its broad statutory authority, [the board] may also reasonably interpret Section 2, Fourth to allow the Board to certify as collective bargaining representative any organization which receives a majority of votes cast in an election.

And the NMB has done just that in the past, although infrequently. As the NMB said in its first annual report in 1935 that, ''Where, however, the parties to a dispute agreed among themselves that they would be bound by a majority of the votes cast, the Board took the position that it would certify on this basis . . .''

The Supreme Court has held that while the words of Section 2, Fourth ''confer the right of determination upon a majority of those eligible to vote,'' the statute ''is silent as to the manner in which that right shall be exercised.''

The U.S. Fourth Circuit Court of Appeals held, in 1936:

The universal rule as to elections of officers and representatives is that a majority of the votes cast elects, and that those not voting are presumed to acquiesce in the choice of the majority who do vote.

And Chief Justice Morrison Waite held, in 1877:

All qualified voters who absent themselves from an election duly called are presumed to assent to the expressed will of the majority of those voting, unless the law providing for the election otherwise declares. Any other rule would be productive of the greatest inconvenience and ought not to be adopted, unless the legislative will to that effect is clearly expressed.

Moreover, courts give the decisions of expert federal agencies great deference; and are, in the words of the Supreme Court (Chevron doctrine), ''reluctant to preclude any federal agency's deliberations of policy because a federal agency, which is controlled by the political branches of the federal government, is constitutionally better suited than a federal court to render policy decisions.''

The NMB enjoys even greater insulation from second-guessing by the courts. The Supreme Court observed in 1943 that Congress left to the discretionary authority of the NMB the determination of certifying bargaining representatives.

Perhaps a more pregnant question is why the NMB for so long has permitted its voting procedures in representation elections to be out of sync with the standard for all other democratic elections, where a majority of those voting makes the determination. This is especially relevant where the result of such a procedure is that the failure or refusal of an eligible voter to participate is the equivalent of a ''no union'' vote.

It makes for sound administrative procedure, however, to provide reasonable justification—rather than willy-nilly desire—for changing a long-standing public policy.

Determining a reasonable justification logically begins with the NMB's observation, in its November 2009 NPRM, that Section 2, Fourth ''was adopted in a much earlier era, under circumstances that differ markedly from those prevailing today.''

THE EARLIER ERA

Time and circumstances have, indeed, changed since the NMB adopted, during the 1930s, its current policy—not always followed, as will be explained—that requires a majority of eligible voters in the craft or class must cast valid ballots in favor of representation.

Consider:

In 1930, there were 156 major (Class I) railroad systems. In 2008, the number of major (Class I) railroad systems was just 7, a 96 percent reduction since 1930.

In 1930, there were 1.5 million employees in the railroad industry. In 2007, employment in the railroad industry had declined to just 236,000, an 84 percent reduction since 1930.

In 1930, there were 249,000 miles of railroad line in the United States. In 2007, the miles of railroad line in the United States had declined to just 94,440, a 62 percent reduction since 1930.

While it is instructive that there has been a significant decline in the number of major railroads, railroad employees and miles of railroad trackage, those considerations alone are not enough to justify a change in the NMB's long-standing voting procedures for representation elections, except to demonstrate that the environment in which the NMB made its initial determination to require a majority of eligible voters was much different than today's environment.

However—and this is crucial—as the NMB conducted representation elections during the 1930s, the Interstate Commerce Commission was wrestling with a congressional directive in the Transportation Act, 1920, to formulate a plan of merging the nation's railroads into just 19 systems.

Thus, lurking in the shadows of each representation election during the 1930s was, ''What is the mood of employees on the other railroads that might become a merger partner of the railroad on which employees were voting for representation?'' This concern likely steered the NMB toward seeking a demonstration in each representation election that the outcome was a result of votes from a majority of those eligible to vote.

There are more important facts of changed circumstances:

COMPANY UNIONS

Among amendments to the Railway Labor Act in 1934 was one outlawing company unions—a change intended better to protect employee rights to organize. Company unions were under the control of carrier officers, with the carriers paying the wages of the employee representatives.

The House Committee on Interstate and Foreign Commerce observed at the time (1934) that ''a prolific source of dispute'' between management and employees was ''the denial by railway management of the authority of representatives chosen by their employees.''

So substantial was this conflict that then-NMB Chairman William M. Leiserson subsequently testified that, were there a strike occasioned by a dispute over wages and hours, ''we usually find we can settle those by arbitration or otherwise . . . But if the issues involved were discrimination or discharge of men because they had joined the organization, or the question would be the right of the organization to represent them, we could not have settled those strikes.''

Between 1933 (the year prior to an RLA amendment that outlawed company unions) and 1935, some 550 company unions on 77 Class I railroads were replaced by independent national unions. Indeed, two-thirds of the work of the NMB from 1934 until the start of World War II involved investigations and purging of company unions.

This was no simple task, as railroads were not anxious to cede negotiating power to an independent labor union. The New York Times observed as early as 1922.

When the railroads were handed back to their owners by the Government (following federal takeover during World War I) they were working under national agreements made with union representatives. That was a yoke from which the roads constantly tried to escape.

Moreover, employees, fortunate to be working during the Great Depression were frightened—if not terrified—over the prospect of angering management by not supporting a company union and, as a result, losing their jobs.

As the U.S. Fourth Circuit Court of Appeals observed in 1936.

. . . any sort of influence exerted by an employer upon an employee, dependent upon his employment for means of livelihood, may very easily become undue, in that it will coerce the employee's will in favor of what the employer desires against his better judgment as to what is really in the best interest of himself and his fellow employees.

Although there is no accessible source to determine the thinking of NMB officials at the time, it is logical to conclude that requiring a majority of those eligible to vote (as opposed to a majority of those voting) more conclusively established on the part of the eligible employees a desire to be represented by a labor union independent of company influence.

This conclusion is given validity by a comment of the nation's Federal Coordinator of Transportation (1933–1936), Joseph Eastman, who proposed that in organizing employee unions, ''a majority shall speak for all.''

RACIAL DISCRIMINATION

There was, during the 1930s, a national shame of racial discrimination.

It was not until 1955 that the Interstate Commerce Commission, taking instruction from Brown v. Board of Education of Topeka, Kansas, ruled that the very practice of segregation in interstate commerce was a violation of the Interstate Commerce Act.

For sure, discrimination against African-Americans existed also in railroad employment practices.

On Atlanta Terminal Co., for example, there was an effort to separate, for representation, Caucasian and African-American employees. Management said it wanted a demonstration that the Brotherhood of Railroad and Steamship Employees represented the ''white employees.'' The NMB ordered that one ballot be issued ''among all the employees involved in the dispute regardless of color to afford all of them an equal opportunity to indicate their choice of representatives.''

As another example, the Brotherhood of Locomotive Firemen and Enginemen had an agreement with 10 railroads in the South to restrict hiring and promotion of African-Americans, and the BLF&E, according to President Roosevelt's Committee on Fair Employment Practices, ''refuses to represent them with respect to their grievances when such grievances are in conflict with the interests of junior white firemen.''

The national shame of racial discrimination surely created a unique challenge for the NMB—a challenge best met by requiring that representation elections be determined by a majority of those eligible rather than of those voting to guard against racial discrimination in the voting process.

CONFLICT AMONG LABOR UNIONS AND CRAFTS

Also unique to the period of the 1930s was the large number of competing labor organizations and crafts. Where representation of craft and class today is generally established in bright line fashion on the larger railroads (which employ almost 90 percent of rail workers), that was not the case during the 1930s.

In 1935, on New York, Chicago & St. Louis Railroad, a dispute arose between the Brotherhood of Railroad Trainmen (BRT) and the Switchmen's Union of North America (SUNA) regarding representation of switchmen. The BRT claimed representation of switchmen systemwide; and the SUNA sought a separate vote of switchmen in Buffalo and those in Cleveland, rather than systemwide.

In 1937, on Indiana Harbor Belt Railroad, a dispute arose between the Brotherhood of Railroad Trainmen and the Order of Railroad Telegraphers regarding representation of operators, towermen, levermen, train directors and operator-switchtenders.

In 1935, the Brotherhood of Railroad Trainmen complained that the NMB had denied certain brakemen a representation ballot in a dispute involving road conductors.

The NMB observed in its first annual report in 1935:

[Representation disputes] arose mainly because of overlapping jurisdiction . . . the antagonism engendered by the contests has developed a tendency for employees who are members of one organization to challenge the representation of the other organization. . . .

The NMB since has made clear that Section 2, Ninth of the RLA requires a systemwide election by craft or class; but, in those early years, the NMB, in decisions of first impression, surely recognized that to assure a perception of equity that the vote results had to be based on a majority those eligible to vote—that the NMB had to get it right.

Also, technology has eliminated what were some 291 crafts or classes in 1935, and merger among unions reduced what had been some 21 separate craft unions in 1935 to many fewer today.

Also notable is that it was not until 1954 that the AFL amended its constitution to prohibit raiding by AFL member unions of other AFL-member unions (now memorialized by Article 20 of the AFL-CIO constitution).

COMMUNICATION AND EDUCATION

Times and circumstances also have changed with regard to education and communication.

In 1930, only 30 percent of Americans were graduated from high school, while, today, the number exceeds 70 percent. During the 1930s, representation elections were carried out by mail ballot, with each eligible voter being sent a ballot along with an instruction sheet explaining the procedures for a secret ballot election. A significant number of blue collar workers during the 1930s may well have been unable to read at a level sufficient to ensure they understood the ballot procedures, much less the subject matter of the election.

It was not until 1943 that a single AT&T operator could complete a long-distance telephone call; previously, as many as five operators and 23 minutes were required to connect a telephone in San Francisco with one in New York. As late as 1950, the cost of a five-minute long-distance telephone call between New York and Los Angeles cost $3.70, which is equivalent to $32.73 in 2009. This affected the ability of independent unions—and union supporters—to communicate with railroad employees over a wide geographic area.

Today, railroad employees have near universal access to hard-wired and wireless telephones, as well as e-mail, with the costs of communicating relatively insignificant. In the words of former NMB Chairperson Maggie Jacobsen, the Internet has become ''a 24-hour, seven-day-a-week union meeting.'' Indeed, the U.S. Census Bureau reports that 74 percent of Americans 18 years and older in the workforce use the Internet. As airlines and railroads are among the most computerized industries in America, the percentage of airline and railroad employees who are Internet savvy is likely higher than 74 percent.

During the 1930s, there was a communications challenge—in employee reading comprehension as well as the ability to communicate by electronic means (including telephone). That communications challenge could well have affected the ability of voting-eligible employees to be aware of the subject matter, while lower standards of reading comprehension impeded the ability of employees to understand the subject matter, mechanics and rules of a representation election.

By requiring that a majority of eligible employees vote in favor of representation, the procedure better assured that the majority would be made aware of the election and for what they were voting. The matter of employee reading comprehension is far less a problem today, and there no longer exists impediments to dissemination of information by electronic means (including voice).

CONFLICTS IN IDEOLOGY

Not readily recognized today is that there was great social upheaval during the period of the Great Depression.

Communism was viewed by many workers at that time as superior to capitalism, and communists were active agents for change. In 1938, for example, communist agitator William Z. Foster advocated worker militancy.

The president of the Switchmen's Union of North America responded that communist efforts are intended ''to create disharmony, discord and disunity among the members of standard railroad labor organizations.''

Here, again, was reason for the NMB to certify representation votes on the basis of a majority of those eligible to vote rather than to permit, perhaps, a handful of agitators to determine representation votes for a radical organization by intimidating a majority of workers from casting ballots.

CONCLUSION

The National Mediation Board proposes to bring its 75–year-old representation election voting procedures in sync with those of the National Labor Relations Board, and what the federal courts term, the ''universal rule as to elections of officers and representatives.''

The change would provide that the outcome of an election is determined by a majority of those voting, scrapping the archaic majority-of-those-eligible rule, which arbitrarily assumes that those not voting be counted as a ''no vote.''

Circumstances have changed since the NMB instituted such voting procedures in 1934. The reasons then included:

An effort by the NMB to demonstrate to employers that their employees overwhelmingly preferred an independent labor union to a company union controlled and financed by management.

An effort to guard against racial discrimination in an election and better assure access to ballots by African-American workers.

An effort to resolve conflict among some 21 separate independent labor unions seeking to represent some 291 separate crafts or classes at the time—to ''get it right'' by determining the desires of a majority of those eligible to vote.

An effort to combat substantially lower levels of education and reading comprehension among workers. By requiring a positive vote among a majority of those eligible, it was better assured that efforts would be made by those asking for the election to reach and explain voting procedures to those eligible.

An effort to combat technological difficulties in communicating with potential voters. Again, requiring a positive vote among a majority of those eligible better assured that efforts would be made to reach out and communicate with those eligible.

An effort to combat Communist agitators, who were using intimidation and other tactics to encourage worker militancy and workplace discord.

Today:

There no longer are company unions or the threat of company unions.

Racial discrimination has been outlawed, and procedures are in place to root out and prosecute racial discrimination in the workplace.

Conflicts among RLA-covered labor unions are largely non-existent today, and the number of crafts and classes of workers has been reduced substantially. Moreover, by including a ''no union'' choice on the ballot provides eligible employees opportunity to cast a ''no vote.''

Levels of education, especially among railroad and airline workers, have been dramatically improved, with most using computers in their daily work routines.

Barriers to communication among workers, as well as between workers and their employers and union organizers have been almost entirely eliminated with near universal access to telephone and e-mail. Also, today's railroad and airline workers have substantially higher levels of education than they did during the 1930s.

Because of changes in circumstance, 75-year-old NMB voting procedures are ripe for change to bring them in sync with the universal rule as to elections of officers and representatives, which is a majority of those casting ballots.

SUPPORTING NATIONAL LIBRARY WEEK

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. BLUMENAUER. Mr. Speaker, in Oregon, we pride ourselves on our strong community and a commitment to quality of life and education. Public libraries are a vital piece of this fabric and, in fact, Oregon has the second highest circulation of public library materials in the nation and the only 5-star library in the Northwest. As the economic downturn has pushed family budgets to the brink, these resources are more important than ever. In addition to public reading and visual materials, libraries offer Internet and computer access for all, free of charge. Many also serve as vibrant community spaces for gatherings and events.

Another library that deserves particular recognition is our very own Library of Congress. To highlight the world-class work of this institution, in 2008 I formed the Library of Congress Caucus, now nearly 70 Members strong. My friend Congressman ZACH WAMP serves as co-chair and our goal is to draw further attention to the nation's library, its collections and curators, and to encourage further use by Members of Congress and the public.

The Library of Congress not only houses the outstanding Congressional Research Service, it also offers 1.6 million visitors access to 15 million primary-source documents and operates the Veteran's History Project. One of my favorite programs, the Surplus Books Program, is an innovative service through which

Members may send extra books from the Library of Congress to schools and libraries in their home district. At a time when funding for public schools and libraries is scarce, this is a simple way to reduce waste and distribute excess resources to our communities and schools where they are critically needed.

I strongly encourage members to take advantage of these extraordinary programs and resources, and congratulate all our nation's libraries, librarians, and library-enthusiasts.

HONORING MARY CANAVAN ON THE OCCASION OF HER RETIREMENT FROM THE ENVIRONMENTAL PROTECTION AGENCY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. DINGELL. Madam Speaker, I rise today to pay tribute to a true public servant, Mary Canavan. Mary has been with the Federal Government since a week after graduating from college in 1970. After 40 years of dedicated work, Mary is retiring this spring.

Mary is one of two children of Irish immigrants—who like most immigrants to the United States—worked incredibly hard to provide for their children. The family was a close one, with Mary taking care of her parents as they got older. To this day, Mary is incredibly close to her brother, a priest, who comes over every Sunday for dinner with his sister. A few years back, Mary's brother was in a car accident and was hurt severely. Typical for Mary, she stepped up to ensure he got the best possible care.

As I mentioned, just a week after graduating from college, Mary joined the Federal Water Quality Administration in June of 1970. She joined the Environmental Protection Agency when it was established and the Federal Water Quality Administration was abolished. She began her career in public affairs and thoroughly enjoyed working with students on college campuses. Mary also worked in the water grants program and as a State coordinator, working with Illinois, Michigan, and Wisconsin. In 1987, Mary became a congressional relations officer and has served in that capacity ever since.

Mary is very involved in her Church, Chicago's 135-year-old Holy Name Cathedral. She recently served as head of the parish council. And after a fire damaged the cathedral last year, Mary, yet again, stepped up to the plate, making sure that the church could continue to accept parishioners and guests during construction. She also helped to plan a fund-raiser to help with church renovations. Mary continues to plan events like the annual gala.

I have never heard a bad word about Mary Canavan. She is universally loved and respected. Mary is a Federal employee of the highest caliber. She has served EPA and the offices she deals with tremendously well. I know my office will miss her and based on my discussions with the rest of the Michigan delegation, we are not alone.

I wish Mary all the best in retirement, as she looks forward to travel and being able to devote more of her time to her Church and her beloved brother. I ask all my colleagues to rise and pay tribute to Mary Canavan as she leaves Federal service.

HONORING THE UNIVERSITY OF CINCINNATI BEARCATS FOOTBALL TEAM

HON. STEVE DRIEHAUS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. DRIEHAUS. Madam Speaker, I rise today to honor the University of Cincinnati Bearcats football team and congratulate them on their historic achievements in the 2009 season. In addition to winning a school-record 12 games, UC won its second straight Big East football title. The Bearcats finished the regular season fourth in the nation in both the USA Today and the Associated Press polls with an undefeated record. UC also played in the 2010 Sugar Bowl, its second consecutive Bowl Championship Series game. In addition, the football team and the university community "adopted" and embraced a 12-year-old cancer patient named Mitch Stone through Friends of Jaclyn, a foundation that links youngsters with brain tumors to college and high school sports teams. Today, Mitch is cancer-free.

I am proud to recognize Mitch Stone and the University of Cincinnati Bearcats football team, its coaches, and UC President Gregory H. Williams for their 2009 football season, and recognize the students, faculty, and leadership for their record-setting support for UC's most successful season in history.

Roster: 14 Chazz Anderson, 86 Blake Annen, 51 Alex Apyan, 43 Robby Armstrong, 85 Marcus Barnett, 9 Dominique Battle, 69 Frank Becker, 80 Armon Binns, 38 Brent Black, 48 Maalik Bomar, 76 Austen Bujnoch, 21 Camerron Cheatham, 57 Obadiah Cheatham, 70 C.J. Cobb, 12 Zach Collaros, 55 Austin Cook, 41 Michael Cooke, 79 Andre Cureton, 33 Chris Damiano, 42 Dorian Davis, 72 Evan Davis.

39 Alex Delisi, 96 Tom DeTemple, 10 Romel Dismuke, 65 T.J. Franklin, 26 Drew Frey, 99 Dan Giordano, 22 John Goebel, 66 Sam Griffin, 19 Ben Guidugli, 23 Reuben Haley, 59 Steve Hancock, 81 Tomaz Hilton, 92 Michael Hilty, 31 Quentin Hines, 59 Alex Hoffman, 77 Sean Hooey, 31 Bruce Homer, 6 Jamar Howard, 40 John Hughes, 5 Reuben Johnson.

46 Scott Johnson, 11 Brendon Kay, 60 Jason Kelce, 18 Travis Kelce, 64 Mitch Kessel, 13 Pat Lambert, 47 Colin Lozier, 53 Randy Martinez, 11 Collin McCafferty, 49 Sean McClellan, 46 Mitch Meador, 83 Danny Milligan, 58 Brandon Mills, 34 Patrick O'Donnell, 68 Craig Parmenter, 91 Ryan Paxson, 82 Lynell Payne, 23 Isaiah Pead, 67 Doug Pike, 36 Quincy Quetant.

41 Jared Rains, 24 Wesley Richardson, 22 Aaron Roberson, 88 Adrien Robinson, 97 Jake Rogers, 16 Will Saddler, 37 J.K. Schaffer, 61 Jonathan Simmons, 51 Brady Slusher, 63 Dan Sprague, 94 Jordan Stepp, 54 Walter Stewart, 52 Ricardo Thompson, 45 Rob Trigg, 14 Chris Williams, 2 Darrin Williams, 32 George Winn, 95 Derek Wolfe, 84 Orion Woodard, 3 D.J. Woods.

HONORING WILL RIDENOUR

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. DUNCAN. Madam Speaker, Steve Ridenour and his family are longtime friends of mine and my family.

I have always heard it said that the worst thing that can ever happen to you is to outlive one of your children.

Steve and his family suffered the terrible tragedy of losing their son Will in a car accident on June 11, 2007.

His other son, Tanner, who is 19, prepared the speech reprinted below to give to his senior class at Knoxville's West High School.

This speech expresses Tanner's love for Will and also shows how this special young man handled a horrible period for him and his family.

I would like to call these words by Tanner Ridenour to the attention of my colleagues and other readers of the RECORD.

James Dean once said ''Dream as if you'll live forever, live as if you'll die today''. Maybe you remember him smoking cigarettes on his motorcycle in the movies or maybe you remember James Dean's car accident in 1955 which took his life. My older brother Will passed away June 11, 2007 in a car accident. It was one of the most devastating things that ever happened to my family. But it didn't stop at my family it affected everyone around us. One month later my grandfather passed away from cancer, and the following December my grandmother passed away from cancer. 2007 was one of the darkest years of my life, and I hope no one ever has to go through what I went through. It made me a stronger person and taught me what really is important in life. Aldous Huxley said, ''Experience is not what happens to you. It is what you DO with what happens to you.'' I tried my hardest not to cry and keep my family together because I know that is what Will would have wanted me to do. People come up to me all the time and say how proud they are of me. But I would have never been able to do it without my friends and the people around me. When bad things happen in life you can't just crawl in a hole and die, even when that sounds like the easiest thing to do. James Thurber once said, ''Let us not look back in anger, nor forward in fear, but around in awareness.'' I believe in this quote, and think that it has a lot to say about life and the values people should have. So remember class of 2010 that these experiences whether good or bad will last a lifetime, so don't look back in anger nor forward in fear.

A TRIBUTE TO CHARLES L. BLOCKSON

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor a true American treasure: Historian and collector Charles L. Blockson. Mr. Blockson is the founder and curator of the Charles L. Blockson Afro-American Collection of rare texts, slave narratives, art and other historically significant artifacts located at Temple University in the First Congressional District. It is one of the largest African American collections of its kind at a major university.

Comprised of more than 40,000 items, the Blockson Collection continues to grow through the acquisition of both current and retrospective materials. An estimated 25,000 volumes fill the shelves of the collection and an additional 3,500 volumes are rare books. Another 15,000 items of rare Afro-Americana include pamphlets, slave narratives, antislavery broadsides, signed letters, posters, photographs, sheet music, original phonograph recordings and statues.

On March 10, 2010, in recognition of Women's History Month and on the 188th anniversary of the birth of the African American abolitionist Harriet Tubman, I was pleased to honor Mr. Blockson for his donation of his collection of Harriet Tubman artifacts to the Smithsonian National Museum of African American History and Culture (NMAAHC). The donated artifacts included a shawl given to Harriet Tubman by England's Queen Victoria, historic photographs and a hymnal signed by Tubman.

By making this donation to the Smithsonian's National Museum of African American History and Culture, Mr. Blockson has ensured that this unparalleled collection will be shared with millions of visitors to the museum. Madam Speaker, I ask you and my other distinguished colleagues to join me in commending Mr. Blockson whose donation represents a continuum of a life dedicated to preserving African American history.

A DANGEROUS SILENCE—FORMER NEW YORK CITY MAYOR ED KOCH

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. KING of New York. Madam Speaker, no one is more dedicated to maintaining the strength of the American-Israeli relationship than former New York City Mayor Ed Koch. Mayor Koch is a true American patriot who knows that Israel is an indispensable partner in the war against Islamic terrorism. Israel, of course, shares America's belief in freedom and democracy. Like many of us, Mayor Koch is concerned that President Obama's policies have "damaged the relationship between the U.S. and Israel . . . to one in which there is an absence of trust on both sides." Mayor Koch has written a very thoughtful article in which he describes his opposition to the Obama policies—policies which have caused the Mayor to "weep". I commend this article to my colleagues.

A DANGEROUS SILENCE

I weep as I witness outrageous verbal attacks on Israel. What makes these verbal assaults and distortions all the more painful is that they are being orchestrated by President Obama.

For me, the situation today recalls what occurred in 70 AD when the Roman emperor Vespasian launched a military campaign against the Jewish nation and its ancient capital of Jerusalem. Ultimately, Masada, a rock plateau in the Judean desert became the last refuge of the Jewish people against the Roman onslaught. I have been to Jerusalem and Masada. From the top of Masada, you can still see the remains of the Roman fortifications and garrisons, and the stones and earth of the Roman siege ramp that was used to reach Masada. The Jews of Masada committed suicide rather than let themselves be taken captive by the Romans.

In Rome itself, I have seen the Arch of Titus with the sculpture showing enslaved Jews and the treasures of the Jewish Temple of Solomon with the Menorah, the symbol of the Jewish state, being carted away as booty during the sacking of Jerusalem.

Oh, you may say, that is a farfetched analogy. Please hear me out.

The most recent sacking of the old city of Jerusalem—its Jewish quarter—took place under the Jordanians in 1948 in the first war between the Jews and the Arabs, with at least five Muslim states—Egypt, Jordan, Lebanon, Syria and Iraq—seeking to destroy the Jewish state. At that time, Jordan conquered East Jerusalem and the West Bank and expelled every Jew living in the Jewish quarter of the old city, destroying every building, including the synagogues in the old quarter and expelling from every part of Judea and Samaria every Jew living there so that for the first time in thousands of years, the old walled city of Jerusalem and the adjacent West Bank were ''Judenrein''—a term used by the Nazis to indicate the forced removal or murder of all Jews.

Jews had lived for centuries in Hebron, the city where Abraham, the first Jew, pitched his tent and where he now lies buried, it is believed, in a tomb with his wife, Sarah, as well as other ancient Jewish patriarchs and matriarchs. I have visited that tomb and at the time asked an Israeli soldier guarding it—so that it was open to all pilgrims, Christians, Muslims and Jews—''where is the seventh step leading to the tomb of Abraham and Sarah,'' which was the furthest entry for Jews when the Muslims were the authority controlling the holy place? He replied, ''When we retook and reunited the whole city of Jerusalem and conquered the West Bank in 1967, we removed the steps, so now everyone can enter,'' whereas when Muslims were in charge of the tomb, no Jew could enter it. And I did.

I am not a religious person. I am comfortable in a synagogue, but generally attend only twice a year, on the high holidays. When I entered the tomb of Abraham and Sarah, as I recall, I felt connected with my past and the traditions of my people. One is a Jew first by birth and then by religion. Those who leave their religion, remain Jews forever by virtue of their birth. If they don't think so, let them ask their neighbors, who will remind them. I recall the words of the columnist Robert Novak, who was for most of his life hostile to the Jewish state of Israel in an interview with a reporter stating that while he had converted to Catholicism, he was still a cultural Jew. I remain with pride a Jew both by religion and culture.

My support for the Jewish state has been long and steadfast. Never have I thought that I would leave the U.S. to go and live in Israel. My loyalty and love is first to the U.S. which has given me, the son of Polish Jewish immigrants, so much. But, I have also long been cognizant of the fact that every night when I went to sleep in peace and safety, there were Jewish communities around the world in danger. And there was one country, Israel, that would give them sanctuary and would send its soldiers to fight for them and deliver them from evil, as Israel did at Entebbe in 1976.

I weep today because my president, Barack Obama, in a few weeks has changed the relationship between the U.S. and Israel from that of closest of allies to one in which there is an absence of trust on both sides. The contrast between how the president and his administration deals with Israel and how it has decided to deal with the Karzai administration in Afghanistan is striking.

The Karzai administration, which operates a corrupt and opium-producing state, refuses to change its corrupt ways—the president's own brother is believed by many to run the drug traffic taking place in Afghanistan—and shows the utmost contempt for the U.S. is being hailed by the Obama administration as an ally and publicly treated with dignity. Karzai recently even threatened to join the Taliban if we don't stop making demands on him. Nevertheless, Karzai is receiving a gracious thank-you letter from President Obama. The New York Times of April 10th reported, ''. . . that Mr. Obama had sent Mr. Karzai a thank-you note expressing gratitude to the Afghan leader for dinner in Kabul. 'It was a respectful letter,' General Jones said.''

On the other hand, our closest ally—the one with the special relationship with the U.S., has been demeaned and slandered, held responsible by the administration for our problems in Afghanistan and Iraq and elsewhere in the Middle East. The plan I suspect is to so weaken the resolve of the Jewish state and its leaders that it will be much easier to impose on Israel an American plan to resolve the Israeli-Palestinian conflict, leaving Israel's needs for security and defensible borders in the lurch.

I believe President Obama's policy is to create a whole new relationship with the Arab states of Saudi Arabia, Jordan and Egypt, and Iraq as a counter to Iran—The Tyrannosaurus Rex of the Muslim world which we are now prepared to see in possession of a nuclear weapon. If throwing Israel under the bus is needed to accomplish this alliance, so be it.

I am shocked by the lack of outrage on the part of Israel's most ardent supporters. The members of AIPAC, the chief pro-Israel lobbying organization in Washington, gave Secretary of State Hillary Clinton a standing ovation after she had carried out the instructions of President Obama and, in a 43–minute telephone call, angrily hectored Prime Minister Benjamin Netanyahu.

Members of Congress in both the House and Senate have made pitifully weak statements against Obama's mistreatment of Israel, if they made any at all. The Democratic members, in particular, are weak. They are simply afraid to criticize President Obama.

What bothers me most of all is the shameful silence and lack of action by community leaders—Jew and Christian. Where are they? If this were a civil rights matter, the Jews would be in the mall in Washington protesting with and on behalf of our fellow American citizens. I asked one prominent Jewish leader why no one is preparing a march on Washington similar to the one in 1963 at which I was present and Martin Luther King's memorable speech was given? His reply was ''Fifty people might come.'' Remember the 1930s? Few stood up. They were silent. Remember the most insightful statement of one of our greatest teachers, Rabbi Hillel: ''If I am not for myself, who is for me? And if I am only for myself, what am I? And if not now, when?''

We have indeed stood up for everyone else. When will we stand up for our brothers and sisters living in the Jewish state of Israel?

If Obama is seeking to build a siege ramp around Israel, the Jews of modern Israel will not commit suicide. They are willing to negotiate a settlement with the Palestinians, but they will not allow themselves to be bullied into following self-destructive policies.

To those who call me an alarmist, I reply that I'll be happy to apologize if I am proven wrong. But those who stand silently by and watch the Obama administration abandon Israel, to whom will they apologize?

HONORING DR. JOHN HARTIG ON HIS SELECTION AS A MICHIGAN GREEN LEADER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. DINGELL. Madam Speaker, I rise today in appreciation of Dr. John Hartig of Michigan. On April 22nd he, along with 15 others selected from over 300 nominations, will be recognized by the Detroit Free Press as a Michigan Green Leader. This is the first year of the Michigan Green Leader awards to honor the 40th anniversary of Earth Day, our environment, and the hard work and dedication of these outstanding institutions and people.

Dr. Hartig currently serves the United States Fish and Wildlife Service as the Refuge Manager for the Detroit River International Wildlife Refuge. He is responsible for the conservation, protection, and restoration of habitat for 29 species of waterfowl, 65 different species of fish, and 300 species of migratory birds in the nearly 6000 acres abutting the Detroit River in Southeast Michigan. The Refuge was established in 2001 as part of an effort to preserve this beautiful area, which is the intersection of the Atlantic and Mississippi Flyways and where an estimated 7 million ducks, geese, swans, and coots traverse the region annually as part of their migratory patterns.

As a Trenton native, Dr. Hartig spent his youth fishing on the Detroit River. He is trained as a limnologist and has over 30 years of experience in environmental science, management, and policy. He served a term as President of the International Association for Great Lakes Research—a group dedicated to the study of large lakes and watersheds around the world. He spent 5 years as the Detroit River Navigator, a federal liaison identifying and enacting valuable economic development, environmental stewardship, and historical preservation, for the Greater Detroit American Heritage River Initiative, established by Presidential Executive Order to protect and preserve America's Rivers. He also worked for the International Joint Commission, established by the United States and Canada to resolve Boundary Water issues, and helped establish the Canada-US Great Lakes Water Quality Agreement for more than a decade. He has taught Environmental Management and Sustainable Development as an Adjunct Professor at Wayne State University. Dr. Hartig has written over 100 published articles on the Great Lakes and authored or co-authored a number of books including ''UNDER RAPS: Toward Grassroots Ecological Democracy in the Great Lakes Basin,'' ''Honoring Our Detroit River, Caring for Our Home,'' and recently ''Burning Rivers: Revival of Four Urban-Industrial Rivers That Caught on Fire.'' His work has garnered numerous other accolades, including the 2003 Anderson-Everett Award for contributions to the International Association for the Great Lakes, the 2003 Community Luminary Award from the DTE Energy Foundation for his leadership in the development of communities in Michigan, and the 1993 Sustainable Development Award for Civic Leadership from the Global Tomorrow Coalition.

John Hartig has dedicated his career to the protection of some of Michigan's most valuable and most vulnerable resources. His work affects the present and the future of one of our nation's great treasures and I am proud to stand before you today in order to honor him and the causes he has so diligently championed.

HONORING THE LIFE OF TOM TURNER

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. COHEN. Madam Speaker, I rise today to honor the life of Tom Turner, a man who devoted his life in service to the Memphis community. He was born in Atlanta, Georgia in 1924, and graduated from Georgia Institute of Technology, after which he served his country as a Lieutenant in the U.S. Army Air Corps during World War II. Afterwards, he moved to Memphis, Tennessee where he worked as the Division Manager for External Affairs at Buckeye Cellulose Technology for forty years.

Tom Turner was active in a multitude of local organizations during his career and in retirement. He was Chairman of the Boards of Agricenter International, the Memphis Chamber of Commerce, Junior Achievement, and Goodwill Industries. In addition, Mr. Turner served as Vice Chairman of the Boards of the Airport Authority and Christian Brothers University. He was an active participant with Le Moyne Owen College, MIFA and was a big fundraiser for the United Way and the Salvation Army. He was active in the Rotary Club, Memphis in May, Memphis partners and the Tennessee Independent College Fund. Mr. Turner was an active member of his Church, Wesleyan Hills United Methodist, where he was Chairman of the administrative board and taught Sunday School.

This is only a partial list of Mr. Turner's involvement in the Memphis community. He was truly a tireless proponent of civic involvement. The Volunteer Center of Memphis awarded him the Golden Rule Award as the ''Top Volunteer in Memphis.'' Christian Brothers University also awarded him the Maurelian Medal for ''exceptional service to the university and to the wider community.'' Thomas Turner's impact was deeply felt in the Memphis Community and his absence will undoubtedly be deeply felt.

Tom Turner passed away on March 27, 2010, at the age of 85. He is survived by his wife of 60 years, Doris Turner, two daughters, Terri Panitz and Lisa Turner and partner Rob Sangster, and five grandchildren. Memphis mourns the loss of Mr. Turner who was tirelessly involved in his community's growth. His life was a reminder of just how much one person can accomplish while serving the community.

HONORING MS. KARYN POREMPSKI

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. HIGGINS. Madam Speaker, I rise today to recognize the commitment to service of Ms. Karyn Porempski, the serving Department President of the American Legion Auxiliary for 2009/2010.

During her time as Department President, Karyn has worked tirelessly to assist our veterans and communities throughout New York. The Department Presidents Project, which she oversees, is divided into two programs. The first, the Creative Arts, New York project, works to incorporate the arts into Veterans Affairs recreational therapy programs. The project raises funds to purchase medals, certificates, program books, and art supplies, and allows veterans to enter their work into a national competition.

The second of Karyn's projects is designed to provide help for veterans of the Gulf War, Operation Iraqi Freedom, and Operation Enduring Freedom. The project works alongside the Veterans Administration to provide much needed services that might otherwise fall through the cracks because of red tape or budgetary constraints. The funds she raises for this project will help to provide transportation, grocery cards, and refreshments for group events.

Karyn is expected to raise an impressive $50,000 in funding for these projects. These donations did not come easily, but instead are the result of many trips throughout New York.

Karyn's enthusiasm and commitment to the American Legion extends throughout her family as well. Her husband Joseph is a past Post Commander and District Commander. Karyn's two daughters Holly and Tracey are members of the Auxiliary, her granddaughters Rebecca and Jenna are junior members, and her grandson Jared is a member of the Sons of the American Legion. Her father, sister, and, until recently, mother were also members of the American Legion; Karyn lost her mother this past year.

Madam Speaker, I ask my fellow Members to join me in recognizing Ms. Karyn Porempski for her over forty years of service to the American Legion Auxiliary, our veterans, and western New York.

CELEBRATING THE BIRTH OF CATHERINE GRACE MCCAULEY

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. HENSARLING. Madam Speaker, today I wish to celebrate the birth of Catherine Grace McCauley to her parents, Juli and Jared McCauley of Lubbock, Texas. Cate was born on April 13, 2010, at 11:15 p.m., weighing 7 pounds, 8 ounces and measuring 20 and one-half inches.

Cate's proud grandparents are Michael and Cathy Buchanan and Roger and Diane McCauley. She is the great-grandchild of Joe and the late Billy Gene Buchanan, Troy and Marge Jones, Arline and the late Ward McCauley and Robert and Betty Minemier, Sr. Cameron and Stacey Buchanan and Dee and Jessica Buchanan are Cate's excited aunts and uncles.

Madam Speaker, as a father of two children, I know what a momentous celebration this is for Juli, Jared and their entire family, for a child truly is a gift of the Lord. This family has prayed about Cate's arrival for years, and today, Madam Speaker, they can proclaim

with a spirit of joy and thanksgiving, ''For this child I prayed; and the Lord hath given me my petition which I asked of him.''

U.S. AND TAIWAN'S AIR DEFENSE

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Ms. GRANGER. Madam Speaker, I rise today to talk about an issue of concern to me and to my Taiwanese American constituents.

Today's Taiwan is a strong ally of the United States that shares with us the ideals of freedom, democracy, and self-determination. Taiwan enjoys elements of independence, although Taiwan continues to be under an ominous shadow cast by the over 1400 short and medium-range ballistic missiles that the People's Republic of China (PRC) has aimed in its direction. China continues to refuse to renounce the use of force against Taiwan, continues to claim Taiwan as a renegade province, and in 2005 passed an ''Anti-Secession Law'' that mandated military action if Taiwan moves towards formal and legal independence. The U.S. Congress quickly and strongly condemned China for this action with a vote on the House Floor.

A 2009 Pentagon report on the military power of the PRC stated that ''in the near-term, China's armed forces are rapidly developing coercive capabilities for the purpose of deterring Taiwan's pursuit of de jure independence.'' It added that these ''same capabilities could in the future be used to pressure Taiwan toward a settlement of the cross-Strait dispute on Beijing's terms while simultaneously attempting to deter, delay, or deny any possible U.S. support for the island in case of conflict.''

Madam Speaker, the 1979 Taiwan Relations Act is the cornerstone of United States-Taiwan relations and the ''Law of the Land.'' It declares that it is the policy of the United States ''to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States.''

Furthermore, section 3(b) of the Act stipulates that both the President and the Congress shall determine the nature and quantity of such defense articles and services 'based solely' upon their judgment of the needs of Taiwan.

On January 29, 2010 the Obama Administration notified Congress of a long-awaited package of arms sale to Taiwan, totaling US$ 6.4 billion. The package included 114 Patriot PAC–3 missiles, 60 Black Hawk helicopters, 12 Harpoon missiles for training purposes, two Osprey-class refurbished mine hunters and military communication equipment. However, not included in the package were 66 F–16 C/D fighter aircraft, which Taiwan requested in 2006.

Prior to the notification, in a report dated 21 January 2010, the U.S. Defense Intelligence Agency made an assessment of the status of Taiwan's air defense. It concluded that Taiwan's air defense is showing increasing vulnerability due to the aging of the air force fighter aircraft.

Madam Speaker, let me conclude my remarks with urging my esteemed colleagues to join me in requesting the Obama administration to immediately move ahead with the sale of F–16s to Taiwan at this time. One of the main reasons to move now is that the production of the F–16s is nearing its end, as more countries are switching to the advanced F–35 Joint Strike Fighter.

HONORING LIONVILLE YOUTH ASSOCIATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. GERLACH. Madam Speaker, I rise today to honor the Lionville Youth Association as it celebrates 40 years of providing excellent recreational opportunities and sports programs to boys and girls in Chester County, Pennsylvania.

The Association has come a long way since its inception in 1970 when it developed playing fields on two, pie-shaped parcels along Devon Drive in an era when backstops were made of chicken wire and the snow fences served as outfield walls. Last year, more than 1,600 children participated in sports leagues organized by the Association and competed on well-groomed playing fields with dugouts, electronic scoreboards and press boxes. Countless youth teams have celebrated championships earned while playing on one of the athletic fields faithfully maintained by the Association. More importantly, the Association has afforded boys and girls a chance to learn valuable lessons in team work, hard work and perseverance that will benefit them long after they leave the playing field.

The Association's tremendous success and increased participation in youth sports can be attributed to the 550 volunteers who generously give 180,000 hours each year to serve as coaches, umpires, referees, concession stand workers, league officials and in various other roles.

Madam Speaker, I ask that my colleagues join me today in congratulating the Lionville Youth Association as it commemorates this very special milestone and offering best wishes for continued success in enriching the lives of our youth and strengthening the bonds within our community.

RICK MAZER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure that I take this time to honor one of Northwest Indiana's most respected business and community leaders, Mr. Rick Mazer, from Saint John, Indiana. On April 8, 2010, Rick was honored by Horseshoe Casino and the Northwest Indiana Forum in appreciation for his many years of service as a dedicated executive and for his numerous contributions to the community of Northwest Indiana. The celebration took place at Gamba Ristorante in Merrillville, Indiana.

Rick Mazer's professional and academic career led him to become a prominent leader in the gaming industry for nearly thirty years. In 1976, Rick earned a Bachelor's degree in Business Administration from Boston University. His lifelong career in the gaming industry began in 1979, in Atlantic City, where he held various positions at Caesar's Entertainment and Resorts International. In 1991, Rick's career led him to Peoria, Illinois where he played an instrumental role in the grand opening of Par-A-Dice Riverboat Casino, where he served as Vice President of Marketing. In late 1995, Mr. Mazer became the Director of Marketing and Advertising at the Empress Casino in Joliet, Illinois. He joined the team at Horseshoe Casino nearly fifteen years ago and successfully maintained a leadership role through three ownerships. In 2007, due to his outstanding management skills and superior business strategies, Rick was subsequently promoted to oversee the two Harrah's Entertainment casinos that book-end the state, picking up responsibilities for what was known as Caesars Indiana, now Horseshoe Southern Indiana. Mr. Mazer led the transformation from one great brand to another. The ''mother of all boats'', or MOAB, is the moniker fondly used internally to reference the $500 million casino that Rick spearheaded. The design, construction, and opening of one of the most stunning casinos in America could have only happened under his guidance. For his efforts, Mr. Mazer has been presented with the Lakeshore Chamber of Commerce Business Person of the Year award. After years of service in the Indiana market, Rick was given an opportunity to oversee multiple casinos in America's gaming capital, Las Vegas. Staying within the Harrah's Entertainment family has made the transition very smooth.

Rick Mazer exemplifies what it means to be a true leader. His outstanding leadership skills are reflected by staff members, who have been quoted as saying, ''Rick actively engages members of his team, constantly challenging them to expand their expertise while fostering their talent and growth. Rick understands that with a truly engaged team, anything is possible.''

In addition to his impressive professional career, Rick passionately serves the people of Northwest Indiana through his involvement in many community organizations. Among his many contributions, Rick is actively involved with the Northwest Indiana Forum, Tradewinds Rehabilitative Services, Northwest Indiana Symphony Orchestra, Casino Association of Indiana, Lake Area United Way, Crisis Center, Haven House, American Cancer Society, Lakeshore Chamber of Commerce, Lake County Convention and Visitor's Bureau Hospitality Committee, and the Indiana Black Expo. For his many charitable efforts, Rick was awarded the prestigious Raoul Wallenberg Humanitarian Award. For his continuous, selfless devotion to the community of Northwest Indiana, Mr. Mazer is to be highly commended.

Rick's dedication to his community is exceeded only by his devotion to his amazing family. This coming May, he and his wonderful wife, Aria, will celebrate 30 years of marriage. They have two beloved daughters, Ericka and Racquel.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in commending Mr. Rick Mazer as he is honored for his lifetime of service and dedication to the Northwest Indiana community. Rick continues to touch the lives of countless people,

and for his unselfish, lifelong commitment, he is worthy of the highest praise.

INTRODUCTION OF THE IMPROVE ACQUISITION ACT OF 2010

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. ANDREWS. Madam Speaker, I'm pleased to be joined by a number of my colleagues today in introducing the IMPROVE Acquisition Act of 2010. On March 23, the House Armed Services Committee's Panel on Defense Acquisition Reform completed its work by unanimously agreeing to its final report after a year-long investigation of the defense acquisition system. We held 14 hearings and 2 briefings and looked at the whole spectrum of the acquisition system. We found that while the nature of defense acquisition has substantially changed since the end of the Cold War, the defense acquisition system has not kept pace.

It is still a system primarily designed for the acquisition of weapon systems at a time when the acquisition of services, and of information technology, represents a much larger share of the Department's budget. These other areas of acquisition operate very differently from weapons acquisition, but are just as complex and just as risky for taxpayers. It was clear to our Panel that changes are needed, but the extent and complexity of the problem presented a real challenge to us.

Ultimately, we did find a group of common, overarching issues that we were convinced needed to be addressed. Across all categories of acquisition significant improvements can and should be made in: managing the acquisition system; improving the requirements process; developing and incentivizing the highest quality acquisition workforce; reforming financial management; and getting the best from the industrial base. The IMPROVE Acquisition Act of 2010 goes directly at each of these issues.

It requires DOD to regularly and comprehensively assess the performance of the defense acquisition system, and puts the newly created Office of Performance Assessment and Root Cause Analysis in charge of these assessments. These assessments would not simply be material to fill reports to Congress. These performance assessments would be linked directly with the things that matter most to the people in the system: pay, promotion, and the scope of their authority. A similar performance management system is required for the current requirements process for weapon systems and the bill requires DOD to develop a requirements process for the acquisition of services. These systems will now be held accountable to the Department's senior leaders. The bill also requires DOD to revisit its acquisition policy to correct the bias towards weapons system acquisition, and requires DOD to assign actual military units to assist in the development and evaluation of major weapon systems.

The central pillar of the defense acquisition system is the acquisition workforce. Only through supporting, empowering, rewarding, and holding accountable the acquisition workforce can the defense acquisition system be expected to improve. To achieve this, the bill gives the Department the flexibility to efficiently hire qualified new employees, and to manage its workforce in a manner that promotes superior performance. DOD is required to develop new regulations for the acquisition workforce which include fair, credible, and transparent methods for hiring and assigning personnel, and for appraising and rewarding employee performance. The bill also extends and codifies the Acquisition Workforce Demonstration Program, which already incorporates a number of these important elements, but has been dormant while the Department tried to implement NSPS.

Another key pillar of success for the defense acquisition system is the Department's financial management system. DOD's inability to provide accurate and timely financial information prevents it from adequately managing its acquisition programs and from implementing true acquisition reform. The bill requires DOD to establish meaningful incentives for the military services to achieve unqualified audits well before the current mandate of September 30, 2017. It also requires consequences if they do not meet this mandate, which was enacted in the National Defense Authorization Act for Fiscal Year 2010.

The last pillar underpinning the defense acquisition system is the industrial base. The bill requires the Department to enhance competition and gain access to more innovative technology by taking measures to utilize more of the industrial base, especially small and midtier businesses. And in managing that industrial base, the bill directs DOD to work with responsible contractors with strong business systems. It requires contractors to disclose whether they are delinquent on their taxes when they bid on a federal contract.

I look forward to working with my colleagues to pass this important legislation through the House in the coming weeks.

USC PRESIDENT STEVEN SAMPLE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. BERMAN. Madam Speaker, I am honored to pay tribute to my friend Professor Steven Sample, on the occasion of his retirement from the University of Southern California. I have had the pleasure of working with him on many issues of concern to USC and educational reform, and I know firsthand of his many accomplishments.

In 1991, Professor Sample was appointed USC President. Under his leadership, USC has become world-renowned in the fields of communication and multimedia technologies, received national acclaim for its innovative community partnerships, and solidified its status as one of the nation's leading research universities.

President Sample transformed Jewish life at USC by bolstering the school's efforts to identify, reach, and direct talented Jewish students into community activities and involvement. He also attracted successful Jewish philanthropists, through the Board of Trustees, generating unparalleled financial support to the USC Hillel Foundation's schools, centers and institutes. President Sample is to be recognized for his role in building and supporting Jewish institutions on campus such as the Casden Institute, Chabad at USC, the Jewish Studies Department, and most recently, the Shoah Institute, as well as off campus institutions such as USC Hillel and Hebrew Union College.

Professor Sample is an extraordinary individual. In addition to being an electrical engineer he is a musician, outdoorsman, author, and inventor. In February 1998, he was elected to the National Academy of Engineering for his contributions to consumer electronics and leadership in interdisciplinary research and education. In 2003, he was elected to the American Academy of Arts and Sciences in recognition of his accomplishments as a university president.

Professor Sample has received numerous awards and great support from the community in recognition of his achievements. He recently received the Distinguished Business Leader Award from the Los Angeles Area Chamber of Commerce, the Heart of the City Award from the Central City Association of Los Angeles, and the Chancellor Charles P. Norton Medal, the highest award bestowed by the State University of New York at Buffalo. He has also received the Humanitarian Award from the National Conference for Community and Justice, the Hollzer Memorial Award from the Jewish Federation Council of Greater Los Angeles, and the Eddy Award for excellence in economic development from the Los Angeles County Economic Development Corporation.

Madam Speaker and distinguished colleagues, I ask you to join me in saluting Professor Sample for his impressive career and dedication to the people of Southern California, and congratulating him on the occasion of his retirement.

TRIBUTE TO OLYMPIC SNOWBOARDER LOUIE VITO

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. JORDAN of Ohio. Madam Speaker, I am proud to honor the achievements of Louie Vito on his outstanding snowboarding performance at the 2010 Olympic Winter Games.

Louie is a native of Bellefontaine, Ohio, and got his first snowboarding experience at Bellefontaine's Mad River Mountain. He credits his father, Lou, with helping to nurture his passion for the sport early on.

At age 13, Louie was present at the 2002 Olympic Winter Games in Salt Lake City to watch American snowboarders capture the gold, silver, and bronze in the men's halfpipe competition. Inspired by their example, he dedicated himself to the sport, turning pro in 2005. He immediately made his mark in the world of snowboarding with a first-place finish in the superpipe at that year's Burton Australian Open—a feat he repeated in 2006.

His strong showing in Australia set the stage for many future successes. Louie won the 2008 US Grand Prix and was Grand Prix co-champion in 2009. This year alone, he won a bronze at the Winter Euro X Games, took second in superpipe at the US Open, and finished fifth in the halfpipe competition at the Vancouver Olympic Games. The people of

Bellefontaine and from across Ohio were proud to cheer on our native son at the Games, spellbound by his amazing runs.

An all-around athlete, Louie became known to millions more throughout the nation during his appearances on ABC's Dancing with the Stars last season.

Madam Speaker, on behalf of the people of Ohio's Fourth Congressional District, I am honored to celebrate Louie's accomplishments, his dedication to sports, his integrity and work ethic, and his outstanding contributions to the Olympic tradition. We wish him all the best in his career, and look forward to watching him compete again in the 2014 Olympic Winter Games.

PERSONAL EXPLANATION

HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. CARNEY. Madam Speaker, on Tuesday, April 13, I was unable to cast my vote on three suspension bills.

Had I been present, I would like the record to reflect that I would have voted: ''yes'' on rollcall vote 196, ''yes'' on rollcall vote 197, and ''yes'' on rollcall vote 198.

IN RECOGNITION OF MS. SUSAN ERRETT CORD PEREIRA 70TH BIRTHDAY

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to Ms. Susan Errett Cord Pereira who will be turning 70 years old on May 21st. Ms. Pereira is both praised for her entrepreneurial spirit as well as for her generosity. She is a great contribution to the community.

Ms. Pereira and her husband of 48 years, William L. Pereira, Jr., have a natural eye for business. Together they have started several businesses which include Air California, Diamond Sports, Inc., and a very well-known and respected Arabian horse farm.

Besides running successful companies with her husband, Ms. Pereira uses her business smarts to play a large role in many charities including Junior League, Dunn School Board of Trustees, Reno Chamber Music Board of Trustees, and is a co-sponsor of the Pereira Visiting Writers program at University of California Irvine.

She has five children, a passion for Arabian horses, and is a Life Master in bridge.

Best wishes and Happy Birthday to Ms. Susan Errett Cord Pereira.

CONTRATULATING THE UNIVERSITY OF ALABAMA STUDENTS IN FREE ENTERPRISE TEAM

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. ADERHOLT. Madam Speaker, I would like to congratulate the University of Alabama Students In Free Enterprise Team (UA–SIFE) for winning their fourth consecutive Regional Championship.

The UA–SIFE team was the League 9 Champion and will be traveling to Minneapolis, MN on May 10–13 to compete in National Finals.

Founded in 2005, the UA–SIFE team has grown from 5 members to 64 active members.

Since its inception UA–SIFE. has won Rookie of the Year, First Runner Up, Second Runner Up at National's and four consecutive Regional Championships.

The University of Alabama has always upheld the highest standards of excellence in all its endeavors, and this team of outstanding student leaders is no exception.

During these tough economic times, I am encouraged that students would give their time and talent to teach others the principles of free enterprise.

I commend the leadership of Clinical Professor and Sam Walton Fellow David Ford on his successful career not only with the University of Alabama but also as a soldier and a business leader, and I look forward to the continuation of a tradition of solid and consistent performance in both academics and free enterprise.

Madam Speaker, I congratulate each member of this dedicated SIFE team, the alumni and the University of Alabama for their commitment to achieving their fourth consecutive championship.

Good luck at the Nationals.

HONORING THE LIFE OF JAIME A. ESCALANTE

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mrs. NAPOLITANO. Madam Speaker, it is with great reverence that I rise to honor the life of Jaime A. Escalante, a husband, father, immigrant, and teacher who dedicated his life to educating and mentoring youth. Mr. Escalante was most notable for his dynamic role as a teacher at Garfield High School in East Los Angeles, California where he pressed disadvantaged students to reach new levels of understanding in mathematics and to pass the challenging AP calculus exam. He was instrumental in transforming one of the lowest-performing high schools in the country into a national model for improving academic achievement of disadvantaged children in all subjects.

Mr. Escalante was born on December 31, 1930, in La Paz, Bolivia. Early in his teaching career, he taught at top-rated Bolivian schools before he moved to California in 1963 to pursue a more promising future for his family. Because his Bolivian credentials were not acceptable to teach in any U.S. school, he mopped floors at a coffee shop while he enrolled in English classes and repeated his undergraduate education and teacher training. At the age of 44, Mr. Escalante left his job at an electronics company, taking a pay cut, to join the math department at Garfield High School in East Los Angeles.

When Mr. Escalante arrived at Garfield in 1974, 85 percent of the students were low-income and the school was riddled with gang violence and on the verge of losing its accreditation. Mr. Escalante taught lower level math classes and soon earned a reputation for turning around students who initially lacked motivation. Escalante began teaching more difficult math classes which led to his establishment of an Advanced Placement (AP) calculus class for students who were willing to work hard, rejecting the usual markers of academic excellence, such as previous GPA scores.

In 1978, Jaime Escalante enrolled 14 students in his first AP class. Only five students survived his rigorous homework and attendance standards, and two passed the AP exam. Two years later, seven of nine students passed the exam, and three years later, 14 of 15 students passed. In 1982, Mr. Escalante helped 18 students prepare for the AP test by working on lessons after school each day and holding Saturday and summer classes. All 18 students passed, with seven students earning a score of 5, the highest score possible on the test. However, 14 of the 18 students were accused of cheating by the Education Testing Service, and 12 students agreed to retake the test. All 12 passed again under highly monitored conditions.

In 1987, Garfield students took 129 AP calculus exams, more than all but four high schools, public or private, in the country. That year more than a quarter of all Mexican American students in the United States who passed the calculus AP exam attended Garfield. Jaime Escalante's commitment to his students and high standards allowed him to make waves in the teaching world, drawing attention on the national scale from educators across America.

Jaime Escalante's achievements were highlighted in the 1988 movie ''Stand and Deliver'' and the book ''Escalante: The Best Teacher in America'' by Jay Mathews. Mr. Escalante was instrumental in changing the notion that social class and race were the best indicators of who could learn complex concepts and who could not. He proved that Hispanic, working class students from a failing school in East Los Angeles could achieve top educational goals if they were given enough time and attention from a dedicated educator.

Jaime A. Escalante was honored with several teaching awards, including the Presidential Medal of Excellence in Education, the Andres Bello Prize from the Organization of American States, and the Free Spirit Award from the Freedom Forum, as well as being inducted into the National Teachers Hall of Fame in 1999.

I wish to express my sincere sympathy to the family members that Mr. Escalante leaves behind. He is survived by his wife, Fabiola, his two children, Jaime Jr. and Fernando, and his six grandchildren. I ask that all of my colleagues join me to honor Jaime Escalante's commitment to our nation's students and his achievements that have changed education in America and will continue to inspire educators and students for years to come.

NUCLEAR POSTURE REVIEW

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. SKELTON. Madam Speaker, one of the most serious threats facing our nation today is the risk of terrorist organizations like al Qaeda obtaining nuclear weapons—and we can all rest assured that they are trying their hardest to turn this risk into a reality.

This is much different than the nuclear threat we faced thirty years ago in the midst of the Cold War. We no longer need to build up our nuclear stockpile to prepare for a world war. That threat is diminishing, instead being replaced by the risk of nuclear materials being spread to countries and terrorists who are hostile to the U.S. As this nuclear landscape continues to change, we cannot be effective in protecting our great nation unless our nuclear policy changes, too.

Over the past several weeks, the Obama administration has made historic efforts to finally bring our nuclear policy out of the Cold War era and into the 21st century. This is an administration that recognizes the importance of pursuing a comprehensive agenda to prevent the spread of nuclear weapons to our enemies and to secure vulnerable nuclear materials from those who seek to do us harm.

Earlier this month, the President released the Nuclear Posture Review, a responsible plan that aligns our nuclear strategy to better address the threats we face today. We know that it doesn't make sense to try to keep nuclear material away from terrorists by creating more nuclear material.

The Nuclear Posture Review instead focuses on taking steps to work with other nations to secure the nuclear material that is already out there—while at the same time making sure that we maintain a robust nuclear deterrence here at home.

The NPR, for the first time ever, places the prevention of nuclear terrorism at the top of our nuclear agenda. It defines key steps to strengthen our global non proliferation regime and keep nuclear material secure. Just yesterday, President Obama wrapped up a historic nuclear security summit here in Washington, where nearly 50 nations committed to secure all of their nuclear material in four years. This is a significant achievement, and makes real progress toward keeping this dangerous material out of the hands of those who seek to do us harm.

The NPR also renews our commitment to hold fully accountable any state, terrorist group, or other entity that supports or enables terrorist efforts to obtain or use weapons of mass destruction.

Madam Speaker, I have heard some critics try to distort the facts about this piece of the NPR, but here is the truth:

President Obama made it very clear that if we see states developing biological or chemical weapons that we think endanger our safety, he reserves the right to revise this policy. He also made it clear that if any state not compliant with the Non-Proliferation Treaty—and this includes countries like Iran and North Korea—were to attack us with chemical or biological weapons, Secretary Gates made it clear that ''all options are on the table,'' including responding with nuclear weapons.

What the new security guarantee in NPR offers is an incentive for those nations that do not seek nuclear weapons and comply with the NPT.

We have an unmatched conventional military capability at our hands, and my colleagues should not try to minimize this very powerful tool in our toolkit.

Our new nuclear policy seeks to strengthen strategic deterrence and stability at reduced nuclear force levels, with the New START Treaty that we signed with Russia last week as an important first step. It also strengthens regional deterrence, broadening regional security architectures—including through missile defenses and improved conventional forces—to provide reassurance to our partners and allies.

Finally, the NPR maintains a robust nuclear deterrence and sustains it by investing in our existing stockpile and the workforce that maintains it—a process that will keep our nuclear weapons reliable, safe, and secure without the need to make new nuclear warheads.

Madam Speaker, this is not 1980. The nuclear threats facing our nation have moved beyond those of the Cold War, and we must move our nuclear policy beyond the narrow Cold War mentality. President Obama is taking the right steps to match up our nuclear policy with our current needs, and I commend him for his leadership to protect American families.

OPPORTUNITY ENTERPRISES

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. VISCLOSKY. Madam Speaker, it is with deep respect and admiration that I recognize Opportunity Enterprises Incorporated, which hosted its Celebration of Achievement Award Ceremony on Thursday, April 8, 2010, at Strongbow Inn in Valparaiso, Indiana. Opportunity Enterprises honored the accomplishments of members of its noteworthy staff, clients, volunteers and community partners. Opportunity Enterprises also paid special tribute to President and Chief Executive Officer, Mr. Gary Mitchell, who will be retiring in June of this year. For his outstanding leadership and his lifelong commitment to those in need, he is worthy of our respect and admiration.

Opportunity Enterprises is a non-profit organization that serves to create opportunities for individuals with unique challenges and abilities. Because of many dedicated, loyal, and passionate people who believe in the organization and its goals, Opportunity Enterprises is able to provide day and enrichment services, residential and children's programs, and vocational opportunities for individuals of all ages whether they have physical, emotional or developmental disabilities.

This year, Opportunity Enterprises honored individuals and organizations who have played a major role in their success. The Spirit of Opportunity Enterprises award recipient is Jake Wagner. Jake has been a board member for many years and has played an instrumental role in terms of property acquisition, identifying lead donors, and seeking grant funding. The Community Employer of the Year award recipient is Strack and Van Til. The company hires many clients through the organization's JobSource Community Employment Program and passionately assists these individuals in developing their skills. The Business of the Year award recipient is Framing Concepts Gallery, which gives tremendous support to the organization's Art Enrichment Program. The Jeanne Baird Volunteer of the Year award recipient is Cheryl Kozrowski. Cheryl continuously and selflessly gives her time to Opportunity Enterprises and its many programs. The JobSource Client of the Year award recipient is Mike Biggs. Mike has been employed through the JobSource Program for eighteen years. Despite being hearing impaired, Mike maintains an outstanding positive attitude and is beloved by everyone who works with him. The Amazing Client of the Year award recipients are: Samuel Collins, Paula Norfleet, and Derek Rogers. Samuel, who receives respite services, has made remarkable progress since becoming an Opportunity Enterprises client. Paula is employed through the Supported Employment Program and the Community Employment Program. Although she has limited use of her hands and legs, Paula is constantly helping and supporting other clients. Derek is involved in the Supported Living Department and has made extraordinary improvement since joining the team at Opportunity Enterprises. For their dedication and commitment to Opportunity Enterprises and the community of Northwest Indiana, the 2010 Achievement Award recipients are to be commended.

Opportunity Enterprises also honored and congratulated President and Chief Executive Officer, Mr. Gary Mitchell, who will be retiring this year. In 1986, Gary joined the team at Opportunity Enterprises as the Chief Executive Officer. Opportunity Enterprises has enjoyed unprecedented growth and success under Gary's leadership. In 1986, the organization served 263 individuals with disabilities on a daily basis. Since then, Opportunity Enterprises has constantly expanded and now serves over 1,000 individuals within Porter County and throughout Northwest Indiana. For the past 15 years, Opportunity Enterprises has received accreditation by the Commission on Accreditation of Rehabilitation Facilities (CARF), a not-for-profit organization that establishes standards of quality for service to people with disabilities. For his efforts over the years on behalf of his community, Gary has received numerous honors, including the Indiana Association of Rehabilitation Facilities (INARF) President's Award in 1992 and the Sagamore of the Wabash in 1993 from then-Governor EVAN BAYH. For his selfless and passionate support for helping individuals to re-establish their roles in community life, Mr. Mitchell is to be commended and admired.

Gary's dedication to the people he serves is matched only by his devotion to his family. Gary has been married to his wife, Paula, for an astonishing 44 years. They have three children and seven grandchildren.

Madam Speaker, I ask that you and my other distinguished colleagues join me in honoring the Opportunity Enterprises 2010 Achievement Award winners, as well as Mr. Gary Mitchell, for their outstanding contributions. Their unwavering commitment to improving the quality of life for countless individuals in Northwest Indiana is truly inspirational, and they are worthy of the highest praise.

RECOGNIZING THE EMERGENCY NURSES ASSOCIATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mrs. CAPPS. Madam Speaker, I rise today to recognize the Emergency Nurses Association and to congratulate them on their 40th anniversary.

The Emergency Nurses Association, or ENA, is the only professional nursing association dedicated to defining the future of emergency nursing and emergency care through advocacy, expertise, innovation and leadership. It boasts more than 37,000 members worldwide.

Founded in 1970 as the Emergency Department Nurses Association and led by Anita M. Dorr, RN and Judith C. Kelleher, RN, it was originally established to set standards for best practices in emergency nursing care. It also provided continuing education programs for emergency nurses and a united voice for nurses involved in emergency care. In 1985, the Association name was changed to Emergency Nurses Association, ENA.

Among its many accomplishments, ENA published its first Roadway Safety Scorecard in 2006, providing an overview of the kinds of roadway laws that prevent injuries and save lives, and a listing of the States that have enacted those laws. The initial report and the follow-up report in 2008 have provided the impetus for more States to pass roadway laws that protect lives and prevent injuries.

ENA is also working to make emergency departments safer by pressing for Occupational Safety and Health Administration standards that would help prevent violence in emergency departments. A recent ENA report on workplace violence found that more than half of emergency nurses have been physically assaulted on the job in the past 3 years and scores more endure verbal abuse regularly. Violence in the emergency department adversely affects patient care and also puts patients themselves at risk of assault or worse.

Madam Speaker, I ask my colleagues to join me in thanking the Emergency Nurses Association and its more than 37,000 members for their commitment to establishing public policies that reduce the need for emergency care and for working to improve the quality of that care when it is needed. I also ask that my colleagues join me in congratulating ENA on the occasion of its 40th anniversary.

RECOGNIZING THE THIRD GRADE STUDENTS AT LOUDOUN COUNTRY DAY SCHOOL

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. WOLF. Madam Speaker, I rise today to recognize the third grade students at the Loudoun Country Day School in Leesburg, Virginia. They are conducting a food drive called "Kids Helping Kids" to benefit Loudoun Interfaith Relief. I am honored to recognize the ongoing contributions of these special young people to help feed the hungry in their community.

These talented students are collecting healthy breakfast and lunch items to distribute to Loudoun County families this summer. Many families depend on free and reduced price hot meals for their children during the school year, and will greatly benefit for receiving meals during the summer months.

This is the second food drive that the Loudoun Country Day students have implemented this year. Last fall, the students collected 1,296 pounds of food that allowed 40 families to have a complete Thanksgiving feast.

I ask that my colleagues join me in congratulating the following students for their commitment to helping the hungry in their community.

Aidan Kennedy
Alex Moran
Annabella Stavrou
Ben Kowkowski
Greyson Sequino
Hunter Gowin
Lindsey Fouty
Lyndsey Coleman
Lauren Miller
Peyton Carter
TJ Donovan
Lauren Rubino
McKenna Martinez
Maddi Moran
Ella Parsons
Brian Wilmans
Christophe Atkinson
Luke Miller
Stephen Kalivokas
Drew Johnson
Gabrielle Latimer
Zyannah Malick

COMMEMORATION OF VAISAKHI

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. HONDA. Madam Speaker, I rise today in commemoration of Vaisakhi, a festival celebrating the founding of the Khalsa Sikh community in 1699. It has special significance for Sikhs because the tenth guru, Guru Gobind Singh, chose Vaisakhi as the occasion to formalize the Sikh identity and religious practice by forming the Khalsa, the body of initiated Sikhs. Vaisakhi also marks the new solar year and harvest season.

I would also like to take this opportunity to recognize the contributions American Sikhs make to our society. According to the 2000 Census, more than 650,000 Sikhs live in the United States, and more than 250,000 reside in my home state of California. Throughout history, American Sikhs have made great contributions to our cultural landscape, the government, business and civil sector, as well as the military. In 1956, the Hon. Dalip Singh Saund was the first Sikh, Asian- or Indian-American elected to the House of Representatives. In addition to making great progress for racial equality and diversity in American government, Rep. Saund was instrumental in ending statutory discrimination against Asian- and Indian-Americans by working to grant naturalization rights for immigrants from the Philippines and India. Around the country, Sikhs serve as mayors, business leaders, athletes, actors and other leadership positions.

It is my honor to rise today to recognize the Sikh festival of Vaisakhi and recognize the achievements and contributions of all American Sikhs to our country.

RECOGNIZING THE UNITED WAY VOLUNTEERS OF EAST TENNESSEE

HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. ROE of Tennessee. Madam Speaker, I rise today to commend the United Way volunteers of Washington County, Jonesborough, and Johnson City for their service to East Tennessee. I am proud of the example these fine volunteers set and for all they give back to the great state of Tennessee.

Nearly 125 volunteers will be attending the annual Volunteer Breakfast on April 23, 2010. With approximately 150 volunteers of their own, United Way of Washington County partners with many other organizations and thousands of other volunteers to change the lives of people in East Tennessee.

I sincerely thank the United Way of Washington County and all partnering organizations for all they do for the Volunteer State.

WELCOMING HEARTLAND CHURCH

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. MARCHANT. Madam Speaker, it is with great pleasure and pride that I rise today to welcome Heartland Church to its new location in the 24th District of Texas. Heartland Church has been a centerpiece of spiritual growth and community outreach in the greater Irving area for 58 years.

On Christmas Eve of 1951, The First United Pentecostal Church of Irving held its inaugural service in the Irving Community Center. This was the beginning of the rich spiritual history of Heartland Church which today has grown into a caring, compassionate, service centered congregation. Soon after opening, The First United Pentecostal Church of Irving moved from the Irving Community Center to its first building on Camano Road and then eventually to Story Road. Heartland Church has made several building transitions and a name change (originally Christ Temple and then later Heartland Church) to more adequately reflect its desire to meet the needs of its congregation and the community. In December of 1984, the building dedication ceremony was held for what Heartland Church called home up until December 2009.

Guided by faith, in 2000, Heartland Church made the decision to purchase 25.8 acres located on the west side of Highway 161. But God in His infinite wisdom had other plans and that was to bring Heartland Church to Carrollton. Today, through the vision and leadership of the church's founders and with the help of the surrounding community, Heartland Church has flourished from a small congregation, meeting in a 3,000 square foot building, to a thriving congregation with more than 22,000 square feet of meeting space.

On behalf of the 24th District of Texas, I would like to welcome Heartland Church to its new location in Carrollton, Texas. I am certain that Heartland Church will succeed and continue to be an example of Christ's love to others in the community.

PERSONAL EXPLANATION

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. JORDAN of Ohio. Madam Speaker, I was absent from the House Floor during four recent rollcall votes.

Had I been present, I would have voted in favor of H. Res. 1215, H. Res. 1222, H. Res. 1041, and H. Res. 1042.

HONORING WILLIAM CLAY FORD ON HIS SELECTION AS A MICHIGAN GREEN LEADER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. DINGELL. Madam Speaker, I rise today in honor of William Clay Ford Jr. Mr. Ford has been chosen as one of 16 people and institutions by the Detroit Free Press as a Michigan Green Leader. Selected from over 300 nominations, Mr. Ford will be recognized on April 22 as part of a 40th anniversary celebration of Earth Day. Green Leaders are people or entities who have had exceptional impact on the community through their leadership and contributions in their efforts to protect our environment.

Born May 3, 1957, in Detroit, Michigan, Mr. Ford is the great-grandson of both Henry Ford and Harvey Firestone. He received a bachelor of arts degree from Princeton University in 1979 and a master of science degree in management as an Alfred P. Sloan fellow from Massachusetts Institute of Technology in 1984. Immediately after graduating from Princeton, Mr. Ford went to work as a financial analyst for Ford Motor Company. In his first 10 years with Ford he held 11 jobs. In 1987 he became managing director for Ford Switzerland and in 1990 he was head of business strategy. In 1992 he was appointed general manager of Climate Control Division where he created the company's first wildlife habitat at a plant and established the first automotive plant to use 25 percent post-consumer materials in all of its plastic parts. Under his lead, the division won the President's Commission on Environmental Quality Award for the substitution of water for hazardous chemicals in a production process. He was elected vice president and headed the Commercial Truck Vehicle Center in 1994 and in 1995 took the chair of the board of directors finance committee. He was elected chairman of the board of directors and took office at the start of 1999, served as Ford's chief executive officer from October of 2001 to September of 2006, and was subsequently named executive chairman.

Mr. Ford is a lifelong environmentalist and throughout his time at Ford he has not only given to our environment through personal choices, but has proposed rigorous environmental policy changes for the company. The company published its first corporate citizenship report in 2000 with him at the helm. The report assessed the environmental, economic, and social ramifications of the company's projects and products around the world. In 2004, while Mr. Ford was CEO, the company finished the world's largest brownfield reclamation project with the Ford Rouge Center in Detroit. As a long-time advocate of hybrid vehicle technologies, Mr. Ford not only owns a hybrid, but has overseen the launch of expansive plans to offer electric and hybrid-powered automobiles to consumers.

In addition to his work with Ford Motor Company, Mr. Ford is a vice chairman of the Detroit Lions and has championed the environmentally friendly stadium in Detroit. He chairs the Detroit Economic Club board, co-chaired the National Summit in 2009, is the vice chair of the Business Leaders for Michigan, serves on the board of directors of eBay, and is a member of the board of trustees for The Henry Ford.

This is the first year the Detroit Free Press has held the Green Leaders event. Mr. Ford is a superb choice. His great drive and dedication are assets to us, our community, and our environment.

RECOGNIZING NEW YORK LGBT HEALTH MONTH

HON. PAUL TONKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. TONKO. Madam Speaker, I rise today to recognize March 2010 as Lesbian, Gay, Bisexual and Transgender, or LGBT Health Month in the state of New York. The health and happiness of all LGBT individuals in New York and across the country is of tremendous importance. I applaud the efforts of the Healthcare Committee in organizing LGBT month for March 2010, and I look forward to seeing this tradition grow and thrive in the years to come.

The Healthcare Committee of the NYS LGBT Health and Human Services Network, in conjunction with the Empire State Pride Agenda, declared the theme of this year's inaugural event "31 Ways for 31 Days." The Committee has gathered 31 simple and useful health tips, one for each day in March, to serve as a resource for the LGTB community.

LGTB Health Month is an opportunity for the LGTB community, and all New Yorkers, to unite around the common goal of good health. In following the 31 Ways for 31 Days, we are all reminded that a healthy community is also a happy community.

Madam Speaker, I ask that you and my distinguished colleagues join me in recognizing March 2010 as New York LGTB Health Month.

HONORING WILMA PEARL MANKILLER

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in support of H. Res. 1237 to honor Wilma Pearl Mankiller, the first female Chief of the Cherokee Nation, who passed away on April 6, 2010.

Wilma Mankiller was a remarkable human being and served as Principal Chief of the Cherokee Nation from 1985 to 1995. While Cherokee culture has traditionally embraced the concept of both male and female leadership, this custom had fallen out of practice in recent years. At the time she became Chief, the hierarchical system of the Cherokee Nation had become male dominated, and Mankiller faced numerous gender barriers in becoming and serving as Chief. During her tenure, she would go to great lengths to resurrect the balance of male and female leadership in the Cherokee Nation, and additionally, she worked to reinvigorate the Nation through community projects and programs.

Throughout our daily lives, we rarely stop to reflect on the remarkable accomplishments of women across the country and world. I am emboldened by people like Wilma Mankiller who worked diligently for others and tore down gender barriers in the process. Today young girls know that they too can grow up to become Indian Chiefs and it is because of the work and life of Wilma Mankiller that this is true.

Madam Speaker, Wilma Mankiller was a great leader and extraordinary advocate for the Cherokee Nation. I ask my fellow colleagues to join me today in honoring her memory and celebrating her distinguished life and work.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $12,831,193,383,690.69.

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 $2,192,767,637,396.89 so far this Congress. The debt has increased $4,813,927,403.84 since just yesterday.

This debt and its interest payments we are passing to our children and all future Americans.

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, April 15, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 16

9:30 a.m.
Homeland Security and Governmental Affairs
Investigations Subcommittee
To resume hearings to examine Wall Street and the financial crisis, focusing on the role of bank regulators.
SD–106

10 a.m.
Judiciary
To hold hearings to examine the nominations of Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit, Kimberly J. Mueller, to be United States District Judge for the Eastern District of California, Richard Mark Gergel, and J. Michelle Childs, both to be United States District Judge for the District of South Carolina, and Catherine C. Eagles, to be United States District Judge for the Middle District of North Carolina.
SD–226

APRIL 20

9:30 a.m.
Armed Services
To hold hearings to examine ballistic missile defense policies and programs 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.
SD–G50
Health, Education, Labor, and Pensions
To hold hearings to examine protection from premiums.
SD–430

10 a.m.
Energy and Natural Resources
To hold hearings to examine S. 1856, to amend the Energy Policy Act of 2005 to clarify policies regarding ownership of pore space, and S. 1134, to ensure the energy independence and economic viability of the United States by promoting the responsible use of coal through accelerated carbon capture and storage and through advanced clean coal technology research, development, demonstration, and deployment programs.
SD–366
Judiciary
To hold an oversight hearing to examine the Department of Justice, Civil Rights Division.
SD–226

10:30 a.m.
Appropriations
State, Foreign Operations, and Related Programs Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2011 for operations and programs of the U.S. Agency for International Development.
SD–192

11 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine border security.
SD–342

2 p.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nominations of Michael D. Kennedy, of Georgia, and Dana Katherine Bilyeu, of Nevada, both to be a Member of the Federal Retirement Thrift Investment Board, Dennis P. Walsh, of Maryland, to be Chairman of the Special Panel on Appeals, and Milton C. Lee, Jr., Judith Anne Smith, and Todd E. Edelman, all to be an Associate Judge of the Superior Court of the District of Columbia.
SD–342

2:30 p.m.
Intelligence
To hold closed hearings to consider certain intelligence matters.
SH–219

APRIL 21

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine implementation of the new post-9/11 Government Issue (GI) Bill.
SR–418

10 a.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine nonproliferation programs at the Departments of Defense and Energy in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program.
SR–222
Homeland Security and Governmental Affairs
To hold hearings to examine the lessons and implications of the Christmas Day attack, focusing on securing the visa process.
SD–342
Judiciary
To hold hearings to examine combating cyber crime and identity theft in the digital age.
SD–226

10:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2011 for Missile Defense Agency programs.
SD–192

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine securing the nation's rail and other surface transportation networks.
SR–253
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
Small Business and Entrepreneurship
To examine the President's proposed budget request for fiscal year 2011 for the Small Business Administration.
SR–428A
Armed Services
Strategic Forces Subcommittee
To hold hearings to examine environmental management funding in review of the Defense Authorization request for fiscal year 2011 and funding under the American Recovery and Reinvestment Act.
SR–222

APRIL 22

9:15 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine Elementary and Secondary Education Act (ESEA) reauthorization, focusing on meeting the needs of the whole student.
SD–106

9:30 a.m.
Armed Services
To hold hearings to examine the Nuclear Posture Review.
SD–G50

10 a.m.
Appropriations
Commerce, Justice, Science, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2011 for the National Aeronautics and Space Administration.
SD–192

2:15 p.m.
Indian Affairs
To hold hearings to examine the discussion draft of the ''Indian Energy Promotion and Parity Act of 2010''.
SD–628

2:30 p.m.
Intelligence
To hold closed hearings to consider certain intelligence matters.
SH–219
Commission on Security and Cooperation in Europe
To hold hearings to examine the link between revenue transparency and human rights, focusing on programs such as the Extractive Industries Transparency Initiative (EITI) and their ability to improve human right in resource-rich countries.
SD–430

APRIL 27

10 a.m.
Energy and Natural Resources
To hold hearings to examine the nominations of Philip D. Moeller, of Washington, and Cheryl A. LaFleur, of Massachusetts, both to be a Member of the Federal Energy Regulatory Commission.
SD–366

APRIL 28

2 p.m.
Health, Education, Labor, and Pensions
To hold hearings to examine Elementary and Secondary Education Act (ESEA) reauthorization, focusing on standards and assessments.
SD–430

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 1241, to amend Public Law 106–206 to direct the Secretary of the Interior and the Secretary of Agriculture to require annual permits and assess annual fees for commercial filming activities on Federal land for film crews of 5 persons or fewer, S. 1571 and H.R. 1043, bills to provide for a land exchange involving certain National Forest System lands in the Mendocino National Forest in the State of California, S. 2762, to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, S. 3075, to withdraw certain Federal land and interests in that land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws, S. 3185, to require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for the Te-moak Tribe of Western Shoshone Indians of Nevada, and H.R. 86, to eliminate an unused lighthouse reservation, provide management consistency by incorporating the rocks and small islands along the coast of Orange County, California, into the California Coastal National Monument managed by the Bureau of Land Management, and meet the original Congressional intent of preserving Orange County's rocks and small islands.
SD–366

MAY 5

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine Veterans Affairs (VA) Disability Compensation, focusing on presumptive disability decision-making.
SR–418

10 a.m.
United States Senate Caucus on International Narcotics Control
To hold hearings to examine violence in Mexico and Ciudad Juarez and its implications for the United States.
SD–124

MAY 19

9:30 a.m.
Veterans' Affairs
To hold hearings to examine pending legislation.
SR–418

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2251–S2329

Measures Introduced: Eleven bills and five resolutions were introduced, as follows: S. 3197–3207, S. Res. 479–482, and S. Con. Res. 57. **Page S2295**

Measures Passed:

Expressing Sympathy for the People of Poland: Senate agreed to S. Res. 479, expressing sympathy for the people of Poland in the aftermath of the devastating plane crash that killed the country's President, First Lady, and 94 other high ranking government, military, and civic leaders on April 10, 2010. **Pages S2251–54**

National Congenital Diaphragmatic Hernia Awareness Day: Committee on the Judiciary was discharged from further consideration of S. Res. 204, designating March 31, 2010, as ''National Congenital Diaphragmatic Hernia Awareness Day'', and the resolution was then agreed to. **Pages S2325–26**

25th Anniversary of the Blackstone Valley Tourism Council: Committee on the Judiciary was discharged from further consideration of S. Res. 468, honoring the Blackstone Valley Tourism Council on the celebration of its 25th anniversary, and the resolution was then agreed to. **Page S2326**

National 9–1–1 Education Month: Senate agreed to S. Res. 482, designating April 2010 as ''National 9–1–1 Education Month''. **Pages S2326–27**

Measures Considered:

Continuing Extension Act—Agreement: Senate continued consideration of H.R. 4851, to provide a temporary extension of certain programs, taking action on the following amendments proposed thereto: **Pages S2265–69, S2275–89**

Rejected:

Coburn Modified Amendment No. 3723 (to Amendment No. 3721), to pay for the full cost of extending additional unemployment insurance and other Federal programs by rescinding unspent Federal funds not obligated for any purpose. (By 51 yeas to 46 nays (Vote No. 111), Senate tabled the amendment.) **Pages S2275–82**

Pending:

Baucus Modified Amendment No. 3721, in the nature of a substitute. **Pages S2266–69**

Coburn Amendment No. 3726 (to Amendment No. 3721), to pay for the full cost of extending additional unemployment insurance and other Federal programs. **Page S2286**

Coburn Amendment No. 3727 (to Amendment No. 3721), to pay for the full cost of extending additional unemployment insurance and other Federal programs. **Pages S2286–88**

A motion was entered to close further debate on Baucus Modified Amendment No. 3721 (listed above), and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, April 16, 2010. **Page S2288**

A motion was entered to close further debate on the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of Baucus Modified Amendment No. 3721 (listed above). **Page S2288**

During consideration of this measure today, Senate also took the following action:

By 58 yeas to 40 nays (Vote No. 110), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected 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, all applicable provisions of those Acts and applicable budget resolutions, with respect to the emergency designation provision within Baucus Modified Amendment No. 3721, in the nature of a substitute. Subsequently, the point of order that the emergency provision within Baucus Modified Amendment No. 3721 (listed above), was in violation of section 4(g) of the Statutory Pay-As-You-Go Act of 2010, was sustained, and the emergency designation within the amendment was stricken. **Page S2269**

Senator Reid entered a motion to reconsider the vote by which 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, all applicable provisions of those Acts

and applicable budget resolutions, with respect to Baucus Modified Amendment No. 3721, was rejected. Page S2288

By 60 yeas to 40 nays (Vote No. 112), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate upon reconsideration 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, all applicable provisions of those Acts and applicable budget resolutions, with respect to the emergency designation provision within Baucus Modified Amendment No. 3721, in the nature of a substitute. Subsequently, the motion to waive the point of order made pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010, having been reconsidered and agreed to, the Chair's previous action sustaining the point of order is annulled, and the language previously stricken by the Chair is now restored to the amendment. Page S2288

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Thursday, April 15, 2010. Page S2327

Nominations Received: Senate received the following nominations:

Edward Carroll DuMont, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit.

John A. Gibney, Jr., of Virginia, to be United States District Judge for the Eastern District of Virginia.

Donald J. Cazayoux, Jr., of Louisiana, to be United States Attorney for the Middle District of Louisiana for the term of four years.

Pamela Cothran Marsh, of Florida, to be United States Attorney for the Northern District of Florida for the term of four years.

Zane David Memeger, of Pennsylvania, to be United States Attorney for the Eastern District of Pennsylvania for the term of four years.

Peter J. Smith, of Pennsylvania, to be United States Attorney for the Middle District of Pennsylvania for the term of four years.

Edward L. Stanton, III, of Tennessee, to be United States Attorney for the Western District of Tennessee for the term of four years.

John F. Walsh, of Colorado, to be United States Attorney for the District of Colorado for the term of four years.

Stephen R. Wigginton, of Illinois, to be United States Attorney for the Southern District of Illinois for the term of four years.

Henry Lee Whitehorn, Sr., of Louisiana, to be United States Marshal for the Western District of Louisiana for the term of four years.

Arthur Darrow Baylor, of Alabama, to be United States Marshal for the Middle District of Alabama for the term of four years.

Michael Robert Bladel, of Iowa, to be United States Marshal for the Southern District of Iowa for the term of four years.

Kevin Anthony Carr, of Wisconsin, to be United States Marshal for the Eastern District of Wisconsin for the term of four years.

Darryl Keith McPherson, of Illinois, to be United States Marshal for the Northern District of Illinois for the term of four years.

Kevin Charles Harrison, of Louisiana, to be United States Marshal for the Middle District of Louisiana for the term of four years.

34 Navy nominations in the rank of admiral.

Routine lists in the Foreign Service, National Oceanic and Atmospheric Administration, and Navy. Pages S2327–29

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

Stephanie Villafuerte, of Colorado, to be United States Attorney for the District of Colorado for the term of four years, which was sent to the Senate on September 30, 2009. Page S2329

Messages from the House: Page S2293

Executive Communications: Pages S2293–95

Additional Cosponsors: Pages S2295–96

Statements on Introduced Bills/Resolutions: Pages S2296–S2302

Additional Statements: Pages S2291–93

Amendments Submitted: Pages S2302–24

Notices of Hearings/Meetings: Page S2324

Authorities for Committees to Meet: Pages S2324–25

Privileges of the Floor: Page S2325

Record Votes: Three record votes were taken today. (Total—112) Page S2269, S2282, S2288

Adjournment: Senate convened at 9:31 a.m. and adjourned at 8 p.m., until 9:30 a.m. on Thursday, April 15, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2327.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF EDUCATION

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related

Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2011 for the Department of Education and the education jobs crisis, after receiving testimony from Arne Duncan, Secretary of Education; Chris Bern, Iowa State Education Association, Des Moines; Joe Morton, Alabama Department of Education, Montgomery; Marc S. Herzog, Connecticut Community Colleges, Hartford; and Ramon C. Cortines, Los Angeles Unified School District, Los Angeles, California.

APPROPRIATIONS: NATIONAL AND MILITARY INTELLIGENCE

Committee on Appropriations: Subcommittee on Defense concluded a hearing to examine proposed budget estimates for fiscal year 2011 for national and military intelligence, after receiving testimony from Dennis C. Blair, Director of National Intelligence, and James R. Clapper, Jr., Undersecretary for Intelligence, both of the Department of Defense.

APPROPRIATIONS: CONSUMER PRODUCT SAFETY COMMISSION

Committee on Appropriations: Subcommittee on Financial Services and General Government concluded a hearing to examine proposed budget estimates for fiscal year 2011 for the Consumer Product Safety Commission, after receiving testimony from Inez Tenenbaum, Chairman, Consumer Product Safety Commission.

U.S. POLICY TOWARDS ISLAMIC REPUBLIC OF IRAN

Committee on Armed Services: Committee concluded open and closed hearings to examine United States policy towards the Islamic Republic of Iran, after receiving testimony from Michele A. Flournoy, Under Secretary for Policy, General James E. Cartwright, USMC, Vice Chairman of the Joint Chiefs of Staff, and Lieutenant General Ronald L. Burgess, USA, Director of the Defense Intelligence Agency, all of the Department of Defense; William J. Burns, Under Secretary of State for Political Affairs; and Andrew M. Gibb, National Intelligence Officer for Weapons of Mass Destruction, National Intelligence Council.

DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Strategic Forces concluded a hearing to examine strategic forces programs of the National Nuclear Security Administration in review of the Defense Authorization request for fiscal year 2011, after receiving testimony from Thomas P. D'Agostino, Administrator, National Nuclear Security Administration, Department of Energy.

READINESS OF UNITED STATES FORCES

Committee on Armed Services: Subcommittee on Readiness and Management Support concluded a hearing to examine the current readiness of United States forces, after receiving testimony from General Peter W. Chiarelli, Vice Chief of Staff, United States Army, General James F. Amos, Assistant Commandant, United States Marine Corps, Admiral Jonathan Greenert, Vice Chief of Naval Operations, United States Navy, and General Carrol H. Chandler, Vice Chief of Staff, United States Air Force, all of the Department of Defense.

NATIONAL BROADBAND PLAN

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine reviewing the national broadband plan, after receiving testimony from Julius Genachowski, Chairman, Federal Communications Commission.

IMPROVING TRANSPORTATION SAFETY

Committee on Environment and Public Works: Committee concluded a hearing to examine opportunities to improve transportation safety, after receiving testimony from John D. Porcari, Deputy Secretary of Transportation; Kirk T. Steudle, Michigan Department of Transportation Director, Lansing, on behalf of the American Association of State Highway and Transportation Officials; Laura Dean-Mooney, Mothers Against Drunk Driving, Jacqueline S. Gillan, Advocates for Highway and Auto Safety, and Gregory M. Cohen, American Highway Users Alliance, all of Washington, D.C.; Deborah A. Hubsmith, Safe Routes to School National Partnership, Fairfax, California; and Ted R. Miller, Center for Public Health Improvement and Innovation, Calverton, Maryland.

UNEMPLOYMENT INSURANCE

Committee on Finance: Committee concluded a hearing to examine using unemployment insurance to help Americans get back to work, focusing on creating opportunities and overcoming challenges, after receiving testimony from Jane Oates, Assistant Secretary of Labor for Employment and Training; Doug Holmes, Strategic Services on Unemployment and Workers Compensation, Washington, D.C.; Karen Lee, National Association of State Workforce Agencies (NASWA), Olympia, Washington; and Mark Zandi, Moody's Analytics, West Chester, Pennsylvania.

WESTERN BALKANS

Committee on Foreign Relations: Subcommittee on European Affairs concluded a hearing to examine Southeast Europe, focusing on opportunities and challenges in the Western Balkans, after receiving

testimony from Philip H. Gordon, Assistant Secretary of State for European and Eurasian Affairs; Alexander Vershbow, Assistant Secretary of Defense for International Security Affairs; Kurt Volker, Johns Hopkins University Center on Transatlantic Relations, Washington, D.C.; and Ivan Vejvoda, Balkan Trust for Democracy, Belgrade, Serbia.

DEPLOYED FEDERAL CITIZENS

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine deployed Federal civilians, focusing on advancing security and opportunity in Afghanistan, and status actions needed to improve the timely and accurate delivery of compensation and medical benefits to deployed civilians, after receiving testimony from John Berry, Director, Office of Personnel Management; Patrick Kennedy, Under Secretary of State for Management; Clifford Stanley, Under Secretary of Defense for Personnel and Readiness; and Janet A. St. Laurent, Managing Director, Defense Capabilities and Management, Government Accountability Office.

DEPARTMENT OF JUSTICE OVERSIGHT

Committee on the Judiciary: Committee concluded an oversight hearing to examine the Department of Justice, after receiving testimony from Eric H. Holder, Jr., Attorney General, Department of Justice.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 15 public bills, H.R. 5013–5027; and 8 resolutions, H.J. Res. 82; and H. Res. 1246–1247, 1249–1253 were introduced. **Pages H2578–79**

Additional Cosponsors: **Pages H2579–80**

Report Filed: A report was filed today as follows:

H. Res. 1248, providing for consideration of the bill (H.R. 4715) to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules (H. Rept. 111–463). **Page H2555**

Chaplain: The prayer was offered by the Guest Chaplain, Bishop Fred T. Simms, Heart of God Ministries, Beckley, WV. **Page H2507**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Haiti Debt Relief and Earthquake Recovery Act of 2010: Agreed to the Senate amendments to H.R. 4573, to urge the Secretary of the Treasury to instruct the United States Executive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti's debts to such institutions; **Pages H2512–13**

Eliminate Privacy Notice Confusion Act: H.R. 3506, amended, to amend the Gramm-Leach-Bliley Act to provide an exception from the continuing requirement for annual privacy notices for financial institutions which do not share personal information with affiliates; **Pages H2513–14**

Agreed to amend the title so as to read: "To amend the Gramm-Leach-Bliley Act to provide an exception from the continuing requirement for annual privacy notices for financial institutions which do not change their policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers, and for other purposes.". **Page H2514**

Commending the American Sail Training Association: H. Res. 197, amended, to commend the American Sail Training Association for its advancement of character building under sail and for its advancement of international goodwill; **Pages H2514–16**

John C. Godbold United States Judicial Administration Building Designation Act: H.R. 4275, amended, to designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the "John C. Godbold United States Judicial Administration Building"; **Pages H2516–17**

Agreed to amend the title so as to read: "To designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the 'John C. Godbold Federal Building'.". **Page H2517**

Granting the consent and approval of Congress to amendments made to the Washington Metropolitan Area Transit Regulation Compact: S.J. Res. 25, to grant the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact; **Pages H2521–22**

Truth in Caller ID Act: H.R. 1258, amended, to amend the Communications Act of 1934 to prohibit manipulation of caller identification information; **Pages H2522–24**

Agreed to amend the title so as to read: "To amend the Communications Act of 1934 to prohibit manipulation of caller ID information, and for other purposes." **Page H2524**

Radio Spectrum Inventory Act: H.R. 3125, amended, to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission, by a 2/3 yea-and-nay vote of 394 yeas to 18 nays, Roll No. 201; **Pages H2525–30, H2552–53**

Authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha: H. Con. Res. 243, to authorize the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha; **Pages H2530–31**

Taxpayer Assistance Act of 2010: H.R. 4994, amended, to amend the Internal Revenue Code of 1986 to reduce taxpayer burdens and enhance taxpayer protections, by a 2/3 yea-and-nay vote of 399 yeas to 9 nays, Roll No. 200; **Pages H2531–35, H2551–52**

Honoring the life of Wilma Pearl Mankiller: H. Res. 1237, to honor the life of Wilma Pearl Mankiller and to express condolences of the House of Representatives on her passing; **Pages H2535–37**

Honoring the coal miners who perished in the Upper Big Branch Mine-South in Raleigh County, West Virginia: H. Res. 1236, to honor the coal miners who perished in the Upper Big Branch Mine-South in Raleigh County, West Virginia, to extend condolences to their families and to recognize the valiant efforts of emergency response workers at the mine disaster, by a 2/3 yea-and-nay vote of 409 yeas with none voting "nay", Roll No. 199; and **Pages H2537–42, H2551**

Expressing sympathy to the people of Poland in the aftermath of the tragic plane crash that killed the country's President, First Lady, and 94 others on April 10, 2010: H. Res. 1246, to express sympathy to the people of Poland in the aftermath of the tragic plane crash that killed the country's President, First Lady, and 94 others on April 10, 2010, by a 2/3 yea-and-nay vote of 404 yeas with none voting "nay", Roll No. 203. **Pages H2545–50, H2554–55**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Recognizing the Coast Guard Group Astoria's more than 60 years of service to the Pacific Northwest: H. Res. 1062, amended, to recognize the Coast Guard Group Astoria's more than 60 years of service to the Pacific Northwest; **Pages H2517–19**

Recognizing the leadership and historical contributions of Dr. Hector Garcia: H. Con. Res. 222, to recognize the leadership and historical contributions of Dr. Hector Garcia to the Hispanic community and his remarkable efforts to combat racial and ethnic discrimination in the United States of America; and **Pages H2519–21**

Congratulating the Duke University men's basketball team for winning the 2010 NCAA Division I Men's Basketball National Championship: H. Res. 1242, to congratulate the Duke University men's basketball team for winning the 2010 NCAA Division I Men's Basketball National Championship. **Pages H2542–45**

Moment of Silence: The House observed a moment of silence in honor of the men and women in uniform who have given their lives in the service of our nation in Iraq and Afghanistan, their families, and all who serve in the armed forces and their families. **Page H2552**

Privileged Resolution—Motion to Refer: The House agreed to refer H. Res. 1249, raising a question of the privileges of the House, to the Committee on Standards of Official Conduct by a recorded vote of 235 ayes to 157 noes with 17 voting "present", Roll No. 202, after the previous question was ordered without objection. **Pages H2553–54**

Moment of Silence: The House observed a moment of silence in honor of President Lech Kaczynski of Poland, the First Lady of Poland, and all the victims of the plane crash on April 10, 2010 and in solidarity with the Polish people. **Page H2554**

Privileged Resolution—Intent to Offer: Representative Flake announced his intent to offer a privileged resolution. **Pages H2555–56**

Senate Message: Message received from the Senate today appears on page H2507.

Senate Referrals: S. 1749 was referred to the Committee on the Judiciary. **Page H2576**

Quorum Calls—Votes: Four yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H2551, H2551–52, H2552–53, H2553–54, H2554–55. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 7:32 p.m.

Committee Meetings

FEDERAL NUTRITION PROGRAMS; HEALTHY FOOD ACCESS

Committee on Agriculture: Subcommittee on Department Operations, Nutrition, and Forestry held a hearing to review access to healthy foods for beneficiaries of Federal nutrition programs and explore innovative methods to improve availability. Testimony was heard from the following officials of the USDA: Kevin Concannon, Under Secretary, Food, Nutrition, and Consumer Services; Michele Ver Ploeg, Economist, Economic Research Service; and public witnesses.

COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, Science and Related Agencies continued appropriation hearings. Testimony was heard from Members of Congress and public witnesses.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on National Guard and U.S. Army Reserve Readiness. Testimony was heard from the following officials of the Department of Defense: GEN Craig R. McKinley, Chief, National Guard Bureau; LTG Harry M. Wyatt, Director, Air National Guard; MG Raymond W. Carpenter, Acting Director, Army National Guard; and LTG Jack C. Stultz, Chief, U.S. Army Reserve.

ENERGY AND WATER DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development, and Related Agencies held a hearing on the Bureau of Reclamation FY 2011 Budget. Testimony was heard from the following officials of the Department of the Interior: Michael L. Connor, Commissioner, Bureau of Reclamation; Anne Castle, Assistant Secretary, Water and Science; and Reed Murray, Program Director, Central Utah Project Completion Act Office.

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security, held a hearing on Update on Southwest Border: The Challenges that DHS Continues to Face. Testimony was heard from the following officials of the Department of Homeland Security: Alan D. Bersin, Commissioner, U.S. Customs and Border Protection; and John Morton, Assistant Secretary, U.S. Immigration and Customs Enforcement.

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing on Maintaining National Cultural and Scientific Centers: FY 2011 Budget Request for the Smithsonian Institution, National Gallery of Art, Kennedy Center, Woodrow Wilson Center, and Presidio Trust. Testimony was heard from G. Wayne Clough, Secretary, Smithsonian Institution; Earl A. Powell, III, Director, National Gallery of Art; Michael Kaiser, President, John F. Kennedy Center for the Performing Arts; former Representative Lee Hamilton of Indiana, Director, Woodrow Wilson International Center for Scholars; and Craig Middleton, Executive Director, The Presidio Trust.

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 FY 2011 Budget Overview: Social Security Administration. Testimony was heard from Michael J. Astrue, Commissioner, Social Security Administration.

MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction, Veterans Affairs, and Related Agencies held a hearing on Quality of Life—Senior Enlisted. Testimony was heard from the following officials of the Department of Defense: SMA of the Army, Kenneth O. Preston; MSgt of the Marine Corps, Carlton W. Kent; Master Chief Petty Officer of the Navy, Rick D. West; and CMSgt of the Air Force, James A. Roy; and public witnesses.

STATE, FOREIGN OPERATIONS, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Agencies held a hearing on Millennium Challenge Corporation (MCC). Testimony was heard from Daniel W. Yohannes, Chief Executive Officer, Millennium Challenge Corporation.

The Subcommittee also held a hearing on Security Assistance. Testimony was heard from the following

officials of the Department of State: David T. Johnson, Assistant Secretary, Bureau of International and Law Enforcement Affairs; Andrew J. Shapiro, Assistant Secretary, Bureau of Political-Military Affairs; and Daniel Benjamin, Coordinator for Counterterrorism.

U.S. NUCLEAR WEAPONS POLICY

Committee on Armed Services: Held a hearing on the United States nuclear weapons policy and force structure. Testimony was heard from the following officials of the Department of Defense: James N. Miller, Principal Deputy Under Secretary, Policy; and GEN Kevin P. Chilton, USAF, Commander, U.S. Strategic Command; Thomas P. D'Agostino, Under Secretary, Nuclear Security, Administrator, National Nuclear Security Administration, Department of Energy; and Ellen O. Tauscher, Under Secretary, Arms Control and International Security, Department of State.

THREAT REDUCTION/CHEM-BIO DEFENSE COUNTERPROLIFERATION BUDGET

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on the FY 2011 National Defense Authorization Budget Request for the Defense Threat Reduction Agency, Chemical Biological Defense Program and counterproliferation initiatives. Testimony was heard from the following officials of the Department of Defense: Andrew Weber, Assistant to the Secretary, Nuclear and Chemical and Biological Defense Programs, Office of the Secretary; Kenneth A. Myers, III, Director, Defense Threat Reduction Agency, Office of the Secretary; and BG Jess A. Scarbrough, USA, Joint Program Executive Officer, Chemical and Biological Defense, Office of the Secretary.

EDUCATION DATA SYSTEMS

Committee on Education and Labor: Held a hearing on How Data Can Be Used to Inform Educational Outcome. Testimony was heard from Richard J. Wenning, Associate Commissioner, Department of Education, State of Colorado; Joe Kitchens, Superintendent of Schools, Western Heights Schools, Oklahoma City, State of Oklahoma; and public witnesses.

KIDS AND TOBACCO USE IN MAJOR LEAGUE BASEBALL

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled ''Smokeless Tobacco: Impact on the Health of our Nation's Youth and Use in Major League Baseball.'' Testimony was heard from the following officials of the Department of Health and Human Services: Terry Pechacek, Associate Director, Science, Office on Smoking and Health, Centers for Disease Control and Prevention; Deborah Winn, Deputy Director, Division of Cancer Control and Population Science, National Cancer Institute; and public witnesses.

HOUSING FINANCE SYSTEM REFORM

Committee on Financial Services: Held a hearing entitled ''Housing Finance—What Should the New System Be Able to Do?: Part II—Government and Stakeholder Perspectives.'' Testimony was heard from Shaun Donovan, Secretary of Housing and Urban Affairs; and public witnesses.

HOME AFFORDABLE MODIFICATION PROGRAM REVISIONS

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing entitled ''The Recently Announced Revisions to the Home Affordable Modification Program (HAMP).'' Testimony was heard from David Stevens, Assistant Secretary, Housing/Federal Housing Commissioner, Department of Housing and Urban Affairs; Phyllis Caldwell, Chief, Homeownership Preservation Office, Department of the Treasury; and public witnesses.

COMBATING ANTI-SEMITISM

Committee on Foreign Affairs: Subcommittee on International Organizations, Human Rights and Oversight held a hearing on Combating Anti-Semitism: Protecting Human Rights. Testimony was heard from Hannah Rosenthal, Special Envoy to Monitor and Combat Anti-Semitism, Department of State; and public witnesses.

FEDERALIZING GUARDS AT CRITICAL FACILITIES

Committee on Homeland Security: Held a hearing entitled ''Federal Protective Service: Would Federalization of Guards Improve Security at Critical Facilities?'' Testimony was heard from Gary W. Schenkel, Director, Federal Protective Service, National Protection and Programs Directorate, Department of Homeland Security; Mark L. Goldstein, Director, Physical Infrastructure Issues, GAO; and public witnesses.

FBI TELEPHONE RECORDS REQUESTS

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights, and Civil Liberties held a hearing on the Report by the Office of the Inspector General of the Department of Justice on the Federal Bureau of Investigation's Use of Exigent Letters and Other Informal Requests for Telephone Records. Testimony was heard from the following officials of

the Department of Justice: Valerie Caproni, General Counsel, FBI; and Glenn Fine, Inspector General.

MISCELLANEOUS MEASURES

Committee on Oversight and Government Reform: to consider the following measures: H.R. 1722, amended, Telework Improvements Act of 2009; H.R. 4865, amended, Federal Employees and Uniformed Services Retirement Equity Act of 2010; H.R. 3913, Major General David F. Wherley, Jr., District of Columbia National Guard Retention and College Access Act; S. 806, Federal Executive Board Authorization Act of 2009; S. 1510, amended, United States Secret Service Uniformed Division Modernization Act of 2009; H. Con. Res. 255, amended, Commemorating the 40th anniversary of Earth Day and honoring the founder of Earth Day, the late Senator Gaylord Nelson of Wisconsin; H. Res. 855, Expressing support for designation of May 1 as "Silver Star Service Banner Day;" H.R. 1103, amended, Celebrating the life of Sam Houston on the 217th anniversary of his birth; H. Res. 1189, Commending Lance Mackey on winning a record 4th straight Iditarod Trail Sled Dog Race; H.R. 4861, To designate the facility of the United States Postal Service located at 1343 West Irving Park Road in Chicago, Illinois, as the "Steve Goodman Post Office Building;" and H.R. 4543, To designate the facility of the United States Postal Service located at 4285 Payne Avenue in San Jose, California, as the "Anthony J. Cortese Post Office Building."

NATIONAL DRUG CONTROL BUDGET

Committee on Oversight and Government Reform: Subcommittee on Domestic Policy held a hearing entitled "ONDCP's Fiscal Year 2011 National Drug Control Budget: Are We Still Funding a War on Drugs?" Testimony was heard from R. Gil Kerlikowske, Director, Office of National Drug Control Policy; and public witnesses.

OVERSIGHT—FEDERAL FINANCIAL MANAGEMENT

Committee on Oversight and Government Reform: Subcommittee on Government Management, Organization, and Procurement held a hearing entitled "Oversight of Federal Financial Management." Testimony was heard from Gene L. Dodaro, Acting Comptroller General, GAO; Richard L. Gregg, Acting Fiscal Assistant Secretary, Department of the Treasury; Danny Werfel, Controller, Office of Federal Financial Management, OMB; James L. Millette, Deputy Assistant Secretary, Global Financial Services, Department of State; Mark E. Easton, Deputy Chief Financial Officer, Department of Defense; and public witnesses.

CLEAN ESTUARIES ACT OF 2010

Committee on Rules: Granted, by voice vote, a structured rule providing for consideration of H.R. 4715, the "Clean Estuaries Act of 2010." The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides that the bill shall be considered as read. The rule waives all points of order against the bill. The rule further makes in order only those amendments printed in the report of the Committee on Rules. The amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against the amendments are waived except those arising under clause 9 or 10 of rule XXI. The rule provides that for those amendments reported from the Committee of the Whole, the question of their adoption shall be put to the House en gros and without demand for division of the question. The rule provides one motion to recommit with or without instructions. The rule provides that the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Transportation and Infrastructure or a designee. The rule provides that the Chair may not entertain a motion to strike out the enacting words of the bill.

The rule waives clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against a resolution reported through the legislative day of Friday, April 16, 2010, providing for consideration of a measure relating to the extension of unemployment insurance. The rule provides that it shall be in order at any time through the legislative day of Friday, April 16, 2010, for the Speaker to entertain motions that the House suspend the rules relating to a measure addressing the extension of unemployment insurance. Testimony was heard from Chairman Oberstar.

NATIONAL SCIENCE FOUNDATION PROGRAMS

Committee on Science and Technology: Subcommittee on Research and Science Education approved for full Committee action, as amended, a Committee Print—the National Science Foundation programs.

IRS POLICY AND SMALL BUSINESSES

Committee on Small Business: Held a hearing entitled "Entrepreneurs and Tax Day: How IRS Policies and Procedures Impact Small Businesses?" Testimony was heard from Douglas H. Shulman, Commissioner, Internal Revenue, IRS, Department of the Treasury.

INNOVATIVE FINANCING OF HIGHWAY TRANSIT PROJECTS

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on Using Innovative Financing to Deliver Highway and Transit Projects." Testimony was heard from Chris Bertram, Assistant Secretary, Budget and Programs and Chief Financial Officer, Department of Transportation; Eugene A. Conti, Secretary, Department of Transportation, State of North Carolina; and public witnesses.

GREEN JOBS ENERGY TAX INCENTIVES

Committee on Ways and Means: Held a hearing on energy tax incentives and the green job economy. Testimony was heard from Michael Mundaca, Assistant Secretary, Tax Policy, Department of the Treasury; Matt Rogers, Senior Advisor to the Secretary, Department of Energy; and public witnesses.

DEFENSE INTELLIGENCE AGENCY BUDGET FY 2011

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Defense Intelligence Agency Budget for Fiscal Year 2011. Testimony was heard from LTG Ronald L. Burgess, Jr., USA, Director, Defense Intelligence Agency, Department of Defense.

ROLE OF COAL IN A NEW ENERGY AGE

Select Committee on Energy Independence and Global Warming: Held a hearing entitled "The Role of Coal in a New Energy Age." Testimony was heard from public witnesses.

Joint Meetings

ECONOMIC OUTLOOK

Joint Economic Committee: Committee concluded a hearing to examine the economic outlook, after receiving testimony from Ben S. Bernanke, Chairman, Board of Governors of the Federal Reserve System.

COMMITTEE MEETINGS FOR THURSDAY, APRIL 15, 2010

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2011 for the Federal Bureau of Investigation; to be immediately followed by a closed hearing in SH–219, 10 a.m., SD–192.

Subcommittee on Military Construction and Veterans Affairs, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2011 for the Department of Veterans Affairs, 2 p.m., SD–124.

Subcommittee on Legislative Branch, to hold hearings to examine proposed budget estimates for fiscal year 2011 for the Government Accountability Office (GAO), the Government Printing Office (GPO), and the Congressional Budget Office (CBO), 3:15 p.m., SD–138.

Committee on Armed Services: to hold hearings to examine the nominations of Vice Admiral James A. Winnefeld, Jr., United States Navy, to be admiral and Commander, United States Northern Command, and to be Commander, North American Aerospace Defense Command, and Lieutenant General Keith B. Alexander, United States Army, to be general and Director, National Security Agency, to be Chief, Central Security Service, and to be Commander, United States Cyber Command, both of the Department of Defense; with the possibility of a closed session in SVC–217 following the open session, 9:30 a.m., SD–G50.

Subcommittee on Airland, to hold hearings to examine Army modernization in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program, 2 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine legislative proposals in the Department of Housing and Urban Development's fiscal year 2011 budget request, 9:30 a.m., SD–538.

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, to hold hearings to examine S. 817, to establish a Salmon Stronghold Partnership program to conserve wild Pacific salmon, 10 a.m., SR–253.

Committee on Finance: to hold hearings to examine filing season update, focusing on current IRS issues, 10 a.m., SD–215.

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine United States and Japan relations, 11 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine Elementary and Secondary Education Act (ESEA) reauthorization, focusing on teachers and leaders, 10 a.m., SD–106.

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on Contracting Oversight, to hold hearings to examine contracts for Afghan National Police training, 2:30 p.m., SD–342.

Committee on the Judiciary: business meeting to consider S. 3111, to establish the Commission on Freedom of Information Act Processing Delays, S. 3031, to authorize Drug Free Communities enhancement grants to address major emerging drug issues or local drug crises, S. 1346, to penalize crimes against humanity and for other purposes, and the nominations of Sharon Johnson Coleman, and Gary Scott Feinerman, both to be United States District Judge for the Northern District of Illinois, and William Joseph Martinez, to be United States District Judge for the District of Colorado, and Loretta E. Lynch, to be United States Attorney for the Eastern District of New York, Noel Culver March, to be United States Marshal for the District of Maine, George White, to be United States Marshal for the Southern District of Mississippi, and Brian Todd Underwood, to be United States Marshal for the District of Idaho, all of the Department of Justice, 10 a.m., SD–226.

Committee on Rules and Administration: to hold hearings to examine the nomination of Stephen T. Ayers, of Maryland, to be Architect of the Capitol, 10 a.m., SR–301.

Committee on Small Business and Entrepreneurship: to hold hearings to examine assessing access, focusing on obstacles and opportunities for minority small business owners in today's capital markets, 10 a.m., SD–562.

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 Financial Services, and General Government, on FY 2011 Budget Request for the U.S. Supreme Court, 10 a.m., 2358A Rayburn.

Subcommittee on Homeland Security, on DHS Cyber Security Programs—What progress has been made and what still needs to be improved?, 11 a.m., H–140 Capitol.

Subcommittee on Interior, Environment, and Related Agencies, on Voices from Our Native American Communities, 2 p.m., and on Strengthening Native American Communities: Indian Health Service FY 2011 Budget Request, 4:30 p.m., B–308 Rayburn.

Subcommittee on Transportation, and Housing and Urban Development, and Related Agencies, on Member Requests, 1 p.m., 2358A Rayburn.

Committee on Armed Services, hearing on the Independent Panel's assessment of the Quadrennial Defense Review, 10 a.m., 2118 Rayburn.

Subcommittee on Military Personnel, hearing on supporting the reserve components as an operational reserve and key reserve personnel legislative initiatives, 2 p.m., 2118 Rayburn.

Subcommittee on Strategic Forces, hearing on the report on the ballistic missile defense review and the FY 2011 National Defense Authorization Budget Request for missile defense programs, 1:30 p.m., 210–HVC.

Committee on Education and Labor, Subcommittee on Healthy Families and Communities, hearing on Corporal Punishment in Schools and its Effect on Academic Success, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, full Committee, to consider the following: the Home Star Energy Retrofit Act of 2010; the Grid Reliability and Infrastructure Defense (GRID) Act; H.R. 4451, Collinsville Renewable Energy Promotion Act; and pending Committee business, 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing entitled "Perspectives and Proposals on the Community Reinvestment Act," 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Africa and Global Health, hearing on Combating Climate Change in Africa, 10 a.m., 2172 Rayburn.

Committee on Homeland Security., to mark up H.R. 4842, Homeland Security Science and Technology authorization Act of 2010, 10 a.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on State Taxation: The Impact of Congressional Legislation on State and Local Government Revenues, 11 a.m., 2141 Rayburn.

Committee on Oversight and Government Reform, and the Subcommittee on Federal Workforce, Postal Service, and the District of Columbia, joint hearing entitled "Continuing to Deliver: An Examination of the Post Services's Current Financial Crisis and its Future Viability," 10 a.m., 2154 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing on Proposals for a Water Resources Development Act of 2010 Part II, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, hearing on the Status of Veterans Employment, 1 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Social Security, oversight hearing on SSA's field office service delivery, 10 a.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, executive, hearing on National Geospatial Program Budget for Fiscal Year 2011, 9:30 a.m., 304–HVC.

Joint Meetings

Commission on Security and Cooperation in Europe: to receive a briefing on a new international convention aimed at helping resource-rich developing countries make the best economic and social use of their natural resources, 11 a.m., 2325 Rayburn Building.

Next Meeting of the **SENATE**

9:30 a.m., Thursday, April 15

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. 4851, Continuing Extension Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, April 15

House Chamber

Program for Thursday: Consideration of H.R. 4715—Clean Estuaries Act of 2010 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

Aderholt, Robert B., Ala., E543
Andrews, Robert E., N.J., E542
Berman, Howard L., Calif., E542
Blumenauer, Earl, Ore., E537
Brady, Robert A., Pa., E538
Capps, Lois, Calif., E545
Carney, Christopher P., Pa., E543
Coffman, Mike, Colo., E546
Cohen, Steve, Tenn., E540
Dingell, John D., Mich., E538, E540, E546
Driehaus, Steve, Ohio, E538
Duncan, John J., Jr., Tenn., E538
Gerlach, Jim, Pa., E541
Granger, Kay, Tex., E541
Hensarling, Jeb, Tex., E540
Higgins, Brian, N.Y., E535, E540
Honda, Michael M., Calif., E545
Johnson, Eddie Bernice, Tex., E546
Jordan, Jim, Ohio, E542, E546
Kilroy, Mary Jo, Ohio, E535
King, Peter T., N.Y., E539
Marchant, Kenny, Tex., E545
Napolitano, Grace F., Calif., E543
Roe, David P., Tenn., E545
Rogers, Mike, Ala., E543
Skelton, Ike, Mo., E544
Tanner, John S., Tenn., E535
Tierney, John F., Mass., E535
Tonko, Paul, N.Y., E546
Visclosky, Peter J., Ind., E541, E544
Wolf, Frank R., Va., E545

Congressional Record The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the *Congressional Record* is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through *GPO Access* at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202–512–1661. Questions or comments regarding this database or *GPO Access* can be directed to the *GPO Access* User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to 866–512–1800 (toll free), 202–512–1800 (D.C. area), or fax to 202–512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record*, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.