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

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

Lord God, in this season filled with Your Spirit, enable Your people to manifest love in their deeds. Strengthen them to hold onto the truth both in their minds and in their speech. May their joyful convictions and personal commitments be proven in every decision and external behavior and not merely expressed in talk. No matter what conscience may charge them with, You, Eternal God, are greater than any human longing. All is known to You, both now and forever.

Amen.

NOTICE

If the 111th Congress, 2d Session, adjourns sine die on or before December 23, 2010, a final issue of the Congressional Record for the 111th Congress, 2d Session, will be published on Wednesday, December 29, 2010, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–59 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 29. The final issue will be dated Wednesday, December 29, 2010, and will be delivered on Thursday, December 30, 2010.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at “Record@Sec.Senate.gov”.

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerk.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–59.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, Chairman.

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 New York (Mr. TONKO) come forward and lead the House in the Pledge of Allegiance.

Mr. TONKO 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.
Ms. CHU. Madam Speaker, last year, Bobby Salcedo, a beloved elected official in my district, was brutally murdered by the Mexican drug cartels while visiting family in Durango, Mexico. While I am saddened by Bobby's loss, his death has led me to fight the dangerous cartels that thrive along our border. That is why I introduced the Preserving Foreign Criminal Assets Forfeiture Act, a bill that will make it easier for Federal police to seize the illicit assets of international criminal organizations.

Foreign criminals are able to protect hundreds of millions of dollars in dirty money by moving their proceeds abroad before U.S. police can seize them, enabling them to continue their illegal activities. With this bill, we will have another tool to fight the drug cartels by cutting off their lifeblood and allowing Federal law enforcement officials to seize these illicit assets.

Ms. CHU. Madam Speaker, last year, Bobby Salcedo, a beloved elected official in my district, was brutally murdered by the Mexican drug cartels while visiting family in Durango, Mexico. While I am saddened by Bobby's loss, his death has led me to fight the dangerous cartels that thrive along our border. That is why I introduced the Preserving Foreign Criminal Assets Forfeiture Act, a bill that will make it easier for Federal police to seize the illicit assets of international criminal organizations.

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Mr. TERRY. Madam Speaker, I rise today to recognize James Wright for his 10 years of public service in my district. Throughout his career in our office, James has consistently demonstrated a genuine willingness to help others and improve our community. He has undertaken a number of projects in my district, such as a program to teach financial literacy to young adults, a "5 percent home ownership" initiative under the section 8 housing program, and an "entrepreneurship" program to create a critical mass in a struggling urban setting. He has also taken on a leadership role in an Omaha small business initiative in North Omaha.

All of these actions were directed at providing quality assistance to the people of Omaha. His positive attitude, dedication, and optimistic outlook are commendable attributes, and we're certainly appreciative of his outlook.

James is an outstanding member of the Omaha community. He loves our great city. He contributes to local and national charities and organizations as well as participates in the Omaha Community Holiday Parade. He is a dynamo individual with a wealth of knowledge. We thank him for his public service.

Mr. COURTNEY. Madam Speaker, Virginia Judge Henry Hudson's decision 2 days ago striking down one section of the Health Care Reform Act was about a lot less than all the noise in the last 24 hours. Despite the Virginia Attorney General's request, Judge Hudson did not strike down the whole law, and despite his request, he refused to delay its implementation.

That is good news for millions of young Americans now covered under their parents' health plans due to the health care law's age 26 dependent coverage, good news for millions of seniors in the Medicare doughnut hole who will get a 50 percent discount on life-saving medication, and good news for seniors for whom Medicare will finally cover cancer screenings and flu vaccinations.

Unfortunately, Hudson did rule against the law's system of shared responsibility for all Americans to have health insurance, which would help stabilize a health insurance market that has been collapsing for the last 10 years and would provide access to Americans with preexisting conditions. Fortunately, two other judges have ruled the other way, upholding the Nation's need for a stable insurance market in interstate commerce.

One thing Hudson did get right in his decision was his conclusion where he said, "The final word will reside with a higher court."

Thank goodness.

No Deal to This Tax Deal (Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, since last summer, I have urged this Congress to take action to prevent a tax increase that would affect every American in January of next year. So I rise with a heavy heart this morning to simply announce to my colleagues that I believe the short-term tax deal negotiated by the White House and congressional leaders is a bad deal for taxpayers, will do little to create jobs, and I cannot support it.

Despite the fact that last November the American people did not vote for more deficits, more stimulus or more uncertainty in the Tax Code, that is just what this lame duck Congress is about to give them.

You know, Madam Speaker, there is a reason why article I, section 7 of the Constitution says that all bills for raising revenue are to originate here in the House of Representatives. It is because our Founders believed that, when it comes to the people's taxes, the people's House should always lead. If the process is wrong, then the policy is wrong. We perpetuate the uncertainty. It is built into our Tax Code. Uncertainty is the enemy of our prosperity, and frankly, we can provide assistance to families struggling in this economy by making the hard choices to pay for it without adding to the national debt.

The American people have spoken. Let's say no deal to this tax deal, and get a better deal out of this Congress 3 weeks from today.

Yes, There is a Santa Claus (Mr. DeFazio asked and was given permission to address the House for 1 minute.)

Mr. DeFazio. Madam Speaker, today, the Senate with one vote will
increase this fiscal year’s deficit by $430 billion under the pretense that it will get our economy back on track and create millions of jobs—and yes, there is a Santa Claus. Thank you very much.

Over 2 years, $858 billion in total has been financed with money borrowed, in good part, from China to pay for an extension of the stimulus tax cuts with a new twist—the money will be stolen from the Social Security Trust Fund and a large dose of Bush era trickle-down policy, with new breaks for States over $10 million.

Last week, the Democratic Caucus spoke almost unanimously against this—and this week, under pressure from the White House and the Republican leader of the Senate, it appears our leadership is attempting to avoid our wishes and bring this bill forward without major changes. It will be a disaster for the American people. It is a bad deal for taxpayers, people who are unemployed and our kids and grandkids.

YUCCA MOUNTAIN RESTORATION

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

Mr. WILSON of South Carolina. Madam Speaker, last week, my home State of South Carolina, along with Washington State and the National Association of Utility Regulators, headed by Commissioner David Wright, scored a victory in the battle for the Yucca Mountain project. A Federal court ruled in favor of a plan to continue the nuclear repository.

The President’s decision to abandon this project was editorially condemned as “breathtakingly irresponsible” as billions of dollars have already been spent to fund it. Utility customers of South Carolina have invested over $1.2 billion. The action also poses a security risk at dozens of nuclear waste disposal sites across the country. It means that vast amounts of nuclear waste will sit idle at the Savannah River site. This is unacceptable.

Nuclear energy is clean energy. It has provided my home State over 50 percent of our electrical power for over 30 years, and it is an important part of our Nation’s energy resources.

In conclusion, God bless our troops, and we will never forget September the 11th. My sympathies to the family of George Campsen of the Island of Palms, South Carolina.

CORPORATE AMERICA AND FOREIGN ENTITIES INFLUENCING ELECTIONS

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

Mr. HALL of New York. Madam Speaker, nearly 1 year ago, the Supreme Court issued a ruling which drastically changed the electoral system in America for the worse. The court’s decision to confer the rights of individuals on corporations has altered the political landscape in a way that allows unprecedented, unlimited and undisclosed corporate spending that cannot be matched by private citizens. The 2010 election cycle was the most expensive in our Nation’s history, costing hundreds of millions of dollars and misinforming millions of Americans along the way. Allowing corporate America, as well as foreign companies, to spend and spend their money in U.S. elections is in direct contradiction to the health of our democracy and to the principles our country was founded on. There is already too much money in politics, and this decision only makes things worse.

This year, my friends on the other side of the aisle watched as Democrats took the brunt of this undisclosed corporate spending. But I promise you, in the future, you, too, will feel its lash. This is not good for our democracy, and I urge a legislative solution.

BANDITS, KINDERGARTEN AND BORDER PATROL

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

Mr. POE of Texas. Madam Speaker, I bring you news from the third front—the war zone that is our southern border with Mexico.

Violent behavior is reaching new lows in the Mexican border town of Juárez. Armed attackers busted into a kindergarten school and set it on fire.

Why?

Well, the criminal drug cartels found out the teachers in Juárez got a Christmas bonus, so they set up a new extortion racket. These outlaw banditos demanded a protection fee from the teachers to keep their students safe. When the teachers didn’t pay up, armed attackers broke into the school and set it on fire.

Juárez is the most violent city in all of Mexico, and the violent cartels are bringing the war to the United States. Just last night, Border Patrol Agent Brian Terry was murdered by bandits in the border town of Río Rico, Arizona. Our wide open borders are facilitating violence on both sides of the border war zone. Meanwhile, the administration justwhistles past the graveyard.

And that’s just the way it is.

CANDY FOR THE WEALTHIEST AMERICANS

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

Mr. YARMUTH. Madam Speaker, this week, the Senate and the House will be asked to vote on a package of tax extensions and other provisions that will provide great benefits for many hardworking American families and for low-income people. Unfortunately, this comes at a very high price to the American people and to the national debt.

We are being asked by Republican leaders in the Senate to give benefits to the very wealthiest Americans, including an estate tax provision that will benefit only 6,600 families—the wealthiest families in America.

This is like going to the hospital with a serious illness and having the doctor say to you, ‘you’re going to give you $250,000 worth of care. That’s really going to help you; but in order to get it, you’re going to have to eat $100,000 worth of candy that’s going to do nothing for you but add a lot of weight down the road—our national debt and to our children and grandchildren.

This is a bad deal for the American people, and I hope my colleagues will reject it.

HONORING SILVER STAR RECIPIENT CHIEF WARRANT OFFICER TWO MARK ROLAND

(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. Madam Speaker, the Army’s third highest award for combat valor is the Silver Star. Today, it is my honor to praise a Silver Star recipient from my district in State College, Pennsylvania, Chief Warrant Officer Two Mark Roland.

In August at Fort Bragg, he received the award for gallantry in action against an enemy of the United States from Lieutenant General John F. Mulholland, commander of the U.S. Army Special Operations Command at Bragg. The award comes from the President of the United States.

While serving as the Intelligence Sergeant for a Special Forces Operational Detachment at Firebase Ripley in Afghanistan, Roland cleared and destroyed enemy fighters at close range, rescuing eight Afghan soldiers and leading the actions of the detachment’s split team to a battlefield victory.

The citation reads that Roland distinguished himself by inspiring those around him to extraordinary collective valor. His personal courage and commitment to mission accomplishment in a combat zone, under extreme circumstances, greatly contributed to mission success.

Roland and all of the other service members serving in Iraq and Afghanistan deserve our praise and our gratitude for daily risking their lives for freedom. A Silver Star is our Nation’s token of our greater thanks.

VOTING ON THE PRESIDENT’S TAX PROPOSAL

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

Mr. COHEN. Madam Speaker, we will probably be voting on the President’s
tax proposal this week—a very difficult vote. I really don’t know how I’m going to vote.

On the one hand, I see the benefit of getting timely temporary and targeted relief to people, which helps the economy with unemployment compensation, that is most needed for the people of the purple hearts of this Bush recession.

On the other hand, I see the money going to the upper 2 percent—the millionaires and billionaires—who will get $700 billion over 10 years, which will put a deficit on our children and grandchildren for years to come—something we can’t afford. When it comes time to affording it on reckoning day, it’s going to hurt people getting Social Security, Medicare and Medicaid, and that’s something I can’t see.

The estate tax will benefit 6,600 families, to the tune of $25 billion, and I see that as wrong, too; but I understand the need to stimulate the economy and to get tax cuts to the people earning less than $250,000.

I ask my constituents to contact me at www.Cohen.house.gov. Let me know what you think.

Mr. PAYNE. Madam Speaker, I, along with many of my Democratic colleagues, continue to fight for economic priorities for middle class Americans and for provisions that will create jobs and grow the economy. However, the tax proposal announced by the President calls for sharp differences in the policies and priorities of the Democratic and Republican parties.

For instance, the Democrats continue to fight to maintain tax cuts on incomes up to $250,000 per couple and $200,000 per individual, while Republicans continue to demand tax cuts for all incomes, including millionaires and billionaires.

The Democrats also strongly support the extension of unemployment benefits to help out-of-work Americans make it through the recession, while the Republicans are willing to hold the middle class and the unemployed hostage to benefit the wealthy.

The Democrats are championing the needs of low-income families by fighting to extend the child tax credit and the earned income tax credit. In addition, we are fighting to continue the college tuition tax credit to help students or working class families afford college.

Madam Speaker, I urge my colleagues to support a tax cut proposal that will benefit our working class families and grow the economy.

EXTENDING THE TAX CUTS

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

Mr. COSTA. Madam Speaker, I rise today in support of extending tax cuts to American families and businesses.

This week, we have a choice. Congress can continue the campaign politics of the past year or Republicans can act in an adult way, with their talking points and get something done for the American people. I support the latter.

In my district, families are putting together their budgets and trying to make ends meet under difficult times. Small businesses are trying to make hiring decisions for next year. Family farmers are scared of losing their operations due to a looming bump in the estate tax, their inability to pass the farms on to their children.

In this struggling, fragile economic recovery, we cannot afford to let this happen. After months of partisan gridlock, it’s time for Members of this House to listen to the American people and prevent their taxes from going up on January 1. Delay is not an option. I call on the Congress to send the commonsense compromise, that is a compromise—that means by its very nature we have things that we like and things we dislike in the package—before us and send it to the President’s desk, and then we must get serious about addressing and putting our Nation’s fiscal house in order, which is job number one.

AIR FORCE TANKER

Mr. INSLEE. Madam Speaker, I rise to alert my colleagues to a very important job creation issue that resides potentially in the defense authorization bill that may come to the floor.

We have the opportunity to do something right for the American worker and the American taxpayer by insisting that in the competition for the new Air Force tanker that we take into consideration the illegal subsidies that have benefited so extraordinarily the Airbus competitor for the tanker contract. It is absolutely imperative that at this moment when we are struggling to create jobs in this country that we take into consideration in this competition the fact that our competitors in Europe have received over $5 billion of illegal subsidies, and we have to insist the Pentagon take that into consideration.

For those that share my view, I hope you will join me in a letter to make sure that an amendment we passed will become part of the defense authorization bill. It is the only way to make sure that we keep these jobs in America and build a U.S. Air Force tanker.
SUPPORT DON’T ASK, DON’T TELL REPEAL

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

Mr. GARAMENDI. Madam Speaker, later today we’re going to vote on Don’t Ask, Don’t Tell. This is a personal thing. I know a young gentleman who was in the Army, a graduate of West Point, extraordinary young African American. He’s had two tours in Iraq, brought his company back safely from both tours without loss or injury to any member of his company.

But he also honored the commitment of the military not to lie and to be honest and straightforward. He was gay, and he was drummed out of the military. It is an enormous loss to America. I have no doubt that this gentleman would be a general and could probably rise to the highest ranks of the military.

We have to change the Don’t Ask, Don’t Tell policy. Later today, we’ll have a chance to do that, and I’m sure that our colleagues, in recognition of the need of this Nation for well-qualified men and women in the military, will do away with this policy and set in place an opportunity for every American to serve this country, wherever and whatever their circumstances might be.

TAX CUT PROPOSAL DEFINES CONTRASTING PRIORITIES

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

Ms. WATSON. Madam Speaker, the tax proposal announced by the President further defines the sharp differences in the policies and priorities of Democrats and Republicans.

Democrats are fighting for the needs of the middle class and for provisions that creates jobs and expands economic opportunity for all. Republicans are demanding tax breaks for the wealthy.

Democrats continue to fight to maintain tax cuts on income up to $250,000. Republicans continue to demand tax cuts on all incomes.

Democrats made a priority of extending unemployment benefits to help out-of-work Americans make it through the recession. Republicans were willing to hold the middle class and the unemployed hostage to benefit the wealthy.

Democrats will continue to fight for the economic priorities of middle class Americans, to create jobs, and to grow the economy. These are the principles that define the contrast between the Republicans and Democrats.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Ms. DEGETTE) laid before the House the following communication from the Clerk of the House of Representatives:


Hon. Nancy Pelosi,
The Speaker, U.S. Capitol,
House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(b) of rule II on the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 15, 2010 at 9:30 a.m.

That the Senate passed S. 4005.

With best wishes, I am
Sincerely,
LORRAINE C. MILLER.

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.

APPROVING PURCHASES OF LITTORAL COMBAT SHIPS

Mr. TAYLOR. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6494) to amend the National Defense Authorization Act for Fiscal Year 2010 to improve the Littoral Combat Ship program of the Navy, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 6494

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

SECTION 1. LITTORAL COMBAT SHIP PROGRAM.

(a) CONTRACT AUTHORITY.—Subsection (a) of section 121 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2211) is amended—

(1) in paragraph (1)—

(A) by striking “ten Littoral Combat Ships” and inserting “20 Littoral Combat Ships, including any ship control and weapon systems the Secretary determines necessary for such ships,”;

(B) by striking “a contract” and inserting “one or more contracts”; and

(2) in paragraph (2), by striking “liability to” and inserting “liability of”;

(b) TECHNICAL DATA PACKAGE.—Subsection (b)(2)(A) of such section is amended by striking “a second shipyard, as soon as practicable” and inserting “another shipyard to build a design specification for that Littoral Combat Ship”;

(c) LIMITATION OF COSTS.—Subsection (c)(1) of such section is amended by striking “awarded to a contractor selected as part of a procurement” and inserting “under a contract”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from Missouri (Mr. AKIN) each will control 20 minutes. The Chair recognizes the gentleman from Mississippi.
Having said that, Madam Speaker, Under Secretary Stackley, once he looked at those prices—and I deeply regret the gentleman from Arizona was exactly right over in the other body when he said yesterday, what’s the price? We need to know. Under Secretary Stackley, unfortunately, under the rules of our Nation, we are not allowed to divulge them just yet. Part of that reason is the fear that both vendors will drop their bids and come back later at higher prices.

So I’m limited in what we are going to be working under today is the inability to give the exact price to Congress but to tell you that this ship that started out to be about a $230 million dollar ship grew to be about a $720 million ship. We have now got the price a heck of a lot closer to the first number than the last number which is where we needed to go all along.

Under Secretary Stackley is now asking, since both prices came back, and since there is a working ship of each variety out in the fleet right now that are performing well, he has asked for permission to buy both ships at the low price. My public needs to know that that is exactly right. Part of that reason is the fear that both contractors will simply drop their bids and come back later at a higher price.

These are good ships. Up until now they have been paying all along, that we can get these vessels cheaper, that we can price our Nation can afford and build 20 ships for about $2 billion less than we had originally budgeted to build 19 ships. For all of these reasons, Madam Speaker, I rise in support of this program. I want to thank Under Secretary Stackley for Acquisiton, the Honorable Sean Stackley. He was the official responsible for the strategy which forced the contractors to offer affordable bids, at a firm fixed price, to build these ships. I congratulate him on the effort.

And I urge my colleagues to agree to this resolution.

I reserve the balance of my time.

Mr. AKIN. Madam Speaker, I yield 2 minutes to my friend and colleague from Connecticut (Mr. COURTNEY).

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

Mr. WITTMAN. Madam Speaker, I yield 2 minutes to my friend and colleague from Virginia (Mr. COURTNEY).

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

And I would like to state for the record that this is a good deal and we should take it. The thing we have accomplished is that we have a competitive bid, we have not had in the past, and that is a good deal.

I urge my colleagues to agree to this resolution.

Mr. AKIN. Madam Speaker, I yield 2 minutes to my friend and colleague from Virginia (Mr. WITTMAN).

Mr. WITTMAN. Madam Speaker, I yield 2 minutes to my friend and colleague from Virginia (Mr. COURTNEY).

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

Again, his service to this country has just been extraordinary. It has been a great maritime power, is going to have to achieve those goals and make sure that our country, which is still a great maritime power, is going to have a Navy that can project our force in a way that is adequate for the challenges of the 21st century.
Mr. AKIN. Madam Speaker, before I get into my comments, I think there are a couple of people that we, as a Congress, and even we, as a people, as Americans, need to be thankful for. And the first is Chairman TAYLOR, who I've had a chance to work with now a couple of years as the minority leader on the Seapower Committee. I don't know of anybody in our country who is more in the Navy or doing making sure that we use our money wisely, and to the overall security of our country than Chairman TAYLOR.

And so I want to extend my personal thanks for the fact that what you don't see has really done a lot of good work. And when the floor was hours and hours of tours through shipyards, all kinds of details, talking to all kinds of people and trying to make sure that a program that was a little difficult as it started out got on track, and now is not only on track, but represents a significant opportunity for us to invest in the security of our country.

And so hats off to Chairman TAYLOR. And I agree completely that we're going to certainly miss your expertise and your hard work, Mr. Chairman.

Mr. BARTLETT. Will the gentleman yield?

Mr. AKIN. I yield to the gentleman from Maryland.

Mr. BARTLETT. For 4 years I was the chair of this subcommittee, and Mr. Taylor was my ranking member; and then the leadership in the Congress changed. I changed. I was his ranking member and he was my chair. And then, sadly, due to our term limits on the Republican side of the House, I had to leave that subcommittee, but never left my interest, strong interest in that subcommittee.

And I will tell you that there is no person in the Congress who has been more committed or more effective in making sure that we have the right kind of Navy, the right size Navy.

When I first came here, I looked up Gene Taylor because we shared some social things. And as a Democrat, he kind of shone out as different than the other Democrats. And we've become the very best of friends since then. He tells people that we're joined at the hip, and indeed I am. Gene, it's been a real, real pleasure to serve with you, and your departure is a grave loss to this Congress and to our Nation. I've been honored to serve with you, sir.

Mr. AKIN. Thank you for those most appropriate comments, ROSCOE.

The second gentleman that I think we need to recognize, Under Secretary Stackley, has really helped tremendously with his knowledge and detailed knowledge about how you work those contracts. And he got the contracts, as Chairman TAYLOR mentioned, reorganized to some degree a couple of years ago, and now we have two excellent bids before us.

Now, one of the things that people know that have been around Congress a little bit is Congress has trouble making decisions rapidly or even wisely sometimes. I don't think that's the case today. Today, Secretary Stackley came to a number of us and said, look, there's two different ways we could go, the way we were planning to go, which is down select, buy 10 ships, and then we resubmit bids to a number of different vendors.

He said the other alternative, which is very interesting, is that we just go with both contractors and buy the 20 ships right off the bat. And so as we had a chance to ask some questions, though not to the degree that many of us would have felt comfortable with, it became apparent that we would save money for the Navy and we could project more seapower more rapidly by going with both contractors, buy 10 from each side.

Now, the ships are different, as has been mentioned this morning. Certainly, an aluminum trimaran is a lot different than a monohull. It has its difficulties in anchoring in certain places or docking in certain places because it is so wide. But each has their place overall in the Navy.

Now, these ships, to try to put them in perspective, there may be some people who are not immersed in the detail here; there may be others who talk about the price that's been bid, but, generally speaking, you're looking at, you could buy five of these for the cost of one nuclear-powered submarine. So what we're talking about is a ship that is inexpensively enough, and we have enough of them that it allows Army to project its seapower to little corners of the world where otherwise we don't have a presence that we need to have.

About a year or so ago, there was a lot of talk about pirates, and everybody got their best pirate voice out and talked about the pirates that were seizing commercial shipping. Some of that was allowed because of the fact that we didn't have as many ships as we might like in certain areas. This would be just one example of how these ships might become useful. They would become useful in hunting submarines and for all kinds and varieties of other missions.

And so this proposal that's before us is really one of some very good work by both Under Secretary Stackley, his coming to us and saying, look, there is a better way to do this, Congress, you have to be able to respond and agile on your feet.

Fortunately, there is a uniform agreement across the people that have been working these projects that, in fact Secretary Stackley is right and this is what we should do. So hats off to Secretary Stackley and particularly to Chairman TAYLOR for the good work that's been done.

I'm obviously speaking in favor of the proposal before us here. And there was some sense of frustration early on in trying to get the numbers and to get through the details that we had to in order to make a decision here; but I am very comfortable that what we're doing is the right thing.

The opportunity before us to pass this piece of legislation allows us to prove that it's wrong once in a while that Congress can't be agile and make wise decisions.

We will look to the Navy and to Secretary Stackley to help to continue to manage this program and make sure that the bids come in as we expect, that the Navy gets a good buy, and that we work to where we should be with enough ships to secure and give Americans the security that we believe is necessary and to provide a safe and peaceful world.

Madam Speaker, I yield back the balance of my time.
of light, an inexpensive ship. That obvi-
ously didn’t happen, and we learned
something very painful mistakes as a Con-
gress, and I hope those of you who re-
main on the committee will remember
those painful mistakes. We can make
mistakes doing things too rapidly. We
made a lot of changes in this program.
But the thing I want to most com-
pliment the Armed Services Com-
mittee for, and particularly the Sea-
power Committee, was, when we recog-
nized those mistakes, we admitted
them and we went as far as to
threaten to cancel the program if it
wasn’t corrected. I think those threats
and, again, the phenomenal work of
Secretary Stackley and Secretary
Mabus in holding the vendors’ feet to
the fire, the economic circumstances of
our Nation where people need work,
the fact that the Navy needs the ships,
that the frigates that these ships will
replace are getting to the end of their
useful life, and, again, the willingness
of all the members on both sides of the
aisle to hold these vendors accountable
was the key element in turning this
program around.
So, again, I want to thank future
Chairman AKIN, former Chairman
BARTLETT, Mr. PITTMAN, Mr. KAGEN,
Mr. ROGERS, Mr. STUPAK, Ms. BALDWIN,
and Mr. CONAWAY for being cospon-
sors of this measure.
I yield back the balance of my time.

The SPEAKER pro tempore. The
gentleman from Pennsylvania?
Mr. ALTMIRE. I yield such time as I may con-
sume.
Mr. ROGERS of Alabama. I yield my-
self such time as I may consume.
Mr. ALTMIRE. Madam Speaker, I request
5 legislative days during which
Members may revise and extend and in-
sert extraneous material on House Res-
olution 1761, and, when ready, ask me to
move to refer all the material, and the
vote, to the House for consideration.
I reserve the balance of my time.

The Speaker. The resolution
is before the Committee.

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I reserve the balance of my time.
championship, the Hail Mary pass into the end zone for an unbelievable catch by Darwin Adams, then you have seen why Cam is such a driving force for the Auburn Tigers and why he won the Heisman Trophy.

The one statistic that counts most to Cam and most of the fans at Auburn is the undefeated record of 13–0, and in a few short weeks he will play for the BCS championship. And, by the way, if the gentleman from Eugene, Oregon, is here, we catch up.

Madam Speaker, in Alabama, we live and breathe SEC football. Saturdays in the fall are spent with family and friends watching your favorite team. Regardless of who your team is, you can’t deny that Cam Newton is the best college football player in America in 2010.

To Cam and the entire Auburn University football team, I say congratulations and you deserve it. And to everyone else, I say War Eagle!

With that, I yield to my friend and colleague from Alabama, Spencer Bachus, such time as he may consume.

Mr. BACHUS. I thank the gentleman from Texas and the gentle lady from Missouri, and they both had the same comment when I told them I was coming to speak about Cam Newton. They said: He is a phenomenal young man who preceded Cam Newton in winning the Heisman Trophy. Mark Ingram and the University of Alabama played for and won the national championship. Auburn University will try to attain that same goal.

Mark Ingram from Alabama and Cam Newton from Auburn highlight a very favorable vote by my colleagues and I commend coach Gene Chizik for believing in Cam, for giving Cam an opportunity to better himself and to prove himself. As a graduate of that school, I am proud of Auburn University for providing support and encouragement to Cam.

Last year, I introduced a resolution congratulating Mark Ingram, another fine young man who preceded Cam Newton in winning the Heisman Trophy. Mark Ingram and the University of Alabama played for and won the national championship. Auburn University will try to attain that same goal.

Mark Ingram from Alabama and Cam Newton from Auburn highlight a very special relationship in our State of Alabama between our two finest universities. They compete on the field. They compete intensely. The fans come together, both wanting to win, but they take pride in the fact that our State and our universities do have a competitive spirit, but also a spirit of friendship.

I can tell you that the people of Alabama take great pride in our State in the fact that two of our finest universities have won consecutive Heisman Trophies and are competing for consecutive national championships. It once again highlights what is a wonderful, intense, and enjoyable competitive spirit, but also a spirit of friendship.

I think that Cam Newton is a reflection of each and every one of us. Hardship and difficulty is a part of life; either we have experienced it or we will experience it.

We have seen Cam Newton and his family through a challenging time and, in doing so, he was not distracted. He persevered. He maintained a positive attitude. I think we have all seen his winning smile, a wonderful smile, and that smile sustained him and I think encouraged a lot of us through some pretty difficult times. In fact, I think he used some of the criticism and some of the difficulty and some of the challenges as a motivation. He appeared to even play better on the field. He persevered. He maintained a positive attitude. I think that in his Heisman speech, that his inspirational part of his success and had encouraged him. They had not lost faith in him.

I believe the coaching staff and the atmosphere at Auburn University provided a loving environment, an encouraging environment. I commend coach Gene Chizik for believing in Cam, for giving Cam an opportunity to better himself and to prove himself. As a graduate of that school, I am proud of Auburn University for providing support and encouragement to Cam.

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To Cam, I am an inspiration, and he ought to be an inspiration to each and every one of us, any of us that, for whatever reason, find ourselves in a difficult or challenging situation, not to strike back at our critics, but simply to use it.

In such times that we do face difficulty, it is important to surround ourselves with good people, people that can be mentors and encourage. He found that in the Auburn team. He expressed that in his Heisman speech, that he would recognize also the other three finalists, a part of his success and had encouraged him. They had not lost faith in him.

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I think that Cam Newton is a reflection of each and every one of us. Hardship and difficulty is a part of life; either we have experienced it or we will experience it.

Mr. ROGERS of Alabama. With that, I yield to my friend and colleague from Texas and the gentleman from Pennsylvania (Mr. ALTMIRe) that the House suspend the rules and agree to the resolution, H. Res. 1761.

Mr. ALTMIRe. Madam Speaker, on behalf of my constituents I do not support sports-related horatious resolutions. My constituents have insisted that chronic unemployment and the lagging economy be addressed by Congress; and yet sporting accomplishments have foolishly taken precedence on Capitol Hill. My "present" vote on H. Res. 1761 does not connote any ill feelings toward Heisman Trophy winner Cameron Newton or the Auburn University athletic program. I appreciate the hard work and dedication exhibited by student athletes like Cameron Newton. However, I do not think that airing such appreciation on the House floor is the wisest use of time.

Mr. ALTMIRe. 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. ALTMIRe) that the House suspend the rules and agree to the resolution, H. Res. 1761.

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. ALTMIRe. 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.

FOR THE RELIEF OF SHIGERU YAMADA

Ms. CHU. Madam Speaker, I move to suspend the rules and pass the bill (S. 4010) for the relief of Shigeru Yamada. The Clerk read the title of the bill.

The text of the bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. PERMANENT RESIDENT STATUS FOR
SHIGERU YAMADA.

(a) In General.—Notwithstanding subsection (b)
section 201 of the Immigration and Nationality Act (8 U.S.C.
Shigeru Yamada shall be entitled to remain in the United States for
over 3 years on his mother’s student visa. During this period, Shigeru’s
mother became engaged to a U.S. citizen. Had she married his fiancé, she
would have been able to obtain lawful permanent residence in the
country. However, in September 1995, when Shigeru was only 13 years
old, his mother was killed in a car accident.

After his mother’s death, Shigeru
and his sisters were raised by their
maternal aunt and uncle in Chula Vista,
California. Shigeru’s natural father
was an alcoholic who was physically abusive to Shigeru, his sisters,
and their mother. There was no other viable
caretaker in Japan.

Shigeru’s aunt attempted to formally adopt him, but was unable to complete
the adoption before his 16th birthday. Under current immigration law,
virtually all adoptions of foreign children by U.S. citizens must be completed be-
fore the child’s 16th birthday in order for the child to qualify for legal status
in the United States. Although
Shigeru’s sisters obtained legal status
through adoption and marriage, Shigeru continued to reside here with-
out such status.

In the meantime, Shigeru became a
model student, graduating from East-
lake High School with honors in 2010. At Eastlake, he served on student gov-
ernment and participated in numerous community service activities, and
excelled at football and wrestling. He was an
All-American Scholar and was
named Outstanding English Student
his freshman year. He was also voted the Most Inspirational Player of the Year in various sports, both at the jun-
ior varsity and varsity level. He served as vice president of the associated stu-
dent body his senior year.

Shigeru also volunteered to coach
the Eastlake High School softball team, was
named Outstanding Student of the Year in various sports, both at the jun-
ior varsity and varsity level. He served as vice president of the associated stu-
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ior varsity and varsity level. He served as vice president of the associated stu-
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Section 3.

(b) ADJUSTMENT OF STATUS.—If Shigeru Ya-
mad a enters the United States before the fil-
ing date in subsection (a), Shigeru Yamada shall be considered to have entered
and remained lawfully and shall be eligible for adjustment of status under sec-
tion 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date
of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—
Subsections (a) and (b) shall apply only if the application for issuance of an immigrant
visa or the application for adjustment of sta-
tus is filed with appropriate fees not later than 2 years after the date of the enactment
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dent body his senior year.
Mr. POE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to support this legislation. Shigeru Yamada was born in Japan in 1992. When Shigeru was 10 years old, his mother brought him to the United States as a dependent on her student visa. In 1995 when Shigeru was 13 years old, his mother was killed in a car accident.

At the time of her death, Shigeru’s mother was engaged to be married to an American citizen. If his mother had survived and in fact married the U.S. citizen, Shigeru would have obtained legal permanent resident status through her. Shigeru’s natural father was an alcoholic and physically abusive to Shigeru’s mother and the siblings. After the mother’s death, Shigeru and the siblings were raised by an aunt in Chula Vista, California.

Although Shigeru’s aunt attempted to formally adopt Shigeru, the adoption was not completed before the 18th birthday. Under current immigration law, Shigeru would have had to have been adopted before the age of 16 to obtain legal immigration status in the United States. Shigeru’s younger siblings were adopted by another family while another sibling was married to an American citizen. Shigeru attended Eastlake High School and graduated with honors in 2000.

This bill easily fits within the modern-era private immigration bill precedent. Under current immigration law, Shigeru would have had to have been adopted before the age of 16 to obtain legal immigration status in the United States. Shigeru’s younger siblings were adopted by another family while another sibling was married to an American citizen. Shigeru attended Eastlake High School and graduated with honors in 2000.

This bill is consistent with private immigration bill precedent, and the Department of Homeland Security’s report revealed no adverse information about the beneficiary. I urge my colleagues to support it.

Ms. ZOE LOFGREN of California. Madam Speaker, Shigeru Yamada was brought to the United States when he was 13 years old. He entered the country on a non-immigrant visa with his mother and his two sisters, and remained here on his mother’s student visa for over 3 years. Although his mother became engaged to a U.S. citizen, which would have resulted in lawful permanent resident status for Shigeru and his sisters, tragedy prevented this from coming to pass. When Shigeru was 13 years old, his mother was killed in a car accident, and he and his siblings were taken to live with their maternal aunt and uncle in Chula Vista, California.

When Shigeru’s aunt attempted to formally adopt him, she was unable to complete the process before he turned 16 years old. Under current immigration law, virtually all adoptions of foreign children by U.S. citizens must be completed before the child’s 16th birthday in order for the child to qualify for legal status in the United States. Although Shigeru’s sisters obtained legal status through adoption and marriage, Shigeru continued to reside here without such status.

Despite these difficulties, Shigeru shined. He graduated with honors in 2000 from Eastlake High School, where he served on student government, participated in numerous community service activities, and excelled at football and wrestling. Shigeru obtained an American Scholastic Fund in 2006, and was named “Outstanding English Student” his freshman year. He was also voted the “Most Inspirational Player of the Year” in various sports, both at the junior-varsity and varsity level. He served as vice president of the associated student body his senior year. Shigeru later obtained an associate’s degree from Southwestern Community College.

Shigeru’s story highlights so many things that are wrong with our current immigration system. First, Shigeru is just the type of young person who would benefit from the DREAM Act, which passed the House with bipartisan support 1 week ago today. More importantly, America is just the country that would benefit from providing Shigeru a path to lawful status, so that he could continue to excel and serve as a model to all those around him.

Second, this bill highlights the nonsensical inflexibility of our international adoption rules. Earlier this summer, the House passed H.R. 5532, the International Adoption Harmonization Act of 2010. H.R. 5532 would harmonize our international adoption rules by setting a uniform deadline by which all adoptions must be finalized at a child’s 18th birthday. One purpose of H.R. 5532 is to ensure that when a child is legally adopted by U.S. citizen parents between the child’s 16th and 18th birthdays, the child is permitted to remain with his or her parents in the United States.

The need for this commonsense piece of legislation was demonstrated by the many private immigration laws enacted by previous Congresses to provide exactly this form of relief to just those individual children who came to our country under the laws in the time frame like the one before us today. H.R. 5532 remains stalled in the Senate, which represents a real failure to protect American families and adopted children.

I remain hopeful that our Senate colleagues on both sides of the aisle will recognize that passage of the DREAM Act and H.R. 5532 are both in America’s best interest. But under current law, S. 4010 represents the only option for Shigeru Yamada to remain in the United States, the country that he rightly calls home.

Mr. FILNER. Madam Speaker, I’d like to thank Senator FEINSTEIN, the Senate and House Judiciary Committees, Chairman CONYERS, and Chairwoman LOFGREN for their leadership in the passage of S. 4010, a bill for the relief of Shigeru Yamada, an extraordinary young man who is in danger of being deported back to Japan, despite living here for most of his life. Shigeru came to the U.S. legally in 1992 at the age of 10 with his mother and two younger sisters. In 1995, when Yamada was 13 years old, his mother was tragically killed in a car accident. Yamada and his sisters were suddenly orphaned, and due to a change in immigration laws, were stripped of their legal status. Notwithstanding personal adversities, Yamada excelled in high school where he was active in sports, student government, and the community, while maintaining almost a 4.00 GPA. Yamada has attended Southwestern College and is a model member of the Chula Vista, California community. His two younger sisters were able to become citizens. One older sister is a U.S. citizen and the other one was adopted by family members. The family tried to adopt Shigeru, but they were not successful. Yamada does not have any family or home in Japan. His mother’s side of the family is Korean which makes it extremely difficult for him to integrate into Japanese society. He is virtually unable to understand Japanese because he does not speak, read, or write Japanese. His situation shows that he would suffer extreme hardship if forced to return to Japan.

The passage of this bill brings justice one step closer to Yamada. We want and need more people like Shigeru in our country and he deserves the opportunity to become a permanent U.S. citizen. Once again, I’d like to thank the leadership for passage of this critical bill.

Mr. POE of Texas. I yield back the balance of my time.

Ms. CHU, Madam Speaker. I yield back the balance of my time.
Ms. CHU. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Ms. CHU. Madam Speaker, I yield myself such time as I may consume.

S. 1774 is an immigration relief bill for Hotaru Nakama Ferschke. By now the story of Mrs. Ferschke and her late husband, Marine Sergeant Michael H. Ferschke, Jr., should be well known to Members of the House.

The couple met in March 2007 when Sergeant Ferschke was stationed at Camp Schwab in Okinawa, Japan. They dated for more than 1 year before Sergeant Ferschke was deployed to Iraq. Shortly before his departure, they learned that they were going to have a baby. They spoke about getting married, moving back to the United States, and raising a family together.

Two months after arriving in Iraq, they were married through a ceremony conducted over the telephone. But just 1 month later, Sergeant Ferschke tragically lost his life in combat.

The United States military recognizes the couple’s marriage for purposes of providing Mrs. Ferschke with a death gratuity. But our immigration laws recognize only proxy marriages that have been consummated, something this couple was never able to do following the marriage. As a result, Mrs. Ferschke has been unable to move to the United States on an immigrant visa, and her hopes of raising their son with the support of Sergeant Ferschke’s family have been thwarted.

Last month, the House passed H.R. 6397, the Marine Sergeant Michael H. Ferschke, Jr. Memorial Act. The purpose of that bill was to fix Mrs. Ferschke’s situation and to ensure that no other family is left in a similar situation. Because that bill remains stuck in the Senate, a relief bill for Mrs. Ferschke is the only way to right this wrong.

I commend Senators Webb, Alexander, Corleek, and Udall for introducing this bill in the Senate, and Representative John Duncan for his work on this bill in the House. I would also recognize Judiciary Committee Chairman John Conyers, Immigration Subcommittee Chairwoman Zoe Lofgren, and Judiciary Committee Ranking Member Lamar Smith for helping to move this bill to the floor.

I urge my colleagues to support this important legislation.


HON. ZOE LOFGREN,
Chair, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MADAM CHAIR: In response to your request for additional comments on H.R. 3182, private legislation to provide immigration relief for Mrs. Hotaru Ferschke.

The beneficiary is the widow of Michael Harvey Ferschke, Jr., a United States Marine who was killed-in-action August 10, 2008, as a result of a gunshot wound received as a member of a forward observer team that was conducting combat operations in Tikrit, Iraq. Mr. Ferschke passed away before an I-130 immediate relative petition could be filed on Mrs. Ferschke’s behalf.

Mrs. Hotaru Ferschke is the only way to right this wrong. The United States Army’s 83rd Ordnance Battalion CASB, Kadena Air Base Okinawa, Japan, confirmed that he was deployed to Iraq between August 2007. Prior to her employment with the 83rd Ordnance Battalion, she was employed as an Administrative Specialist with U.S. Immigration and Customs Enforcement.

Mrs. Ferschke is the daughter of Mr. Masaaki and Mrs. Takako Nakama, both of whom are natives and citizens of Japan. Mrs. Ferschke attended Okinawa Christian Junior College where she majored in English.

Mrs. Hotaru Ferschke is currently employed as an Administrative Specialist with the United States Army’s 83rd Ordnance Battalion, Kadena Air Base Okinawa, Japan, which she has been employed since August 2007. Prior to her employment with the 83rd Ordnance Battalion, she was employed at the Camp Courtney Commandary, Unit 5136, as a sales clerk. Her annual salary is estimated to be $24,000.00 per year.

Mrs. Hotaru Ferschke has seen substantial support from the community here in the United States. Mrs. Hotaru Ferschke is not employed in the United States. She is a member of the American Widows Project, a support group for the wives and husbands of fallen U.S. soldiers.

I reserve the balance of my time.

Mr. POE of Texas. Madam Speaker, I am pleased to support this bill, and I want to say that he may consume to the gentleman from Tennessee (Mr. DUNCAN) for all of his efforts on companion legislation.

Mr. DUNCAN. Madam Speaker, I thank the gentlewoman from California (Ms. CHU) and the gentleman from Texas (Mr. POE) for their work in bringing this bill to the floor at this time.

As has been described, this is a private relief bill attempting to allow the young widow of a marine who was killed in action to remain in the country of the alien’s birth until her visa expired. Ms. Ferschke has never married and is the only living parent of her son.

I urge my colleagues to support this important legislation.
While everyone has supported this bill every step of the way, it has run into some technical or procedural difficulties that have delayed it until this point. As has previously been stated, I would like, as Ms. CHU did, to thank particularly Senator ALEXANDER and Senator Coburn for taking such a personal interest in this bill on the Senate side, and I would like to once again thank the House for passing the general bill last month.

Mrs. Ferschke, the mother of this soldier, I want to see me about this in December of 2008. Early in this Congress, we introduced a private relief bill. It took a few months to get the necessary information and complete the required paperwork, but this private bill was taken up by the Subcommittee on Immigration in the Judiciary Committee, both major- and minority, we attempted to do the Judiciary Committee, both major- and so at the direction of the staff of the Judiciary Committee, both major- and minority, we attempted to do an amendment to the Defense bill. However, some people in the Rules Committee, while supporting the bill, did not feel it was germane to the Defense bill, which we also had to agree with, but we were doing that at the direction of others. But I also would like to thank the gentleman from Massachusetts (Mr. McGovern) because hearing about this at the Rules Committee, he took a special and personal interest in this bill also.

We then introduced a general bill, once again working with the staff of the Judiciary Committee, whom I would also like to thank. That bill was passed last month in the House, but we ran into some objections here, and that is why we are back here today on this private relief bill.

December 15, 2010

CONGRESSIONAL RECORD—HOUSE

H8367

Hotaru Ferschke, as has been stated, is the widow of the late Sergeant Michael Ferschke of the U.S. Marine Corps. She was born on October 20, 1983, in Okinawa, Japan. In March 2007, as Ms. CHU said, when Sergeant Ferschke was stationed in Okinawa, he met her at a mutual friend’s party. They dated for a month before Sergeant Ferschke was deployed to Iraq in April 2008. Shortly before Sergeant Ferschke deployed, the couple learned that Hotaru was pregnant. Sergeant Ferschke’s parents and members of his military unit in Iraq have attested to the fact that the couple already had planned to marry before Hotaru became pregnant and had decided to live and raise their future family in the United States.

The couple was married by proxy, by telephone, by a military chaplain in July of 2008 while Sergeant Ferschke was in Iraq. But 1 month later, in August of 2008, Sergeant Ferschke was killed in combat. Although the marriage is legally valid and recognized by the military, in order for Mrs. Ferschke to be recognized as Sergeant Ferschke’s spouse for immigration purposes, the marriage itself would have had to have been consummated. Under the circumstances, this wasn’t possible. The law makes no allowance to the fact that Mrs. Ferschke was already pregnant with her husband’s child before the marriage ceremony took place. I could go on and tell additional details, but I’ll just leave those for the statement that I have and say that this is something that I think everyone has wanted to support all through this, and it is a great moment for this family to hopefully fully complete this at this time at the tail end of this Congress. And so I urge my colleagues to support this very worthwhile legislation.

Ms. CHU. Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I strongly support this legislation. I once again want to thank the gentleman from Tennessee (Mr. DUNCAN) in Ms. It’s a perfect example of how, if there’s a problem, an issue with a constituent in a congressional district, the gentleman from Tennessee took the bull by the horns, so to speak, and solved this problem. I urge the attention of Congress in an effort to resolve this problem.

I am pleased to support this bill for Hotaru Ferschke and would like to thank John Duncan for all his efforts on her behalf. Hotaru is the widow of the late Sgt. Michael Ferschke (U.S. Marine Corps). She was born in Okinawa, Japan, and met Sgt. Ferschke there in 2007, where he was stationed at USMC Camp Schwab. They dated for more than a year before Michael was deployed to Iraq in 2008.

Shortly before Michael was deployed to Iraq, the couple learned that Hotaru was pregnant. They had planned to marry before she became pregnant. Michael and Hotaru were married “by proxy” via telephone on July 10, 2008, while Sgt. Ferschke was in Iraq. They were never able to see each other after their marriage because Michael was killed in combat on August 10, 2008. Hotaru gave birth to Michael Ferschke, III on January 7, 2009. Michael is a United States citizen.

Normally, the Immigration and Nationality Act requires a couple to receive their green card, despite the death of her husband. The INA provides that “in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen’s death. . . if the citizen served honorably in an active duty status in the military, air, or naval forces of the United States and died as a result of injury or disease incurred in or aggravated by combat, the alien . . . shall be considered . . . to remain an immediate relative after the date of the citizen’s death. . . .” However, the law provides that the term spouse “does not include a spouse. . . . by reason of any marriage ceremony where the contracting parties thereto are not physically present in the presence of each other, unless the marriage shall have been consummated.” Thus, the Ferschke’s marriage is not recognized for immigration purposes because it was never consummated.

This provision, enacted in 1952, was designed to prevent marriage fraud. However, according to the U.S. Embassy in Seoul, Korea, it is clear that the Ferschke’s relationship was bona fide. While there is no precedent for such a private bill, the case seems to be relatively unique and meritorious. There is no indication that there was any fraud associated with the Ferschke’s marriage.

I urge my colleagues to support this bill. Let us pay honor to the memory of Michael Ferschke and grant his widow a future in the United States.

Ms. ZOE LOFGREN of California. Madam Speaker, as Chairwoman of the House Immigration Subcommittee, I first learned about Hotaru Ferschke and her late-husband, Marine Sergeant Michael H. Ferschke, Jr., when the subcommittee formally met to consider H.R. 3182, a private immigration bill introduced by Representative John Duncan. The Ferschke case highlighted a little-known provision in our immigration laws, which states that when a couple takes place between two persons who cannot both be physically present during the ceremony, the marriage is not valid unless and until it is consummated. The provision allows no exceptions, even where the bona fides of the marriage is recognized for other purposes and consummation of the relationship prior to marriage can be demonstrated beyond a shadow of a doubt.

Last month, I joined Representatives Duncan, Jim McGovern, and Lamar Smith in offering H.R. 6397, a bill that would amend this provision of our immigration laws to account for situations—like the one presented here—where the failure to consummate such a marriage was the result of service abroad in the United States Armed Forces. I was pleased that the House passed that bill by voice vote, but it now must await final passage in the Senate.

In the meantime, S. 1774 provides the only means by which Hotaru Ferschke will be able to obtain lawful permanent residence in the United States, so that she may raise her son—Mikey—in the country for which his father gave his life.

Moreover, as the House is poised to pass the first private immigration bills that will be sent to the President in 6 years, it is worth making some brief remarks about such bills more generally. Private legislation is perhaps the narrowest, most targeted form of relief that Congress can provide. Private immigration bills have long been recognized as necessary in compelling circumstances where the inflexibility of our immigration laws would lead to extraordinary hardship. Such bills also can help Congress identify systemic problems with our laws.

This country has a long history of passing private immigration legislation. According to the Immigration and Nationality Act, from 1936–2004, at least one private immigration law was enacted in each Congress. During the Cold War, Congress enacted well over 1,000 private immigration laws.

This long history is grinding to a halt in the 109th Congress, when Congress failed to enact a single private immigration law. The same was true of the 110th Congress and, until just recently, the 111th.
The Senate’s passage of the two immigration relief bills before us today—S. 4010 and S. 1774—is therefore important not only for the two beneficiaries of the bills and their family members, but also for the private bill process itself. Our immigration laws are broken—there can be no doubt about that—and I am a firm believer that those laws must be reformed. But even a perfect set of laws will occasionally result in cases of extraordinary hardship, for which an individual exception to the law may be necessary. Private immigration relief bills have played a significant role in our history and I am hopeful that they will continue to play such a role after today’s important votes.

Mr. POE of Texas. I yield back the balance of my time.

Ms. CHU, 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 New Jersey (Mr. PALLONE) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Madam 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 in the Record.

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

There was no objection.

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

Madam Speaker, House Resolution 1600 recognizes the critical role of physician assistants in our health care system by designating October 6–12 of 2010 as National Physician Assistant Week. Physician assistants, or PAs, practice in a collaborative setting with physicians, nurses, and other health care professionals to extend the reach of medical care to underserved populations. Their role helps patients have better access to high-quality medical care, particularly for underserved populations. Throughout the Nation, approximately 75,000 PAs provide high-quality and cost-effective care in various health settings. With the passage of health care reform, millions of Americans will enter our health care system, and PAs will play a vital role in helping our healthcare workforce meet this challenge.

I want to applaud the leadership of Representative McCOLLUM on this issue, and I would urge my colleagues to join me in supporting this resolution.

I reserve the balance of my time.

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

As an original sponsor of this resolution, I rise in support of House Resolution 1600, supporting the critical role of the physician assistant profession and supporting the goals and ideals of National Physician Assistant Week. I would also like to thank Congresswoman BETTY MCCOLLUM of Minnesota for bringing to our attention the important services physician assistants provide and congratulate her for getting this resolution to the floor.

Physician assistants practice medicine under a physician’s supervision. A PA’s practice can include diagnostic, therapeutic, and surgical services. On any given day, a PA could prescribe medication, order and interpret x-rays, attend surgery, give advice to patients, and may also have supervisory responsibilities. A PA is supervised by a physician, but at facilities where the physician is present for only a few days each week, the PA may be a patient’s principal health care provider. This increases the flexibility of the medical profession and ensures patients have access to quality care.

PAs in every State are required to pass the Physician Assistant National Certifying Examination. In order to take this exam, a candidate must be a graduate of an accredited PA program, which includes classroom, laboratory, and clinical training in several specialty areas. To maintain their certification, PAs must complete many hours of continuing medical education and a recertification examination. PAs are highly educated, highly trained, work extremely hard, and are a vital cog in our Nation’s health care system. I hope all will join me in saluting our Nation’s PAs for their commitment and dedication, and I urge your support for this resolution.

I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield such time as she may consume to the Congresswoman from Minnesota who is the sponsor of the bill, Ms. BETTY McCOLLUM.

Ms. McCOLLUM. I would like to thank Chairman WAXMAN and I would like to thank Representative PALLONE for their help with this bill, as well as my colleague on the other side of the aisle, Congressman TERRY.

House Resolution 1600 recognizes the critical role of physician assistants by designating a week in 2010 as National Physician Assistant Week. Forty years ago, the position of PA was created in response to a national health care workforce shortage. Over 20 years ago, I had the honor and the privilege in Minnesota of helping to write the rules for PAs to function and provide health care in Minnesota. I was the consumer member on the board, I had a great work experience, working with doctors, PAs, hospitals, health care clinics, and patients from all over Minnesota in making sure that PAs were able to address this workforce shortage. And today, they continue to be an integral part of our health care system, practicing in all health care settings and specialties.

Physician assistant service will be vital as more Americans, our health care system and we prepare for an aging population—the baby boomers. PAs work, as has been mentioned, side
by side with physicians, nurses and other professionals in providing high-quality, cost-effective health care. They work in rural and underserved communities and ensure patients can receive the care that they need when they need it.

I want to thank the physicians assistants and the American Academy of Physician Assistants for all the work that they do to care for patients and to keep America healthy.

Lastly, I sincerely want to thank my colleagues for their bipartisan support so we could bring this bill forward.

Thank you to Chairman WAXMAN again for bringing this resolution.

Mr. TERRY. Madam Speaker, I have no further requests for time.

I would be remiss on a resolution recognizing PAs not to recognize my brother-in-law’s brother, Val, Val Valgora. He passed away several years ago. He was a PA back in the seventies. I had never heard of a physician assistant before. Val was instrumental in the State of Nebraska in expanding the use of physician assistants. He worked with the University of Nebraska Medical Center and then on to LSU to help create and expand the educational component for PAs. So, at least in the State of Nebraska, Val Valgora is one of our legendary PAs. I just wanted to thank him and take this opportunity to recognize his accomplishments for the State of Nebraska.

I yield back the balance of my time.

Mr. PALLONE. Madam Speaker, I urge passage of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the House resolution ordered by the Speaker on December 15, 2010, this House proceeds to consider H.J. Res. 396, entitled “A resolution expressing support for the National Alzheimer’s Project Act.”

The Clerk read the title of the bill.

The text of the bill is as follows:

SEC. 2. THE NATIONAL ALZHEIMER’S PROJECT.

(a) DEFINITION OF ALZHEIMER’S.—In this Act, the term “Alzheimer’s” means Alzheimer’s disease and related dementias.

(b) ALZHEIMER’S.—There is established in the Office of the Secretary of Health and Human Services the National Alzheimer’s Project (referred to in this Act as the “Project”).

(c) PURPOSE OF THE PROJECT.—The Secretary of Health and Human Services, or the Secretary’s designee, shall—

(1) be responsible for the creation and maintenance of an integrated national plan to overcome Alzheimer’s;

(2) provide information and coordination of Alzheimer’s research and services across all Federal agencies;

(3) accelerate the development of treatments that would prevent, halt, or reverse the course of Alzheimer’s;

(4) improve the—

(A) early diagnosis of Alzheimer’s disease; and

(B) coordination of the care and treatment of citizens with Alzheimer’s;

(5) ensure the inclusion of ethnic and racial populations at higher risk for Alzheimer’s or least likely to receive care, in clinical, research, and service efforts with the purpose of decreasing health disparities in Alzheimer’s; and

(6) coordinate with international bodies to integrate and inform the fight against Alzheimer’s globally.

(d) DUTIES OF THE SECRETARY.—

(1) IN GENERAL.—The Secretary of Health and Human Services, or the Secretary’s designee, shall—

(A) oversee the creation and updating of the national plan described in paragraph (2); and

(B) use discretionary authority to evaluate all Federal programs around Alzheimer’s, including budget requests and approvals.

(2) NATIONAL PLAN.—The Secretary of Health and Human Services, or the Secretary’s designee, shall carry out an annual assessment of the Nation’s progress in preparing for the escalating burden of Alzheimer’s, including both implementation steps and recommendations for priority actions based on the assessment.

(e) ADVISORY COUNCIL.—

(1) IN GENERAL.—There is established an Advisory Council on Alzheimer’s Research, Care, and Services (referred to in this Act as the “Advisory Council”).

(2) MEMBERSHIP.—

(A) FEDERAL MEMBERS.—The Advisory Council shall be comprised of the following experts:

(i) A designee of the Centers for Disease Control and Prevention;

(ii) A designee of the Administration on Aging;

(iii) A designee of the Centers for Medicare & Medicaid Services;

(iv) A designee of the Indian Health Service;

(v) A designee of the Office of the Director of the National Institutes of Health.

(B) NON-FEDERAL MEMBERS.—In addition to the members outlined in subparagraph (A), the Advisory Council shall include—

(i) 2 Alzheimer’s patient advocates;

(ii) 2 Alzheimer’s caregivers;

(iii) 3 health care providers;

(iv) 2 representatives of State health departments;

(v) 2 researchers with Alzheimer’s-related expertise in basic, translational, clinical, or drug development science; and

(vi) 2 voluntary health association representatives, including a national Alzheimer’s disease organization that has demonstrated experience in research, care, and advocacy, and a State-based advocacy organization that provides services to families and professionals, including information and referral, support groups, care consultation, education, and self-help.

(3) MEETINGS.—The Advisory Council shall meet quarterly and such meetings shall be open to the public.

(f) ADVISOR.—The Advisory Council shall advise the Secretary of Health and Human Services, or the Secretary’s designee.

(g) ANNUAL REPORT.—The Secretary of Health and Human Services, or the Secretary’s designee, shall submit to Congress—

(1) an annual report that includes an evaluation of all federally funded efforts in Alzheimer’s research, clinical care, and institutional-, home-, and community-based programs and their outcomes;

(2) initial recommendations for priority actions to expand, eliminate, coordinate, or condense programs based on the program’s performance, mission, and purpose;

(3) recommendations for—

(A) priority actions based on the evaluation conducted by the Secretary and the Advisory Council to—

(i) reduce the financial impact of Alzheimer’s on—

(I) Medicare and other federally funded programs; and

(ii) families living with Alzheimer’s disease; and

(B) implementation steps and recommendations for priority actions based on the assessment.

(ii) improve health outcomes; and

(iii) annually thereafter, an evaluation of the implementation, including outcomes, of the recommendations, including priorities if necessary, through an updated national plan under subsection (d)(2).

(h) TERMINATION.—The Advisory Council shall terminate on December 31, 2025.

The SPEAKER pro tempore. Pursuant to the resolution, H.J. Res. 396 was agreed to.
New Jersey (Mr. PALLONE) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. PALLONE. Madam 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 in the RECORD.

The Chair pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Madam Speaker. I yield myself such time as I may consume.

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

Madam Speaker, I rise in strong support of S. 3036, the National Alzheimer's Project Act, as amended.

Last week, the Subcommittee on Health in the Energy and Commerce Committee held a hearing on Alzheimer's disease and the many challenges associated with it.

Alzheimer's is an irreversible progressive brain disease that slowly destroys thinking skills and eventually even the ability to carry out the simplest tasks. Alzheimer's can affect every part of the brain and rob its victims of their very lives and dignity, and it is fatal.

Alzheimer's is estimated to be the sixth leading cause of death in our country. The disease, which is estimated to affect as many as 5.1 million Americans, has a devastating impact, not just on families but on our nation as a whole. It is projected that the national costs associated with caring for those with Alzheimer's exceeds $172 billion each year, with the figure expected to rise to $1 trillion by 2050. These costs represent the burden on Medicare, Medicaid, private insurance, caregiving, and out-of-pocket costs for families. Of this figure, $123 billion can be attributed to Medicare and Medicaid alone.

The National Alzheimer's Project Act will require the Secretary of Health and Human Services to create and maintain a national plan to overcome Alzheimer's disease. It will also create an advisory council on Alzheimer's research, care, and services.

I want to thank the sponsor of this legislation, Representative MARKEY, for his tireless leadership on this bill. He is also the co-chair of the congressional task force on Alzheimer's disease, and he works hard on all aspects of trying to find a cure and to do research with regard to Alzheimer's.

I urge my colleagues to support the National Alzheimer's Project Act today.

I reserve the balance of my time.

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

Madam Speaker. I rise in support of S. 3036, the National Alzheimer's Project Act. Alzheimer's affects millions of Americans and their families and friends. It is a personal tragedy for both patients and everyone who loves them.

I had an opportunity to meet with the families during a support group just recently. I heard their stories about their loved ones slipping away with this form of dementia, and I heard their stories of the pressures and sadness it places on all of the families.

NIH estimates that approximately 5 million Americans have Alzheimer's disease, most of whom are over the age of 60. So there is a good chance that you or a friend of yours has a relative suffering from Alzheimer's. By the middle of the century, as many as 60 million Americans could have Alzheimer's. Just think about it. We are on the course of being our country's leading public health crisis and the defining disease of the baby boomer generation.

Building on the recommendations of the Alzheimer's Study Group, the National Alzheimer's Project Act would give us a framework for Alzheimer's care, research, institutional services, and home- and community-based programs. It is important that Congress establish an interagency council to work with the Secretary of HHS to comprehensively assess and address Alzheimer's research, care, institutional services, and home- and community-based programs.

The National Alzheimer's Project Act, Madam Speaker, I, too, rise in strong support of S. 3036, the National Alzheimer's Project Act.

Today, the effects of Alzheimer's disease are devastating—devastating to the estimated 5.3 million Americans who have Alzheimer's and to the 11 million caregivers and to the Nation as a whole, because we all share the tremendous cost of contending with Alzheimer's. By the middle of the century, as many as 60 million Americans could have Alzheimer's. Just think about it. We are on the course of being our country's leading public health crisis and the defining disease of the baby boomer generation.

While Alzheimer's can affect people as young as in their 30s, most patients are over 60 years old. As this age group doubles over the next 25 years to around 72 million, the number of people with Alzheimer's will also increase dramatically.

As with other diseases which also affect large numbers of people and which cause a great deal of suffering for patients, their families and friends, we want to do whatever we can to eliminate the diseases or to mitigate their impact on people's lives. When Congress reauthorized the NIH in 2006, Congress decided to put the Alzheimer's diseases to fund into the hand of experts.

While it makes the most sense to let experts determine the best use of scarce resources for research, Congress still has an important role to play in fighting Alzheimer's and other diseases. Specifically, we must identify laws and regulations that post barriers to developing new treatments and diagnostic tests quickly and safely. Most importantly, Congress must ensure that all of our partners in Alzheimer's are acting efficiently and effectively.

We often hear concerns about a lack of coordination between government agencies. The government already devotes substantial resources to Alzheimer's through such things as direct care, research at the NIH, and the activities of the Administration on Aging. However, it is imperative that these agencies coordinate their activities. The National Alzheimer's Project Act would ensure that coordination. If these agencies have a unified mission with a coordinated strategy, we significantly increase the chances of beating this disease.

Mr. Speaker. I urge all of my colleagues to support S. 3036.

I reserve the balance of my time.

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

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

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

I reserve the balance of my time.

Mr. Speaker. I urge all of my colleagues to support S. 3036.

I reserve the balance of my time.

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

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

I reserve the balance of my time.
Alzheimer’s compared to 11 percent of men, and although under-diagnosed, African Americans are two times more likely and Hispanic Americans 1½ times more likely to have Alzheimer’s or other dementias. The National Alzheimer’s Project Act will ensure the inclusion of these at-risk populations in clinical, research, and service efforts.

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

Mr. LOEBSACK. I yield the gentlewoman an additional 1 minute.

Mrs. CHRISTENSEN. S. 3036 makes significant strides in addressing one of America’s most feared, costly, and deadly diseases.

I congratulate Mr. MARKEY for his work on this bill and I urge its passage.

I rise in strong support of S. 3036—the National Alzheimer’s Project Act, which will provide critical federal support and coordination to over 10 million beneficiaries with Alzheimer’s or another dementia cost the system three times as much as a person who does not have a dementia. For Medicaid, the cost multiplier for someone with dementia is nine times more. The Trajectory report estimates that during the next 40 years, the costs of Alzheimer’s and other dementias will exceed $20 trillion.

Our country is engaged in a collective and very appropriate conversation about what should be done to address our current fiscal situation. When we look at how we can take costs out of the system while improving outcomes, we quickly see that Alzheimer’s should be a core part of these discussions.

Fortunately, the National Alzheimer’s Project Act will help to address these costs. The legislation establishes an Advisory Council comprised of representatives from the federal government as a whole as we all share the tremendous costs of containing Alzheimer’s and other dementia. The National Alzheimer’s Project Act will help to address these costs. The legislation establishes an Advisory Council comprised of representatives from the federal government as a whole as we all share the tremendous costs of containing Alzheimer’s and other dementia. The National Alzheimer’s Project Act will help to address these costs. The legislation establishes an Advisory Council comprised of representatives from the federal government as a whole as we all share the tremendous costs of containing Alzheimer’s and other dementia.

Mr. TERRY. Madam Speaker, I yield 4 minutes to one of our great advocates for families and individuals with Alzheimer’s, the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I thank my distinguished friend for yielding.

Madam Speaker, as cochairman along with my good friend and colleague Congressman ED MARKEY of the Congressional Task Force on Alzheimer’s, the which we founded back in 1999, and as lead Republican sponsor on the companion legislation—this is a Senate bill, of course—I rise in strong support and ask for our colleagues to pass the National Alzheimer’s Project Act.

This legislation is an important step forward in our battle against the crisis of Alzheimer’s disease. Unfortunately, we know that the trajectory of Alzheimer’s disease over the next few decades threatens unparalleled tragedy and threatens to overwhelm society’s ability to cope if something is not done to change that trajectory.

Alzheimer’s disease is both a current and future health crisis of our Nation. About 78 million baby boomers were born between 1946 and 1964, which has been termed the single greatest demographic event in United States history. In a couple of weeks on January 1, the first of these boomers will turn 65 years of age.

Today, 5.3 million people have Alzheimer’s, and another American develops the disease every 70 seconds. 200,000 Americans under the age of 65 have early onset Alzheimer’s. Alzheimer’s costs Medicare and Medicaid alone approximately $122 billion. The average annual Medicare payment for an individual with Alzheimer’s, as the present speaker pointed out, is three times higher than for those without the condition. Additionally, 11 million unpaid caregivers provide 12.5 billion hours of care, valued at an estimated $144 billion. This unpaid care obviously is a huge drain on financially resources.

Without effective intervention to change the trajectory, by mid-century, the number of individuals with Alzheimer’s will increase to an estimated 13 million to 16 million people, and the cost to Medicare and Medicaid will be staggering, over $300 billion in today’s dollars. Given these realities, it is astounding that there is no national plan to address the crisis of Alzheimer’s disease and the looming crisis.

The National Alzheimer’s Project Act is designed to help turn the tide by creating a national strategic plan to address it. NAPA establishes an interagency advisory council to advise the Department of Health and Human Services on how to comprehensively address the government’s efforts on Alzheimer’s research, care, and service, including both institutional and at-home care.

As a percentage of the population, more women than men have Alzheimer’s, and African Americans are about two times more likely to have Alzheimer’s or other dementias, yet they are less likely to be diagnosed. NAPA aims to address these disparities as well.

NAPA will provide the framework to accelerate the development of an efficacious care and comprehensive treatments in an effort to mitigate the unsp­ speakable agony and suffering of millions of patients and their families. And if we are successful, we will also save the country billions of dollars every year and trillions over the coming decades.

This is an outstanding bill, and I hope the membership of this body will overwhelmingly support it.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. I thank the gentleman from New Jersey for yielding.

Madam Speaker, there are currently 5.5 million Americans with Alzheimer’s, and the prevalence of the disease is expected to increase rapidly as the baby boomer generation, my generation, begins to age.
As a degenerative disease that affects memory and other cognitive functioning, Alzheimer’s can be very frustrating, both for the person afflicted and for family, friends, and caretakers. Far too many of us have lost a loved one because of this disease.

It is time we find a cure for Alzheimer’s. This bill is an extremely important contribution to the search for that cure. It will establish a coordinated national and international effort and accelerate research and development for new treatments to prevent, stop, or reverse the course of Alzheimer’s disease. The information these efforts provide will, in turn, inform priorities for future work to end this disease.

I wholeheartedly support what is clearly a bipartisan bill, and I urge my colleagues on both sides of the aisle to do the same.

Mr. MARKLEY of Massachusetts. Madam Speaker, Thank you, Chairman WAXMAN, Chairman of the Committee on Representive BURGESS, and Ranking Member BARTON.

I’d like to thank Senators BAYH and COLLINS for their leadership on this bill, the Senate companion to H.R. 4689 which I introduced with my friend and cochair of the Task Force on Alzheimer’s Disease, Representative CRISP SMITH from New Jersey.

The poet Robert Browning once wrote, “Grown old with me, the best is yet to be.”

Unfortunately, the “Golden Years” can be the worst years for Americans afflicted with Alzheimer’s and their families.

We’ve worked with the Senate to engage in a bipartisan, constructive process with stakeholders to reach legislative language and move this bill forward.

After all, Alzheimer’s is an equal-opportunity disease. My father was a milkman, my mother the valedictorian. My father always said it was an honor that my mother married him and that if Alzheimer’s was determined by the strength of your brain, “Your mother would be taking care of me instead.” He took care of her in our living room in Malden, Massachusetts for 10 years as she suffered from Alzheimer’s, I’m thinking of them both today.

Alois Alzheimer first discovered the plaques and tangles in the brain that cause Alzheimer’s in 1906—with the very same year that my mother was born.

At the time, doctors believed that dementia in the elderly was a normal part of the aging process that was caused by the hardening of the arteries.

However, Alzheimer’s groundbreaking work was done on a patient who was only 51 years old. So Alzheimer reached the conclusion that the condition he had discovered was a kind of “pre-senile dementia,” and that the pattern of plaques and tangles he had identified was a rare condition that afflicted only the young.

Years passed, my mother grew up, and researchers did little to study and learn about the plaques and tangles that were forming in her brain.

It wasn’t until the mid-1970s that it became clear that the most common form of dementia in older people was caused by the same plaques and tangles that Alzheimer had identified decades earlier.

Unfortunately, the search for the cure had begun too late for my mother who was diagnosed in 1981—75 years after Alzheimer had discovered the disease that lead to her death.

Alzheimer’s patients are the mothers and fathers, and sisters and brothers who we recognize even if they don’t recognize us; who we remember even if they don’t remember us, and who we continue to love and cherish even as their condition worsens.

A few stats: 5.3 million Americans have Alzheimer’s; it is the 7th leading cause of death; $172 billion is spent annually for Alzheimer’s.

Our challenge is to ensure that we increase not only the lifespan, but also the health span of every American. If we do these efforts provide will, in turn, inform priorities for future work to end this disease.

The Alzheimer’s community has been waiting for help, and trying to maintain hope.

Today the House can take action to help and give hope to Alzheimer’s families.

The bill we are considering today will help coordinate Alzheimer’s research, care, and services across all Federal agencies.

The United States is one of the only developed nations without a national plan to combat Alzheimer’s. For too long, we’ve been unprepared against this disease.

Through this plan, will be developed: An assessment of all Alzheimer-related federal efforts; recommendations; annual updates; and a strong advisory committee.

This bill will: Help coordinate the health care and treatment of citizens with Alzheimer’s; it will accelerate the development of treatments that would prevent, halt or reverse the course of Alzheimer’s by coordinating existing government research and it will ensure the inclusion of ethnic and racial populations at higher risk for Alzheimer’s and reduce health disparities among people with Alzheimer’s.

Thank yous: The Alzheimer’s Association—Harry Johns, Rob Egge, Mary Richards, Katie Maslow, Matthew Baumgart; Maria Shriver for all of her great work; The Alzheimer’s Foundation of America—Eric Hall, Sue Peschin; Cure Alzheimer’s Fund—Tim Armour, Dr. Rudy Tanzi; The National Institute on Aging—Dr. Richard Hodes, Tamara Jones; Keep Memory Alive—Maureen Peckman; George and Trish Vradenburg; Patience O’Connor, Meryl Comer, Jillian Oberfield, Mark Bayer, Kate Bazinsky, Josh Lumbley, Amit Mistry, and Binta Beard from my office; Tim Lynam from Representative CRISP SMITH’s office; Emily Gibbons; Sarah Despres from the Energy and Commerce Committee Majority Staff; Ryan Long and Clay Alsaph from Mr. BARTON’s staff; J.P. Paluskiewicz from Dr. BURGESS’s office; Sarah Kyle and Kevin Kaiser from Senator BAYH’s office.

Thanks to the many hard-working advocates for this disease, and those who are caretakers, bearing many burdens day in and day out.

I once again thank my colleagues for their support—WAXMAN, PALLONE, BURGESS, and BARTON.

Mr. KLINE of Minnesota. Madam Speaker, I offer the following statement in support of Senate Bill 3036, expressing support for the National Alzheimer’s Project Act.

The effects of Alzheimer’s disease are devastating. An estimated 5.3 million Americans live with this disease, and millions more are directly affected through caring for loved ones and sharing the surmounting costs of this terrible disease.

Unfortunately, the devastation of Alzheimer’s disease will only become worse as the Baby Boom generation grows older. It is estimated that if we are unable to change the trajectory of this disease, as many as 16 million Americans will have Alzheimer’s by the middle of this century.

The economic impact of Alzheimer’s is also staggering. We are currently spending an estimated $172 billion annually on Alzheimer’s disease and other dementia care in America.

As the nation faces a growing aging population, we must look at how to reduce costs while improving outcomes. The National Alzheimer’s Project Act will help achieve this goal through the establishment of the Advisory Council on Alzheimer’s Research, Care, and Services, which facilitates public and private coordination on research and services across all federal agencies.

As my mother is currently suffering from the advanced stages of Alzheimer’s disease, I would welcome news of a research breakthrough that would slow, stop, or reverse this degenerative disease.

The National Alzheimer’s Project Act is an important step toward addressing a devastating and deadly disease. I am pleased to support legislation that will help improve the quality of life for the millions of Americans affected by Alzheimer’s disease.

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

Mr. PALLONE. Madam Speaker, I urge passage of S. 3036, and I also yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, S. 3036.

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

A motion to reconsider was laid on the table.

EARLY HEARING DETECTION AND INTERVENTION ACT OF 2010

Mr. PALLONE. Madam Speaker, I move to suspend the rules and pass the bill (S. 3199) to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3199

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 “Early Hearing Detection and Intervention Act of 2010”.

SEC. 2. EARLY DETECTION, DIAGNOSIS, AND TREATMENT OF HEARING LOSS.

Section 399M of the Public Health Service Act (42 U.S.C. 280g–1) is amended—

(1) in the section heading, by striking “INFANTS” and inserting “NEWBORNS AND INFANTS”;

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “screening, evaluation and intervention programs and services” and inserting “screening, evaluation, diagnosis, and intervention programs and systems, and to

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assist in the recruitment, retention, education, and training of qualified personnel and health care providers:"; (B) by amending paragraph (1) to read as follows: "(1) To develop and monitor the efficacy of statewide programs and systems for hearing screening of newborns and infants; prompt evaluation and intervention for the detection and diagnosis of children identified from screening programs; and appropriate educational, audiological, and medical interventions for children identified with hearing loss. Early intervention services includes referral to and delivery of information and services by schools and agencies, including community, consumer-based agencies, and organizations and other programs mandated by part C of the Individuals with Disabilities Education Act, which offers programs specifically designed to meet the unique language and communication needs of deaf and hard of hearing newborns, infants, toddlers, and children. Programs and systems under this paragraph shall establish and foster family-to-family support mechanisms that are critical in the first months after a child is identified with hearing loss;” and (C) by adding at the end the following: "(3) Other activities may include developing efficient models to ensure that newborns and infants who are identified with a hearing loss through screening receive follow-up by a qualified health care provider, and State agencies shall be encouraged to adopt models that effectively increase the rate of early intervention follow-up."

(2) in subsection (b)(1)(A), by striking "hearing loss screening, evaluation, and intervention programs" and inserting "hearing loss screening, evaluation, diagnosis, and intervention programs"; (3) in subsections (b)(2) and (3) of subsection (c), by striking the term "hearing screening, evaluation, and intervention programs" each place such term appears and inserting "hearing screening, evaluation, diagnosis, and intervention programs"; (4) in paragraphs (2) and (3) of subsection (c), by striking the term "hearing screening, evaluation, and intervention programs" each place such term appears and inserting "hearing screening, evaluation, diagnosis, and early intervention programs"; (5) in subsection (e)— (A) in paragraph (3), by striking "ensuring that families of the child" and all that follows and inserting "ensuring that families of the child are provided comprehensive, consumer-oriented information about the full range of family support, training, information services, screening and diagnostic options and are given the opportunity to consider and obtain the full range of such appropriate services, educational and program options, and other options for their child from highly qualified providers."; and (B) in paragraph (6), by striking "after screening;"; and (6) in subsection (f)— (A) in paragraph (1), by striking "fiscal year 2002" and inserting "fiscal years 2011 through 2015;" (B) in paragraph (2), by striking "fiscal year 2002" and inserting "fiscal years 2011 through 2015;" and (C) in paragraph (3), by striking "fiscal year 2002" and inserting "fiscal years 2011 through 2015."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Nebraska (Mr. TERRY) each yield 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Madam Speaker, I ask unanimous consent that all Members of the House be excused and that a legislative day be established which to revise and extend their remarks and include extraneous material in the RECORD.

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

There was no objection.

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

I rise in strong support of S. 3199, the Early Hearing Detection and Intervention Act. Last year, the House passed the companion measure to this bill, and we are pleased to pass it again with minor modifications. Every year, more than 12,000 babies are born with hearing loss. Often their condition goes undetected for years, and many of these children end up experiencing delays in speech, language, and cognitive development. However, if the hearing loss is detected early, many of these delays can be mitigated or even prevented, and for that reason, early detection is critical to improving outcomes for these children.

The bill, the Early Hearing Detection and Intervention Act, would improve services for screening, diagnosing, and treating hearing loss in children by authorizing the Early Hearing Detection and Intervention Program, which was first enacted in 2000. The program provides grants and cooperative agreements for statewide newborn and infant hearing services. These programs focus on screening, evaluation, diagnosis, and early intervention.

I want to particularly thank my colleague, the gentlewoman from California, Representative CAPPS, who is the vice chair of the Health Subcommittee, for her hard work on this issue and so many issues. She is a nurse by profession. I am sure you have noticed that many of the health care bills that have come out of the last 4 years during the Democratic majority have been from Mrs. CAPPS, and she is always present always putting all out for children and senior citizens. I urge my colleagues to support this legislation.

I reserve the balance of my time.

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

Madam Speaker, S. 3199, the Early Hearing Detection and Intervention Act of 2010, has worthy elements. Certainly we support the efforts of early recognition of hearing loss. As Mr. PALLONE said, and Mrs. CAPPS will reiterate, it is not standard practice, or was not standard practice, to perform early detection for hearing loss on newborns. Usually parents, after about a year, would recognize something isn’t right, that maybe speech was delayed, and that’s when testing would occur. We have found that early testing has benefits. However, our side of the aisle must recommend a “no” vote at this time due to the authorizing of appropriations with the language of “such sums as may be necessary.” This type of open-ended authorization abandons our duty to budget for programs responsibly.

The bill would reauthorize the newborns and infants hearing loss program. It would enable the Secretary of Health and Human Services to assist in recruitment, retention, education, and training of qualified personnel and health care providers. Unfortunately, in reauthorizing this program, the bill contains no limits on authorization of spending. And some are projecting that our country’s budget deficit will reach $1.5 trillion this fiscal year. We cannot continue this fiscal irresponsibility by voting for open-ended authorization amounts. We need to include specific authorization amounts in legislation so we can set priorities, if we are to ever get our fiscal House in order.

Madam Speaker, I recommend a “no” vote on this legislation so we can work in a bipartisan manner to include specific reauthorization amounts. I reserve the balance of my time.

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

I just wanted to address the gentleman’s point with regard to the underlying bill containing the language “such sums.” I mean, the bill doesn’t change anything from the current law. The 2002 Early Hearing Detection and Intervention Act, which we are reauthorizing, had that language in it, and we are simply updating the authorization here. It is not changing the language. And the same is true for the bill that passed the House last year. There was a House version, sponsored by Mrs. CAPPS, and that didn’t make any change either. So I just want to remind my colleagues that, you know, again, we passed this bill in March 2009 and then again on the floor I guess later that month, and there wasn’t any issue raised by the Republicans at that time. So to think to think that they totally makes no sense, and we should simply move to pass this. It is very commonsense legislation. It simply reauthorizes the current law.

I reserve the balance of my time.

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

Madam Speaker, the gentleman is correct in the sense that it is a reauthorization. It strikes the language of 2002 while leaving the language of “such sums as may be necessary” for the fiscal year going forward now, but we still have that open-ended language.

And after hearing from the people for the last couple of years, we have an additional emphasis on making sure that we are tighter in the writing of these bills, unlike what was occurring in the year 2002 when this was passed or in 2009 when it passed from committee. That is our only objection here, the authorization of open-ended, “such sums as may be necessary” for programs.

I reserve the balance of my time.

Mr. PALLONE, I now yield 3 minutes to the sponsor of the legislation, the
gentlewoman from California (Mrs. CAPPS).  

Mrs. CAPPS. I thank my colleague and our chairman for yielding time.  

Madam Speaker, I am rising today in strong support of Senate bill S. 3199, the Early Hearing Detection and Intervention Act. And I am very proud to have introduced the House version of this bill with our colleague Congresswoman Jo ANN EMERSON of Missouri. The House version of this legislation by voice vote in March of 2009, and the Senate version, introduced by Senators SNOWE and HARKIN, was modified by the Senate HELP Committee and passed by unanimous consent earlier this week. Senate Bill S. 3199 is non-controversial and would make needed improvements to the Early Hearing Detection and Intervention Program, as recommended by experts.

Each year, more than 12,000 infants are born with hearing loss. If left undetected, this condition impedes speech, language, and cognitive development. And I might add, with concerns for the cost, the cost to taxpayers of not recognizing these needs and the cost in special education, in modified vocational goals, and intervening, the cost in special education, in modified vocational goals, and the NIH, providing grants to conduct newborn hearing screening do not receive appropriate followup intervention as a part of the successful hearing screening program for newborns and infants.  

This legislation would accomplish these goals through reauthorizing the programs administered by HRSA, CDC, and the NIH, providing grants to conduct newborn hearing screening, provide followup intervention to promote surveillance and research. So I am strongly urging my colleagues to join me in voting in favor of Senate bill S. 3199, to continue building on the great success of these programs.

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

Mr. PALLONE. Madam Speaker, I would like to yield 2 minutes now to the gentleman from Massachusetts (Mr. MARKEY).  

Mr. MARKEY of Massachusetts. I thank the chair very much, and I thank him for his great work.  

The poet Robert Browning once wrote, "Grow old with me. The best is yet to be." Unfortunately, the golden years can be the worst years for Americans afflicted with Alzheimer’s and their families. We have worked with the Senate to put together a bipartisan HELP Committee of Republicans and Democrats, and I believe it is important that I tell the story of one family in the House this evening.

My father was a valedictorian. My mother was a valedictorian. My mother got Alzheimer’s. My father kept her in the living room. For 13 years, we kept her in our living room. My father always said that it was an honor that my mother had married him, the milkman. He also said that if the strength of your brain determined who got Alzheimer’s, he said that he would have it and my mother would be taking care of him.  

But this is an equal opportunity disease. It’s an epidemic. If we do not find the cure, we will not find the cure, the budget problems for our country will be so explosive that it will be impossible to ever balance the Federal budget.

We are now spending a fortune on it, and unless we cure it, we will never be able to deal with the catastrophic consequences personally, for those families, and for our country, in general.

I thank the gentleman for allowing me this personal privilege, because I was pulled away as the bill was being considered.

Mr. TERRY. Madam Speaker, I thank the gentleman from Massachusetts for his efforts in fighting Alzheimer’s and working for those families.

With that, I yield back the balance of my time.

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

I just wanted to mention that the three bills today are just a small representation of many bipartisan public health bills that the majority and minority worked on together in the Health Subcommittee over the past 2 years. I want to thank the ranking member of the Health Subcommittee, Mr. SHIMKUS, for his hard work and cooperation in these efforts.

In the summer and fall alone, the House passed 25 bipartisan health bills that came from our Health Subcommittee.

And I also want to thank the staff that worked on these public health bills. From the majority, Ruth Katz, Steve Cha, Sarah Despres, Emily, who’s here with me, Emily Gibbons, Tiffany Guarascio, Anne Morris, Camille Sealy, Naomi Seller, Tim Westmoreland, and Karen New. And from the minority, Ryan Long, Clay Alspach, Peter Kiely, and Chris Sarley.

Madam Speaker, I ask for passage of the legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, S. 3386.

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

A motion to reconsider was laid on the table.

RESTORE ONLINE SHOPPERS’ CONFIDENCE ACT

Mr. BOUCHER, Madam Speaker. I move to suspend the rules and pass the bill (S. 3386) to protect consumers from certain aggressive sales tactics on the Internet.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3386

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 “Restore Online Shoppers’ Confidence Act”.

SEC. 2. FINDINGS; DECLARATION OF POLICY.

The Congress finds the following:

(1) The Internet has become an important channel of commerce in the United States, accounting for billions of dollars in retail sales every year. Over half of all American adults have now either made an online purchase or an online travel reservation.

(2) Consumer confidence is essential to the growth of online commerce. To continue its development as a marketplace, the Internet must provide consumers with clear, accurate information and give sellers an opportunity to fairly compete with one another for consumers’ business.

(3) An investigation by the Senate Committee on Commerce, Science, and Transportation found abundant evidence that the aggressive sales tactics many companies use against their online customers have undermined consumer confidence in the Internet and thereby harmed the American economy.

(4) The Committee showed that, in exchange for “bounties” and other payments, hundreds of reputable online retailers and websites shared their customers’ billing information, including credit card and debit card numbers, with third party sellers in turn used aggressive, misleading sales tactics to charge millions of American consumers for membership clubs the consumers did not want.

Third party sellers and membership clubs to consumers as they were in the process of completing their initial transactions

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Apologies for any inconvenience caused.
on hundreds of websites. These third party “post-transaction” offers were designed to make consumers think the offers were part of the initial purchase, rather than a new transaction handled by a third party.

(6) Third party sellers charged millions of consumers for membership clubs without ever obtaining consumers’ billing information, including their complete credit or debit card number.

(7) The use of a “data pass” process defined consumers’ expectations that they could only be charged for a good or a service if they submitted their billing information, including their complete credit or debit card number.

(8) Third party sellers used a free trial period to enroll members, after which they periodically charged consumers until consumers affirmatively canceled the membership club offer at the end of the trial period.

SEC. 3. PROHIBITIONS AGAINST CERTAIN UNFAIR AND DECEPTIVE INTERNET SALES PRACTICES.

(a) REQUIREMENTS FOR CERTAIN INTERNET-BASED TRANSACTIONS.—It shall be unlawful for any post-transaction third party seller to charge or attempt to charge any consumer's credit card, debit card, bank account, or other financial account will be charged by—

(A) obtaining from the consumer—

(i) the full account number of the account to be charged; and

(ii) the consumer’s name and address and a means of contact for the consumer; and

(B) requiring the consumer to perform an additional affirmative action, such as clicking on a confirmation button or checking a box on the transaction to be charged the amount disclosed.

(b) PROHIBITION ON DATA-PASS USED TO FACILITATE CERTAIN DECEPTIVE INTERNET SALES TRANSACTIONS.—It shall be unlawful for a post-transaction third party seller to charge, bank account, or other financial account will be charged by—

(A) obtaining from the consumer—

(i) the full account number of the account to be charged; and

(ii) the consumer’s name and address and a means of contact for the consumer; and

(B) requiring the consumer to perform an additional affirmative action, such as clicking on a confirmation button or checking a box on the transaction to be charged the amount disclosed.

(c) APPLICATION WITH OTHER LAWS.—Nothing in this section shall be construed to limit the authority of the Commission under any other provision of law.

SEC. 5. ENFORCEMENT BY FEDERAL TRADE COMMISSION.

(a) IN GENERAL.—Violation of this Act or any regulation prescribed under this Act shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any regulation promulgated thereunder.

(b) DEFINITIONS.—In this section:

(1) INITIAL MERCHANT.—The term “initial merchant” means a person that has obtained a consumer’s billing information directly from the consumer through an Internet transaction initiated by the consumer.

(2) POST-TRANSACTION THIRD PARTY SELLER.—The term “post-transaction third party seller” means a person that—

(A) sells, or offers for sale, any good or service on behalf of the initial merchant; or

(B) solicits the purchase of such goods or services on the Internet through an initial merchant after the consumer has initiated a transaction with the initial merchant; and

(C) is not—

(i) the initial merchant;

(ii) a subsidiary or corporate affiliate of the initial merchant; or

(iii) a successor of an entity described in (B).

SEC. 4. NEGATIVE OPTION MARKETING ON THE INTERNET.

It shall be unlawful for any person to charge or attempt to charge any consumer for any goods or services sold in a transaction on the Internet through a negative option feature (as defined in the Federal Trade Commission’s Telemarketing Sales Rule in part 310 of title 16, Code of Federal Regulations) unless—

(A) the consumer affirmatively canceled the membership club offer at the end of the trial period.

(b) PROHIBITION OF DATA-PASS USED TO FACILITATE CERTAIN DECEPTIVE INTERNET SALES TRANSACTIONS.—It shall be unlawful for a post-transaction third party seller to charge, bank account, or other financial account will be charged by—

(A) obtaining from the consumer—

(i) the full account number of the account to be charged; and

(ii) the consumer’s name and address and a means of contact for the consumer; and

(B) requiring the consumer to perform an additional affirmative action, such as clicking on a confirmation button or checking a box on the transaction to be charged the amount disclosed.

(c) AUTHORITY PRESERVED.—Nothing in this section shall be construed to limit the authority of the Commission under any other provision of law.

SEC. 6. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) RIGHT OF ACTION.—Except as provided in subsection (e), the attorney general of a State, or other authorized State officer, alleging a violation of this Act or any regulation issued under this Act that affects or is related to the residents of the State shall have the right to institute a civil action in any State court of the State in which the defendant is found, resides, or transacts business, or

wherever venue is proper under section 1391 of title 28, United States Code, to obtain appropriate injunctive relief.

(b) NOTICE TO COMMISSION REQUIRED.—A State may bring a civil action for the prior written notice to the Federal Trade Commission of any civil action under subsection (a) together with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such action.

(c) INTERVENTION BY THE COMMISSION.—The Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—Nothing in this section shall be construed—

(1) to prevent the attorney general of a State, or other authorized State officer, from exercising the powers conferred on the attorney general, or other authorized State officer, by the laws of such State; or

(2) to prohibit the attorney general of a State, or other authorized State officer, from proceeding in State civil or criminal actions on the basis of an alleged violation of any civil or criminal statute of that State.

(e) LIMITATION.—No separate suit shall be brought under this section if, at the time the suit is brought, the same alleged violation is the subject of a pending action by the Federal Trade Commission or the United States under this Act.

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

The Chair recognizes the gentleman from Virginia.

Mr. BOUCHER. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

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.

I am pleased to rise in support this afternoon of S. 3386, the Restore Online Shoppers’ Confidence Act. The legislation makes essential protections to consumers in the Internet marketplace.

The rapid growth of online commerce has brought great benefits to merchants and consumers alike. Creative retailers can reach a broader market, while resourceful shoppers can compare deals and find exactly the right product for themselves. Internet commerce is now a core part of the daily lives of millions of Americans, and overall, more than one-half of all Americans have made an online purchase. But large percentages of consumers also report feeling frustrated, overwhelmed, and confused by online shopping, often because they face unfamiliar, aggressive sales tactics online.

Last year, an investigation by the Senate Commerce, Science, and Transportation Committee confirmed the
pervasive use of misleading tactics by even some of the Web's most prominent, trusted retailers. The committee concluded that while consumers are heavily involved in Internet commerce, they are struggling to stay free of unwanted charges on their credit cards or their bank accounts.

The bill now before the House focuses on two common deceptive tactics: post-transaction marketing and "data pass.

Post-transaction marketing occurs when a consumer purchasing something from a trusted vendor is presented with offers from unrelated sellers promising savings on the initial transaction as well as future purchases. These third-party sellers often do not make clear that they are distinct entities and that agreeing to their offer constitutes a wholly separate transaction with an entirely new set of terms. The legislation would bring these transactions into the light and make them much easier for consumers to follow. It would also put an end to "data pass" during these transactions, in which the first seller shares a consumer's credit card number with the third-party seller without the knowledge of the consumer. The legislation returns to consumers the power to control when and with whom their sensitive financial information is shared.

The Restore Online Shoppers' Confidence Act, passed by the Senate, serves to protect the consumer in the online marketplace.

I want to say thank you to Senator Rockefeller, the chief sponsor of the measure in the other body, and to his staff for their determined work, as well as to Congressman Space, on our Energy and Commerce Committee, for his sponsorship of this measure in the House.

Through this legislation, consumers will be empowered to make smart decisions online and protect their bank accounts. I urge strong support for the passage of the bill.

Madam Speaker, I reserve the balance of my time.

Mr. TERRY. Madam Speaker, unfortunately, I rise today in opposition to S. 3386, the Restore Online Shoppers' Confidence Act. This bill would regulate e-commerce, specifically, negative option marketing and third-party billing.

The Committee on Energy and Commerce has not held a single hearing or markup on this legislation or any legislation similar in concept. Furthermore, it has been less than 2 weeks since the majority first raised the issue with minority staff and informed us of their intentions to place this bill on the suspension calendar.

We have not held a single stakeholders meeting regarding this legislation, nor have we spoken with the Federal Trade Commission about how they would implement this legislation or if they feel it is necessary. In fact, we had not one single stakeholder call, email, or letter or one single call, email, or letter from the regulator on this issue until Monday. Since then, we have received a number of stakeholder calls voicing concerns with the legislation. However, without holding any hearings or meetings, we can't properly evaluate these concerns.

As has been aptly demonstrated by the majority's health care bill and the CPSIA, the consumer protection bill that we've had to make several changes to, the heavy hand of Federal regulation is producing unforeseen and unacceptable consequences on the Nation's economy.

On its face, this may not be something we'd oppose if we had a record to prove it's necessity and to inform us as to the proper way to address the potential problems that this bill is meant to solve, but we have absolutely no record on this matter; and the House, therefore, cannot responsibly pass this bill to the President's desk to become law.

However, I am more than willing to work with our counterparts on the other side of the aisle and with our colleagues in the Senate next Congress to build a record and address if this issue is proven necessary. Based solely on a complete lack of process, not necessarily the merits, but on the process, I urge opposition to this legislation.

Mr. BOUCHER stands up to discuss an issue that affects e-commerce and the Internet, we listen. It is unfortunate that we are having a debate on this bill on process and not on the merits, because on the merits we are going to listen to Rick Boucher. And I just want to thank him for his service to Congress, his tutelage towards me on telecom issues in Congress. I for one, and I can say all of us on the Energy and Commerce Committee, are going to miss Rick Boucher next term.

I yield back the balance of my time.

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

Madam Speaker, I want to express appreciation for the gentleman from Nebraska for those very kind comments, and I want to also say what a privilege it has been working with him. He and I together have structured a number of items of legislation. For example, we advanced to the Energy and Commerce Committee a measure that comprehensively reforms the Federal Universal Service Fund to provide adequate and reliable support of virtually all of the stakeholders who have expressed interest in that very complex subject. It has been a pleasure working with the gentleman as that work has been undertaken.

His comments are really humbling to me, and I want to thank him for saying those things and just express what a privilege it has been for me to work with the gentleman and with all members of the Energy and Commerce Committee during these 28 years. It has been a service that will certainly be the high point of my career, and I thank all members for their many courtesies.

Madam Speaker, I strongly encourage the passage of this legislation.

I yield back the balance of my time.

Mr. TERRY. Madam Speaker, I ask unanimous consent to reclaim my time.

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

There was no objection.

Mr. TERRY. At this time, I will yield such time as he may consume to the ranking member of the Energy and Commerce Committee from Texas, Joe Barton.

Mr. BARTON of Texas. Thank you. Madam Speaker, I apologize. I was in my office and listening to the debate. I heard my distinguished senior Republican rise in reluctant opposition to the bill. I had had a conversation which Mr. TERRY was not aware of with the chairman of the committee, Mr. Waxman, in which I expressed the same concerns that Mr. TERRY expressed, but because of the policy implications of the bill, agreed that it should be supported. I told him that I would encourage the Republicans on the committee and in the full House to support it. Mr. TERRY did not know that, and he was doing what we had decided before I talked to Mr. Waxman.

I would not normally rush to the floor; but given that I had given my word to Chairman Waxman, I felt the necessity to express to the subcommittee chairman, Mr. Boucher, that while we agree on all the process arguments that Mr. TERRY enunciated and think they are very valid, the policy in the bill is good policy, and I would ask that it be supported for that reason.

I thank the gentleman from Nebraska for yielding.

Mr. TERRY. 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 Virginia (Mr. Boucher) that the House suspend the rules and pass the bill, S. 3386.

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

A motion to reconsider was laid on the table.

Mr. BOUCHER. Madam Speaker, I move to suspend the rules and pass the

TRUTH IN CALLER ID ACT OF 2009

Mr. BARTON of Texas. Thank you.

Mr. TERRY. Mr. Speaker, I move to suspend the rules and pass the TRUTH IN CALLER ID ACT OF 2009.
section.

(7) EFFECT ON OTHER LAWS.—This subsection does not prohibit any lawfully authorized investigative, 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.

(8) DEFINITIONS.—For purposes of this subsection:

(A) CALLER IDENTIFICATION INFORMATION.—The term ‘caller identification information’ means information provided by a caller identification service regarding the telephone number of, or other information regarding the origin of, a call made using a telecommunications service or IP-enabled voice service.

(B) CALLER IDENTIFICATION SERVICE.—The term ‘caller identification service’ means any service or device designed to provide the United States, or other service with the telephone number of, or other information regarding the origin of, a call made using a telecommunications service or IP-enabled voice service. Such term includes automatic number identification services.

This IP-enabled voice service has the meaning given that by section 9.3 of the Commission’s regulations (47 C.F.R. 9.3), as those regulations may be amended by the Commission from time to time.

(9) LIMITATION.—Notwithstanding any other provision of this section, subsection (f) shall not apply to this subsection or to the regulations under this subsection.

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.

Mr. BOUCHER. Madam Speaker, I ask unanimous consent that all Members have 3 legislative days to revise and extend their remarks and include extraneous material in the Record.

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

There was no objection.

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

Mr. BOUCHER asked and was given permission to revise and extend his remarks.

Mr. BOUCHER. Madam Speaker, today we consider S. 30, the Truth in Caller ID Act. It is the Senate companion to House legislation that was introduced on a bipartisan basis by our colleagues, the gentleman from New York (Mr. Engel) and the gentleman from Texas (Mr. Barton), ranking Republican member of the Energy and Commerce Committee.

The bill directs the FCC to adopt the regulations prohibiting caller ID spoofing in which a caller falsifies the original caller ID information during the transmission of a call with the intent to defraud, to cause harm, or wrongfully to obtain anything of value. The bill makes anyone who knowingly and willfully engages in caller ID spoofing eligible for criminal fines.

Spoofing has been possible for many years, but generally required expensive
equipment in order to change the outgoing call information. But with the growth of voice over Internet protocol usage, spoofing has become easier and considerably less expensive, and a number of Web sites are now offering spoofing services. Consequently, there is a great deal of pressure on industry people who simply want to deceiving others by manipulating caller ID can now do so with relative ease.

Spoofing threatens a number of business applications, including credit card verifications and automatic call routing, because these systems rely on the telephone number as identified by the caller ID system as one piece of their verification and authentication process. It is also commonly used in the commission of frauds of various kinds.

At other times, spoofing may be used to protect individuals. For example, domestic violence shelters sometimes use spoofing to mask the identity of the caller for protective purposes.

By prohibiting the use of caller ID spoofing where the intent is to defraud, to cause harm, or wrongfully obtain anything of value, this measure addresses the nefarious uses of the technology while continuing to allow legitimate uses such as use in shelters for the victims of domestic violence. In the rulemaking that the FCC will conduct pursuant to new subsection 227(e)(3) of the Communications Act, the committee anticipates that the commission will consider imposing obligations on entities that provide caller ID spoofing services to the public.

The widespread availability of caller ID spoofing services presents a significant potential for abuse and hinders law enforcement’s ability to investigate crime.

The prohibition in this bill on the use of those services with the intent to defraud, cause harm, or wrongfully obtain anything of value could be of limited value if entities continue to provide those services without making any effort to verify their users’ ownership of the phone number that is being substituted.

With our action today, this measure will be forwarded to the President for his signature. I want to thank and commend our colleagues, Mr. Engel and also Mr. Barton, for their commitment to the matter. And I want to commend Senator Nelson of Florida and all Members who, on a bipartisan basis, have contributed to and supported the legislation now before the House.

I reserve the balance of my time.

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

I rise in support of S. 30, the Truth in Caller ID Act of 2009, which addresses an issue that Mr. Barton and Mr. Engle and the Energy and Commerce Committee have been working on since the 109th Congress. In fact, back in April of this year, the House passed our version, H.R. 1258. The legislation protects consumers by prohibiting the deceptive practice of manipulating caller ID information, a practice known as caller ID spoofing.

Everyone is now familiar with the caller ID product that provides to a consumer information about the number of who is placing the incoming call. Madam Speaker, unfortunately, caller ID spoofing is yet another tool available to criminals to hijack the identity of consumers.

As with other scams, the Internet is making caller ID spoofing even easier today. There are Web sites that offer subscribers, for a nominal fee, a simple Web interface to caller ID spoofing systems that lets them appear to be calling from any number they so choose. Some of these Web services have boasted that they do not maintain logs and fail to provide any contact information. Some even offer voice scrambling services to further the deception of the consumer.

The FCC has investigated this spoofing problem, but currently there is no prohibition against manipulating caller ID information with the intent to harm others. Today’s bill remedies this problem.

This bill specifically prohibits knowingly sending misleading or inaccurate caller ID information with the intent to defraud, cause harm, or wrongfully obtain anything of value. Deception with intent is our target. We drafted and amended the language carefully to ensure that we only prohibit those practices intending to do harm.

There are sometimes legitimate reasons why someone may need to manipulate caller ID. For example, domestic violence shelters often alter their caller ID information to simply protect the safety of victims of violence. Furthermore, a wide array of legitimate uses of caller ID management technologies exists today, and this bill protects those legitimate activities.

For example, caller ID management services provide a local presence for teleservices and collection companies. These calling services companies are regulated by the Federal Trade Commission and Federal Communications Commission, which require commercial callers to project a caller ID that can be called back. This bill is not intended to target lawful practices protecting people from harm or serving a legitimate business interest.

My colleagues, this is a good piece of bipartisan consumer protection legislation. And while I normally hesitate to take the Senate’s work product without some kind of amendment on our side, I want to thank my friends on both sides of the Capitol, on both sides of the aisle here in the House of Representatives, including the many chairmen over the years, including Mr. Barton, Mr. Dingell, Mr. Waxman, Mr. Markley, and Mr. Boucher, as well as my colleague and chairman of this subcommittee. I also want to thank this Congress’ lead sponsor and hardworking member of the Energy and Commerce Committee, my good friend, Eliot Engel from New York.

I support this legislation.

I reserve the balance of my time.

Mr. BOUCHER. Madam Speaker, I am pleased to yield such time as he may be able to the gentleman from New York (Mr. Engel), the chief sponsor of the House companion measure.

Mr. ENGEL. I thank my friend from Virginia for yielding to me. I want to thank my friend from Florida (Mr. Stearns) for his kind words, and also the kind words of the gentleman from Virginia.

I rise today in strong support of my legislation, the Truth in Caller ID Act. This is about as bipartisan as a bill can be. We have passed this bill several times in the House only to have it not move through the other body, and I am delighted that for the first time we have had it passed in the other body. So now when we pass this bill, hopefully the President will sign it into law and we will finally have a stoppage of this fraud which is being perpetrated on the American people.

I originally read an article in the newspaper on a plane talking about what was going on with spoofing, and I remember thinking, this is ridiculous. How could this be legal? How could we just turn a blind eye to it? And then I realized we needed to have legislation.

We have been supported every step of the way, again, bipartisan, by the gentleman from California (Mr. WAXMAN) and the gentleman from Texas (Mr. BARTON). We have all worked on this legislation together.

I introduced the bill because we need 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. We have seen, as my colleagues have mentioned, a large number of cases of caller ID fraud leading to illegal or even illegal activities.

Last year, the New York City Police Department uncovered a massive identity theft ring where criminals stole more than $15 million from over 6,000 people. They were able to perpetrate this fraud in many instances by using caller ID spoofing. In another case, a person in New York called a pregnant woman who she viewed as a romantic rival, spoofing the phone number of the woman’s pharmacist. She tricked the pharmacist into taking a drug used to cause abortions.

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 could see it. You spoof a number of your political opponent. You call someone at 3 o’clock in the morning. You say something obnoxious on the phone, and then it comes back in the middle of the night. You are not going to vote for that person. This is all perfectly legal, up until the passage of this bill.
I have said again and again that one of the most troubling aspects of caller ID spoofing is not simply that it is legal. What disturbs me is how incredibly easy it is to carry out caller ID fraud. Criminals use a tool called a spoof card to change their outgoing call ID; so you could look at it and see a phone number, any phone number that that person wants to put down, they can do it, and the person getting the call has totally no idea where it is coming from, and it is coming from a place where obviously it is not.

This technology can even be used to disguise someone’s voice in order to trick people. If it is a man doing it, he can change the voice to sound like a woman, and vice versa. So it can be done completely to trick people.

This can trick people, corporations, or even banks. Imagine senior citizens who see the number of their bank put up when they take a look and see who is calling, and they are fraudulent, so they will talk to their doctor or their pharmacist or a close family member or a close family friend. This is terrible, and this tool is available to anyone with access to a Web browser. So, as was pointed out, the technology has gotten easier and easier for someone to perpetrate this fraud.

This legislation will outlaw caller ID spoofing when the intent is to defraud, cause harm, or improperly obtain anything of value. And, let me say, we have had many, many hearings on this bill.

The reason why this outlaws caller ID spoofing when the intent is to defraud, cause harm, or improperly obtain anything of value. And, let me say, we have had many, many hearings on this bill.

The legislation will outlaw caller ID spoofing when the intent is to defraud, cause harm, or improperly obtain anything of value. And, let me say, we have had many, many hearings on this bill.

The reason why this outlaws caller ID spoofing when the intent is to defraud, cause harm, or improperly obtain anything of value.

Also, I want to thank Congressman BOUCHER for being leaders on this issue in the House.

Because of these, I am still a supporter of enhanced penalties when caller ID spoofing is used in the commission of a crime. Therefore, we should not stop with this legislation. The Truth in Caller ID Act provides for criminal penalties under the Communications Act of 1934. My legislation, the PHONE Act, which has already passed the full House, provides for criminal penalties under the U.S. criminal code.

But I want to thank Congressman BOUCHER for being leaders on this issue in the House of Representatives in introducing their version. I urge my colleagues to vote for the Truth in Caller ID Act, and let’s hope in the future we can pass enhanced criminal penalties such as those in my PHONE Act bill. Together these pieces of legislation would create a comprehensive set of civil and criminal penalties to enable us to effectively combat caller ID spoofing.

Mr. BOUCHER, Madam Speaker, I reserve the balance of my time.
back. I am told there is a two-word difference between the bill we sent to them and the bill they sent back to us. I guess we can accept a two-word difference. It is long overdue. I want to compliment Mr. ENGEL for his hard work and perseverance. So, Mr. STEARNS, Mr. MURPHY, and others on our side, and of course Mr. BOUCHER for this bill.

The primary reason I am speaking, though, is I want to say some heartfelt words about Mr. BOUCHER. Some members later on this Congress is going to mercifully adjourn—and I hope sooner rather than later—and so I don't know how many more times we are going to be on the floor, but I wanted to say in his presence what an honor it has been to serve with him. He is a workhorse Member; he is not a show horse. He doesn't get involved in many, many issues, but when he does get involved, he is meticulous in his preparation and understanding of the issue and his details. It is always good.

On the rare occasions when I have disagreed with him, I have always been impressed with the merit of his argument. He will be missed. He is one of the Members who makes the institution work. He does it behind the scenes. He is always thoughtful and prepared and just a joy to work with.

I had the privilege to work with him when I was the subcommittee chairman and he was my ranking member, and I had the privilege to work with him while he has been in the majority as a subcommittee chairman. The work he and Congressman STEARNS have done on privacy is work that will bear fruit in the coming Congress I hope. The work he has done on energy issues and telecommunications issues, his work will stand the test of time. Mr. BOUCHER, Madam Speaker, I yield myself the balance of my time, and I do so to thank my colleagues, the gentleman from Texas (Mr. BARTON) and my friend, the gentleman from Florida (Mr. STEARNS) for their kind remarks. I want to thank them for the collaboration and the friendship over the years.

Mr. STEARNS and I have participated together in developing the ideas, developing the legislation, and bringing through the Communications Subcommittee all of the bills that that subcommittee acted on legislatively in this 2-year session of Congress. I appreciate so much the good ideas Mr. STEARNS shared, his work with me to ensure that all of our legislation had a bipartisan foundation, and I think what we were able to do was a better product by virtue of the fact that we worked together. It has been a privilege over the years to have the opportunity to work with him. He is an outstanding legislator.

I want to commend him for the fine work that he has done, and mostly thank him for the friendship and the partnership that he and I have enjoyed together. And I want to say thank you to my friend (Mr. BARTON) with whom I was privileged to work on the Energy Subcommittee when he was chairman and I was the ranking member. During the time he chaired the full committee, I had the privilege of participating with him on a whole range of undertakings, and I admire very much the leadership that he provided as chairman of the Energy and Commerce Committee and more recently as the ranking member.

So, thank you, gentlemen, for those kind remarks. I am humbled by them. And I appreciate your taking very much the occasion of our debate on this legislation to make those comments.

Madam Speaker, I have no further requests for time. I urge support of the legislation currently pending, and I yield back the balance of my time.

The SPEAKER pro tempore (Ms. RICHARDSON). The question is on the motion offered by the gentleman from Virginia (Mr. BOUCHER) that the House suspend the rules and pass the bill, S. 30.

The amendment offered by the gentleman from Virginia (Mr. BOUCHER) that the House suspend the rules and pass the bill, S. 30, is the question.

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.R. 5446 and House Resolution 1759, both by the yeas and nays; Senate Concurrent Resolution 72 and H.R. 6205, both by electronic vote.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Ms. CHU) to have the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 28, as follows:

[Roll No. 631]

IFYE—405

Ackerman  Ackerman  Ackerman
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Arcuri  Arcuri  Arcuri  Arcuri
Atkins  Atkins  Atkins  Atkins
Baca  Baca  Baca  Baca
Barrett (NC) Barrett (SC) Barrett (RI) Barrett (KS)
Barrow  Barrow  Barrow  Barrow
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Boehner  Boehner  Boehner  Boehner
Boehm  Bono  Bono  Bono
Booher  Cao  Cao  Cao
Butlerfield  Butlerfield  Butlerfield  Butlerfield
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Carter  Carter  Carter  Carter
Castle  Castle  Castle  Castle
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Crenshaw  Crenshaw  Crenshaw  Crenshaw
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So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid aside as above recorded.

### SUPPORTING DESIGNATION OF ED ROBERTS DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1759) expressing support for designation of January 23rd as "Ed Roberts Day, on which the years are ordered."

The Clerk read the title of the resolution.

The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules for the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 8, answered "present" 4, not voting 31, as follows:

<table>
<thead>
<tr>
<th>Yeas 390</th>
<th>Nays 8</th>
<th>Not Voting 31</th>
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</table>
ANSWERED “PRESENT”—4

Cassidy

Fox

NOT VOTING—31

Baird

Bachus

Bachmann

Baca

Alexander

Akin

Bean

Becerra

Berkeley

Chaffetz

Browns Byrd

Brown, WA

Bunning

Cardona

Davis (AL)

Davis (NY)

Deutch

Fallin

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Griffith

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Hunts

Ingles

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Jackson (IL)

Jackson (TX)

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Cuesta

Crenshaw

Crews

Cresc

Cullen

Cuellar

Culver

Culbre

Culson

Cummings

Dahlke

Dahlem

Davis (CA)

Davis (NY)

DeFazio

DeGette

Delahunt

DeLauro

Dent

Diaz-Balart, L.

Diaz-Balart, M.

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Dole

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Fallin

Farr

Fattah

Fazio

Flake

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Forbes

Fortenberry

Foster

Fox

Frank (MA)

Franck (AZ)

Frehling

Fong

Fugate

Gallegly

Gallego

Garban

Garrett (NJ)

Gelbich

Giffords

Gingrey (GA)

Gohmert

Gonzalez

Goodlatte

Gordon (TN)

Greaves (GA)

Graves (MO)

Grayson

Grijalva

Gill

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Hare

Harman

Harper

Hastings (FL)

Hastings (WA)

Hatchett

Hauser

Henry

Hensarling

Herger

Higginbotham

Hinojosa

Hirono

Hodes

Hoept

Hollen

Horn

Hunt

Huntley

Huntley

Inzle

Israel

Jackson (IL)

Jackson (TX)

Jones

Jordan (OH)

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Kanjorski

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Kennedy

Kidde

Kilpatrick (MI)

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King (IN)

King (NY)

Kingston

Kissell

Klein

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Kim (CA)

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Ms. PINGREE of Maine. Ms. PINGREE of Maine, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD.

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

There was no objection.

Ms. PINGREE of Maine. I yield myself such time as I may consume.

Madam Speaker, House Resolution 1764 provides for the consideration of the Senate amendment to H.R. 2965. The rule makes in order a motion offered by the majority leader or his designee that the House concur in the Senate amendment to H.R. 2965 with the Senate amendment printed in the report of the Committee on Rules accompanying the resolution.

The rule provides 1 hour of debate on the motion, equally divided and controlled by the majority leader and the minority leader or their designees. The rule waives all points of order against any consideration of the motion except those arising under clause 10 of rule XXI. The rule provides that the Senate amendment and the motion shall be considered as read.

Madam Speaker, the time has come to repeal Don't Ask, Don't Tell. We have all heard the arguments, the studies have been done, the hearings have been held. The men and women of the armed services have spoken and their leaders have weighed in. There is no more excuse not to repeal this misguided and harmful policy. There is no more reason to delay this any longer.

Madam Speaker, for gay military personnel, how much longer do we ask them to serve in silence? How many more hearings and how much more testimony are we going to ask for before we finally hear what the men and women of the armed services have just said: Just because someone is gay doesn't make them any less of a soldier, an airman, or a marine. How many more times can we just turn our backs on them?

END OF TERRITORY ROLL CALL.

Ms. PINGREE of Maine. Madam Speaker, I ask unanimous consent that the roll call be taken from the Speaker's table (H. Res. 111–681) on the resolution (H. Res. 1764) providing for consideration of the Senate amendment to the bill (H.R. 2965) to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

Ms. PINGREE of Maine. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1764 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1764

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table (H.R. 2965) to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the Majority Leader or his designee that the House concur in the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution, the Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the Majority Leader and Minority Leader or their respective designees. The previous question shall be considered as ordered on the motion to adopt the resolution without intervening motion.
heads and pretend we don’t see the damage this policy has done to our military’s readiness? And how many more competent, talented, and patriotic men and women will be kicked out of the service before this misguided and harmful policy is forever banned?

The Department of Defense released the results of their survey on November 30, just over 2 weeks after the majority is asking Congress to move forward in a manner that denies the committees of jurisdiction any review, that denies input from the membership of this House, that takes the product of the Speaker and the author of the legislation and forces the House to vote on it without any ability to offer alternatives, not even a motion to recommit.

I think we do a disservice to this body when we do not debate and deliberate with transparency. That lack of transparency has been standard procedure for the past 4 years. Obviously, we should not expect this congressional majority to change in its final weeks, but that will change in the next Congress.

I reserve the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. POLIS), a member of the Rules Committee.

Mr. POLIS. Madam Speaker, I thank the gentlelady from Maine, and I rise today in support of the repeal of the Don’t Ask, Don’t Tell policy. This resolution would ensure that the military has the ability to implement the recommendation from its recently completed study.

Don’t Ask, Don’t Tell is the only law in the country that requires people to be dishonest or be fired if they choose to be honest. It is also about how hurtful to the men and women who put themselves at risk serving in our Armed Forces, it is a law that is hurtful to our national security.

A recent study found that 8 out of 10 Americans support repealing the law. Regardless of their political party, people recognize that on the battlefield, it doesn’t matter if a soldier is gay or straight. What matters is that we get the job done and protect our country.

In recent years, Congress has provided the necessary oversight by passing the Defense authorization bill always in a bipartisan manner. This record of effective congressional review is in jeopardy as we proceed along with what could be the final week of this Congress. I think the majority continues to give insufficient attention to even important issues such as this by closing the process.

The repeal of Don’t Ask, Don’t Tell is not a policy decision to be taken lightly. The Defense Department, at the urging of Congress, spent 10 months collecting and analyzing survey responses from the men and women in our Armed Forces. I believe that analysis, nearly 15,000 pages in length, including the direct comments of our troops, should be the most important factor in considering this legislation, in considering how we vote on this legislation.

Madam Speaker, it wasn’t that long ago that women were not allowed to serve in combat. When we debated ending that ban, the critics predicted that if women were allowed in combat, that discipline would dissolve and unit cohesion would crumble.

The arguments against allowing women to serve in combat were exactly the same thing they are saying today about allowing openly gay men and women to serve. But after two wars where women have served ably and bravely alongside their male counterparts, none of the grim predictions came true. Discipline has not suffered and women are clear and unequivocal. It is hurtful to our national security. It wastes precious resources, and it goes against the values that our military embodies: integrity, honesty, and loyalty.

Restoring the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I thank my good friend, Ms. PINGREE from Maine, for the time and I yield myself such time as I may consume.

Madam Speaker, we find ourselves backing on the House floor with yet another closed rule. In fact, we haven’t seen a single open rule during this entire 111th Congress. I never thought I would see that day, that we would have a positive, mixed, or absolutely no effect.

And it is not just the men and women who make up our Armed Forces who are urging Congress to repeal Don’t Ask, Don’t Tell; our Nation’s military leaders also believe it needs to come to an end.

Admiral Mike Mullen, the Chairman of the Joint Chiefs of Staff, said, “I would not recommend repeal of this law if I did not believe in my soul that it was the right thing to do for our military, for our Nation, and for our collective honor.”

General George Casey, the Chief of Staff of the Army, agreed. He said repeal would not keep us from “accomplishing our worldwide missions, including combat operations.”

And Admiral Gary Roughead, Chief of Naval Operations, said it simply: Repeal “will not fundamentally change who we are and what we do.”

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to the fact that we have discharged over 13,000 people from our military—after taxpayer money went for their training—for reasons totally unrelated to their performance, not to mention countless others who didn’t reenlist or left due to the threat of discharge.

But I do understand that many Members of this body from both sides of the aisle, including the chairman of the committee of jurisdiction, wanted to see that report in December. Well, the report went out, and it is very clear with regard to the fact that—no surprise to me, but hopefully of consolation to those who were concerned—this change in policy does not represent a threat to the security of this country. And, in fact, there were several practical suggestions about how to implement this change.

In addition, the Chairman of the Joint Chiefs and the Secretary of Defense have been very clear that they want the current legislative process to be repealed. Why? Because repeal of this policy is inevitable. It is a question of when, not if. There are already several court orders in various stages of appeal. However, the military feels that it is better to plan for it with us in this legislative process better for military readiness than running the greater risk of having an instant court order, an on-or-off again court order, which is also a possibility, which would prevent the regular military planning process from going forward. The sooner we act, the better. Despite our differences, it is clear that leaving it up to the courts is the wrong way to go about it.

In 1993, the passage of Don’t Ask, Don’t Tell was the result of a political process, not a military one. Today, we can rectify that, remove the statutory requirement and allow the military to do the right thing to improve military readiness and enhance the protection of our country.

Let us be on the right side of history and finally move forward with repealing Don’t Ask, Don’t Tell today.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 4 minutes to my friend from Georgia, Dr. Gingrey.

Mr. GINGREY of Georgia. Madam Speaker, I thank the gentleman for yielding, and I rise in strong opposition to the rule providing for the repeal of Don’t Ask, Don’t Tell. While the majority in the Senate has been unsuccessful in repealing Don’t Ask, Don’t Tell through the National Defense Authorization Act, my colleagues on the Democratic side of the aisle seem adamant to move forward on this issue by bringing it to the floor again this year as a standalone bill. What we should be doing, Madam Speaker, is prioritizing the need of our troops over the majority’s social agenda and considering the National Defense Authorization Act free of the Don’t Ask, Don’t Tell language.

I know that advocates for this repeal will point to the survey of U.S. Armed Forces personnel regarding the repeal of Don’t Ask, Don’t Tell, that 9-month survey that my friend from Florida just mentioned. But let me point to a specific statistic from that survey as well. Question No. 71, posed to active and reserves military personnel and deployed service members out of the military at a time when we need them for multiple deployments to fight two wars. The Pentagon’s study of Don’t Ask, Don’t Tell confirms that lifting the ban on gay and lesbian soldiers serving openly in our Armed Forces would not adversely affect our military’s readiness or strain unit cohesion. This report comes months after nearly a year of careful study, which included thousands of conversations with enlisted personnel, officers, and military commanders. The results of this study showed there is no longer any remaining justification to continue a policy that prevents some of the best and brightest from honorably serving in our Armed Forces.

All our servicemen and women are first and foremost Americans, protecting freedom throughout the world. We cannot with any true moral standing discriminate against distinguished Americans who wish to fulfill their duty in our own military for the simple act of living an authentic life.

I urge my colleagues to vote “yes” on the rule and the underlying legislation today.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 2 minutes to the gentleman from California (Ms. HARMAN).

Ms. HARMAN. Madam Speaker, as a rookie Member of Congress in 1993, I sat in the most junior chair on the Armed Services Committee, just a few feet from the witness table. Then-Chairman of the Joint Chiefs of Staff Colin Powell testified in favor of the Clinton administration’s Don’t Ask, Don’t Tell policy. I drew a deep breath and told the general that I thought Don’t Ask, Don’t Tell was unconstitutional. I opposed it then, and I oppose it now.

No good has ever come of Don’t Ask, Don’t Tell, but a lack of change. I applaud the personal courage of current Joint Chiefs of Staff Admiral Mike Mullen, who told Congress: “It is my personal belief that allowing gays and lesbians to serve openly would be the right thing to do. No matter how I look at the issue, I cannot escape being troubled by the fact that we have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens.”

Ms. TSONGAS. Madam Speaker, I yield 2 minutes to the gentleman from Massachusetts (Ms. TSONGAS).

Ms. TSONGAS. Madam Speaker, I rise today in support of the rule to consider legislation to repeal Don’t Ask, Don’t Tell. Don’t Ask, Don’t Tell relegates U.S. military personnel to a status that forces a person be fired based on their sexual orientation. Since this policy became law, thousands of dedicated, honorable Americans have suffered discrimination while thousands more have been discouraged from even considering the military.

Don’t Ask, Don’t Tell removes highly skilled, trained, and capable service-
DADT is overturned. I won’t be jumping out of my office screaming “I’m gay” to the world. I’ll just be able to breathe easier knowing my job is secure.” With this historic vote we will allow all service women and men who are holding their breath in fear—not of an enemy but of a law created by Congress—to breathe easier.

Vote “aye” on the rule and on the Hoey-Murphy bill.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I continue to reserve the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, I yield 1½ minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentlewoman for yielding.

Madam Speaker, I rise today to speak in support of the repeal of the Don’t Ask, Don’t Tell policy. Don’t Ask, Don’t Tell is outdated and it’s unjust. No individual, especially those in our Armed Forces, should be discriminated against based on their sexual orientation. Our troops fight honorably to protect our freedom. The least we can do in return is to fight to protect their rights as well. My hometown of Las Vegas includes Nellis Air Force Base, one of the premier Air Force bases in our country. The courageous men and women who serve there deserve to be treated with equality and dignity and respect that they have earned, regardless of their sexual orientation. This unjust and unnecessary practice is also unsound, as it undermines our military to discharge valuable service-members, especially during a time of war, when we need every American who is willing and able to serve.

My colleagues, this is the easy stuff. If a fellow citizen volunteers to don the uniform of our Nation, no matter what their sexual orientation, we shouldn’t be discriminating against them. We should be thanking them for their service. Don’t Ask, Don’t Tell does nothing to contribute to national security. It only undermines the strength and integrity of our military. I believe this practice should be repealed immediately. Its time has come, not only for the benefit of our Armed Services, but for the security of our great Nation.

Mr. LINCOLN DIAZ-BALART of Florida. I continue to reserve the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank the gentlewoman.

When we get to this bill, I will address the same argument that the presence of someone like me will so destabilize our brave young men and women that they will be unable to do their duty. I regard that as bigoted nonsense, but I will address that more fully later. Now I want to talk about this bizarre procedural argument that we are somehow not following regular order.

Madam Speaker, this amendment came up in regular order after the committee and on the floor of the House, and it was adopted in a full vote on the floor of the House after a lot of debate. The Senate in committee adopted this amendment. The notion that the committees of jurisdiction have been deprived here is delusional.

What is the procedural situation? In effect, the House, in a full debate on the floor, adopted this amendment. It went to the Senate. In the Senate, the Senate committee, by a majority, voted for this amendment and then voted the bill out, and it has been stopped twice narrowly by filibusters. It has gotten 57 and 58 votes. It has been openly debated. The notion that somehow we are the ones who are ignoring procedure when this bill gets a majority in the House after open debate on the floor, a majority in the Senate committee and then filibustered makes no sense to me.

Beyond that, Mr. Speaker, we are told, Well, don’t hold up the big bill. Well, that’s the point of this. Don’t Ask, Don’t Tell was originally adopted as part of the military authorization of 1993. That is the regular order we followed. Some have now said, Well, the Senate would like to be able to vote on this differently from the main bill. I will say that many of us do not think that we should adopt anything until we do the whole package, but if they want to do these two bills separately, sending this bill over will facilitate the Senate’s procedures. Now, there are at least five Republican Senators who previously, most of them, voted against cloture—one, Senator COLLINS, voted for it—who said they couldn’t vote for it for various procedural reasons dealing with the tax agreement and the funding of the government. Those are on their way to being resolved.

What we do when we pass this bill today is to say to the Senate, Okay, you can do it one way or the other as long as you do both, and we will give them the chance—they already had the tax issue—to have resolved the CR, and we will get a vote on the merits. What this does is to strip away any excuse that any member of the Senate—Democrat or Republican—will have for not voting on the merits. We will strip away any justification for a filibuster.

The gentleman says, Well, we didn’t go through regular order. We’ve gone through triple regular order. A vote on the House floor is part of the consideration of the bill, as is a vote in the Senate committee and two efforts to bring in the filibuster.

So the question is: Do you allow a filibuster and some procedural excuses from Senators who say they’re for this repeal but didn’t get to vote for it? We are giving them a chance to do that. They have a chance now. These Members have long wanted to do in addition to repealing Don’t Ask, Don’t Tell—getting the Senate to stand up and take a straight up-or-down vote. That is what we are enabling.

I hope that the rule passes and that the bill separately passes as well.

Mr. LINCOLN DIAZ-BALART of Florida. I yield myself such time as I may consume.

Madam Speaker, with regard to this point of process, which I think is important, I think it is appropriate to point out the facts.

The majority is bringing this legislation to the floor by using another bill as a shell. The other bill is the Small Business Innovation Research Authorization bill, which has extraordinary bipartisan support.

So the rule before us now strikes that legislation, which is job growth legislation—again, supported overwhelmingly in a bipartisan fashion in this House. It strikes that, and it inserts into that shell this legislation, the repeal of Don’t Ask, Don’t Tell. The Don’t Ask, Don’t Tell legislation is not germane to the underlying legislation, so it is anything but regular order.

The House Armed Services Committee has absolutely no jurisdiction over that Small Business bill which the majority is using as a shell to move this legislation out of regular order in order to prohibit transparency, even a motion to recommit. The majority has demonstrated time and time again its willingness to eliminate transparency, to void regular order and to take steps totally out of regular order as it is doing again today.

So I think this is important to put on the record because this legislation, which by the way is important, as I said before, I think deserves to be
treated with respect, consideration, and the membership of this House I think deserves to be listened to, to be heard on legislation, especially legislation which evidently is important, like the one we are discussing today. I want to put that on the record. I reserve the balance of my time.

Ms. PINGREE of Maine, Madam Speaker, I yield 1 minute to the gentleman from Michigan (Mr. Peters).

Mr. PETERS. Madam Speaker, I rise today in strong support of Representative Murphy and Leader Hoyle's Don't Ask, Don't Tell Repeal Act of 2010. As a former lieutenant commander in the United States Navy Reserve, I served with many brave, patriotic and dedicated men and women who were always ready to serve their country. I was never concerned about their sexual orientation, just their ability to serve the United States honorably. This discriminatory policy has forfeited over 13,000 able-bodied men and women from military while our nation is engaged in two wars. It has wasted over 1 billion taxpayer dollars through investigations, legal proceedings, and the wasted training of fighter pilots, mechanics, medics, and even cooks. Military leaders have testified before Congress in support of repeal, and Defense Secretary Gates has said "this can be done and should be done."

We must allow our military to recruit and retain any qualified, patriotic and courageous American who wants to serve our country. This is why I urge passage of the rule and of the underlying bill. Let us vote for freedom, to unshackle themselves of stereotypes and to repeal the Don't Ask, Don't Tell Act of 2010.

Mr. LINCOLN DIAZ-BALART of Florida, I yield 2 minutes to the gentlewoman from Texas (Ms. Jackson Lee).

Ms. JACKSON LEE of Texas. It is moving to hear so many members of the United States military who have served to come to the floor and honor the flag and the Constitution. I am not that fortunate to have served in the military, but I have been fortunate enough to travel amongst them, from Kosovo to Bosnia to Albania to Iraq and Afghanistan and places within those nations.

If I have observed anything, I've observed men and women who understand the Constitution and take great pride to be on the front lines to be able to say I live in a country of the land of the free and the brave. So I ask today for my colleagues to be brave and to be free, to unshackle themselves of stereotypes and to repeal the Don't Ask, Don't Tell and vote for the rule and the underlying bill. Do it in the name of my constituent, a young man by the name of Seaman Provost, who had the unfortunate circumstances, I believe, of being considered someone who should not be in the United States Navy.

So I would call upon those who believe in the Constitution, who understand the values of the human rights campaign of which I had the privilege of receiving notice from, that we all are created equal. It is time now to bust this unholy alliance that suggests that men and women whose lifestyles may be different do not have a heart of gold and love the red, white, and blue. It is time now for America to be America.

Let us vote for this rule and the underlying bill. Let us vote for freedom, for my colleagues to be brave and to be the free and the brave. So I ask today that briefing was, overwhelmingly, our military said, you know, this is just fine. Many of them said: I already know. I serve alongside someone who is gay or lesbian member of the Armed Forces, and it doesn't bother us at all. It isn't interfering with unit cohesion or ability to fight. People said overwhelmingly: What is taking so long to change this particular provision in law.

So I look at this and I say, whether it's the vehicle that we have before us today—to move on, get it done so that over 110,000-plus soldiers who have already been told they can no longer serve in the military and their patriotism in this country, to say that there isn't urgency today and that we should somehow allow a process argument to slow us down doesn't make any sense.

I very proudly come from the State of Maine, and something like 17 percent of our 1.3 million residents in Maine are either active duty personnel or veterans who have served our country. I go home and hear the people in my district, whether I'm talking to a veterans' group or someone who's just on their way to serve in Afghanistan or coming back or, sadly, sometimes at a memorial service. So my colleagues may say as a member of the Armed Services Committee, even though my good colleague Representative Davis held subcommittee hearings on this issue and there has been much discussion of it, people said, well, we need to have a study.

So we got a study. It's a big, thick study. It's a wonderfully well done study. And when I had the opportunity just recently to sit in the Armed Services Committee and listen to the briefing by the military on the work they had done in this study, I have to say, I was very impressed. Something like 150,000 people participated in this study.

Now, as my colleagues know, when you're a Member of Congress or a challenger running, you're lucky to have a poll of 400 people to even look at. Maybe sometimes the poll has 1,200 people, and we take that as public opinion. But to ask 150,000 people associated with the military "So, what do you think?" is quite a piece of work, and I think it was extremely well done.

And what we were told that day in that briefing was, overwhelmingly, our military said, you know, this is just fine. Many of them said: I already know. I serve alongside someone who is gay or lesbian member of the Armed Forces, and it doesn't bother us at all. It isn't interfering with unit cohesion or ability to fight. People said overwhelmingly: Why is it taking so long to change this particular provision in law?

So I look at this and I say, whether it's the vehicle that we have before us today—to move on, get it done so that over 110,000-plus soldiers who have already been told they can no longer serve in the military and the wasted training of 13,000-plus soldiers who have already been told they can no longer serve in the military funeral, and people do not say how many people that have been told they can no longer serve in the military, and people do not say it's back again as a standalone to make it easier for people to deal with this as an individual issue—to go back and say, well, it's all about the process, we haven't had enough process. I think it's back again as a standalone to make it easier for people to deal with this as an individual issue—to go back and say, well, it's all about the process, we haven't had enough process. I think it's taking too long for people to deal with this as an individual issue—to go back and say, well, it's all about the process, we haven't had enough process. I think it's taking too long to change this particular provision in law.

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rule, to make sure that once and for all this House of Representatives, again, says let’s repeat Don’t Ask, Don’t Tell. Let’s remember that this is a threat to our national security, that it is disrespectful of all of our soldiers, that there will be no serious ramifications of this, and in fact, our military is very well prepared and has good plans to move forward on this transition.

Let’s remember that this is the patriotic vote to cast. This is the vote for national security. This is the vote for respecting the investment we have made in these soldiers. This is a vote for increasing recruitment in our military and saying to even more people who are unsure about whether or not they should join the military because they worry that they would possibly be out of it, it’s a measure to say we welcome you.

Our Armed Services will be only as strong as those who are willing to serve, and the American people are willing to support our service members who currently are unsure, saying to even more members of Congress that we support our military and saying to the ayes that they have it.

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

The previous question was ordered. The Speaker pro tempore announced that the yeas appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. The previous question was ordered. The ayes appeared to have it.

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

The vote was taken by electronic device, and there were—yeas 232, nays 180, not voting 21, as follows:

(Roll No. 635)

YEAS—232

Ackerman Chu
Adler (NJ) Clarke
Almquist Clay
Andrews Cleaver
Arcuri Clyburn
Baca Cohen
Baldwin Connolly (VA)
Barrow Cooper
Bean Costa
Becerra Costello
Berman Cooper (GA)
Bishop (GA) Crowley
Bishop (NY) Cuellar
Blumenauer Cummings
Boozman Dicks
Boswell Doggett
Brady (PA) DelBene
Bray (GA) DelBene
Brown, Corrine DeLauro
Butterfield Deutch
Capps Doggett
Capuano Dingell
Carnahan Doggett
Carney Donnelly (IN)
Carson (IN) Doyle
Castle Dreier
Castor (FL) Edwards (TX)
Chandler Edwards (TX)

AYES—180

Adlerholt Akin
Ayer Alexander
Austria Bachmann
Bachus Barlow (RC)
Bartlett Barton (TX)
Begger Bitbar
Bilirakis Bishop (UT)
Blackburn Blunt
Boehner Bono Mack
Boren Beneficiary
Bosnyk (TX) Brady
Bright Brown (GA)
Brown (SC) Brown-Waite,
Ginny Buchanan
Burke Burgess
Burton (IN) Burton (MA)
Buxton Calvert
Byron Calvert
Carr Calvert
Caso Carbajal
Cassidy Chaffetz
Childers Cline
Cohen Coleman (CO)
Coleman Connolly (NY)
Coleman (IL) Connolly (PA)
Coleman (NJ) Conklin
Collin Cooper
collapsed.

The vote was taken by electronic device, and there were—yeas 378, nays 15, as follows:

(Roll No. 636)

YEAS—378

Ackerman Bilirakis
Aderholt Akin
Aderholt Alexander
Altamire
Altmire
Austria Bachmann
Bachus Barlow (RC)
Bartlett Barton (TX)
Begger Bitbar
Bilirakis Bishop (UT)
Blackburn Blunt
Boehner Bono Mack
Boren Beneficiary
Bosnyk (TX) Brady
Bright Brown (GA)
Brown (SC) Brown-Waite,
Ginny Buchanan
Burke Burgess
Burton (IN) Burton (MA)
Buxton Calvert
Byron Calvert
Carr Calvert
Caso Carbajal
Cassidy Chaffetz
Childers Cline
Cohen Coleman (CO)
Coleman Connolly (NY)
Coleman (NJ) Conklin
Collin Cooper
collapsed.

The vote was taken by electronic device, and there were—yeas 378, nays 15, as follows:

(Roll No. 636)
This vote was taken by electronic device, and there were—ayes 407, noes 0, 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.

CONGRATULATING GERDA WEISSMANN KLEIN ON PRESIDENTIAL MEDAL OF FREEDOM

The SPEAKER pro tempore (Ms. Lee of California). The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1743) congratulating Gerda Weissmann Klein on being selected to receive the Presidential Medal of Freedom, as amended.

The Clerk read the title of the resolution. The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. Chu) that the House suspend the rules and agree to the resolution, 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.

RECORDED VOTE

Mr. TONKO. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 407, noes 0, not voting 26, as follows: [Roll No. 637]
The fifth vote was H. Res. 1764—Rule providing for consideration of H.R. 2965—Don’t Ask, Don’t Tell Repeal Act of 2010. Had I been present, I would have voted “nay” on that question.

The sixth vote was H. Res. 1761—Congratulating Auburn University quarterback and College Football Playoff National Championship Game Most Valuable Player Cameron Newton on winning the 2010 Heisman Trophy for being the most outstanding college football player in the United States. Had I been present, I would have voted “yea” on that question.

The seventh vote was H. Res. 1743—Congratulating Gerda Weissmann Klein on being selected to receive the Presidential Medal of Freedom. Had I been present, I would have voted “yea” on that question.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate concurs in the House amendment to the Senate amendment with an amendment on a bill of the House of the following title:
H.R. 4858. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

DON’T ASK, DON’T TELL REPEAL ACT OF 2010

Mrs. DAVIS of California. Mr. Speaker, pursuant to House Resolution 1764, I call up the bill (H.R. 2965) to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes, with the Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill. The SPEAKER pro tempore (Mr. CUellar). The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:
Senate amendment:
Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.
This Act may be cited as the “SBIR/STTR Reauthorization Act of 2009”.

SEC. 2. TABLE OF CONTENTS.
The table of contents for this Act is as follows:
Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITTLE I—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS

SEC. 101. EXTENSION OF TERMINATION DATES.
(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking “2008” and inserting “2017”.
(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking “2009” and inserting “2017”.

SEC. 102. STATUS OF THE OFFICE OF TECHNOLOGY.
Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—
(1) in paragraph (7), by striking “and” at the end;
(2) in paragraph (8), by striking the period at the end and inserting “; and”;
(3) by redesignating paragraph (8) as paragraph (9); and
(4) by adding at the end the following:
“(10) to maintain an Office of Technology to carry out the responsibilities of the Administration under this section, which shall be—
“(A) headed by the Assistant Administrator for Technology, who shall report directly to the Administrator; and
“(B) independent from the Office of Government Contracting of the Administration and sufficiently staffed and funded to comply with the oversight, reporting, and public database responsibilities assigned to the Office of Technology by the Administrator.”.
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Section 9(f) of the Small Business Act (15
U.S.C. 638(f)) is amended—
(1) in paragraph (1)—
(A) in the matter preceding subparagraph (A),
by striking ‘‘Each’’ and inserting ‘‘Except as
provided in paragraph (2)(C), each’’;
(B) in subparagraph (B), by striking ‘‘and’’ at
the end; and
(C) by striking subparagraph (C) and inserting the following:
‘‘(C) not less than 2.5 percent of such budget
in each of fiscal years 2009 and 2010;
‘‘(D) not less than 2.6 percent of such budget
in fiscal year 2011;
‘‘(E) not less than 2.7 percent of such budget
in fiscal year 2012;
‘‘(F) not less than 2.8 percent of such budget
in fiscal year 2013;
‘‘(G) not less than 2.9 percent of such budget
in fiscal year 2014;
‘‘(H) not less than 3.0 percent of such budget
in fiscal year 2015;
‘‘(I) not less than 3.1 percent of such budget
in fiscal year 2016;
‘‘(J) not less than 3.2 percent of such budget
in fiscal year 2017;
‘‘(K) not less than 3.3 percent of such budget
in fiscal year 2018;
‘‘(L) not less than 3.4 percent of such budget
in fiscal year 2019; and
‘‘(M) not less than 3.5 percent of such budget
in fiscal year 2020 and each fiscal year thereafter,’’; and
(2) in paragraph (2)—
(A) by redesignating subparagraphs (A) and
(B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;
(B) by striking ‘‘A Federal agency’’ and inserting the following:
‘‘(A) IN GENERAL.—A Federal agency’’; and
(C) by adding at the end the following:
‘‘(B) DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.—For the Department of Defense and the Department of Energy, to the
greatest extent practicable, the percentage of the
extramural budget in excess of 2.5 percent required to be expended with small business concerns under subparagraphs (D) through (M) of
paragraph (1)—
‘‘(i) may not be used for new Phase I or Phase
II awards; and
‘‘(ii) shall be used for activities that further
the readiness levels of technologies developed
under Phase II awards, including conducting
testing and evaluation to promote the transition
of such technologies into commercial or defense
products, or systems furthering the mission
needs of the Department of Defense or the Department of Energy, as the case may be.’’.
SEC. 104. STTR ALLOCATION INCREASE.

Section 9(n)(1)(B) of the Small Business Act
(15 U.S.C. 638(n)(1)(B)) is amended—
(1) in clause (i), by striking ‘‘and’’ at the end;
(2) in clause (ii), by striking ‘‘thereafter.’’ and
inserting ‘‘through fiscal year 2010;’’; and
(3) by adding at the end the following:
‘‘(iii) 0.4 percent for fiscal years 2011 and 2012;
‘‘(iv) 0.5 percent for fiscal years 2013 and 2014;
and
‘‘(v) 0.6 percent for fiscal year 2015 and each
fiscal year thereafter.’’.

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SEC. 105. SBIR AND STTR AWARD LEVELS.
(a) SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of

the Small Business Act (15 U.S.C. 638(j)(2)(D)) is
amended—
(1) by striking ‘‘$100,000’’ and inserting
‘‘$150,000’’; and
(2) by striking ‘‘$750,000’’ and inserting
‘‘$1,000,000’’.
(b)
STTR
ADJUSTMENTS.—Section
9(p)(2)(B)(ix) of the Small Business Act (15
U.S.C. 638(p)(2)(B)(ix)) is amended—
(1) by striking ‘‘$100,000’’ and inserting
‘‘$150,000’’; and
(2) by striking ‘‘$750,000’’ and inserting
‘‘$1,000,000’’.

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SEC. 103. SBIR ALLOCATION INCREASE.

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(c) TRIENNIAL ADJUSTMENTS.—Section 9 of the
Small Business Act (15 U.S.C. 638) is amended—
(1) in subsection (j)(2)(D)—
(A) by striking ‘‘5 years’’ and inserting ‘‘3
years’’; and
(B) by striking ‘‘and programmatic considerations’’; and
(2) in subsection (p)(2)(B)(ix) by striking
‘‘greater or lesser amounts to be awarded at the
discretion of the awarding agency,’’ and inserting ‘‘an adjustment for inflation of such
amounts once every 3 years,’’.
(d) LIMITATION ON CERTAIN AWARDS.—Section
9 of the Small Business Act (15 U.S.C. 638) is
amended by adding at the end the following:
‘‘(aa) LIMITATION ON CERTAIN AWARDS.—
‘‘(1) LIMITATION.—No Federal agency may
issue an award under the SBIR program or the
STTR program if the size of the award exceeds
the award guidelines established under this section by more than 50 percent.
‘‘(2) MAINTENANCE OF INFORMATION.—Participating agencies shall maintain information on
awards exceeding the guidelines established
under this section, including—
‘‘(A) the amount of each award;
‘‘(B) a justification for exceeding the award
amount;
‘‘(C) the identity and location of each award
recipient; and
‘‘(D) whether a recipient has received any
venture capital investment and, if so, whether
the recipient is majority-owned and controlled
by multiple venture capital companies.
‘‘(3) REPORTS.—The Administrator shall include the information described in paragraph (2)
in the annual report of the Administrator to
Congress.
‘‘(4) RULE OF CONSTRUCTION.—Nothing in this
subsection shall be construed to prevent a Federal agency from supplementing an award under
the SBIR program or the STTR program using
funds of the Federal agency that are not part of
the SBIR program or the STTR program of the
Federal agency.’’.
SEC. 106. AGENCY AND PROGRAM COLLABORATION.

Section 9 of the Small Business Act (15 U.S.C.
638), as amended by this Act, is amended by
adding at the end the following:
‘‘(bb) SUBSEQUENT PHASES.—
‘‘(1) AGENCY COLLABORATION.—A small business concern that received an award from a
Federal agency under this section shall be eligible to receive an award for a subsequent phase
from another Federal agency, if the head of
each relevant Federal agency or the relevant
component of the Federal agency makes a written determination that the topics of the relevant
awards are the same and both agencies report
the awards to the Administrator for inclusion in
the public database under subsection (k).
‘‘(2) SBIR AND STTR COLLABORATION.—A small
business concern which received an award
under this section under the SBIR program or
the STTR program may receive an award under
this section for a subsequent phase in either the
SBIR program or the STTR program and the
participating agency or agencies shall report the
awards to the Administrator for inclusion in the
public database under subsection (k).’’.
SEC. 107. ELIMINATION OF PHASE II INVITATIONS.
(a) IN GENERAL.—Section 9(e) of the Small

Business Act (15 U.S.C. 638(e)) is amended—
(1) in paragraph (4)(B), by striking ‘‘to further’’ and inserting: ‘‘which shall not include
any invitation, pre-screening, pre-selection, or
down-selection process for eligibility for the second phase, that will further’’; and
(2) in paragraph (6)(B), by striking ‘‘to further develop proposed ideas to’’ and inserting
‘‘which shall not include any invitation, prescreening, pre-selection, or down-selection process for eligibility for the second phase, that will
further develop proposals that’’.
(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 638)
is amended—

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(1) in section 9—
(A) in subsection (e)—
(i) in paragraph (8), by striking ‘‘and’’ at the
end;
(ii) in paragraph (9)—
(I) by striking ‘‘the second or the third phase’’
and inserting ‘‘Phase II or Phase III’’; and
(II) by striking the period at the end and inserting a semicolon; and
(iii) by adding at the end the following:
‘‘(10) the term ‘Phase I’ means—
‘‘(A) with respect to the SBIR program, the
first phase described in paragraph (4)(A); and
‘‘(B) with respect to the STTR program, the
first phase described in paragraph (6)(A);
‘‘(11) the term ‘Phase II’ means—
‘‘(A) with respect to the SBIR program, the
second phase described in paragraph (4)(B); and
‘‘(B) with respect to the STTR program, the
second phase described in paragraph (6)(B); and
‘‘(12) the term ‘Phase III’ means—
‘‘(A) with respect to the SBIR program, the
third phase described in paragraph (4)(C); and
‘‘(B) with respect to the STTR program, the
third phase described in paragraph (6)(C).’’;
(B) in subsection (j)—
(i) in paragraph (1)(B), by striking ‘‘phase
two’’ and inserting ‘‘Phase II’’;
(ii) in paragraph (2)—
(I) in subparagraph (B)—
(aa) by striking ‘‘the third phase’’ each place
it appears and inserting ‘‘Phase III’’; and
(bb) by striking ‘‘the second phase’’ and inserting ‘‘Phase II’’;
(II) in subparagraph (D)—
(aa) by striking ‘‘the first phase’’ and inserting ‘‘Phase I’’; and
(bb) by striking ‘‘the second phase’’ and inserting ‘‘Phase II’’;
(III) in subparagraph (F), by striking ‘‘the
third phase’’ and inserting ‘‘Phase III’’;
(IV) in subparagraph (G)—
(aa) by striking ‘‘the first phase’’ and inserting ‘‘Phase I’’; and
(bb) by striking ‘‘the second phase’’ and inserting ‘‘Phase II’’; and
(V) in subparagraph (H)—
(aa) by striking ‘‘the first phase’’ and inserting ‘‘Phase I’’;
(bb) by striking ‘‘second phase’’ each place it
appears and inserting ‘‘Phase II’’; and
(cc) by striking ‘‘third phase’’ and inserting
‘‘Phase III’’; and
(iii) in paragraph (3)—
(I) in subparagraph (A)—
(aa) by striking ‘‘the first phase (as described
in subsection (e)(4)(A))’’ and inserting ‘‘Phase
I’’;
(bb) by striking ‘‘the second phase (as described in subsection (e)(4)(B))’’ and inserting
‘‘Phase II’’; and
(cc) by striking ‘‘the third phase (as described
in subsection (e)(4)(C))’’ and inserting ‘‘Phase
III’’; and
(II) in subparagraph (B), by striking ‘‘second
phase’’ and inserting ‘‘Phase II’’;
(C) in subsection (k)—
(i) by striking ‘‘first phase’’ each place it appears and inserting ‘‘Phase I’’; and
(ii) by striking ‘‘second phase’’ each place it
appears and inserting ‘‘Phase II’’;
(D) in subsection (l)(2)—
(i) by striking ‘‘the first phase’’ and inserting
‘‘Phase I’’; and
(ii) by striking ‘‘the second phase’’ and inserting ‘‘Phase II’’;
(E) in subsection (o)(13)—
(i) in subparagraph (B), by striking ‘‘second
phase’’ and inserting ‘‘Phase II’’; and
(ii) in subparagraph (C), by striking ‘‘third
phase’’ and inserting ‘‘Phase III’’;
(F) in subsection (p)—
(i) in paragraph (2)(B)—
(I) in clause (vi)—
(aa) by striking ‘‘the second phase’’ and inserting ‘‘Phase II’’; and
(bb) by striking ‘‘the third phase’’ and inserting ‘‘Phase III’’; and

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SEC. 107. EXCELLENT PERFORMANCE AWARDS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638(y)) is amended by adding at the end the following:

"(dd) EXCELLENT PERFORMANCE AWARDS.—To the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards related to technology, including sole source awards, to the SBIR and STTR award recipients that developed the technology.".

SEC. 108. MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

"(ee) MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.—

"(I) in clause (ix)—
  (aa) by striking "the first phase" and inserting "Phase I"; and
  (bb) by striking "the second phase" and inserting "Phase II"; and
(ii) in paragraph (3)—
  (I) by striking "the first phase (as described in subsection (e)(6)(A))" and inserting "Phase I"; and
  (II) by striking the second phase (as described in subsection (e)(6)(B))" and inserting "Phase II"; and
(iii) by striking the third phase (as described in subsection (e)(6)(A)) and inserting "Phase III";

(b) in subsection (q)(3)—
  (i) by striking paragraph (A)(ii), and
  (II) by striking first phase and inserting "Phase I"; and
(c) in paragraph (4)—
  (I) by striking "third phase" and inserting "Phase III"; and
  (II) by striking "Phase II period"; and
(d) in the subparagraph heading, by striking "FIRST PHASE" and inserting "Phase I"; and
(ii) by striking "first phase" and inserting "Phase I"; and
(ii) in subparagraph (B)—
  (I) in the subparagraph heading, by striking "SECOND PHASE" and inserting "Phase II"; and
  (ii) in subparagraph (A)—
    (aa) by striking "second period" and inserting "Phase II period"; and
    (bb) by striking "third phase" and inserting "Phase III"; and
    (cc) by striking second phase period and inserting "Phase II period"; and
    (dd) by striking "Phase II"; and
(e) in paragraph (5)—
  (I) by striking "the first phase (as described in subsection (e)(6)(A))" and inserting "Phase I"; and
  (II) in the second sentence—
    (aa) by striking "the second phase" and inserting "Phase II"; and
    (bb) by striking "third phase" and inserting "Phase III"; and
  (iii) in paragraph (2), by striking "third phase" and inserting "Phase III"; and
  (iv) in section 9(q)(2)(B), by striking "the first phase" and inserting "Phase I";

(f) in section 12—
  (A) in subsection (c)(2)(B)(ii), by striking "first phase and second phase SBIR awards" and inserting "Phase I and Phase II SBIR awards"; and
  (B) in subsection (e)(2)(A)—
    (i) in clause (i), by striking "first phase awards" and all that follows and inserting "Phase I awards (as defined in section 9(e)(ii));" and
    (ii) by striking "first phase" each place it appears and inserting "Phase I"; and
  (III) by striking "(ii)" and inserting "(i)".

SEC. 109. SBIR AND STTR SPECIAL ACQUISITION REGULATIONS.

Section 9(n) of the Small Business Act (15 U.S.C. 638(q)) is amended by adding at the end the following:

"(4) PHASE III AWARDS.—To the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards related to technology, including sole source awards, to the SBIR and STTR award recipients that developed the technology.".

SEC. 110. COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

"(dd) COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.—

"(I) AUTHORIZATION.—Subject to the limitations under this section, the head of each Federal agency may make SBIR and STTR awards to any eligible small business concern that—

(A) intends to enter into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award; or

(B) has entered into a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))) with a Federal laboratory,

"(II) PROHIBITION.—No Federal agency shall—

(A) condition an SBIR or STTR award upon entering into agreement with a Federal laboratory or any federally funded laboratory or research and development center for any portion of the activities to be performed under that award; or

(B) approve an agreement between a small business concern receiving a SBIR or STTR award and a Federal laboratory or federally funded laboratory or research and development center, if the small business concern performs a lesser portion of the activities to be performed under the SBIR or STTR award than required by this section and the SBIR Policy Directive and the STTR Policy Directive of the Administrator; or

(C) approve an agreement that violates any provision, including any data rights provisions, provision of this section or the SBIR or the STTR Policy Directives.

"(III) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this section, the Administrator shall modify the SBIR Policy Directive and the STTR Policy Directive to ensure that small business concerns—

(A) have the flexibility to use the resources of the Federal laboratories and federally funded research and development centers; and

(B) are not mandated to enter into agreements with any Federal laboratory or any federally funded laboratory or research and development center as a condition of an award.".

SEC. 111. NOTICE REQUIREMENT.

The head of any Federal agency involved in a case or controversy before any Federal judicial or administrative tribunal concerning the SBIR program or the STTR program shall provide timely notice, as determined by the Administrator, of the case or controversy to the Administrator.

TITLE II—OUTREACH AND COMMERCIALIZATION INITIATIVES

SEC. 201. RURAL AND STATE OUTREACH.

(a) OUTREACH.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(e) OUTREACH.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (a) the following:

"(ii) IN ELIGIBLE STATE.—In this section, the term 'eligible State' means a State—

(B) shall respond to a request under subparagraph (A) not later than 20 business days after the date on which the request is received.

SEC. 202. DIRECTOR AND STAFF OF SMALL BUSINESS RESEARCH AND DEVELOPMENT SERVICES.

(a) DIRECTOR.—The Director of the National Institutes of Health shall, in consultation with the Committee on Science of the House of Representatives, select the Director of the National Institutes of Health to serve as the Director of the National Institutes of Health, which shall be appointed by the Administrator, of the case or controversy to the Administrator.
“(A) for which the total value of contracts awarded to the State under this section during the most recent fiscal year for which data is available was less than $5,000,000; and

“(B) the Administrator of the State shall, upon receipt of assistance under this subsection, provide matching funds from non-Federal sources in an amount that is not less than 25 percent of the amount provided under this subsection.

“(2) PROGRAM AUTHORITY.—Of amounts made available to carry out this section for each of fiscal years 2010 through 2014, the Administrator may expend with eligible States not more than $5,000,000 in each such fiscal year in order to increase the participation of small business concerns located in those States in the programs under this section.

“(3) AMOUNT OF ASSISTANCE.—The amount of assistance provided to an eligible State under this subsection in any fiscal year—

“(A) shall be equal to not more than 50 percent of the total amount of matching funds from non-Federal sources provided by the State; and

“(B) shall not exceed $100,000.

“(4) USE OF ASSISTANCE.—Assistance provided to an eligible State under this subsection shall be used in consultation with State and local departments and agencies, for programs and activities to increase the participation of small business concerns located in the State in the programs under this section, including—

“(A) the establishment of quantifiable performance goals, including goals relating to—

“(i) small business awards under this section made to small business concerns in the State;

“(ii) the total amount of Federal research and development contracts awarded to small business concerns in the State;

“(B) the provision of technical outreach support to small business concerns in the State that are involved in research and development; and

“(C) the development and dissemination of educational and technical information relating to the programs under this section to small business concerns in the State.

“(b) FEDERAL AND STATE PROGRAM EXTENSION.—Section 34(c) of the Small Business Act (15 U.S.C. 657d) is amended—

“(1) in subsection (b), by striking “2009” and inserting “2014”;

“(2) in subsection (b), by striking “2005” and inserting “2014”;

“(c) MATCHING REQUIREMENTS.—Section 34(e) of the Small Business Act (15 U.S.C. 657d(e)) is amended—

“(1) in subparagraph (A)—

“(i) in clause (i), by striking “50 cents” and inserting “25 cents”;

“(ii) in clause (ii), by striking “per year” and inserting “per year”;

“(3) by redesignating paragraphs (C) and (D) as paragraphs (D) and (E), respectively; and

“(4) by inserting after paragraph (B) the following:

“(C) RURAL AREAS.—Except as provided in clause (ii), the non-Federal share of the cost of the activity carried out using an award under a cooperative agreement under this section shall be 35 percent. Each Federal dollar will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in a rural area.

“(D) RURAL AWARDS.—For a recipient located in a rural area that is located in a State described in subparagraph (A), the non-Federal share of the cost of the activity carried out under such a cooperative agreement under this section shall be 15 cents for each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in the rural area.

“(iii) DEFINITION OF RURAL AREA.—In this subsection, the term ‘rural area’ means an area that is defined under the definition in section 1922 of the Internal Revenue Code of 1986.”.

SEC. 202. SBIR-STEM WORKFORCE DEVELOPMENT RETENTION GANT PROGRAM ESTABLISHMENT.

“(a) PILOT PROGRAM ESTABLISHED.—From amounts made available to carry out this section, the Administrator shall establish a SBIR-STEM Workforce Development Grant Program to encourage the business community to provide workforce development opportunities for college students, in the fields of science, technology, engineering, and mathematics, and to provide SBIR assistance.

“(b) ELIGIBLE ENTITIES Defined.—In this section the term “eligible entity” means a grantee receiving a grant under the SBIR Program on the date of the bonus grant under subsection (a) that provides an internship program for STEM college students.

“(c) AWARDS.—An eligible entity shall receive a bonus grant equal to 10 percent of either a Phase I or Phase II grant, as applicable, with a total award maximum of not more than $10,000 per year.

“(d) EVALUATION.—Following the fourth year of funding under this section, the Administrator shall submit a report to Congress on the results of the SBIR-STEM Workforce Development Grant Pilot Program.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) $1,000,000 for fiscal year 2011;

“(2) $1,000,000 for fiscal year 2012;

“(3) $1,000,000 for fiscal year 2013;

“(4) $1,000,000 for fiscal year 2014; and

“(5) $1,000,000 for fiscal year 2015.

SEC. 203. TECHNICAL ASSISTANCE FOR AWARD-RECEIVERS.

Section 9(q)(3) of the Small Business Act (15 U.S.C. 638(q)(3)) is amended—

“(1) in subparagraph (A), by striking “$4,000” and inserting “$4,000”;

“(2) in subparagraph (B), by striking “$4,000” and inserting “$4,000”; and

“(3) by adding at the end the following:

“(C) FLEXIBILITY.—In carrying out subparagaphs (A) and (B), each Federal agency shall provide at least one recipient that meets the eligibility requirements under the applicable subparagaph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.

“(D) LIMITATION.—A Federal agency may not—

“(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or

“(ii) enter into a contract with a vendor under paragraph (2) under which the amount provided for technical assistance is based on total number of Phase I and Phase II awards or contracts.

SEC. 204. COMMERCIALIZATION PROGRAM AT DEPARTMENT OF DEFENSE.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended by—

“(1) in the subsection heading, by striking “PILOT”;

“(2) by striking “PILOT” each place that term appears;

“(3) in paragraph (1)—

“(A) by inserting “or Small Business Technology Transfer Program” after “Small Business Innovation Research Program”;

“(B) by striking at the end; and

“(C) by adding at the end the following:

“(ii) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the first day of the fiscal year for which the application is submitted;

“(ii) publish the determination in the Federal Register; and

“(iii) make a copy of the determination and any related materials available to the Committee on Appropriations.

“(E) COMMERCIALIZATION PROGRAM UNDER THIS SUBSECTION MAY NOT BE CONSTRUED TO ELIMINATE OR REPLACE ANY OTHER SBIR PROGRAM OR STTR PROGRAM THAT INCREASES THE PARTICIPATION OF SIIIR OR STTR PROGRAMS OR FOR SBIR PROGRAMS, AND THAT ADDS TO THE EFFECT OF THE AWARD OF CONTRACTS TO THE EFFECT ON THE DATE OF AWARD OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006 (PUBLIC LAW 109-163; 119 STAT. 3136);”.

SEC. 205. COMMERCIALIZATION PILOT PROGRAM FOR CIVILIAN AGENCIES.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding a new subsection to read—

“(ee) PILOT PROGRAM.—

“(1) AUTHORIZATION.—The head of each covered Federal agency may, after consultation with the Administrator, not later than 90 days before the first day of the fiscal year in which the program is to be established, that describes a compelling reason that additional investment in SBIR or STTR technologies is necessary, including unusually high regulatory, systems integration, or other costs relating to development or manufacturing of identifiable, highly promising small business technologies or a class of such technologies expected to substantially advance the mission of the agency.

“(B) DETERMINATION.—The Administrator shall—

“(i) make a determination regarding an application submitted under this paragraph (A) not later than 30 days before the first day of the fiscal year for which the application is submitted;

“(ii) publish the determination in the Federal Register; and

“(iii) make a copy of the determination and any related materials available to the Committee on Appropriations.

“(B) INCENTIVES.—For any contract with a value of not less than $100,000,000, the Secretary of Defense is authorized to—

“(A) establish goals for the transition of Phase III technologies in subcontracting plans; and

“(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

“GOALS FOR SBIR AND STTR GRANT PILOT PROGRAM.—The Secretary shall—

“(A) set a goal to increase the participation of non-Federal sources in the SBIR or STTR programs awarded under the SBIR or STTR technology transition programs in the percentage of contracts described in subparagraphs (A) and (B) of section 1593(a)(2) of the National Defense Authorization Act for Fiscal Year 2009, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

“(C) include in the annual report to Congress the percentage of contracts described in subparagraphs (A) and (B) of section 1593(a)(2) of the National Defense Authorization Act for Fiscal Year 2009, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

“(D) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

“GOALS FOR SBIR AND STTR GRANT PILOT PROGRAM.—The Secretary shall—

“(A) set a goal to increase the participation of non-Federal sources in the SBIR or STTR programs awarded under the SBIR or STTR technology transition programs in the percentage of contracts described in subparagraphs (A) and (B) of section 1593(a)(2) of the National Defense Authorization Act for Fiscal Year 2009, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

“(C) include in the annual report to Congress the percentage of contracts described in subparagraphs (A) and (B) of section 1593(a)(2) of the National Defense Authorization Act for Fiscal Year 2009, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

“(D) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.
on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

(3) **MAXIMUM AMOUNT OF AWARD.**—The head of a Federal agency may make an award under a pilot program in excess of 3 times the dollar amounts generally established for Phase II awards under subsection (j)(2)(D) or (j)(2)(E).

(4) **MATCHING.**—The head of a Federal agency may not make an award under a pilot program for SBIR or STTR Phase II technology that is not acquired by the Federal Government unless new private, Federal non-SBIR, or Federal non-STTR funding that at least matches the award from the Federal agency is provided for the Phase II technology.

(5) **ELIGIBILITY FOR AWARD.**—The head of a Federal agency may make an award under a pilot program to any applicant that is eligible to receive a Phase III award related to technology developed in Phase II of an SBIR or STTR project.

(6) **REGISTRATION.**—Any applicant that receives an award under a pilot program shall register with the Administrator in a registry that is available to the public.

(7) **AUTHORIZATION TO ESTABLISH A PILOT PROGRAM.**—The head of a Federal agency participating in the SBIR program or the STTR program may not make an award under a pilot program under this section unless the Administrator determines, after receiving comments from the relevant congressional committees, that the award is in the public interest.

**Edward Markey, Chairman.**

**LIU.**

**NANOTECHNOLOGY INITIATIVE.**

(a) **IN GENERAL.**—The SBIR and STTR programs shall encourage the submission of applications for support of nanotechnology related projects to such program.

(b) **SUNSET.**—Effective October 1, 2014, subsection (f) of the Small Business Act, as added by subsection (a) of this section, is repealed.

**ACCELERATING CURES.**

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesigning section 44 as section 45; and
(2) by inserting after section 43 the following:

**SEC. 44. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.**

(a) **NIH CURES PILOT.**—

(1) **IN GENERAL.**—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

(ii) **INITIATIVE.**—Each Federal agency participating in the SBIR or STTR program shall encourage the submission of applications for support of nanotechnology related projects to the NIH under this section.

(b) **SUNSET.**—Effective October 1, 2014, the Small Business Act, as added by subsection (a) of this section, is repealed.

**ACCELERATING CURES.**

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesigning section 44 as section 45; and
(2) by inserting after section 43 the following:

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(a) **NIH CURES PILOT.**—

(1) **IN GENERAL.**—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

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(b) **SUNSET.**—Effective October 1, 2014, the Small Business Act, as added by subsection (a) of this section, is repealed.

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(a) **NIH CURES PILOT.**—

(1) **IN GENERAL.**—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

(ii) **INITIATIVE.**—Each Federal agency participating in the SBIR or STTR program shall encourage the submission of applications for support of nanotechnology related projects to the NIH under this section.

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**SEC. 44. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.**

(a) **NIH CURES PILOT.**—

(1) **IN GENERAL.**—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

(ii) **INITIATIVE.**—Each Federal agency participating in the SBIR or STTR program shall encourage the submission of applications for support of nanotechnology related projects to the NIH under this section.

(b) **SUNSET.**—Effective October 1, 2014, the Small Business Act, as added by subsection (a) of this section, is repealed.
SEC. 302. DATA COLLECTION FROM AGENCIES FOR SBIR/STTR.

Section 9(a) of the Small Business Act (15 U.S.C. 638(c)(1)) is amended—

(1) by striking paragraph (9) and inserting the following:

"(9) collect annually, and in a common format with the simplified reporting requirements under subsection (c), such information from applicants and awardees as is necessary to assess the SBIR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—

(A) whether an applicant or awardee—

(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—

(ii) the amount of venture capital that the applicant or awardee has received as of the date of the application or award, as applicable; and

(iii) the amount of capital that the principal investigator or awardee has invested in the SBIR technology;

(ii) has an investor that—

(i) is an investor who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual;

(ii) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

(iii) is owned by a woman or a woman as a principal investigator;

(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

(v) received a Phase I or Phase II SBIR or STTR report to Congress by the Administration; and

(B) assessing whether the awardee is majority owned and controlled by multiple venture capital firms; and

(C) the percentage of ownership of the awardee held by a socially or economically disadvantaged individual or a principal investigator.

SEC. 303. PUBLIC DATABASE.

Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively;

(2) by inserting after subparagraph (F) the following:

"(G) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the audit conducted under paragraph (1), including the assessments required under subparagraphs (B) and (C) and made under subparagraph (D) of paragraph (1)."

(3) by adding at the end the following:

"(gg) PHASE III REPORTING.—The annual report to Congress under paragraph (1)(C) shall, in a format designed by the National Academy of Sciences for the National Research Council to conduct a study described in subsection (a)(1) and make recommendations described in subsection (a)(2), not later than 5 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, and every 4 years thereafter.

SEC. 304. PRECISION IN REPORTING.

Section 9(c)(3) of the Small Business Act (15 U.S.C. 638(c)(3)) is amended—

(1) by striking paragraph (9) and inserting the following:

"(9) report to Congress, including the information required by paragraph (8), the amount that is more than the award guidelines for salaries and expenses, travel to visit applicants or awardees of such budget the Federal agency spends for administrative purposes relating to the SBIR program or STTR program, and for which information is available; and

(2) by striking paragraph (10) and inserting the following:

"(10) the following:

(A) the name of the agency or component of the agency that made the award or phase level award, the name of the contractor or awardee, or the number assigned to the awardee by the Federal agency described in subsection (a), in consultation with the Small Business Administration, shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to conduct a study described in subsection (a)(1) and make recommendations described in subsection (a)(2), not later than 5 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, and every 4 years thereafter.

SEC. 305. GOVERNMENT DATABASE.

Section 9(c)(2) of the Small Business Act (15 U.S.C. 638(c)(2)) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively;

(2) by inserting after subparagraph (F) the following:

"(G) for each Phase III award made by the Federal agency—

(i) the name of the awardee, and, if so—

(ii) the number of employees of the awardee;

(iii) the amount of venture capital as of the date of the award;

(iv) the number of employees of the affiliates of the awardee; and

(v) the number of employees of the affiliates of the awardee.

SEC. 306. ACCURACY IN FUNDING BASE CALCULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable fiscal year and—

(A) determine whether Federal agencies comply with the expenditure amount requirements under subsections (j)(1) and (n)(1) of section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act;

(B) assess the extent of compliance with the requirements of section 9(n)(2) of the Small Business Act (15 U.S.C. 638) by Federal agencies participating in the SBIR program or the STTR program and the Administration;

(C) assess whether the information reported to the National Science Foundation was used to base the amount of the allocations under the SBIR program and the STTR program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency; and

(D) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency spends for administrative purposes relating to the SBIR program or STTR program, and for which information is available, of such budget the Federal agency spends for salaries and expenses, travel to visit applicants or awardees of such budget the Federal agency spends for administrative purposes relating to the SBIR program or STTR program, and for which information is available.

(b) DEFINITION OF APPLICABLE PERIOD.—In this section, the term "applicable period" means—

(1) for the first report submitted under this section, the period beginning on October 1, 2000, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and

(2) for the second and each subsequent report submitted under this section, the period beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted, and

ending on September 30 of the last full fiscal year before the date of the report.

SEC. 307. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.

Section 108 of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note) is amended by adding at the end the following:

"(e) EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.—

"(1) IN GENERAL.—Not later than 6 months after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, and every 4 years thereafter, the National Research Council shall submit to the head of the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (c).

SEC. 308. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

"(gg) TECHNOLOGY INSERTION.—The annual SBIR or STTR report to Congress under subsection (b)(7) shall include, for each Phase III award made by the Federal agency—

"(A) the name of the agency or component of the agency or the non-Federal source of capital making the Phase III award;

"(B) the name of the small business concern or individual receiving the Phase III award; and

"(C) the dollar amount of the Phase III award."

SEC. 309. INTELLECTUAL PROPERTY PROTECTION.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—

(1) Federal agencies comply with the data rights protections for SBIR awardees and the technologies of SBIR awardees under section 9 of the Small Business Act (15 U.S.C. 638);

(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes and mentor-protégé relationships and agreements with Federal laboratories, are sufficient to protect SBIR awardees; and

(3) there is an effective grievance tracking process for SBIR awardees who have grievances.
against a Federal agency regarding data rights and a process for resolving those grievances.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall transmit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the study conducted under subsection (a).

TITLE IV—POLICY DIRECTIVES

SEC. 401. CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR and STTR Policy Directive to conform such directives to this Act and the amendments made by this Act.

(b) PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.

SEC. 402. PRIORITIES FOR CERTAIN RESEARCH INITIATIVES.

(a) In General.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

``(hh) RESEARCH INITIATIVES.—To the extent that such projects relate to the mission of the Federal agency, each Federal agency participating in the SBIR program or STTR program shall encourage the submission of applications for support relating to security, energy, transportation, or improving the security and quality of the water supply of the United States;''

(b) SUNSET.—Effective October 1, 2014, section 9(hh) of the Small Business Act, as added by subsection (a) of this section, is repealed.

SEC. 403. REPORT ON SBIR AND STTR PROGRAM GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

``(ii) the Committee on Small Business and the Committee on Science and Technology of the House of Representatives.''

SEC. 404. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

``(jj) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (j) or (j)(2) must be awarded on the basis of a competitive and merit-based selection procedures.''

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows: Mrs. Davis of California moves that the House concur in the Senate amendment to H.R. 2965 with an amendment.

The text of the amendment is as follows:

| Amendment | Insert at the end of the measure the following:

- Amendment: Motion to Concur

| Amendment | The text of the amendment is as follows:

- Amendment: Motion to Concur

The SPEAKER pro tempore. Pursuant to House Resolution 1764, the motion to concur will be the subject of an hour of equally divided and controlled by the majority leader and the minority leader or their respective designees.

The gentleman from California (Mrs. Davis) and the gentleman from California (Mr. McNerney) each will control 30 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mrs. Davis of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and in which to insert extraneous material in the Record on the bill.

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

There was no objection.

Mrs. Davis of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker. I rise in support of repealing Don’t Ask, Don’t Tell. Conditions for repeal have been met, due diligence has been done, and the time to act is here. Regardless of what critics say, the issue before us has been debated in Congress and reviewed by the Department of Defense. In fact, Mr. Speaker, Members of both the House have debated repeal for some time.

My subcommittee held hearings on the issue. The first of those hearings
was on July 23, 2008, actually 15 years after the decision had originally been made, and the second hearing on March 3, 2010. Every Member of this body was welcome to attend, though few Republicans actually made the effort to be there at that time. For those of you who weren’t there, the takeaway from these hearings was that the current policy does not work for our Armed Forces and is inconsistent with American values. Next, this House approved language identical to what is before us today as part of the National Defense Authorization Act. And, finally, Mr. Speaker, the DOT completed its study on implementing repeal, confirming our troops are ready for repeal.

Seventy percent of the force said that repealing Don’t Ask, Don’t Tell will have a positive, a mixed, or no effect on our military. Seventy-four percent of spouses said that open service would not change their support for their spouse staying in the military. And uniformed men and women who believe they have served with a gay servicemember in the past said their unit’s ability to work together was “very good.” Eighty-nine percent of our warriors on the front line said the service members with which their spouses have essentially the same view as the American public: Men and women in uniform who are gay should be allowed to serve openly.

And I want to add, Mr. Speaker, that our best military leaders agree with the American people. Secretary of Defense Gates has clearly stated that, with careful preparation, repeal poses a low risk to the readiness and effectiveness of our forces. Admiral Mullen shares that view. In fact, Secretary Gates’ biggest concern is if Congress doesn’t act to repeal, then he points out the courts will impose this change on the Department of Defense, leaving little or no time to prepare and implement the transition plan properly.

Now, it is true that the military service chiefs have reservations about the timing of repeal, but they all believe that the language has adequate safeguards and, when implemented correctly, repeal can be done and effectively managed. They acknowledge that leadership at all levels will be key. And I have great confidence, Mr. Speaker, in the leaders who are serving in our military and their professional judgment. I trust them with decisions about our Nation’s safety. We can trust them to put this transition into practice in a way that addresses the needs of our force. But we cannot begin this new challenge until we repeal Don’t Ask, Don’t Tell.

Mr. Speaker, change is never easy, but it is rarely as necessary as it is today. In addition to clear statistics in favor of repeal, the survey responses got to what is at the heart of this issue: Large.

Gay and lesbian personnel have the same values, the same values toward their service as servicemembers at large. What is that? It is love of their country. It is honor. It is respect. It is integrity and service overall. In the words of one gay servicemember, repeal would simply “take the knife out of my back. You have no idea what it is like to have to serve in silence.”

If we were to repeal this law, history will judge us poorly for the damage we have done to our Nation and our military. I urge Members of this House to be on the right side of history and help end Don’t Ask, Don’t Tell.

I reserve the balance of my time. Mr. MCKEON. I yield myself such time as I may consume.

Mr. Speaker, here we go again. The Speaker has decided once more to subvert regular order in the waning moments of this Congress and bring to the floor, without consideration by the House Armed Services Committee, a repeal of Don’t Ask, Don’t Tell. Now, anyone who was listening earlier to the Speaker discussing that we’re discussing, it is titled: To amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program. Now, if you’re confused, what they have done is stripped out what is in it, and put in you’re confused, what they have done.

“I believe that the implementation of repeal in the near term will: one, add another level of stress to an already stretched force; two, be more difficult in our combat arms units; and, three, be more difficult for the Army than the Marine Corps is 43 percent, 48 percent is 30 percent; the percentage for the Marine Corps is 43 percent, 48 percent within Army combat units, and 58 percent within Marine combat units.”

The commandant of the Marine Corps, General James Amos, said, “If the law is changed, it has strong potential for disruption at the small unit level as it will no doubt divert leadership attention away from an almost singular focus on preparing units for combat.”

“Based on what I know about the very tough fight in Afghanistan, the almost singular focus of our combat forces as they train up and deploy to the theater, the necessary tightly woven culture of those combat forces that we are asking so much of at this time, the direct feedback from the survey, my recommendation is that we should not implement repeal at this time.”

“What I would want have with regards to implementation would be a period of time where our marines are no longer focused primarily on combat. All I am asking for is the opportunity to implement repeal at a time and choosing when my marines are not singularly, tightly focused on what they’re doing in a very deadly environment.”

Just yesterday, General Amos made clear just how strongly he feels about the threat that repeal poses to marines...
in combat, warning "that a change in current policy could pose a deadly distraction on the Afghanistan battlefield. I don’t want to lose any marines to a distraction," Amos said in a roundtable discussion with journalists at the Pentagon.

Air Force Chief of Staff, General Norman Schwartz, said, "I do not agree with the study assessment that the short-term risk to military effectiveness is low. Our officer and NCO leaders in Afghanistan in particular are carrying the weight of that risk, and I remain concerned with the study assessment that the risk of repeal of military effectiveness in Afghanistan is low. That assessment is too optimistic. I suggested that perhaps full implementation could occur in 2012, but I do not think it prudent to seek full implementation in the near term. I think that is too risky."

These are three of our four Chiefs of Staff.

I strongly believe that we ought to listen closely to the concerns of the service chiefs if for no other reason than they are closer to the sense and pulse of their services than are the Secretary of Defense or the Chairman of the Joint Chiefs. Moreover, I also believe that we should do nothing at this time to threaten the readiness of the soldiers, sailors, airmen, and marines who are at the tip of the spear, fighting America’s two wars. So I urge all Members to vote “no” on the Murphy bill.

I reserve my time for Congresswoman DAVIS of California. I just want to remind my colleague that it is not until the Secretary, the Chairman of the Joint Chiefs, and the President actually certify that the military is prepared to move forward. There is no defined timeline that this, in fact, would go forward.

Mr. Speaker, I yield 1 minute to my friend and colleague, the distinguished Speaker of the House of Representatives, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentle lady from California, the distinguished chair of the subcommittee on this important issue, for her leadership on ending discrimination in how we defend our country.

I want to salute STENY HOYER, our distinguished Democratic leader, for bringing this bill to the floor expeditiously. It has been a long time in coming, this time for us.

I want to thank BARNEY FRANK, JARED POLIS and TAMMY BALDWIN for their leadership, and I particularly want to acknowledge PATRICK MURPHY.

Before Congressmen MURPHY came to the House, he was a captain in the 82nd Airborne Division and served as a paratrooper in the Iraq war. He understands the issues of military readiness and has demonstrated tremendous leadership on the battlefield and on repealing a policy that does not contribute to our national security.

Mr. Speaker, today we have an opportunity to vote once again to close the door on a fundamental unfairness in our Nation. Repealing the discriminatory Don’t Ask, Don’t Tell policy will honor the service and sacrifices of all who have dedicated their lives to protecting the American people.

We know that our first responsibility as elected officials is to take each of our oaths with due diligence. Our first responsibility is to protect the American people, to keep them safe; and we should honor the service of all who want to contribute to that security.

As Admiral Mullen, the current Chairman of the Joint Chiefs, said on this issue of Don’t Ask, Don’t Tell, "It is my personal belief that allowing gays and lesbians to serve openly would be the right thing to do. We have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens. For me, personally," he said, "it comes down to integrity—thems as individuals and ours as institutions."

Seventeen years ago, in 1993, many of us were on this House floor. I have the privilege of speaking, calling on the President to act definitively to lift the ban that keeps patriotic Americans from serving in the U.S. Armed Forces because of their sexual orientation. Instead, we enacted the unfortunate Don’t Ask, Don’t Tell policy that has resulted in more than 13,000 men and women in uniform being discharged from the military. Thousands more have decided not to reenlist. Fighter pilots, infantry officers, Arabic translators, and others have been discharged at a time when our Nation is fighting two wars.

Don’t Ask, Don’t Tell doesn’t contribute to our national security, and it contravenes our American values. That is why the support for its repeal has come from every corner of our country.

Just today, ABC News and The Washington Post released a poll showing that eight in 10 Americans say gays and lesbians who do publicly disclose their sexual orientation should be allowed to serve in the military.

Recently, the Department of Defense issued its report about the impact of repealing the discriminatory policy, and as the gentle lady from California, Congresswoman DAVIS, has said, the action that we took earlier on the DOD bill was an action predicated on what that report would say, and that report reached the same conclusions that a majority of men and women in uniform and a majority of Americans have reached: repealing Don’t Ask, Don’t Tell makes for good public policy—and a stronger Army.

But to do so, to repeal Don’t Ask, Don’t Tell, Congress must act quickly. Since courts are now reviewing the Don’t Ask, Don’t Tell policy, both Secretary Gates, the Secretary of Defense, and Chairman Mullen, Chairman of the Joint Chiefs, have called for Congress to act on the repeal with urgency so that they can begin to carry out the repeal in a consistent manner.

In May, with an over 40-vote majority, this House of Representatives passed legislation to end this discriminatory policy. It was a proud day for so many of us in the House, and today, by acting again, it is my hope that we will encourage the Senate to take long overdue action.

America has always been the land of the free and the home of the brave. We are so because our brave men and women in uniform protect us. Let us honor their sacrifice, their service, and their commitment to the values that they fight for on the battlefield.

I urge my colleagues to end discrimination wherever it exists in our country. I urge them to end discrimination in the military, to make America safer.

Mr. McKEON. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON), the ranking member on the Military Personnel Subcommittee.

Mr. WILSON of South Carolina. Mr. Speaker, first off, in the final days of the lame duck Congress, I’m grateful to join with Ranking Member BUCK McKEON of California to be concerned that this outgoing majority has placed due diligence and priority on Don’t Ask, Don’t Tell than actually passing the National Defense Authorization Act for fiscal year 2011. The Defense authorization bill is crucial for our national security concerns and the welfare of our troops and their families and our veterans, and has passed for 38 consecutive years in some form.

Secondly, as the son of a World War II veteran and as a 31-year veteran of the Army myself, and as the proud father of four sons currently serving in the military, I oppose attempts to repeal Don’t Ask, Don’t Tell in the waning days of this lame duck Congress. The service chiefs have urged caution because of the strenuous demands placed on our forces by the wars in Afghanistan and Iraq.

In fact, the Army Chief of Staff General George Casey, who I trained with at Indiantown Gap, Pennsylvania, said the following: I would not recommend going forward at this time given everything that the Army has on its plate. I believe that it would increase the risk to our soldiers, particularly on our soldiers that are deployed in combat.

Commandant of the Marine Corps General James Amos had this to say: If the law is changed, it has strong potential for disruption at the small unit level. My recommendation is that we should not implement repeal at this time.

Air Force Chief of Staff General Norman Schwartz: I do not think it prudent to seek full implementation in the near term. I think that is too risky.

Mr. Speaker, the committees of jurisdiction must have time to examine the 370-page Pentagon report on the impact of a repeal of Don’t Ask, Don’t Tell on our military readiness, recruitment, and morale. This attempt to hastily repeal in the final days of the defeated 111th
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Mrs. DAVIS of California. I yield 1 minute to the gentleman from Arkansas, Mr. SNYDER.

Mr. SNYDER. Mr. Speaker, my 4-year-old, Penn, and his three 2-year-old brothers, Aubrey, Wyatt and Sullivan, like all babies came into a changing world and a changing America, and yet, in many ways when it comes to issues regarding gay and lesbian America has already changed.

Their first home church would not have thrived without the labor and dedication of numerous gay and lesbian members. My babies' child care benefited from several loving lesbian couples who have given their time to help my wife and I raise them. And America benefits from gay and lesbian pilots, doctors, scientists, diplomats, teachers, police, firemen, EMTs, construction workers, many other professions, somehow all without distracting each other.

Implementation by repeal, not by court case, allows the military to catch up with the rest of America, and my boys and all American children will be the better for it.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes at this time to the gentleman from Maryland (Mr. BARTLETT), the ranking member on the Armed Services Committee.

Mr. BARTLETT. Thank you for yielding.

You know, one might wonder at our priorities. For the first time in many, many years we don't have time to pass the defense authorization bill, but we do have time to pull out a very controversial part of that, whose passage no one will argue will be particularly helpful; it just might not be too hurtful. And that's just one more reason that our favorable ratings are somewhere between used car salesmen and embezzlers.

There's an old adage that says he who frames the question determines the answer. I've had a graduate course in statistics, and I would certainly not have reached the conclusion that was reached from these studies. Thirty percent, almost twice that in the marines, said this would be a bad idea. Fifteen percent said this would be a good idea. You can't take that 50, 55 percent that didn't have an opinion and say that it is a good idea. If I was a statistician, I would have reached exactly the opposite conclusion. Thirty percent is a huge number.

You know, no matter what my sexual orientation was, I couldn't be supportive of this. We are now fighting two wars. Three of the Joint Chiefs have said this would be very disruptive. There are a lot of prejudices out there. I might regret those prejudices, but I can't change the fact that they are out there. This will not be conducive to good order and discipline. This is not the time to do it. There may come a time when we can do this in the military. This is not that time.

Mrs. DAVIS of California. I yield 2 minutes to the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Speaker, I rise in strong support of this legislation to repeal the Don't Ask, Don't Tell policy, and just want to make four quick arguments on that.

First of all, to process. This policy was implemented 17 years ago. We have studied it and argued about it ever since, particularly in the last 4 years. Under Mrs. DAVIS' leadership, we have had hearings and discussions and reports. To argue that we are rushing this and haven't thought about it completely misses the point. Argue against the bill if you want, but don't hide behind this process. We have studied this to death. It is time to act. That's number one.

Number two, gays and lesbians serve in the military right now. I doubt you could find a member of the military who doesn't know a gay or lesbian that they have served with, and yet somehow they have functioned and functioned quite well. This is not introducing a brand new concept.

And third, I want you to think about the basic issue that we should always consider in the Armed Services Committee: How do the policies we advance make us safer? How does it make it safer to drive out of the military thousands of people who are serving and serving our country well? It doesn't. It takes away experience, expertise, and talent at a time when we desperately need that.

And lastly, the 55 percent of the people in the survey did not offer no opinion. They offered the opinion that they did not think it would matter one way or the other to repeal that law. So that 55 percent very clearly has no problem serving our country well. It is way past time to repeal this law, strengthen our military, and allow gays and lesbians to serve our country and serve it with the bravery that they have shown along with all others who have served in our military.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. AKIN), the ranking member on the Seapower Subcommittee of the Armed Services Committee.

Mr. AKIN. Mr. Speaker, some years ago, actually quite a number of years ago, I had an opportunity to witness a total solar eclipse. That's one of those things that happens very, very rarely, and it was quite interesting.

Today, we are looking at another eclipse of reason that happens very rarely. For the first time in 48 or 50 years, the Congress has not passed a defense bill. Now, that's pretty serious.

First time in 48 years, no defense bill. Now, that's pretty serious. For the first time in 48 or 50 years, the Congress has not passed a defense bill. Now, that's pretty serious. For the first time in many, many years, the Congress has not passed a defense bill. Now, that's pretty serious.

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honor around the world who are gays and lesbians who have been dishonored by a practice that says they cannot say who they really are, even though they love their country so very much.

This is an act of basic decency and justice. This is about making sure those who quarrel with time, I agree with their quarrel. This should have been done a long time ago. Today is the day to get it done. Vote “yes.”

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. LAMBOURN), a member of the House Armed Services Committee.

Mr. LAMBOURN. Mr. Speaker, I, too, am concerned that repealing Don’t Ask, Don’t Tell would have a profoundly negative impact on the readiness and effectiveness of our military, particularly among our front line combat forces.

The survey on repealing Don’t Ask, Don’t Tell was fundamentally and fatally biased over all the concerns of our combat troops.

Additionally, the survey itself did reveal widespread concern about overturning the current law, but it was largely ignored in the mainstream press coverage. For example, among personnel who said they have served with a leader they believed to be gay or lesbian, the majority of those who believe that this affected unit morale say that that impact was mostly negative or mixed. And 67 percent of our frontline marines in combat arms units predict working alongside a gay man or lesbian will have a negative effect on their unit’s effectiveness. We must ignore the concerns of our combat troops.

It is irresponsible for Congress to fail to pass a defense authorization bill for the fiscal year 2011 in almost 50 years and at the last minute attempt to pass a repeal of Don’t Ask, Don’t Tell to placate some within the Democrat liberal base. The United States military is not the place for social experiments. Congress should be focused on ensuring that our brave men and women have the resources they need to protect this great Nation instead of playing partisan games.

Mrs. DAVIS of California. I yield 1 minute to the gentleman from Georgia (Mr. Lewis).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentlewoman for yielding.

Mr. Speaker, I have just two words for you, my colleagues: Vote “yes.” Vote “yes” to end Don’t Ask, Don’t Tell. Vote “yes” for equality. Vote “yes” because discrimination is wrong. Vote “yes” because you believe in the beloved community. Vote “yes” because every American deserves the right to do what they want. Vote “yes” because the survey results are in, and the military leaders say the troops are ready. Vote “yes” because, on the battlefield, it does not matter who you love only the flag that you serve. Whatever your reason, I urge you, each of you, each of my colleagues to vote “yes” today, to stand up and vote “yes.” Vote “yes” because it is the right thing to do.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FRANKS), a member of the House Armed Services Committee.

Mr. FRANKS of Arizona. I thank the gentleman.

Mr. Speaker, I believe all of us in this room would agree that we have the greatest people in our military forces in the world. They are the most noble human beings in our society. Of all of the things that people do for their fellow human beings, putting themselves at risk for the freedom and the happiness and the hope of others is the most profound gift that they can give to humanity. And I believe that our first purpose here in this place is to make sure that they have the freedom for the rest of us to be the most well equipped, have the most important materials and weapons and capability that we can possibly give them.

Now, I know that there are some major disagreements on this policy, but the leaders of our military have only asked us one thing, and that is to give them time to study and to deal with this in their own way, in a way that will not be forcing this policy upon them in a time of war. And, Mr. Speaker, I would suggest that we owe them that courtesy. They do not fight because they hate the enemy. They fight because they love all of us. And if we cannot give them the simple courtesy of giving them the opportunity to deal with this policy in the way that they have asked, then I really feel like we have failed them.

Mr. Speaker, I would also say that the military leaders, most of the commanding generals have said that this would weaken our military, that it will reduce the chances of them being able to fight and win wars with the least casualties on both sides. I believe that they are in a position to know whether that’s true or not. Mr. Speaker. And I would just urge this body to give those who give it all for us the chance to deal with this in their own way and vote “no” on this repeal.

Mrs. DAVIS of California. I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I rise today in strong support of the Don’t Ask, Don’t Tell Repeal Act of 2010. At no time, and certainly not at this critical juncture, should we be discharging our dedicated servicemembers who are part of the heaviest fight in Afghanistan right now, and one in Afghanistan in combat situations. We are very proud of this young man.

Mr. HUNTER. Mr. Speaker, I thank the gentleman from California and the ranking member of the Armed Services Committee.

Let me start out by just quoting General Amos a couple of days ago, who’s the commandant of the United States Marine Corps on this issue. He said, I don’t want to lose any marines to distraction. I don’t want to lose any marines to distraction. I don’t want to lose any marines to distraction. I’m visiting at Bethesda Naval Medical Center with no legs to be the result of any type of distraction. Mistakes and distractions cost marine lives. So there’s that quote from the commandant of the United States Marine Corps.

The marines are in part of the heaviest fight in Afghanistan right now, and they were part of the heaviest fight in Iraq between 2002 and 2010.

This is not about race. Let me quote somebody else that we’ve been quoting, General Colin Powell. General Colin Powell said, skin color is a benign, non-behavioral characteristic. Sexual orientation is perhaps the most profound of human behavioral characteristics. Comparison of the two is a convenient, but invalid, argument.

It sounds good to make that comparison that this is like the civil rights movement. The problem is the United States military is not the YMCA. It’s something special. And the reason that we have the greatest military in the world is because of the way that it is right now. We are not Great Britain. We are not France; we are not Germany. And the Marine Corps is not the place, nor is the Army, the Navy, or the Air Force the place to have a liberal crusade to create a utopia of a liberal agenda and experiment during wars in which men and women are risking their lives.

And probably the biggest problem that I have with this repeal is this: the
Armed Services Committee, in the 2 years that I’ve been in Congress—my last tour was in Afghanistan in 2007. Since I’ve been in Congress we have not had one full committee hearing on IEDs, on roadside bombs, the number one casualty in Afghanistan.

This is not a mission. This is a waste of time, and every second I think that we spend on this and that Secretary Gates spends on this and that our commander in Chief, the Chairman of the Joint Chiefs of Staff, the Commander in Chief, and the majority of our troops believe this policy should go. Enough, enough of the games. Enough of the politics. Our troops are the best of the best, and they deserve a Congress that puts their safety and our collective national security over rigid partisan interests and a closed-minded ideology.

The Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen testified that this issue comes down to integrity, the integrity of our troops and the military as an institution. Well, this is also about the integrity of this institution.

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

Mr. MCKEON. I yield the gentleman an additional 30 seconds.

Mr. FLEMING. The military is indeed a unique organization, and that such restrictions, such policies can indeed go forward. I would just like to say, in wrapping up, a couple of important statistics that I think should be mentioned, and that is that 60 to 67 percent of Army and Marine combat members said that this would be a major disruption if this were implemented.

Seventeen percent of the spouses said they would urge their active duty member to get out. And that certainly negates the argument that somehow we would not lose too many soldiers in this.

So I urge my colleagues today to vote against this.

Mr. FLEMING. Mr. Speaker, I rise today to oppose the repeal of Don’t Ask, Don’t Tell. This has been the policy of the military. It’s worked very well for many years. There’s been a paucity of study of this, and finally, when we decided to get into which was going to be once again brought up in Congress, there was a study commissioned which asked questions of many, many people. However, the study was flawed from the get-go. First of all, it did not ask whether this policy should be implemented. It asked the question how should it be implemented.

I am a physician. I come from a medical background. If ever we try to determine what the effective way of treating a disease is, we would never start with the presupposition that this treatment is already the accepted treatment of that. No, in fact we go and study that. This was not done.

But let’s talk about the questions a little bit in the study. The study that came out on November 30, really only a few days ago. The question is actually asked in the study, if they had to do it again in which group over there could fight over there and the other group over here could fight over here because, after all, if we mixed those groups, it would be damaging to the national security. That proposition was wrong then and it is wrong now.

We passed, some time ago, a defense bill. We passed a defense bill through this House. We adopted an amendment to that bill. That bill is still in the Senate. It is still in the Senate, very frankly, because the minority party has not allowed it to move. It has the votes to move; it simply doesn’t have almost two-thirds to move.

This May, the House approved the repeal of our Armed Forces’ policy on Don’t Ask, Don’t Tell adopted some 17 years ago by a vote of 234-194. We voted to end the outdated policy that, frankly, undermines our national security, depending a comprehensive Defense Department report that would review the issues associated with implementing
repeal and study our troops' attitudes towards open service. That study was undertaken. That study has been reported. That study showed that some 70 percent of the members surveyed said, No problem. Not an issue. Again, I am worried about somebody who can't get straight who has the courage and willingness and the commitment to defend our country. That, from their perspective, is the criteria.

That report was released on November 30, as I said, and included an exhaustive review of the views of more than 115,000 people.

When we take a poll, you are talking about 500, maybe 1,000, if it is a big poll, and you rely on that and you make some pretty important decisions based upon those polls. You spend money based upon those polls. You decide to run based upon those polls. You decide to emphasize issue A or issue B based upon those polls. And, frankly, in some respects, your career depends upon that. So you rely on those surveys.

This survey, 70 percent came to an unambiguous conclusion, quote, "The risk of repeal to overall military effectiveness is low."

Now, I have heard Members on the other side of the aisle who have debated this issue say, Oh, no, that is not right; and, very frankly, I have heard generals quoted. But this is, after all, who the generals are concerned about, the quality, the valor, the men and women who are actually in the battle. And they come back and say, No problem.

Our troops stand with our military leaders and the vast majority of Americans in calling for repeal. The majority of them would be baffled by the fear with which some of my colleagues tar them every time Don't Ask, Don't Tell is discussed.

Some say that our troops are unwilling or apprehensive about serving with gays in the military; yet 92 percent of them who have done so have called that experience very good, good, or neutral.

Now, let me say to my friends on both sides of the aisle, you are serving with gays in this body. You are interfacing with gays every day in the staffs on both sides of this Capitol. You may know or you may not know, but abuses yourself of the theory that somehow is decided by that, because you are not. They serve here with distinction, they serve here with dedication, and they serve here at no risk to any one of us or their colleagues either as employees, as Members, or as visitors to this Capitol. There are surely countless stories that prove that point.

"We have gay men and women," one fighter said, "in my unit. He is big, he is mean, and he kills lots of bad guys. No one cared he was gay." Why? Because he was not focused on who was elected or not he did the job, whether he was patriotic, committed, and effective. That is the test. That ought to be the test for every American: the test of character, the test of performance, the test of compliance with the rules and regulations and the laws. That ought to be our test. That certainly is what we expect, I think, of others in judging us.

Despite all of this, the Senate has failed to pass the defense authorization bill. As I said, we passed one last June, I think.

Above all, we must pass this bill because our choice is between a thoughtful, responsible repeal plan developed over months of study and a sudden disruptive review imposed by the courts. Our military leaders understand that the courts are likely to overturn Don't Ask, Don't Tell, and that is exactly why they are urging Congress to pass a legislative solution instead.

I tell my friends, I talked to Secretary Gates earlier this week, and he said, Pass this bill. And he said, Pass this bill because we need a legislative, not a court-imposed, solution.

Admiral Mike Mullen, who supports repeal, wants it to come, and I quote, "through the same process with which the law was enacted rather than precipitously through the courts."

So I tell my friends that the Chairman of the Joint Chiefs and the Secretary of Defense, who, by the way, as we all know, is not of my party, but he is not a partisan. He is a promoter of the military security and welfare of the troops. And I refer to Bob Gates, for whom I think we all have a great deal of respect and confidence.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding and for his well thought-out arguments on this issue.

What does the gentleman think about the actual service chiefs, the Marine Corps Commandant, the Army Chief of Staff, the actual generals who lead the military men and women that we speak about, being against the repeal, especially now?

Mr. HOYER. Reclaiming my time, I will tell you what I think about that.

Their concern seems to be for the morale of the troops, of the performance of the troops, which is exactly why we said, and I tell my friend, in May, Let's ask the troops. And that is why we surveyed 115,000 of the troops and said, Is this a problem? And they responded, overwhelmingly, it is not a problem.

There are some who apparently do not accept that. I understand the gentleman. I am not necessarily surprised by that. My friend and my colleague, I don't know exactly your age. You are much younger than I am. This is not a new phenomenon, I tell my young friend.

When we have made changes in the service sector in the past, there had been voices who said this would undermine morale and performance. I suggest to my friend, he did not. And I tell my friend, for those who believe it will, I believe this survey indicates the contrary, and I believe the contrary, based upon experience, based upon observation, and based upon history.

Both choices have been seen to me, to reject—to reject—a considered, thoughtful, planned approach to implementing a policy that Secretary Gates and Chairman of the Joint Chiefs Mullen believes is going to happen. And I tell all my friends, my conversations with Members of the Senate indicate that there are sufficient numbers in the Senate to pass this policy.

More than that, Mr. Speaker, it is time to end a policy of official discrimination that has cost America the service of some 13,500 men and women who wore our uniform with honor. They were not discharged because they did not perform their duties or because they were not honest or service; they were discharged simply because they were gay.

One of those young men who deserves better is a constituent named Ian Gold. Actually, he was not dismissed, but I will tell you his story. He wrote to me a compelling letter, and I want to close with his words: "Congressman HOYER, I joined the Air Force Reserve Officers' Training Corps last year after President Obama reaffirmed his campaign pledge to end Don't Ask, Don't Tell. I have always known that I wanted to serve my country in the Armed Forces, but one thing was always holding me back: I'm gay.

"I've been open about that part of my life since high school, and I was not willing to go back into the closet. But after the President promised to end Don't Ask, Don't Tell, I decided to finally join ROTC, hoping that I would not have to hide my sexuality for long. I quickly realized that I had made the right choice. Although I was a new recruit, I was already in the top of my class of cadet privates first class in land navigation.

"But it became increasingly difficult to hide such an important part of who I am." Because, of course, the policy that we have in place asks people to lie. Honor, duty, country. Lying is not a component part of that philosophy. But that is what we expect people, if they want to serve their country in the Armed Forces of the United States, to do.

"After learning about the continual delays in Congress, I decided I needed to quit ROTC until the ban was repealed.

"I have spent this past semester studying abroad, and I will spend next semester studying in Cairo. It is an invaluable experience abroad. I'm an advanced Arabic speaker. I'm an "A" student at a top national university.

"Most importantly," he says, "I want to share my story. With permission, I served openly. I will finish ROTC and be commissioned as an officer in the U.S. Army. And there are many others like me—I've met them."
He concluded, “So please, do whatever you can to repeal Don’t Ask, Don’t Tell.”

Ladies and gentlemen, we have an opportunity to accept those who are willing, those who are able, those who want and are fit for our country in harm’s way. Let us take this action. It is the right thing to do and the right time.

In closing, let me say to my friend Mr. McKown. Mr. McKown, when I ended when we passed this in May, you will recall you mentioned General Colin Powell. I did not respond. But as you know, General Colin Powell over these 17 years has changed his perspective, I didn’t respond at that time to that fact, but he has done so because we have come to the conclusion that now is the time to act—for our country, for our principles, and for our men and women in the service.

Mr. McKown. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. Gohmert).

Mr. Gohmert. Mr. Speaker, we have had a number of questions asked. One question that we did not just hear that was expressed as important is, is a person an impediment to the good order and discipline of the military or the military’s mission? That is important.

I heard the Speaker say earlier, in essence, we need to allow or honor the service of all those who want to serve. That is not true. Every day people who want to serve are not allowed to serve because they will be an impediment.

We heard the leader talk about how we can work together in this body, even though there are homosexuals in this body. That is right. This isn’t the military, and I can promise you, if people did some of the things that have been done by Members of this body, they would never have been allowed and would not be allowed to continue serving our country. We have a margin to work with here. In the military there is the military mission. There is not that margin to work with. We are talking life and death.

Now, we have heard, how does it make us safer to lose thousands from the military? A good question, because the hundreds I have heard from that I didn’t bring their quotes down here have said, you pass this, and I will tell you personally, but I will not say it in the presence of my commander, you pass this, I will not reenlist. I won’t say it publicly because it may affect my assignment after that, because we know what this President, this Commander in Chief wants, just as does the Secretary of Defense.

The two people that the President appoints said let’s do it, because they know the President appointed them. He is their boss. And then all of those who do not answer directly to the President, they said this is a terrible idea. They don’t want to serve.

You want a poll? Take one where military members can answer privately, with no ability of the commanders to figure out who answered where. And then let’s find out how many thousands or tens of thousands or hundreds of thousands we can lose with this activity. That is important.

Now, we were told Don’t Ask, Don’t Tell is inconsistent with American values. The Speaker pro tempore. The time of the gentleman has expired.

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

Mr. Gohmert. I would submit the military is inconsistent with American values. One of the freedoms of speech, it does not have freedom of assembly, it does not have the freedom to express its love to those in the military the way you can out here, because it is an impediment to the military mission. You can’t do that. Can you imagine military members being able to tell their commander what they think of him, using freedom of speech, or assembling where they wish? It doesn’t work.

So this is one of those issues that is so personal to the military, we need to have an accurate poll. And to my friend who said history will judge us poorly, I would submit if you will look thoroughly at history, and I am not saying it is cause and effect, but when militaries throughout history of the greatest nations in the world have adopted the policy that it is fine for homosexuality to be overt, if you can keep it private and control your hormones, fine; if you can’t, that is fine too, they are toward the end of their existence as a great nation.

Let’s look at this more carefully before we harm our military.

Mrs. Davis of California. I yield 1½ minutes to the gentleman from Texas (Mr. Reyes).

Mr. Reyes. I thank the gentlelady for yielding.

Mr. Speaker, I rise today in support of the Don’t Ask, Don’t Tell Repeal Act, and I do so as a proud veteran who served in Vietnam a long time ago. I can tell you proudly in Vietnam with us, just as gays are serving in today’s military. But what we are arguing about here is the inconsistency of forcing people to lie about who they are.

I feel strongly that all Americans that are fit and willing to serve ought to have a fair and equal chance to volunteer for military service. Lifting the ban to allow our troops to serve openly is consistent with the American values which the previous speaker spoke about that our military members risk their lives to defend.

I can attest to the fact. I represent a large military facility in my district, so I have the opportunity to ask the troops for their opinion on this particular issue.

Their opinions track with the study the gentleman from California referenced. They don’t care what sexual preference their buddy might be. They only care that he or she performs when they are in combat—when they have to have their back and they have to depend on them having their back. It is as simple as that.

This is an idea whose time has expired, like my time is about to expire. I urge Members to vote for repeal of this act.

Mr. McKown. Mr. Speaker, might I inquire of the time left on both sides.

The SPEAKER pro tempore. The gentleman has 6 minutes remaining. The gentleman has 10% minutes remaining.

Mr. McKown. Maybe we can even the time out.

Mrs. Davis of California. Mr. Speaker, I yield to the gentlewoman from California (Ms. Chu) for the purpose of a unanimous consent request. (Ms. Chu asked and was given permission to revise and extend her remarks.)

Ms. Chu. I rise in strong support of this bill to repeal the flawed Don’t Ask, Don’t Tell policy.

Alexander Nicholson was a bright young man who joined the Army’s Intelligence Unit. He was a great asset, speaking 5 different languages, including Arabic.

One day, a fellow linguist discovered a fellow he had written love letters to his boyfriend. It was in Portuguese, so he thought no one could understand it. Well, that linguist did and outed him. Instead of being discharged, Alexander resigned . . . 6 months after 9/11 when they needed someone with his ability that fast.

Since Don’t Ask, Don’t Tell, 13,000 soldiers have been discharged for no other reason than their sexual orientation. It has cost over $360 million to replace them, an utter waste of dollars and talent. That’s why I’ve stopped calling this policy “Don’t Ask, Don’t Tell” and instead label it what it really is: “Doesn’t Work, Never Has.”

Let’s stop this misguided policy from hurting countless men and women who serve our country. Our country should praise the men and women who keep us safe—not persecute them.

Mrs. Davis of California. I yield 1 minute to the gentleman from Pennsylvania (Mr. Sestak).

Mr. Sestak. When I arrived off Afghanistan in charge of an aircraft carrier battle group, I knew as an admiral that a certain percentage of that carrier battle group in combat was gay. I always wondered how one could come home and say they don’t deserve equal rights.

I respect the differing opinion. It was 5,000 sailors on that aircraft carrier that I commanded. Their average age is 19%, and they just don’t care. I honestly believe that when those who you are supposed to be leading are actually ahead of the leaders, leaders lose credibility.

I joined up during Vietnam. We were having race riots on our aircraft carrier. It does not happen. We worked through that. That night off Afghanistan when I first arrived, we had never had women pilots. I put up one woman with seven men. She was the one that disobeyed
my orders and do without permission and saved four Special Forces.

My point is we don’t do this just for equality. We do it because we want the best of all, whether it is race, whether it is gender, or sexual orientation. That is why I want the repeal of Don’t Ask, Don’t Tell.

Mrs. DAVIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, first let’s set aside the smoke screen: the argument that we are holding up the defense bill. It passed this House over the objection of almost every Republican, and it has twice been filibustered in the Senate when the Senate leadership tried to bring it up. It is the Republican Party that has been holding it up because of their opposition to a repeal of Don’t Ask, Don’t Tell.

So let’s talk about the merits. First of all, why would there be a distraction to repeal it? It is a grave distraction to maintain it. People have said, the gentleman from Texas: Well, we know there are gay and lesbian people now serving. That’s right. What they are telling us, Mr. Speaker, is let’s have people serving who are in fear of being thrown out. How much of a distraction is that? What sense does it make to say, okay, you come in here but we are going to watch you, and you may get kicked out? And what about the morale of the people that are lost because we are a Nation at war.

The maintenance of this policy is the distraction. The repeal of it would not be. Why are we told repeal of Don’t Ask, Don’t Tell would be a problem?

People keep quoting Colin Powell. Let me quote him from 20 years ago when I asked him about this. I asked him if the problem was that gay and lesbian and bisexual members of the military were not good at their jobs. He said: No, that is absolutely not the case. So let’s not have any liberal of the honorable gay and lesbian and bisexual people who want to serve their country and are being rebuffed by people on the other side.

No one is arguing it is their fault. What we are told is that there are other people who are so offended by their very presence. The code of military justice will stay in place. Anybody who says they are not good at their jobs. He said: No, that is absolutely not the case.

What does that say about our young military? The gentleman from Texas (Mr. GOHMERT) said, well, anytime a military has allowed gay people in, that has been the end of civilization. Tell that to the Israeli Defense Forces. I guess he may be technically correct; they didn’t change it, they have always had that. They need every human being they can get and they are willing whether willing or not. And the Israeli Defense Forces have suffered no deterioration.

The SPEAKER pro tempore. The time of the gentleman has expired. Mrs. DAVIS of California. I yield the gentleman an additional 10 seconds.

Mr. FRANK of Massachusetts. I must say, it is not that the young members of the military who are in fear of being thrown out. They are not the ones who are upset by this. It is our colleagues on the other side who are retributing their unease at the presence of gay and lesbian people to the young people in the military who I think are better than that.

Mr. MCKEON. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE), Republican Conference chair.

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

Mr. PENCE. Mr. Speaker, I appreciate the distinguished ranking member for yielding and the passion that has been expressed on both sides of this issue.

But let me state the obvious, if I can. We are a Nation at war. We have soldiers that are in harm’s way at this hour, forward deployed, at Bagram and Helmand province, places I visited just a few short weeks ago. And so this business is not taking place in a vacuum. We are a Nation at war.

And let me say to the distinguished gentleman from Massachusetts who just spoke who suggested that those of us who oppose a repeal of Don’t Ask, Don’t Tell would commit some libel against Americans with whom we differ on life-style choices, nothing could be further from the truth. As a conservative, I have a particular world view about moral issues. They do not bear upon this question. This is an issue exclusively that is about recruitment, readiness, unit cohesion, and retention because we are a Nation at war.

Now, I am not a soldier, but I am the son of a combat soldier. I think we should listen to our soldiers as we continue this debate. In recent key findings of the Pentagon study, overall U.S. military predicted negative or very negative effects, 30 percent. The percentage of the Marine Corps predicting negative effects, 43 percent; 48 percent within the Army; 58 percent within Marine combat units.

We know that the leadership has testified before the Congress. Air Force Chief of Staff General George Casey said: I do not think it prudent to seek full implementation. Too risky, he said.

Of course the most ominous of all was a suggestion by Army Chief of Staff General George Casey who said: increase the risk on our soldiers.

Men and women, no one in this House, would desire to increase the risk on our soldiers at a time of war. I know that.

And so it is time today simply to say let’s remember the time in which we live. Let’s remember the first obligation of the national government is to provide for the common defense. I believe the first obligation in providing for the common defense is to provide the circumstances and the resources for those who wear the uniform and carry the weapon and provide the shield under which we live and our freedom survives. We are a Nation at war. Reject this measure. Don’t Ask, Don’t Tell was a successful compromise in 1993; and so that compromise should remain.

Mrs. DAVIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. WALZ) who happens to be the highest ranking enlisted servicemember serving in Congress.

Mr. WALZ. Mr. Speaker, I thank the gentleman from California and my friend from Pennsylvania. The greatest privilege I have had in my life has been serving this country in uniform for 24 years and helping to preserve the freedoms and liberties of this country for all Americans.

I had the honor of training soldiers from all walks of life, and at the end of the day my top priority was whether they could meet the standards and do the job. As a career enlisted soldier, I know how important our military with qualified, professional, motivated volunteers. And we are blessed in this Nation that our young people are signing up.

I have no doubt that the brave men and women who serve our country have the professionalism to end this discriminatory policy. I am offended by the idea and the notion that they are not able to handle change in policy. These men and women make up the greatest fighting force the world has ever seen. They accept and complete missions every day that require incredible discipline and bravery.

This discriminatory policy is hurting our military readiness and weakening our Nation, such as releasing dozens of Arabic linguists simply because they were homosexual.

Serving in the military, we believe in duty, honor and country. Asking these brave people to live up to all of our values. Our military heroes know that it is time to end this policy, the American people know it is time to end this policy, and in a few moments we will take the step to end it.

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The SPEAKER pro tempore. The Chair will note that the gentleman from California has 3 minutes remaining. The gentleman from California has 64 minutes remaining.

Mr. MCKEON. Mr. Speaker, I yield 1 minute to the gentleman from Indiana, who just recently retired after 30 years of service as a colonel in the Army, Mr. BUYER.

Mr. BUYER. I thank the gentleman. Let me also thank IKE SKELETON, who supported this compromise and led that back in 1993, when I was a freshman soldier right out of Desert Storm, came here to the Congress and began to learn about compromise.
Something that’s being thrown around here today that those of us who have service in the military understand, combat effectiveness is measured by small unit cohesion. It is measured by your buddy to your left and to your right. That’s the reality. This Congress is about to dump a policy onto the services which the service chiefs have already told us can have a detrimental impact upon our warriors in harm’s way. Why are we doing this? This discrimination.

The Supreme Court allows Congress to discriminate on how our services are put together—if you’re too tall, if you’re too heavy, if you don’t run fast enough, if you can’t do the pushups, if you’re color blind. There’s a whole array. Why do we do that? Because we want the very best and fit to do what? To go fight and defend America. The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCKEON. I yield the gentleman 15 additional seconds.

Mr. BUYER. I end with this: Tolerance does not require a moral equivalency. Think about it. This is a bad thing to repeal Don’t Ask, Don’t Tell.

Mrs. DAVIS of California. I yield 1 minute to the gentleman from Ohio (Mr. BOCCHIERI), who is a major in the Air Force Reserves.

Mr. BOCCHIERI. President John Kennedy said, “A man may die, nations may rise and fall, but ideas live on.” The idea to which many of our troops have fought to preserve and protect for our great Nation is the idea of freedom—-to live in a country where you can be anything you want to be, the freedom to do anything you want to do, and the freedom to go anywhere you want to go.

Today, our troops are over in Iraq and Afghanistan so that the people of those nations can have even a little of what we take for granted. The mark of a great country is that men and women, when called, will leave everything behind, sacrifice everything for something, something they consider greater than themselves. While the cause of such a noble idea as freedom lives on and our troops sacrifice daily on foreign lands, we must maintain constant vigilance for life here at home. The issue before us today is one of which the very soldiers who fight to spread the idea of freedom to countries that don’t know it find an ever-fleeting policy that denies them the opportunity to be who they want to be and to have freedom to do what they want to do.

As one who spent 17 years in the military, flying wounded and fallen soldiers out of Iraq and Afghanistan, the finest men and women have served our country and regrettable that for some, the freedom that they’re fighting for is not evenly applied.

The SPEAKER pro tempore. The time of the gentleman has expired. Mr. MCKEON. I yield the gentleman 10 additional seconds.

Mr. BOCCHIERI. As Admiral Mullen has said, it is troubling that men and women from our country have to lie about who they are to defend the truth and freedom of our war.

The courts have spoken. The military leadership has spoken. Our military has spoken. It is time for Congress to speak. If we step on the path to die for our freedom, it matters not who you love at home but, more importantly, that you love our country.

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

Mrs. DAVIS of California. I yield 1 minute to the gentlelady from California (Ms. SANCHEZ).

Ms. SANCHEZ. This decision does not require a moral equivalency. Think about it. This is a bad thing to repeal Don’t Ask, Don’t Tell.

Ms. LORETTA SANCHEZ of California. I have had the opportunity, in 14 years on the Armed Services Committee, to meet a lot of our military men and women. I do not believe that they are so fragile that having a gay person serve next to them will kill them.

I rise today to express my strong support for the Don’t Ask, Don’t Tell Repeal Act of 2010. The mission of our Armed Forces is to deter war and to prevent and to protect the security of our Nation. If that soldier is capable and willing to sacrifice his or her life to honorably serve this country, that soldier is truly defending this country.

If a gay soldier is capable and willing to fight for this country, that soldier, too, is protecting the security of the patriotic men and women of this country. If that soldier is willing to fight for our country, but our government denies him or her the right because the soldier is gay, then it is not the gay soldier who puts our security at risk in this government.

Mr. MCKEON. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman has 1½ minutes remaining. The gentlewoman has 4 minutes remaining.

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

Mrs. DAVIS of California. Mr. Speaker, I yield 1 minute to the gentlelady from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. I have been listening to my colleagues on the other side point out that this is a Nation at war. Yes, it is. It has been at war for 9 long years, and I wish this Congress would talk about these wars and the cost. But I want to talk today about the cost to the men and women who are kicked out of the military, who have done nothing wrong, have been serving the country all of this time, put their careers on the line, put their lives on the line, and they’re being thrown out for something that they have nothing to do with.

I was a military spouse. I can’t ever remember anybody getting upset about whether people were gay or straight. And people knew. Of course they know. But what we judged each other on was behavior. Behavior. And when we see men and women who are behaving and serving our country honorably, it is absolutely disgraceful to throw them out.

So, if we want to talk about the military and the war, then I think we should be talking about the military and the war and the cost, not the people who are fighting it or the people who have served this country so honorably.

Mr. MCKEON. Mr. Speaker, I continue to reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield 1 minute to the gentlelady from Wisconsin, Ms. TAMMY BALDWIN.

Ms. BALDWIN. Mr. Speaker, I rise to urge my colleagues to do the right thing and act to repeal Don’t Ask, Don’t Tell. After 17 years of this policy, we know that it is unjust, discriminatory, and, in my opinion, un-American. Integrity, after all, is a hallmark of military service. Yet we have, in statute, a policy that requires some in our military to conceal, deceive, or to lie.

Mr. Speaker, since the House voted in May to repeal Don’t Ask, Don’t Tell, the Department of Defense released its comprehensive review of the impact of repealing this unjust law. The report confirms that our military personnel are ready to serve alongside American soldiers who are openly gay and lesbian. This is a critical time for the repeal of Don’t Ask, Don’t Tell and move further down the path to LGBT equality for all Americans. In this land of the free and home of the brave, it is long past time for Congress to end this policy.

Mr. MCKEON. Mr. Speaker, I am happy to yield 30 seconds to the gentleman from California (Mr. HUNTER), a member of the Armed Services Committee.

Mr. HUNTER. I thank the gentleman from California.

We have made this debate about a lot of things—gay rights, civil rights, our courts, the head of the Joint Chiefs of Staff, and the Secretary of Defense, among other things—but all this is talked about is our young men who are ordered to charge uphill through a hail of bullets and close with and destroy the enemy through fire and close combat. That’s what this is about.

Repealing Don’t Ask, Don’t Tell is going to cost our military fighting men effectiveness, which is going to, in turn, possibly cost lives. That’s why I would like to object to the repeal of Don’t Ask, Don’t Tell.

Ms. BALDWIN. Mr. Speaker, I yield 1 minute to the gentlelady from California (Ms. RICHARDSON).

Ms. RICHARDSON. Mr. Speaker, all men and women are created equal. In America, the last time I heard, it also included life, liberty, and the pursuit of happiness. I heard today, distraction. Is it a distraction for a single woman to serve in the military? I say no. It is time we start doing it because all men and all women are created equal.

Mr. MCKEON. Mr. Speaker, how much time do we have left?

The SPEAKER pro tempore. The gentleman from California has 1¾ minutes remaining. The gentleman from California has 1¾ minutes remaining.
Mr. McKEON. I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield 30 seconds to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE asked and was given permission to revise and extend his remarks.

Mr. INSLEE. Mr. Speaker, our cab driver the other day said he served in the last segregated African American unit during the Korean War. He told me there were five guys in his unit who were gay, and he thought those guys were the best because all five of those gay soldiers were on the boxing team of his unit, and they beat the stuffing out of any other.

That’s who we need right now with those .50 calibers and on our bridges and in our cockpits—the best fighters America can produce. Right now, in warfare, we cannot afford the luxury of discrimination. Put those Americans to work fighting for freedom. We need them.

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

Mrs. DAVIS of California. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Speaker, life has prepared me for this vote. When you have had to sit at the back of the bus, in the balcony of the movie house, and have had to stand in a line for colored only, then you are prepared for this vote. I assure you that I don’t need a survey to tell me what is right when it comes to human rights. We cannot truly have a first-class military with second-class soldiers. I close with this: I will not ask people who are willing to die for my country to live a lie for my country.

Mr. McKEON. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from California has 1¾ minutes remaining, and the gentlewoman from California has 30 seconds remaining.

Mr. McKEON. Mr. Speaker, today we have heard a few times from the other side to do the right thing. I think the right thing will be in the eye of the beholder.

I choose to feel that the right thing for me is to protect those in uniform. I prefer to listen to what those who are leading those men into combat have to say. Just one of the quotes out of the survey said:

In combatting units, the ones which will be the most effective, 67 percent of marines in combat units predict working alongside a gay man or lesbian will have a negative effect on their unit’s effectiveness in completing its mission in a field environment or out at sea.

Now, there are different opinions—obviously, from this debate, we do—but these are the ones who are going to be affected. These are the guys who are on the line right now, and they are saying it will have a negative impact. I don’t think it is worth the risk to put them in any further jeopardy than they are in right now.

So, Mr. Speaker, I would ask. I would implore our Members to reject this Don’t Ask, Don’t Tell repeal. Let’s go back and look at it a little more thoroughly before we move forward.

I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, we have the most adaptive, professional force in the world. So let’s move forward. No more excuses. It is time to take away the barriers of people who put service above self and who want to serve our country.

I urge an “aye” vote as we repeal Don’t Ask, Don’t Tell.

Mr. ACKERMAN. Mr. Speaker, I rise today in strong support of repealing the Department of Defense’s misguided, discriminatory “Don’t Ask, Don’t Tell” (DADT) policy.

For 16 years, “Don’t Ask, Don’t Tell” has placed an unthinkable and immoral burden on gay and lesbian servicemen and women, who, under United States law and unlike their heterosexual counterparts, must hide their sexual orientation from their commanders. If our Nation is truly to be the land of the free, home of the brave, we must continue to make progress toward equality. Repealing “Don’t Ask, Don’t Tell” is a crucial step forward.

Mr. Speaker, I was contacted by a gay soldier from Long Island who, despite serving his country for more than 20 years, despite volunteering to serve in a combat zone to defend America’s principles of freedom from tyranny and from persecution, and despite receiving two Bronze Stars for meritorious service to his country, is required by law to lie about who he is or face discharge from the military. In his letter, he pleads for a repeal of “Don’t Ask, Don’t Tell.” In reality, he is asking nothing more than to be treated exactly the same as other servicemen and women.

It is reprehensible that this Nation responds to his service by telling him he needs to “shut up” about who he is. Upon disclosing his sexual orientation, would his past 20 years of service be worth less? Would he suddenly be of no value to the military? Is he suddenly an embarrassment? The answer of course, is absolutely not. Yet, our Nation’s policy tells this soldier he’s not desirable any longer a war hero? Is his 20 plus years of service suddenly less effective? Is his service suddenly an embarrassment? The answer of course, is absolutely not. Yet, our Nation’s policy tells this soldier he’s not desirable any longer. Is his 20 plus years of service suddenly less effective? Is his service suddenly an embarrassment? The answer of course, is absolutely not. Yet, our Nation’s policy tells this soldier he’s not desirable any longer.

Mr. Speaker, it’s a contradiction in the first degree. Our military, including this soldier who contacted me, puts their lives on the line to defend American principles of life, liberty, and the pursuit of happiness. Yet, those who defend these principles are themselves discriminated against because of who they are.

This is also a self-defeating policy. Since “Don’t Ask, Don’t Tell” was implemented in 1994, more than 13,000 gay and lesbian service members have been discharged for no other reason than their sexual orientation. As the United States has fought wars in Afghanistan and in Iraq, hundreds of mission-critical troops, including crucial Arabic, Farsi, and other linguists, have been discharged because the Department of Defense believed they were gay. At the same time, the military has increasingly granted moral waivers to recruits with criminal backgrounds.

Mr. Speaker, the case is clear. There is no sound argument for maintaining this discriminatory policy. For the thousands of gay servicemen and women who so bravely serve our country every day but who live in constant fear of being discovered for who they are, for the principles of freedom and equality upon which the United States of America was founded, and in the interest of righting a wrong that has persisted for far too long, I rise in strong support of the bill before us and urge my colleagues to join me in honoring all American servicemen and women, regardless of their sexual orientation.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of H.R. 2965, the Don’t Ask, Don’t Tell Repeal Act of 2010. I am proud to cosponsor this common-sense legislation, which would end this discriminatory policy in an organized manner once and for all.

Following President Obama’s call for repeal of “Don’t Ask, Don’t Tell” as part of his State of the Union Address, the Armed Forces engaged in a 9-month long, comprehensive review, receiving input from more than 115,000 active-duty and reserve members and more than 44,000 spouses.

A clear and overwhelming majority of our Armed Forces believe allowing gay and lesbian individuals to serve openly would not have a negative impact.

Offered by Iraq War veteran Congressman PATRICK MURPHY, this bill would ensure individuals wishing to serve in the Armed Forces are permitted to do so regardless of sexual orientation.

It is insulting to our brave men and women on the ground to insinuate that they are not professional enough to follow the orders of their Commander-in-Chief, to defend our Nation during a time of war, or to continue serving heroically, simply because they serve alongside gay and lesbian brothers and sisters.

This repeal has the support of the Secretary of Defense, Robert Gates, and the Chairman of the Joint Chiefs, Admiral Mike Mullen. Both of these men have spent their careers protecting and defending this Nation and could not be more forceful in their insistence that now is the right time to repeal this unfair policy that benefits no one and compromises the quality of our military. I have no doubt that if this repeal would be harmful to our troops or to our national security, they would speak out forcefully.

Admiral Mullen himself said during his recent testimony, “Our people sacrifice a lot for their country, including their lives. None of them should have to sacrifice their integrity as well.”

Gays and lesbians who wish to defend our Nation are patriots, pure and simple—no less than a straight soldier, airman, seaman, or marine—and they deserve to be treated as such.

I stand with Congressman MURPHY in calling for the repeal of “Don’t Ask, Don’t Tell.” I urge my colleagues to support this legislation.

Mr. VAN HOLLEN. Mr. Speaker, I am proud to cast my vote today to end the unjust and misguided policy of Don’t Ask, Don’t Tell.

Our Nation faces great challenges and is currently at war. We need highly qualified military personnel with a wide range of abilities, including critical language skills. And yet, under Don’t Ask, Don’t Tell, 14,000 service members have been discharged—not because of their performance, but because of their orientation. We cannot afford to turn away talented and patriotic soldiers simply because they are gay.

The Pentagon’s Comprehensive Review Working Group found that the “risk of repeal...
of Don’t Ask, Don’t Tell to overall military effectiveness is low.” Our military leaders have expressed their confidence, which I share, in the ability of service members to adapt to this change and remain focused on their mission.

As Chairman of the Joint Chiefs of Staff, Admiral Mullen has said, our military is a meritocracy, where it is “what you do, not who you are” that counts. Our Nation was also founded on that ideal. It is time to repeal this discriminatory policy, so all service men and women can finally live by the principles that they fight to protect.

Mr. Speaker, I rise today in support of the Don’t Ask, Don’t Tell Repeal Act. As an original cosponsor of the House version of this legislation, which would replace the “don’t ask, don’t tell” policy that discriminates against military personnel based on their sexual orientation.

Enforcement of this policy has not only wasted millions of taxpayer dollars but has caused irreparable harm to our military by discharging more than 12,000 well-trained and qualified members of the Armed Forces. If enacted, this legislation will strengthen our military and help protect our national security interests.

This past May, I voted for an amendment to the FY2011 defense authorization bill that would have repealed this policy. Unfortunately, the amendment and the underlying legislation passed the House only to languish in the Senate. Congress must finally repeal this policy and replace it with a policy of inclusion and non-discrimination so that justice and equality can be restored for the gay and lesbian servicemembers fighting for our country.

Many of my constituents, including members of our military and veterans who served in our Armed Forces, have contacted me to express support for repealing “don’t ask, don’t tell.” I recently received an e-mail from a constituent who has been on active duty for over 20 years and wants this policy repealed so that his fellow soldiers can serve openly and honestly without having to worry about “living a lie” and continuing to suffer from bigotry.

This view is not only shared by nearly eight of 10 Americans but corresponds with findings from the recently released Defense Department’s Comprehensive Review Working Group report. This report revealed that a large majority of troops were comfortable with the prospect of overturning longstanding restrictions on gays in uniform and expected that it would have little to no effect on their units. Defense Secretary Gates and Admiral Michael Mullen, Chairman of the Joint Chiefs of Staff, have testified before Congress in support of this report’s recommendations, urging Congress to vote to repeal the flawed “don’t ask, don’t tell” policy.

Repealing this policy will ensure that our men and women in uniform can serve our country with dignity and integrity without fear of discrimination. I urge my colleagues to support this measure.

Ms. ESHOO. Mr. Speaker, I have opposed the Don’t Ask, Don’t Tell policy since its inception in 1993. I voted to repeal it earlier this year, and I hope to finally dispose of it with today’s vote. This harmful policy is an affront to the principles of our Nation and a hindrance to our national security. For nearly two decades it has prevented qualified men and women from openly serving their country. The recently released Pentagon report makes clear that our men and women in uniform, along with the vast majority of Americans, recognize this policy as an abomination and want to see an end to this law.

Since the enactment of Don’t Ask, Don’t Tell, our Armed Forces have discharged nearly 14,000 troops because of their sexual orientation, including hundreds of Arabic and Farsi interpreters who are being lowered to increase recruitment standards requiring specialized skills and we are turning qualified people away in a time of severe troop shortages. The Army and Marine Corps have been forced to reduce standards of eligibility just to reach minimum recruitment levels for operations in Iraq and Afghanistan. This includes issuing “moral waivers” to people with felony convictions. Meanwhile, our men and women in uniform work side-by-side with openly gay soldiers from thirteen coalition partners, including the United Kingdom, Canada, Australia, and Australia, as well as U.S. officers and agents in the CIA, NSA, and FBI.

We have the most modern military on earth, with the exception of this harmful, discriminatory, and unnecessary policy. I’m proud to have cosponsored Don’t Ask, Don’t Tell Repeal Act of 2010 and I look forward to its passage in the Senate. The bill will repeal the law, bring our military up to date and the law in-line with the principles of our country, and address this civil rights issue once and for all.

Mr. STARK. Mr. Speaker, I rise today in support of H.R. 2965, a bill that would repeal the military’s policy of mandatory discrimination against openly gay and lesbian individuals in our Nation’s military.

The “Don’t Ask, Don’t Tell” policy has been broken for years. We have lost thousands of qualified soldiers, translators, and officers because of a fundamentally bigoted policy. It is shameful that men and women who continue to serve must continue to hide who they are. Repeal of “Don’t Ask, Don’t Tell” has the support of the Commander in Chief, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff. A Pentagon study released last month found that the military is ready for repeal and the vast majority of enlisted men and women repel will be positive or make no difference. Despite the overwhelming evidence against them, opponents of this bill cling to their intolerant views to support a shameful policy that has made our country less safe.

Today’s vote is an important step toward the day when LGBT Americans enjoy true equality, including the right to marry. I urge my colleagues to support this bill, and I hope that the Senate will pass this legislation and end this policy now.

Mr. FARR. Mr. Speaker, since I became a Member of Congress, I have always been unwavering in my commitment to repeal the discriminatory Don’t Ask, Don’t Tell policy. At a time when our military is already stretched to the breaking point, and standards are being lowered to increase recruitment numbers, it is outrageous that thousands of highly skilled soldiers, like Arab linguists, have been forced out of uniform because of their sexual orientation. These gay men and women only want to serve their country with honor.

Changing a social institution is not easy, but President Truman persevered and ended racial discrimination in the military in 1948. Women were accepted into the military in the 1970s, and they now make up 20% of our Armed Forces. Congress rescinded the female combat exemption laws in 1996 and our military personnel, both men and women, are universally acknowledged as the best in the world.

Mr. Speaker, our Armed Forces are resilient and adaptive and will embrace Open Service as they have successfully embraced other social changes it in the past. Repealing this policy is long overdue and will finally allow gays and lesbians to serve their country honorably without fear of being discriminated against by the very Nation they fight to protect.

Mr. RUSH. Mr. Speaker, I rise today in support of H.R. 2965, the Don’t Ask, Don’t Tell Repeal Act of 2010. This language, Mr. Speaker, is identical to the language that this body passed in May as an amendment to the National Defense Authorization Act.

Since that time, a legislative repeal of this law has become both more necessary and more popular. More necessary, Mr. Speaker, because the courts have made it clear that they will not stand idly by while the United States continues to discriminate against its servicemembers.

As Secretary Gates explained recently, a legislative repeal is the only way to right this wrong as it allows the policy to properly be implemented “in a thoughtful and careful way” versus the immediacy of a legislative mandate as was seen earlier this year.

Mr. Speaker, it is now, more than ever, important to remember that now is always the right time to do the right thing. This was assuredly illustrated by the Pentagon’s own Working Group report, 70 percent of our military personnel also recognize that repealing Don’t Ask Don’t Tell is the right thing to do.

Additionally, Mr. Speaker, an ABC News/ Washington Post poll released, today, demonstrates that 77 percent of Americans support allowing open service in the U.S. military. Support for repeal is both broad and inclusive. These figures further show that now is the right time to correct this injustice.

Mr. Speaker, I would also remind my colleagues who question the impact of open service that our servicemembers have always lived and served dutifully in an environment of open service. Whether in Afghanistan, working alongside our allies—87 percent of which, experts say, come from nations allowing open service—and contractors who also allow open service and often work in the same environment and share the same facilities as our servicemembers. Or, during the Gulf War, when the U.S. suspended enforcement; yet no one questioned our soldiers’ results in our mission there. These instances, among others, not only demonstrate the professionalism and adaptability of our fighting men and women but also dispel the misconceptions about openly homosexual soldiers.

Mr. Speaker, I close with a statement from President George H. W. Bush’s Assistant Secretary of Defense, Lawrence Korb. In February of this year Mr. Korb was asked “Should Gays Serve Openly In The Military?” His reply, Mr. Speaker, was, “Not only is it the right thing to do, it will actually increase our security in the long run.”

Mr. Speaker, there is agreement on both sides of the aisle and across the civilian and
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Mr. JOHNSON of Georgia. Mr. Speaker, I urge all my colleagues to do the right thing today and support this important legislation to end this discriminatory and harmful policy.

Mr. DINGELL. Mr. Speaker, I rise as a co-sponsor and strong supporter of H.R. 2965, the Don’t Ask Don’t Tell Repeal Act of 2010. I want to thank Representative PATRICK MURPHY (D-PA) for his unrelenting advocacy for repealing this discriminatory law and Majority Leader HOYER for his leadership on this issue. The time is long overdue for the repeal of Don’t Ask Don’t Tell (DADT), the current law that says a member of the Armed Forces—one that would give his or her life defending our country—may not reveal his or her sexual orientation or the military ask about it. Just as today’s Americans shake their heads at the thought of a segregated military—and indeed society—I suspect that generations to come will do the same at the shift we made in 1994 from the outright to tacit discrimination of homosexuals in the military. Indeed, if military readiness, military effectiveness, unit cohesion, recruiting, and retention are among the factors the military considers important to the overall success of our Armed Forces, one can hardly argue that DADT, which has brought about over 14,000 servicemember discharges, is the right course of action. Mr. Speaker, our nation is engaged in conflicts in multiple theatres and we are in desperate need of troops, as well as foreign language translators, and yet because of DADT, there is a segment of the population who want to serve, who can serve, and who our military needs, face a sign saying they “need not apply.”

The debate over DADT raises an interesting question about how the course of history might have changed had homosexuality been a factor in allowing military service for these distinguished warriors: The Spartans, the preeminent military leaders of Sparta, known for military dominance; Julius Caesar, the father of the Roman Empire; Augustus Caesar, the first Emperor of the Roman Empire; the Ptolemy the Fax Roman; the Emperor Hadrian; Alexander the Great, creator of one of the largest and most influential Empires in ancient history; The Sacred Band of Thebes, the elite force of the Theban army in the 4th Century BC; King Richard the Lionheart, a central Christian commander during the Third Crusade; Frederick the Great, credited for creating a great European power by uniting Prussia; Herbert Kitchener, British Field Marshal famed for his leadership during World War I; Lieutenant Colonel, T.E. Lawrence also known as Lawrence of Arabia, who successfully led the Arab Revolt against the Ottoman Empire; and, Friedrich von Steuben, who authored the Revolutionary War Drill Manual which became an essential manual for the Continental Army, helping to lead the United States to victory over the British in the Revolutionary War.

Mr. Speaker, as we consider this hypothetical, let us turn to the crux of the issue which is that any discriminatory law runs contrary to the Revolutionary Principles of this great nation. “Let us hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights . . .” That, Mr. Speaker, is the preamble to the Declaration of Independence and it is the epitome of who we are and what we stand for as a nation—we need to strive to uphold this quintessential value. DADT is discriminatory and we must end this harmful policy. Who knows how many of the 14,000 plus discharged would have gone on to excel in their military career? Who knows many of them allowed openly gay and lesbian translators, and yet because of DADT, there is a segment of the population who want to serve, who can serve, and who our military needs, face a sign saying they “need not apply.”

Today’s vote is the culmination of many years of concerted effort by an untold number of soldiers, private citizens, advocacy groups and public servants. As his colleague in the House, I would like to particularly commend Congressmen PATRICK MURPHY, the lead sponsor of this bill, and a Veteran of the Iraq war, Mr. MURPHY has an unparalleled perspective on this issue and I thank him for his leadership.

I also want to thank the thousands of servicemembers who have been denied their civil rights for their valuable service to our country. Mr. Speaker, I urge all my colleagues to do the right thing today and support this important legislation to end this discriminatory and harmful policy.

It is estimated that American taxpayers have paid between $250 million and $1.2 billion to investigate, eliminate, and replace qualified,
patriotic servicemen who want to serve their country but can’t because expressing their sexual orientation violates DADT.

Mr. Speaker, the time to repeal Don’t Ask Don’t Tell has long passed. I urge my colleagues to vote yes.

Ms. HOLT of New Jersey. Mr. Speaker, I would like to begin by thanking Congressmen PATRICK MURPHY of Pennsylvania and Majority Leader STENY HOYER for introducing and bringing this momentous legislation to the House. Our troops and veterans have taken the Oath of Service and have devoted their lives to our country. I want to thank our Na-
tion’s Armed Services for proudly and coura-
gously serving our Nation.

In supporting our troops, I stand here today in unwavering support of repealing Don’t Ask, Don’t Tell, and I urge my colleagues to join me in passing this legislation. The “Don’t Ask, Don’t Tell Repeal Act of 2010” presents the Congress of the United States with an opportu-
nity to uphold civil and human rights in one of the most noble institutions of the United States—our armed forces.

It begins with the Pentagon’s extensive re-
port regarding DADT’s repeal speaks for itself. The report explained that the majority of the military supported allowing gay members of the armed services to serve openly. Furthermore, the report stated that allowing gay Americans to serve openly would not have a substantial impact on troop morale, readiness, or effectiveness. It is important that we realize and recognize that we have the power to pre-
vent the potentially disruptive process of hav-
ing the courts repeal Don’t Ask Don’t Tell by doing it ourselves.

Secretary of Defense Robert Gates has em-
phasized on numerous occasions that it is crit-
ical that we pass this legislation and allow the Department of Defense to implement the re-
peal of Don’t Ask, Don’t Tell. Now it is our op-
pportunity to serve our Nation, and to do what it is best for our armed services.

Admiral Mike Mullen, the Chairman of the Joint Chiefs of Staff, has expressed his strong support for the repeal of Don’t Ask, Don’t Tell as well. Like Admiral Mullen, I too am troubled by such a policy that forces the young men and women to lie about who they are. We should not undermine the integrity of our Na-
tion’s institutions nor of those who coura-
gously protect our Nation’s interests abroad.

We must do right by all of our American troops and move forward by repealing DADT. It is time to end this lingering method of dis-
crimination, and we should not rest until this message is clear. Every American has the right to stand among their peers to undertake the noble and courageous task of defending their country, something they should not have to lose the patriotic and talented men and women who want to serve our country, but are unable to do so because of DADT. Since 1993, DADT has forced over 13,000 qualified and patriotic men and women to leave the service. And that does not include the thou-

sand men and women who have decided not to re-enlist or join the military at all because of DADT. I know firsthand that the men and women of the United States military are courageous and have compassion for the humanity of each other; it is the expansiveness of their humanity which leads them to sacrifice and offer the last full measure of devotion on behalf of the American people. We know it is distinctive, but there is a reason that Don’t Ask, Don’t Tell should be eliminated, and it is that every patri-
otic human being deserves the right to serve his or her country if they are willing to take the Oath of Service.

President Lyndon Baines Johnson stated, “We seek not just equality as a right and a theory, but equality as a fact and a real-
result.” Americans hold DADT’s values: the right to equality and the principle of non-discrimina-
tion is a fundamental tenet of our democracy. Our Declaration of Independence and our Constitution speak specifically to the equality of all people. Now is the time for Congress to act and ensure that every American of good character has the right to serve their Nation. We must respect the humanity and the service of those troops who respect our country so much that they are willing to sacrifice their lives for it.

I don’t, Don’t Tell is also a costly policy. In 2009 alone, we lost 428 service members to Don’t Ask, Don’t Tell at the estimated cost of over $12 million. There are an estimated 66,000 gay and lesbian service members cur-
rently on active-duty, serving in all capacities around the world to protect our Nation and ad-

vance our interests. We cannot allow the strength and unity of our military to suffer from a destructive force within. The cost is not only monetary; Don’t Ask, Don’t Tell costs the United States by eroding our position on re-

ection of civil and civil rights. In the same vein of the civil rights movement of years past, we must not forget that the fight for civil and human rights continues.

The research has been done, the represent-
atives of our Armed Forces support the repeal, and our President has expressed his support for it. It is our turn to repeal Don’t Ask, Don’t Tell. We must act now, to ensure that human and civil rights are ensured and protected. I urge my colleagues to defend the human and civil rights at home for those who protect ours abroad.

Ms. LINDA T. SÁNCHEZ of California, I rise in strong support of repealing the “Don’t Ask, Don’t Tell” policy.

We have lived with the damaging effects of “Don’t Ask, Don’t Tell” for 17 years. It harms our military readiness and reduces the recruit-

ing pool for our military. This is why Secretary of Defense Gates, Admiral Mike Mullen, and a majority of service members support its re-

peal.

This policy is both counterproductive and morally wrong.

At a time when our armed forces need qualified, dedicated men and women in uni-
form, we shouldn’t be forcing them out just be-

cause they are gay or lesbian.

Gay and lesbian men and women have served and will continue to serve our country with honor and distinction. They have laid to rest the ignorant belief that a love for one’s country is somehow based on who you love.

I am proud to stand with them and support the brave gay and lesbian service members who ask for nothing more than a chance to serve their country without hiding who they are.

I urge my colleagues to support this com-

The right to stand among their peers to undertake the noble and courageous task of defending their country, something they should not have to lose the patriotic and talented men and women who want to serve our country, but are unable to do so because of DADT. Since 1993, DADT has forced over 13,000 qualified and patriotic men and women to leave the service. And that does not include the thou-

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all. The study recently released by the Pentagon confirms what so many of us have known all along: there is no compelling state interest in barring lesbian, gay and bisexual persons from serving openly in our armed forces.

From the initial introduction of this profoundly misguided policy in 1993, I have never wavered in my belief that our nation’s armed forces should not discriminate against otherwise qualified citizens on the basis of their sexual orientation—or their desire not to maintain such orientation under a stifling cloak of secrecy that encourages and forces them to hide, or even worse, to lie about who they are. Today, at a time when our nation is engaged in a difficult military conflict in Afghanistan, the extent to which the so-called compromise “Don’t Ask, Don’t Tell” policy has damaged America’s military readiness has become even more apparent than it was seventeen years ago.

The policy against allowing lesbian, gay, and bisexual servicemembers to serve openly has resulted in depriving our armed forces of the abilities, experience and dedication of thousands of qualified active duty personnel. This institutionalized discrimination is completely illogical and counter-productive as we grapple with an increasingly dangerous world wracked by the threat of international terrorism that “unit cohesion” among the armed forces will suffer if lesbians, gay men, and bisexual persons are allowed to serve openly. The most common argument is the specious insistence that military readiness would suffer if other- sexual persons are allowed to serve openly—the U.S. Government Accountability Office (GAO) has documented the cost to our nation over the course of just the last decade. The GAO itself acknowledged and as other studies found such orientation under a stifling cloak of secrecy that encourages and forces them to hide, or even worse, to lie about who they are. Today, at a time when our nation is engaged in a difficult military conflict in Afghanistan, the extent to which the so-called compromise “Don’t Ask, Don’t Tell” policy has damaged America’s military readiness has become even more apparent than it was seventeen years ago.

The policy against allowing lesbian, gay, and bisexual persons from serving openly in our armed forces should not discriminate against other- sexual orientation at nearly $200 million over the course of just the last decade. The fact is that many other nations—includ- ing trusted allies whose armed forces are engaged in a difficult military conflict in Af- ganistan, Israel, Australia, and Canada—have al- lowed their citizens to serve in their armed forces regardless of their disclosure of their sexual orientation. It is high time that the United States, America, which prides itself as a beacon of liberty and equality, joins their ranks.

village that “unit cohesion” among the armed forces will suffer if lesbians, gay men, and bisexual persons are allowed to serve openly—an argument that even Richard Cheney, who serving as the Secretary of Defense during the presidency of George H. W. Bush, acknowl- edged in congressional testimony was “a bit of an old chestnut.” Then-Secretary Cheney was right—and it’s high time we rosted that old chestnut on an open fire, and consigned it forever to the ashbin of history.

The fact is that many other nations—including trusted allies whose armed forces are re- spected around the world such as Great Brit- ain, Israel, Australia, and Canada—have al- lowed their citizens to serve in their armed forces regardless of their disclosure of their sexual orientation. It is high time that the United States of America, which prides itself as a beacon of liberty and equality, joins their ranks.

I urge the members of this House to vote to repeal this misguided and counter-productive and unfair policy.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1764, the previous question is ordered.

The question is on the motion by the gentlewoman from California (Mrs. DAVIS).

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

Mrs. DAVIS of California. Mr. Speak- er, on that I demand the yeas and nays.

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The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1764, the previous question is ordered.
PEDESTRIAN SAFETY ENHANCEMENT ACT OF 2010

Mr. BARROW. Madam Speaker, I move to suspend the rules and pass the bill (S. 841) to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

The Clerk read the title of the bill.

The text of the bill is as follows:

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 “Pedestrian Safety Enhancement Act of 2010”.

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term “Secretary” means the Secretary of Transportation;

(2) the term “alert sound” (herein referred to as the “sound”) means a vehicle-emitted sound to enable pedestrians to discern vehicle presence, direction, location, and operation;

(3) the term “cross-over speed” means the speed at which tire noise, wind resistance, or other factors eliminate the need for a separate alert sound as determined by the Secretary;

(4) the term “motor vehicle” has the meaning given such term in section 30102(a)(5) of title 49, United States Code, except that such term shall not include a trailer (as such term is defined in section 713.3 of title 49, Code of Federal Regulations);

(5) the term “conventional motor vehicle” means a motor vehicle powered by a gasoline, diesel, or alternative fueled internal combustion engine as its sole means of propulsion;

(6) the term “manufacturer” has the meaning given such term in section 30102(a)(5) of title 49, United States Code;

(7) the term “dealer” has the meaning given such term in section 30102(a)(1) of title 49, United States Code;

(8) the term “hybrid vehicle” has the meaning given such term in section 30102(a)(2) of title 49, United States Code;

(9) the term “hybrid vehicle” means a motor vehicle which has more than one means of propulsion; and

(10) the term “electric vehicle” means a motor vehicle with an electric motor as its sole means of propulsion.

SEC. 3. MINIMUM SOUND REQUIREMENT FOR MOTOR VEHICLES.

(a) Rulemaking Required.—Not later than 18 months after the date of enactment of this Act the Secretary shall initiate rulemaking, under section 30111 of title 49, United States Code, to promulgate a motor vehicle safety standard required by subsection (a) to conventional motor vehicles. In the event that the Secretary determines there exists a safety need, the Secretary shall initiate rulemaking under section 30111 of title 49, United States Code, to promulgate a motor vehicle safety standard required by subsection (a) to conventional motor vehicles.

(b) Consideration.—When conducting the required rulemaking, the Secretary shall—

(1) determine the minimum level of sound emitted from a motor vehicle that is necessary to provide blind and other pedestrians with the information needed to reasonably detect a motor vehicle operating at or below the cross-over speed, if any;

(2) determine the performance requirements for an alert sound that is recognizable to a pedestrian as a motor vehicle in operation;

(c) Phase-in Required.—The motor vehicle safety standard prescribed pursuant to subsection (a) of this section shall establish a phase-in period determined by the Secretary, and shall require full compliance with the required motor vehicle safety standard for motor vehicles manufactured on or after the last day of the calendar year that begins 3 years after the date on which the final rule is issued.

(d) Required Consultation.—When conducting the required study and rulemaking, the Secretary shall—

(1) consult with the Environmental Protection Agency on technical matters more than one means of propulsion; and

(2) consult with the National Highway Traffic Safety Administration for carrying out section 3 of this Act.

SEC. 4. FUNDING.

Notwithstanding any other provision of law, $2,000,000 of any amounts made available to the Secretary of Transportation under section 406 of title 23, United States Code, shall be made available to the Administrator of the National Highway Traffic Safety Administration for carrying out section 3 of this Act.

Mr. BARROW. Madam 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 in the RECORD.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. BARROW) and the gentleman from Pennsylvania (Mr. PITTS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BARROW. Madam 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 in the RECORD.
I am pleased that the bill has received strong support from the National Federation of the Blind and the Alliance of Automobile Manufacturers. I commend manufacturers of hybrid and electric vehicles that have already stepped forward to work with NHTSA to address this serious safety issue. I also want to thank my chairman, Chairman Rush, and my colleagues, the gentleman from New York (Mr. Towns) and the gentleman from Florida (Mr. Pelosi), for their leadership on this issue, which has a strong record of bipartisan awareness and support. I urge my colleagues to support this legislation. I reserve the balance of my time.

Mr. PITTS. Madam Speaker, I yield myself such time as I may consume. I rise in support of Senate 841. I commend Congressman Towns and Congressman Stearns for their efforts to implement safety features to save the lives of the champions of the House companion legislation to Senate 841. They have worked with the stakeholders to champion the legislative compromise that the Senate passed and which is before us today.

The National Federation of the Blind and the auto industry support the compromise legislation that will ensure pedestrian safety is not compromised by evolving engine technology.

The success of hybrid cars represents technological progress, but the byproduct is a silent engine that has raised concerns they are not audible to pedestrians and can jeopardize their safety. Quiet technology makes it very difficult for the blind and other pedestrians, such as children, joggers, or bicyclists, to evaluate traffic they do not see. The concern is greatest for blind pedestrians that rely on audible attributes of cars to evaluate the speed of traffic to ensure their safety. New vehicles that employ hybrid or electric engine technology can be silent, rendering them extremely dangerous in situations where vehicles and pedestrians come into proximity with each other.

The changes required by the legislation will become more important as hybrid technology becomes more and more widely deployed, and so I urge support.

I reserve the balance of my time.

Mr. BARROW. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. Towns).

Mr. TOWNS. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. Towns).

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. Barrow) that the House suspend the rules and pass the bill, S. 841. The question was taken. The yeas and nays were ordered. The SPEAKER pro tempore. Pursuant to clause 8 of the Chair’s prior announcement, further proceedings on this motion will be postponed.

REGULATED INVESTMENT COMPANY MODERNIZATION ACT OF 2010
Mr. LEVIN. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 437) to amend the Internal Revenue Code of 1986 to modernize certain rules applicable to regulated investment companies, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment: Strike all after the enacting clause and insert the following:

SECTION I. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Regulated Investment Company Modernization Act of 2010".

(b) REFERENCE.—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 to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title, etc.

TITLE I—CAPITAL LOSS CARRYOVERS OF REGULATED INVESTMENT COMPANIES

Sec. 101. Capital loss carryovers of regulated investment companies.

TITLE II—MODIFICATION OF GROSS INCOME AND ASSET TESTS OF REGULATED INVESTMENT COMPANIES

Sec. 201. Savings provisions for failures of regulated investment companies to satisfy gross income and asset tests.

TITLE III—MODIFICATION OF RULES RELATED TO DIVIDENDS AND OTHER DISTRIBUTIONS

Sec. 301. Modification of dividend designation requirements and allocation rules for regulated investment companies.

Sec. 302. Earnings and profits of regulated investment companies.

Sec. 303. Pass-thru of exempt-interest dividends and foreign tax credits in fund of funds structure.

Sec. 304. Modification of rules for spillover dividends of regulated investment companies.

Sec. 305. Return of capital distributions of regulated investment companies.

Sec. 306. Distributions in redemption of stock of a regulated investment company.

Sec. 307. repeal of preferential dividend rule for publicly offered regulated investment companies.

Over the years, we have heard tragic stories involving pedestrians and hybrid or electric vehicles. Not too long ago, news accounts were the story of a young child hit by a hybrid car. This accident was not caused by a driver’s negligence or an engineering defect. It occurred because the child never heard the approaching car. The hybrids: engines were simply too quiet. Environmentally friendly vehicles such as hybrids often fail to produce audible sounds when driving.

The silence of these vehicles, coupled with the growing popularity, presents a dilemma: How do we protect individuals dependent on sounds for their safety, such as unsuspecting pedestrians and the blind? The solution lies in the Pedestrian Safety Act.

This act requires the Secretary of Transportation to conduct a study of the minimum level of sound required for environmentally friendly vehicles. Once the standard is determined, it will be applied to all new automobiles manufactured or sold in the United States beginning 2 years after the standard is issued. This is an effective way to prevent avoidable injuries to pedestrians, but to do so without impeding innovation with stringent regulations. It is clear that environmentally friendly vehicles are growing in popularity, while it is important to embrace technology that benefits our environment, we must do so with the safety of all citizens in mind.

This bill successfully passed the Senate last week and has been a long time coming here in the House. Our Chamber’s companion bill, H.R. 734, has 238 bipartisan cosponsors. The bill coming to us from the Senate is even stronger. It is completely deficit neutral and is supported by the Alliance of Automobile Manufacturers, the National Federation of the Blind, the Association of International Automobile Manufacturers, and the American Council of the Blind.

Before I conclude, Madam Speaker, let me take a moment to thank my colleague and friend, Representative Cliff Stearns, who has worked over the years with me on this bill. I want to thank staff members James Thomas and Nickol Alek, who provided tremendous assistance in helping us move this important legislation forward. I would also like to thank Emily Khoury and Dana Grayson and all other staff that have made this moment a reality. This bill has been a model of bipartisanship and will benefit pedestrians across the country for years to come.

I urge all of my colleagues here in the House of Representatives to join me in supporting this very important legislation.

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

Mr. BARROW. Madam Speaker, I urge my colleagues to support this legislation, and I yield back the balance of my time.
TITLE II—MODIFICATIONS OF GROSS INCOME AND ASSET TESTS OF REGULATED INVESTMENT COMPANIES

SEC. 201. SAVINGS PROVISIONS FOR FAILURES OF REGULATED INVESTMENT COMPANIES TO SATISFY GROSS INCOME AND ASSET TESTS.

(a) ASSET TEST.—Subsection (d) of section 851 is amended—

(1) by striking ‘‘A corporation which meets’’ and inserting the following: ‘‘(1) In GENERAL.—A corporation which meets’’, and

(2) by adding at the end the following new paragraph:

‘‘(2) SPECIAL RULES REGARDING FAILURE TO SATISFY REQUIREMENTS.—If paragraph (1) does not preserve a corporation’s status as a regulated investment company for any particular quarter—’’.

(b) GROSS INCOME TEST.—Section 851 is amended by adding at the end the following new subsection:

‘‘(3) Failure To Satisfy Gross Income Test.—’’.

‘‘(i) Disclosure Requirement.—A corporation that fails to meet the requirement of paragraph (2) of subsection (b) for any taxable year shall nevertheless be considered to have satisfied the requirement of such paragraph for such taxable year if—’’.

‘‘(A) the corporation’s identification of the failure to meet such requirement for such taxable year, a description of each item of its gross income described in such paragraph is set forth in a schedule for such taxable year filed in the manner provided by the Secretary, and

‘‘(B) the failure to meet such requirement is due to reasonable cause and not due to willful neglect.’’.

‘‘(ii) Imposition of Tax on Failures.—If paragraph (1) applies to a regulated investment company for any taxable year, there is hereby imposed on such company a tax in an amount equal to the excess of—’’.

‘‘(A) the gross income of such company which is not derived from sources referred to in subsection (b)(2), over

‘‘(B) the gross income of such company which is derived from such sources.’’.

‘‘(iii) Deduction of Taxes Paid from Investment Company Taxable Income.—Subsection (c) of section 852(b) is amended by adding at the end the following new subparagraph:

‘‘(C) Tax.—’’.

‘‘(II) The failure to meet the requirements of such subsection for such quarter is due to reasonable cause and not due to willful neglect.’’.

‘‘(III) The failure to meet the requirements of such subsection for such quarter is due to reasonable cause and not due to willful neglect.’’.

‘‘(iv) Effective Date.—The amendments made by this section shall apply to taxable years with respect to which the due date (determined without regard to any extensions) of the return of tax for such taxable year is after the date of the enactment of this Act.’’.

TITLE III—MODIFICATIONS OF RULES RELATED TO DIVIDENDS AND OTHER DISTRIBUTIONS

SEC. 301. MODIFICATION OF DIVIDEND DESIGNATION REQUIREMENTS AND ALLOCATION RULES FOR REGULATED INVESTMENT COMPANIES.

(a) CAPITAL GAIN DIVIDENDS.—

(1) IN GENERAL.—Subparagraph (C) of section 852(b)(3) is amended to read as follows:

‘‘(C) Definition of Capital Gain Dividend.—For purposes of this part—’’.

‘‘(i) IN GENERAL.—Except as provided in clause (ii), a capital gain dividend is any dividend paid by a regulated investment company which is derived from sources referred to in subsection (b)(2) over

‘‘(ii) Excess Reported Amounts.—If the aggregate reported amount with respect to the company for any taxable year exceeds the net capital gain of the company for such taxable year, a capital gain dividend is the excess of—’’.

‘‘(I) the reported capital gain dividend amount, over

‘‘(II) the excess reported amount which is allocable to such reported capital gain dividend amount.’’.

‘‘(iii) Allocation of Excess Reported Amount.—’’.

‘‘(I) IN GENERAL.—Except as provided in clause (ii), the excess reported amount (if any) which is allocable to the reported capital gain beginning on the first date that the failure to satisfy the requirement of subsection (b)(3) occurs as a result of the ownership of such assets and ending on the earlier of the date on which the corporation disposes of such assets or the end of the first quarter when there is no longer a failure to satisfy such subsection.

‘‘(ii) Administrative Procedures.—For purposes of this paragraph, a sub-paragraph shall be treated as an excise tax with respect to which the deficiency procedures of such sub-paragraph apply.’’.

(2) DEDUCTION OF TAXES PAID FROM INVESTMENT COMPANY TAXABLE INCOME.—Paragraph (2) of section 852(b) is amended by adding at the end the following new subparagraph:

‘‘(C) Tax.—’’.

‘‘(II) A corporation which fails to meet the requirements of paragraph (2) of subsection (b) for any taxable year shall nevertheless be considered to have satisfied the requirements of such paragraph for such taxable year if—’’.

‘‘(A) the corporation’s identification of the failure to meet such requirement for such taxable year, a description of each item of its gross income described in such paragraph is set forth in a schedule for such taxable year filed in the manner provided by the Secretary, and

‘‘(B) the failure to meet such requirement is due to reasonable cause and not due to willful neglect.’’.

‘‘(III) Imposition of Tax on Failures.—If paragraph (1) applies to a regulated investment company for any taxable year, there is hereby imposed on such company a tax in an amount equal to the excess of—’’.

‘‘(A) the gross income of such company which is not derived from sources referred to in subsection (b)(2), over

‘‘(B) the gross income of such company which is derived from such sources.’’.

‘‘(iv) Effective Date.—The amendments made by this section shall apply to taxable years with respect to which the due date (determined without regard to any extensions) of the return of tax for such taxable year is after the date of the enactment of this Act.’’.
(10) defining terms and references—

(iii) Allocation of excess reported amount—

(A) General rule—

(1) In general—The term 'reported capital gain dividend amount' means the amount reported to its shareholders under clause (i) as a capital gain dividend.

(B) Exception—The term 'aggregated reported amount' means the aggregate reported amount over the net capital gain of the company for the taxable year.

(iv) Aggregate reported amount—

(A) General rule—The term 'aggregate reported amount' means the aggregate amount of dividends reported by the company under clause (i) as exempt-interest dividends for the taxable year (including capital gain dividends paid after the close of the taxable year described in section 853).

(B) Exception—The term 'aggregate reported amount' means the aggregate reported amount determined by taking into account only dividends paid after December 31 of the taxable year.

(v) Adjustment for determinations—If there is an increase in the excess described in subparagraph (A) for the taxable year which results from a determination (as defined in section 860(e)), the company may, subject to the limitations of this subparagraph, increase the amount of capital gain dividends reported under clause (i).

(vi) Special rule for losses late in the calendar year.—For special rule for certain losses after October 31, see paragraph (8).

(2) Conforming amendment—Subparagraph (B) of section 860(f)(2) is amended by inserting "or reported (as the case may be)" after "designated.

(b) Exempt-interest dividends.—Subparagraph (A) of section 852(b)(6) is amended to read as follows:

"(A) Definition of exempt-interest dividend—

(i) In general—Except as provided in clause (ii), an exempt-interest dividend is any dividend or part thereof (other than a capital gain dividend) paid by a regulated investment company and reported by the company as an exempt-interest dividend in written statements furnished to its shareholders.

(ii) Excess reported amounts—If the aggregate reported amount with respect to the company for any taxable year exceeds the exempt interest of the company for such taxable year, an exempt-interest dividend is the excess reported amount.

(iii) Allocation of excess reported amount—

(A) In general—Except as provided in subclause (II), the excess reported amount (if any) which is allocable to the reported exempt-interest dividend amount bears the same ratio to the excess reported amount as the reported exempt-interest dividend amount bears to the aggregate reported amount for the taxable year which does not begin and end in the same calendar year, if the post-December reported amount equals or exceeds the excess reported amount for such taxable year, subclause (I) shall apply by substituting "post-December reported amount for 'aggregate reported amount' and no excess reported amount shall be allocated to any dividend paid on or before December 31 of such taxable year.

(iv) Definitions.—For purposes of this subparagraph—

(I) Reported exempt-interest dividend amount.—The term 'reported exempt-interest dividend amount' means the amount reported to its shareholders under clause (i) as an exempt-interest dividend.

(II) Excess reported amount.—The term 'excess reported amount' means the excess of the aggregate reported amount over the net capital gain of the company for the taxable year.

(III) Aggregate reported amount.—The term 'aggregate reported amount' means the aggregate amount of dividends reported by the company under clause (i) as exempt-interest dividends for the taxable year (including exempt-interest dividends paid after the close of the taxable year described in section 855).

(IV) Post-December amount.—The term 'post-December reported amount' means the aggregate reported amount determined by taking into account only dividends paid after December 31 of the taxable year.

(V) Exempt interest.—The term 'exempt interest' means, with respect to any regulated investment company, the excess of the amount of interest related dividends paid after December 31 of the taxable year, if the post-December reported amount equals or exceeds the excess reported amount which bears the same ratio to the excess reported amount as the reported interest related dividend amount bears to the aggregate reported amount.

(VI) Special rule for noncalendar year taxpayers.—In the case of any taxable year, if the post-December reported amount equals or exceeds the excess reported amount for such taxable year, subclause (I) shall apply by substituting "post-December reported amount for 'aggregate reported amount' and no excess reported amount shall be allocated to any dividend paid on or before December 31 of such taxable year.

(VII) Definitions.—For purposes of this subparagraph—

(A) General rule—Except as provided in subclause (ii), the excess reported amount (if any) which is allocable to the reported exempt-interest dividend amount bears the same ratio to the excess reported amount as the reported exempt-interest dividend amount bears to the aggregate reported amount for the taxable year which does not begin and end in the same calendar year.

(B) Exception—The term 'aggregate reported amount' means the aggregate amount of dividends reported by the company under clause (i) as exempt-interest dividends for the taxable year (including exempt-interest dividends paid after the close of the taxable year described in section 855).

(VIII) Interest-related dividends paid to certain foreign persons.—

(I) Interest-related dividends.—Subparagraph (C) of section 871(k)(4)(D) is amended by striking "in the case of any taxable year described in section 855)" and inserting the following:

"(XII) Dividends paid to certain foreign persons.—

(A) Interest-related dividends.—For purposes of this subparagraph—

(I) In general.—Except as provided in clause (ii), an interest-related dividend is any dividend paid on or before December 31 of any taxable year of the company beginning".

(B) Dividends paid to certain foreign persons.—

(1) In general.—For purposes of this subparagraph—

(i) In general.—Except as provided in clause (i), an interest-related dividend is any dividend paid on or before December 31 of any taxable year of the company beginning.".
"(C) SHORT-TERM CAPITAL GAIN DIVIDEND.—For purposes of this paragraph—

(1) IN GENERAL.—Except as provided in clause (ii), the term ‘short-term capital gain dividend’ means any dividend, or part thereof, which is reported by the company as a short-term capital gain dividend in written statements furnished to its shareholders, or paid otherwise which is reported by the company as a short-term capital gain dividend in written statements furnished to its shareholders. If the aggregate amount of dividends reported by the company for any taxable year exceeds the qualified short-term gain of the company for the taxable year, the term ‘short-term capital gain dividend’ means the excess of—

(II) the reported short-term capital gain dividend amount.

(III) ALLOCATION OF EXCESS REPORTED AMOUNT.—

(1) IN GENERAL.—Except as provided in sub-clause (II), the excess reported amount (if any) which is allocable to the reported short-term capital gain dividend amount is that portion of the excess reported amount which bears the same ratio to the excess reported amount as the reported short-term capital gain dividend amount bears to the aggregate reported amount.

(II) SPECIAL RULE FOR NONCALENDAR YEAR TAXPAYERS.—In the case of any taxable year which does not begin and end in the same calendar year, if the post-December reported amount exceeds the excess reported amount for such taxable year, subclause (I) shall be applied by substituting ‘post-December reported amount’ for ‘aggregate reported amount’ and no excess reported amount shall be allocated if paid on or before December 31 of such taxable year.

(III) DEFINITIONS.—For purposes of this subparagraph—

(I) REPORTED SHORT-TERM CAPITAL GAIN DIVIDEND AMOUNT.—The term ‘reported short-term capital gain dividend amount’ means the amount of any dividend, or part thereof, which is reported by the company under clause (I) as a short-term capital gain dividend.

(II) EXCESS REPORTED AMOUNT.—The term ‘excess reported amount’ means the excess of the aggregate reported amount over the qualified short-term capital gain of the company for the taxable year.

(III) AGGREGATE REPORTED AMOUNT.—The term ‘aggregate reported amount’ means the aggregate amount of dividends reported by the company under clause (I) as short-term capital gain dividends for any taxable year (including short-term capital gain dividends paid after the close of the taxable year described in section 855(a)).

(IV) POST-DECEMBER REPORTED AMOUNT.—The term ‘post-December reported amount’ means the aggregate reported amount determined by taking into account only dividends paid after December 31 of the taxable year.

"(v) TERMINATION.—The term ‘short-term capital gain dividend’ shall not include any dividend with respect to—

(a) CONFORMING AMENDMENTS.—Section 855 is amended—

(1) by striking subsection (c) and redesignating subsection (d) as subsection (c);

(2) by striking ‘‘(c)’’ and ‘‘(d)’’ in subsection (a) and inserting ‘‘(c)’’;

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SECTION 304. MODIFICATION OF RULES FOR SPILL-OVER DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) DEADLINE FOR DECLARATION OF DIVIDEND.—Paragraph (1) of section 855(c) is amended to read as follows:

(1) declares a dividend before the later of—

(A) the due date for filing the return for the taxable year, and

(B) in the case of an extension of time for filing the company’s return for the taxable year, the due date for the return taking into account such extension, and;

(b) DEADLINE FOR DISTRIBUTION OF DIVIDEND.—Paragraph (2) of section 855(a) is amended to read as follows:

(c) SHORT-TERM CAPITAL GAIN.—Subsection (a) of section 855 is amended by adding at the end the following new paragraph:

(2) the short-term capital gain dividend amount in written statements furnished to its shareholders or paid otherwise which is reported by the company as a short-term capital gain dividend in written statements furnished to its shareholders. If the aggregate amount of dividends reported by the company for any taxable year exceeds the qualified short-term gain of the company for the taxable year, the term ‘short-term capital gain dividend’ means the excess of—

(II) the reported short-term capital gain dividend amount.

(III) ALLOCATION OF EXCESS REPORTED AMOUNT.—

(1) IN GENERAL.—Except as provided in sub-clause (II), the excess reported amount (if any) which is allocable to the reported short-term capital gain dividend amount is that portion of the excess reported amount which bears the same ratio to the excess reported amount as the reported short-term capital gain dividend amount bears to the aggregate reported amount.

(II) SPECIAL RULE FOR NONCALENDAR YEAR TAXPAYERS.—In the case of any taxable year which does not begin and end in the same calendar year, if the post-December reported amount exceeds the excess reported amount for such taxable year, subclause (I) shall be applied by substituting ‘post-December reported amount’ for ‘aggregate reported amount’ and no excess reported amount shall be allocated if paid on or before December 31 of such taxable year.

(III) DEFINITIONS.—For purposes of this subparagraph—

(I) REPORTED SHORT-TERM CAPITAL GAIN DIVIDEND AMOUNT.—The term ‘reported short-term capital gain dividend amount’ means the amount of any dividend, or part thereof, which is reported by the company as a short-term capital gain dividend in written statements furnished to its shareholders, or paid otherwise which is reported by the company as a short-term capital gain dividend in written statements furnished to its shareholders. If the aggregate amount of dividends reported by the company for any taxable year exceeds the qualified short-term gain of the company for the taxable year, the term ‘short-term capital gain dividend’ means the excess of—

(II) the reported short-term capital gain dividend amount.

(III) EXCESS REPORTED AMOUNT.—The term ‘excess reported amount’ means the excess of the aggregate reported amount over the qualified short-term capital gain dividend of the company for the taxable year.

(IV) AGGREGATE REPORTED AMOUNT.—The term ‘aggregate reported amount’ means the aggregate amount of dividends reported by the company under clause (I) as short-term capital gain dividends for any taxable year (including short-term capital gain dividends paid after the close of the taxable year described in section 855(a)).

(V) POST-DECEMBER REPORTED AMOUNT.—The term ‘post-December reported amount’ means the aggregate reported amount determined by taking into account only dividends paid after December 31 of the taxable year.

(VI) TERMINATION.—The term ‘short-term capital gain dividend’ shall not include any dividend with respect to—

(a) CONFORMING AMENDMENTS.—Section 855 is amended—

(1) by striking subsection (c) and redesignating subsection (d) as subsection (c);

(2) by striking ‘‘(c)’’ and ‘‘(d)’’ in subsection (a) and inserting ‘‘(c)’’;

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.
offered regulated investment company (as so defined) after "regulated investment company" in the second sentence thereof.

(c) **Effective Date.**—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 308. ELECTION DEFERRAL OF CERTAIN LATE-YEAR LOSSES OF REGULATED INVESTMENT COMPANIES.

(a) **In General.—** Paragraph (8) of section 852(b) is amended to read as follows:

(8) **ELECTIVE DEFERRAL OF CERTAIN LATE-YEAR LOSSES.—**

(A) **In General.—** Except as otherwise provided by the Secretary, a regulated investment company may elect for any taxable year to treat any portion of any qualified late-year loss for such taxable year as arising on the first day of the following taxable year for purposes of this title.

(B) **QUALIFIED LATE-YEAR LOSS.—** For purposes of this paragraph, the term 'qualified late-year loss' means—

(i) any post-October capital loss, and

(ii) any late-year ordinary loss.

(C) **POST-October CAPITAL LOSS.—** For purposes of this paragraph, the term 'post-October capital loss' means the greatest of—

(i) the net long-term capital loss attributable to the portion of the taxable year after October 31, plus

(ii) the term long-term capital loss attributable to such portion of the taxable year, or

(iii) any term long-term capital loss attributable to such portion of the taxable year.

(D) **LATE-YEAR ORDINARY LOSS.—** For purposes of this paragraph, the term 'late-year ordinary loss' means the excess (if any) of—

(i) the sum of—

(1) the specified losses (as defined in section 492(e)(5)(B)(i)) attributable to the portion of the taxable year after October 31, plus

(2) the ordinary losses not described in subclause (1) attributable to the portion of the taxable year after December 31, over

(ii) the sum of—

(1) the specified gains (as defined in section 492(e)(5)(B)(i)) attributable to the portion of the taxable year after October 31, plus

(2) the ordinary income not described in subclause (1) attributable to the portion of the taxable year after December 31;

(E) **SPECIAL RULE FOR COMPANIES DETERMINING REQUIRED CAPITAL GAIN DISTRIBUTIONS ON TAXABLE YEAR BASIS.—** In the case of a company which, an election under section 492(e)(4) applies—

(i) if such company's taxable year ends with the month of November, the amount of qualified late-year gains described in subparagraph (a) shall be computed without regard to any income, gain, or loss described in subparagraphs (C), (D), (E), and (F), and

(ii) if such company's taxable year ends with the month of December, subparagraph (A) shall not apply.

(F) **CONFORMING AMENDMENTS.—**

(1) Subsection (b) of section 852 is amended by striking paragraph (10).

(2) Paragraph (2) of section 852(c) is amended by striking the reference therein and inserting the following: "For purposes of applying this chapter to distributions made to a regulated investment company with respect to any calendar year, the prescribed mark to market provision shall be determined without regard to any net capital gain attributable to the portion of the taxable year after October 31 and without regard to any qualified late-year loss (as defined in subsection (b)(8)(D))."

(3) Subparagraph (D) of section 871(k)(2) is amended by striking the last two sentences and inserting in lieu thereof the following:

"For purposes of this subparagraph, the net short-term capital gain of the regulated investment company shall be computed by treating any short-term capital gain dividends which (but for this paragraph) would be treated as arising on January 1 of the following calendar year as short-term capital gain dividends with respect to stock of another regulated investment company as a short-term capital gain.".

(c) **Effective Date.**—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 309. EXCEPTION TO HOLDING PERIOD REQUIREMENT FOR CERTAIN REGULARLY DECLARED EXEMPT-INTEREST DIVIDENDS.

(a) **In General.—** Subparagraph (E) of section 852(b)(4) is amended by striking all that precedes ""The term 'qualified late-year loss' means ordinary loss from the sale, exchange, or other disposition of property (including the termination of a position with respect to such property). Such term shall include any for-

(b) **Specified gains and losses.**—For purposes of this section, the term 'specified gain' means ordinary gain from the sale, exchange, or other disposition of property (including the termination of a position with respect to such property). Such term shall include any for-

(c) **Treatment of Market to Market Gain.**—

(A) **In General.—** For purposes of determining a regulated investment company's ordinary income, notwithstanding paragraph (1)(C), each specified mark to market provision shall be applied as if such company's taxable year ended on October 31.

(B) **Specific Mark to Market Provision.**—For purposes of this paragraph, the term 'specific mark to market provision' means sections 1256 and 1296 and any other provision of this title (or regulations thereunder) which treats property as disposed of on the last day of the taxable year.

(C) **ELECTIVE DEFERRAL OF CERTAIN ORDINARY LOSSES.—** Except as provided in regulations prescribed by the Secretary, in the case of a regulated investment company which has a taxable year other than the calendar year, the amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE IV—MODIFICATIONS RELATED TO EXCISE TAX APPLICABLE TO REGULATED INVESTMENT COMPANIES

SEC. 401. EXCISE TAX EXEMPTION FOR CERTAIN REGULATED INVESTMENT COMPANIES OWNED BY TAX EXEMPT ENTITIES.

(a) **In General.—** Subsection (f) of section 492 is amended—

(1) by striking "either" in the matter preceding paragraph (1),

(2) by striking "or" at the end of paragraph (1),

(3) by striking the period at the end of paragraph (2), and

(4) by inserting after paragraph (2) the following new paragraphs:

(A) such company may elect to determine its income for the calendar year without regard to any ordinary loss (determined without regard to specified gains and losses taken into account under paragraph (5)) which is attributable to the portion of such calendar year which is after the beginning of the taxable year which begins in such calendar year, and

(B) any amount of any ordinary loss not taken into account for a calendar year by reason of subparagraph (A) shall be treated as arising on the 1st day of the following calendar year.

(b) **Effective Date.**—The amendments made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

SEC. 402. DEFERRAL OF CERTAIN GAINS AND LOSSES OF REGULATED INVESTMENT COMPANIES FOR EXCISE TAX PURPOSES.

(a) **In General.—** Subsection (e) of section 492 is amended by striking paragraphs (5) and (6) and inserting in lieu thereof the following:

(C) **TREATMENT OF SPECIFIED GAINS AND LOSSES AFTER OCTOBER 31 OF CALENDAR YEAR.—**

(A) **In General.—** Any specified gain or specified loss which (but for this paragraph) would be properly taken into account for the portion of the calendar year after October 31 shall be treated as arising on January 1 of the following calendar year.

(B) **SPECIFIED GAINS AND LOSSES.—For purposes of this subsection—**

(i) **SPECIFIED GAIN.—** The term 'specified gain' means ordinary gain from the sale, exchange, or other disposition of property (including the termination of a position with respect to such property). Such term shall include any foreign currency gain attributable to a section 988 transaction (within the meaning of section 988) and any amount includable in gross income under section 1296(a)(1).

(ii) **SPECIFIED LOSS.—** The term 'specified loss' means ordinary loss (as defined in section 291(b)(1)) attributable to a section 988 transaction (within the meaning of section 988) and any amount allowable as a deduction under section 1296(a)(2).

(D) **SPECIAL RULE FOR COMPANIES ELECTING TO USE THE TAXABLE YEAR.—** In the case of any company making an election under paragraph (4), subparagraph (A) shall be applied by substituting the last day of the company's taxable year for October 31.

(E) **TREATMENT OF MARK TO MARKET GAIN.—**

(A) **In General.—** For purposes of determining a regulated investment company's ordinary income, notwithstanding paragraph (1)(C), each specified mark to market provision shall be applied as if such company's taxable year ended on October 31.

(B) **SPECIFIED MARK TO MARKET PROVISION.**—For purposes of this paragraph, the term 'specified mark to market provision' means sections 1256 and 1296 and any other provision of this title (or regulations thereunder) which treats property as disposed of on the last day of the taxable year.

SEC. 403. DISTRIBUTED AMOUNT FOR EXCISE TAX PURPOSES DETERMINED ON BASIS OF TAXES PAID BY REGULATED INVESTMENT COMPANY.

(a) **In General.—** Subsection (c) of section 492 is amended by adding at the end the following new paragraph:

(9) **SPECIAL RULE FOR ESTIMATED TAX PAYMENTS.—**

(A) **In General.—** In the case of a regulated investment company which elects the application of paragraph (9) to taxable years before the date of the enactment of this Act—

(i) the distributed amount with respect to such company for such calendar year shall be increased by the amount on which qualified estimated tax payments are made by such company during such calendar year;

(ii) the distributed amount with respect to such company for such calendar year shall be reduced by the amount of such increase.

(B) **QUALIFIED ESTIMATED TAX PAYMENTS.**—For purposes of this paragraph, the term 'qualified estimated tax payments' means, with respect to any calendar year, payments of estimated taxes attributable to a section 988 transaction (within the meaning of section 988) and any amount includable in gross income under section 1296(a)(1).

December 15, 2010
Mr. LEVIN. Madam Speaker, I ask unanimous consent that all Members may consume to the gentleman from Ohio (Mr. TIBERI) each will control 20 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio (Mr. TIBERI) each will control 20 minutes?

There was no objection.

Mr. LEVIN. Madam Speaker, the bill before us today would make several changes to the Tax Code to address outdated provisions, such as rules that relate to preferential dividends, rules that require mutual funds to send separate annual dividend designation notices to shareholders, and rules that prevent mutual funds from earning income from commodities.

In June, my subcommittee, the Select Revenue Measures Subcommittee, reviewed this legislation with a panel of experts to provide support for the changes. Simply put, the subcommittee held a hearing, and there was broad support on the Democratic side and on the Republican side for the accomplishment that sits in front of us.

I am pleased to support this modified legislation, which is also revenue neutral. The Ways and Means Committee has a responsibility to review our tax rules from time to time and to remove the deadwood and update where necessary. This bill accomplishes that to the benefit of the investors, taxpayers, and mutual fund companies.

I urge its adoption. I thank the chairman for yielding to me, and I thank our friends on the other side for their endorsement of this legislation as well.

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

Madam Speaker, as was just said, regulated investment companies, better known as mutual funds, have been providing individual investors the ability to invest easily and with low cost in a diversified pool of professionally managed investments, and they have worked. In fact, according to the Investment Company Institute, the largest trade association for mutual funds, as Chairman NEAL said, more than 50 million American families currently invest in mutual funds.

Most of the tax laws that mutual funds have to deal with have not been comprehensively updated for more than two decades. In fact, H.R. 4337 would modify and update certain technical tax rules pertaining to mutual funds. These changes will allow mutual funds to better conform to and interact with other aspects of the Tax Code and security laws.

As Chairman NEAL said, we had a wonderful hearing where every single person who testified agreed to the changes in the underlying piece of legislation. It was passed in this House unanimously after that hearing this last summer. Everyone witness was supportive, and no opposition came before us with respect to the legislation. It was passed in the Senate last week by unanimous consent, with one change.

My hope is today, Chairman LEVIN, Chairman NEAL, Madam Speaker, that this House will once again vote for this underlying piece of legislation with the one change and send it to the President. Let’s make this change, and let’s give American mutual fund investors some certainty into the future.

I yield back the balance of my time.

Mr. LEVIN. Madam Speaker, the bill before us right now makes important changes to the tax law rules that relate, as Mr. NEAL and Mr. TIBERI said, to regulated investment companies, more commonly known as mutual funds. They were described 80 years ago in testimony before the Ways and Means Committee as, “A group of small investors who have banded together for the purpose of diversification and supervision through the medium of pooling their investments.”

While mutual funds continue to serve this important role, the tax rules that govern mutual funds have not been updated in over 20 years. In June of this year, the Select Revenue Measures Subcommittee, chaired by Mr. NEAL, heard testimony from a variety of industry experts stressing the importance of modifying our Nation’s tax laws to ensure that the technical tax rules pertaining to mutual funds would better interact with other tax rules.

The Ways and Means Committee and the Congress have an obligation to ensure that our tax rules keep up with the times, so the bill before us would update and simplify the rules that apply to mutual funds to ensure that small investors are not disadvantaged simply because they band their investments together through a mutual fund rather than investing directly.

The bill enjoys strong bipartisan support. It passed the House by voice vote earlier this year and just last week was amended to pass the Senate by unanimous consent.

I want to thank all of my colleagues on Ways and Means and all others who joined for their contributions to ensure that these important changes to the mutual fund rules can be swiftly signed into law by the President of the United States. Passage today will do just that. So I urge strong support for this measure.

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. LEVIN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 4337.

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

A motion to reconsider was laid on the table.
DIVISION B—TARIFF AND RELATED PROVISIONS

Sec. 1001. Reference.

TITLE I—NEW AND EXISTING DUTY SUSPENSIONS AND REDUCTIONS

Subtitle A—New Duty Suspensions and Reductions

Sec. 1101. Certain plasma flat panel displays.
Sec. 1102. Golf club driver heads.
Sec. 1103. Electronic dimming ballasts.
Sec. 1104. Nickel metal hydride.
Sec. 1105. Cobalt carbonate.
Sec. 1106. Tebuthiuron.

Subtitles B—TARIFF AND RELATED PROVISIONS

TITLE I—Trade Adjustment Assistance and Certain Trade Preference Programs

Sec. 121. Community College and Career Training Grant Program.

TITLE II—GENERALIZED SYSTEM OF PREFERENCES AND ANDEAN TRADE PREFERENCES ACT

Sec. 201. Extension of Generalized System of Preferences.
Sec. 2191. Poly(caprolactone) diol.
Sec. 2191. Caprolactone homopolymer.
Sec. 2192. 2,4,6-Tris(1,3-dimethylaminomethyl)benzene.
Sec. 2193. Propanoic acid, 3-hydroxy-2-hydroxymethyl-2-methylhomopolymer, ester with α-hydroxy-α-hydroxymethylpropanoic (α,α,α-trimethylenediethyl) ether with 2,2-bis(hydroxymethyl)-1,3-propanediol (4:1), 2,2-bis[2-propenoxymethyl]butyl succinates C3-24 carboxylates.
Sec. 2194. 2-Oxepanone, polymer with 2,2-bis(hydroxymethyl)-1,3-propanediol.
Sec. 2195. 2-Oxepanone, polymer with 1,4-butanediol.
Sec. 2196. Dilauryl triacetate.
Sec. 2197. N-Metachlor.
Sec. 2198. Frames and mountings for spectacles, goggles, or the like, the foregoing of plastics.
Sec. 2199. 1,3-Propanediaminium, N-[3-[di(hydroxymethyl)phosphonium] tetrakis-ω-hydroxypropyl] (and other modifications).
Sec. 2200. 2-Cyclohexylidene-2-phenylacetotetrilite.
Sec. 2201. Polydicyclopentadiene-co-p-cresol.
Sec. 2202. 2-Oxepanone, polymer with aziridine and tetrahydro-2H-pyran-2-one, dodecanol ester dispersant in n-butyl acetate.
Sec. 2203. Ammonium phosphatized polyestender polymer dispersant in aromatic naphtha solvent.
Sec. 2204. Certain plastic laminate sheets.
Sec. 2205. Parts of frames and mountings for spectacles, goggles, or the like.
Sec. 2206. Certain window shade material of paper strips.
Sec. 2207. Certain window shade material of bamboo.
Sec. 2208. Certain windsock-type decoys.
Sec. 2209. Certain windsocks with silhouette heads.
Sec. 2210. Certain implements for cleaning hunted fowl.
Sec. 2211. A.Kanes C-244.
Sec. 2212. 2-Hydroxyethyl-n-octyl sulfide.
Sec. 2213. Certain photomask blanks.
Sec. 2214. Certain earphones.
Sec. 2215. Certain hot feed extruding machines.
Sec. 2216. Mixtures of Flusilazole with xenylene and inert application adjuvants.
Sec. 2217. Flusilacet-methyl.
Sec. 2218. Formulations containing Flusilacet-methyl.
Sec. 2219. Certain electrodes pastes.
Sec. 2221. Ethyl 3-amino-4,4,4-trifluorocrotonate.
Sec. 2222. Diethyl oxalate.
Sec. 2223. Potassium decfluoro(pentafluoro-ethyl)cyclohexanesulfonate.
Sec. 2224. Certain dynamic microphones.
Sec. 2225. Fluthiacet-methyl.
Sec. 2226. Potassium decfluoro(pentafluoro-ethyl)cyclohexanesulfonate.
Sec. 2227. Formulations containing Fluthiacet-methyl.
Sec. 2228. Certain electrodes pastes.
Sec. 2230. Ethyl 3-amino-4,4,4-trifluorocrotonate.
Sec. 2231. Ethyl 3-amino-4,4,4-trifluorocrotonate.
Sec. 2232. Ethyl [4-chloro-2-fluoro-5-[[(3-methyl-2-fluorophenyl)-azo]-2-amino-4-hydroxy-3-[(2-hydroxy5-nitro-3-sulfophenyl)azo]]-2-aminophenol (4:4:1), 2,2-bis[(2-hydroxy5-nitro-3-sulfophenyl)azo]-2-aminophenol.
Sec. 2233. Certain dynamic microphones.
Sec. 2234. 2-Propenoic acid, reaction product with o-cresol-chloroacetic acid, polymer with (chloromethyl)oxiran and methylphenyl, 4-cyclohexene-1,2-dicarboxylate 2-propenoate.
Sec. 2235. Variable-focus-length (zoom) lenses for digital cameras.
Sec. 2236. Certain umbrellas having an arc greater than 152 cm but not more than 165 cm.
Sec. 2237. Certain umbrellas having an arc greater than 165 cm but not more than 180 cm.
Sec. 2238. 4-Methylbenzenesulfonylamine.
Sec. 2239. Mixture of calcium hydroxide, magnesium hydroxide, aluminum silicate, and stearic acid.
Sec. 2240. Certain electrical connectors.
Sec. 2241. Certain tamper resistant ground injectors.
Sec. 2242. Certain tamper resistant ground injectors.
Sec. 2243. Certain hybrid electric vehicle inverters.
Sec. 2244. Certain direct injection fuel injectors.
Sec. 2245. Certain power electronics boxes and static converter composite units.
Sec. 2246. Certain engines to be installed in certain vehicles.
Sec. 2247. Certain engine components.
Sec. 2248. Certain fuel feed extruding machines for building truck and automobile tires.
Sec. 2249. Mixture of calcium hydroxide, magnesium hydroxide, aluminum silicate, and stearic acid.
Sec. 2250. Certain plastic laminate sheets.
Sec. 2251. Methyl acrylate.
Sec. 2252. Hexanedioic acid, polymer with (chloromethyl)oxiran and methylphenyl, 4-cyclohexene-1,2-dicarboxylate 2-propenoate.
Sec. 2253. Variable-focus-length (zoom) lenses for digital cameras.
Sec. 2254. Low molecular weight suspensions and reductions and other modifications.
Sec. 2255. Antarctic krill oil.
Sec. 2256. Mixture of 1-(1,2,3,4,5,6,7,8-octahydro-2,3,8,8-tetramethyl-2-naphthyl) -ethan-1-one (and isomers).
(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 3 on or before June 30, 2013, may be provided—

(i) to the extent funds are available pursuant to such chapter for such purpose; and

(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.

(2) Farmers.—

(A) In General.—Except as provided in subparagraph (B), assistance may not be provided under chapter 6 after June 30, 2013.

(B) Exception.—Notwithstanding paragraph (A), any assistance approved under chapter 6 on or before June 30, 2013, may be provided—

(i) to the extent funds are available pursuant to such chapter for such purpose; and

(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.

(c) Conforming Amendments.—

(1) Section 236(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)(A)) is amended to read as follows:

(2)(A) The total amount of payments that may be made under paragraph (1) shall not exceed—

(i) $75,000,000 for fiscal year 2011; and

(ii) $131,250,000 for the 9-month period beginning October 1, 2011, and ending June 30, 2012.

(2) Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking “December 31, 2010” and inserting “June 30, 2012.”


(4) Section 255(a) of the Trade Act of 1974 (19 U.S.C. 2345(a)) is amended—

(A) in the first sentence to read as follows:

“(A) $150,000,000 for fiscal year 2011; and

(B) $77,500,000 for the 9-month period beginning October 1, 2011, and ending June 30, 2012.”;

and

(B) in paragraph (1), by striking “December 31, 2010” and inserting “June 30, 2012.”

(5) Section 276(c) of the Trade Act of 1974 (19 U.S.C. 2371(d)) is amended by striking “2011” and inserting “2013.”

(6) Section 276(c)(2) of the Trade Act of 1974 (19 U.S.C. 2371(c)(2)) is amended to read as follows:

“(c) Funds to be used.—Of the funds appropriated pursuant to section 277(c), the Secretary may make available, to provide grants to eligible communities under paragraph (1), not more than—

(i) $25,000,000 for fiscal year 2011; and

(ii) $15,750,000 for the 9-month period beginning October 1, 2011, and ending June 30, 2012.”;

(7) Section 277(c) of the Trade Act of 1974 (19 U.S.C. 2372(c)) is amended—

(A) by amending paragraph (1) to read as follows:

“(1) In general.—There are authorized to be appropriated to the Secretary to carry out this subchapter—

(A) $150,000,000 for fiscal year 2011; and

(B) $112,500,000 for the 9-month period beginning October 1, 2011, and ending June 30, 2012.”;

and

(B) in paragraph (2)(A), by striking “December 31, 2010” and inserting “June 30, 2012.”

(8) Section 278(e) of the Trade Act of 1974 (19 U.S.C. 2372(e)) is amended by striking “2011” and inserting “2013.”


(10) Section 279(h) of the Trade Act of 1974 (19 U.S.C. 2373(h)(a)) is amended to read as follows:

“(a) In General.—”

“(1) Authorization.—There are authorized to be appropriated to the Secretary of Labor to carry out the Sector Partnership Grant program under section 279A—

“(A) $40,000,000 for fiscal year 2011; and

“(B) $90,000,000 for the 9-month period beginning October 1, 2011, and ending June 30, 2012.

(2) Availability of Appropriations.—Funds appropriated pursuant to this section shall remain available until expended.

(b) Effective Date.—The amendment made by this section shall apply to coverage months beginning after December 31, 2010.

SECTION 111. IMPROVEMENT OF THE AFFORDABILITY OF PRESCRIPTION DRUGS.


(b) Effective Date.—The amendment made by this section shall apply to coverage months beginning after December 31, 2010.

SECTION 112. ADDITION OF COVERAGE THROUGH VOLUNTARY EMPLOYEES’ BENEFIT PLANS.

(a) In General.—Section 35(e)(1)(K) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2011” and inserting “July 1, 2012.”

(b) Effective Date.—The amendment made by this section shall apply to coverage months beginning after December 31, 2010.

SECTION 113. NOTICE REQUIREMENTS.

(a) In General.—Section 35(e)(1)(K) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2011” and inserting “July 1, 2012.”

(b) Effective Date.—The amendment made by this section shall apply to coverage months beginning after December 31, 2010.

SECTION 114. TAA-ELIGIBLE INDIVIDUALS AND PBGC RECIPIENTS.


(b) Effective Date.—The amendment made by this section shall apply to coverage months beginning after December 31, 2010.

(b) Effective Date.—The amendment made by this section shall apply to coverage months beginning after December 31, 2010.

SECTION 115. CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.

(a) In General.—Section 35(g)(9) of the Internal Revenue Code of 1986, as added by section 1899E(a) of the American Recovery and Reinvestment Tax Act of 2009 (relating to continued qualification of family members after certain events), is amended by striking “January 1, 2011” and inserting “July 1, 2012.”

(b) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2010.

SECTION 116. EXTENSION OF COBRA BENEFITS FOR CERTAIN TAA-ELIGIBLE INDIVIDUALS AND PBGC RECIPIENTS.

(a) Effective Date.—The amendments made by this section shall apply to coverage months beginning after December 31, 2010.

(b) Effective Date.—The amendment made by this section shall apply to coverage months beginning after December 31, 2010.

(c) Effective Date.—The amendments made by this section shall apply to coverage months beginning after December 31, 2010.

SECTION 117. ADDITION OF COVERAGE THROUGH VOLUNTARY EMPLOYEES’ BENEFIT PLANS.

(a) In General.—Section 35(e)(1)(K) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2011” and inserting “July 1, 2012.”

(b) Effective Date.—The amendment made by this section shall apply to coverage months beginning after December 31, 2010.

(c) Effective Date.—The amendment made by this section shall apply to coverage months beginning after December 31, 2010.

(d) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2010.

SECTION 118. NOTICE REQUIREMENTS.

(a) In General.—Section 35(e)(1)(K) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2011” and inserting “July 1, 2012.”

(b) Effective Date.—The amendment made by this section shall apply to coverage months beginning after December 31, 2010.

(c) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2010.

(d) Effective Date.—The amendments made by this section shall apply to coverage months beginning after December 31, 2010.

EFFECTIVE DATE.—The amendments made by this section shall apply to periods of determining whether there is a 60-day lapse in creditable coverage.

(a) IRC Amendments.—Section 7901(c)(2)(D) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2011” and inserting “July 1, 2012.”

(b) ERISA Amendment.—Section 701(c)(2)(C) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(c)(2)(C)) is amended by striking “January 1, 2011” and inserting “July 1, 2012.”

(c) PBGC Amendment.—Section 7901(c)(2)(C) of the Public Health Act (as in effect for plan years beginning before January 1, 2014) is amended by striking “January 1, 2011” and inserting “July 1, 2012.”

(d) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2010.
striking "January 1, 2011" and inserting "July 1, 2012".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to certificates issued after December 31, 2010.

Subtitle C—Other Modifications to Trade Adjustment Assistance

SEC. 121. COMMUNITY COLLEGE AND CAREER TRAINING GRANT PROGRAM.

(a) In GENERAL.—Section 278(a) of the Trade Act of 1974 (19 U.S.C. 2372a(a)) is amended by adding at the end the following:

"(3) Rule of Construction.—For purposes of this section, any reference to ‘workers’ or ‘workers eligible for training under section 236, or any other reference to workers under this section shall be deemed to include individuals who are, or are likely to become, eligible for unemployment compensation as defined in section 8(b) of the Internal Revenue Code of 1986, or who remain unemployed after exhausting all rights to such compensation."

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 279 of the Trade Act of 1974 (19 U.S.C. 2372) is amended—

(1) in subsection (a), by striking the last sentence; and

(2) by adding at the end the following:

"(c) ADMINISTRATIVE AND RELATED COSTS.—The Secretary may retain not more than 5 percent of the funds appropriated under subsection (b) to administer, evaluate, and establish reporting systems for the Community College and Career Training Grant program under section 278.

(d) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under subsection (b) shall be used to supplement and not supplant other Federal, State, and local public funds expended to support community college and career training programs.

(e) AVAILABILITY.—Funds appropriated under subsection (b) shall remain available for the fiscal year for which the funds are appropriated and the subsequent fiscal year."

TITLE II—GENERALIZED SYSTEM OF PREFERENCES AND ANDEAN TRADE PREFERENCES ACT

SEC. 201. EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES.

Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking "December 31, 2010" and inserting "June 30, 2012".

SEC. 202. EXTENSION OF ANDEAN TRADE PREFERENCE ACT.

(a) EXTENSION.—Section 208(a)(1) of the Andean Trade Preference Act (19 U.S.C. 3206(a)(1)) is amended to read as follows:

"(1) remain in effect—

'(A) with respect to Colombia after June 30, 2012; and

'(B) with respect to Peru after December 31, 2010;"

(b) ECUADOR.—Section 208(a)(2) of the Andean Trade Preference Act (19 U.S.C. 3206(a)(2)) is amended by striking "December 31, 2010" and inserting "June 30, 2012".

(c) TREATMENT OF CERTAIN APPAREL ARTICLES.—Section 209(b)(1) of the Andean Trade Preference Act (19 U.S.C. 3206(b)(1)) is amended—

(1) in subparagraph (B)—

'(A) in clause (ii), by striking "8 succeeding 1-year periods" and inserting "9 succeeding 1-year periods"; and

(ii) in subparagraph (D), by striking "and for the succeeding 3-year period" and inserting "and for the succeeding 4-year period"; and

(B) in clause (v)(II), by striking "7 succeeding 1-year periods" and inserting "8 succeeding 1-year periods";

and

(2) in subparagraph (E)(ii)(II), by striking "December 31, 2010" and inserting "June 30, 2012".

(d) ANNUAL REPORT.—Section 208(f)(1) of the Andean Trade Preference Act (19 U.S.C. 3202(f)(1)) is amended by striking "every 2 years" and inserting "annually".

DIVISION B—TARIFF AND RELATED PROVISIONS

SEC. 1001. REFERENCE.

Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 207).

TITLE I—NEW AND EXISTING DUTY SUSPENSIONS AND REDUCTIONS

Subtitle A—New Duty Suspensions and Reductions

SEC. 1101. CERTAIN PLASMA FLAT PANEL DISPLAYS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9002.41.01 Plasma flat panel displays (provided for in subheading 8529.90.53) ................................. 6.2% No change No change On or before 12/31/2012

9002.41.02 Golf club driver heads (provided for in subheading 9506.39.00) .................................... 4.6% No change No change On or before 12/31/2012

9002.41.03 Electronic dimming ballasts, each having a three-wire control scheme (provided for in subheading 6944.10.00) .......................................................... Free No change No change On or before 12/31/2012

9002.41.04 Nickel carbonate (CAS No. 3333-67-3 or 12244-51-8) (provided for in subheading 2836.99.50) Free No change No change On or before 12/31/2012

9002.41.05 Cobalt carbonate (CAS No. 513-79-1 or 7542-49-8) (provided for in subheading 2836.99.10) ... Free No change No change On or before 12/31/2012

9002.41.06 1-(5-tert-Butyl-1,3,4-thiadiazol-2-yl)-1,3-dimethylurea (Tebuthiuron) (CAS No. 34014–18–1) (provided for in subheading 2934.99.90) Free No change No change On or before 12/31/2012

9002.41.07 2,4-Diamino-3-[4-(2-sulfoxyethylsulfonyl)-phenylazo]-5-[4-(2-sulfoxyethylsulfonyl)-2-sulfophenylazo]-benzenesulfonic acid potassium sodium salt (provided for in subheading 3204.16.30) Free No change No change On or before 12/31/2012

9002.41.08 Acrylic or modacrylic synthetic staple fibers, not carded, combed, or otherwise processed for spinning, containing 85 percent or more by weight of acrylonitrile units. Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
### SEC. 1109. CAPACITOR GRADE HOMOPOLYMER POLYPROPYLENE RESIN IN PRIMARY FORM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
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<th>No change</th>
<th>No change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1109</td>
<td>1,2-Propanediol, 3-(diethylamino)-, polymers with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, propylene glycol and reduced methyl esters of reduced polymerized oxidized tetrafluoroethylene, 2-ethyl-1-hexanol-blocked, acetates (salts) (CAS No. 3809.92.50 and 3907.20.00) (provided for in subheadings 3809.92.50 and 3907.20.00)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
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</table>

### SEC. 1110. COMPOUND T3028.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

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</thead>
<tbody>
<tr>
<td>1110</td>
<td>Dimethyl 2,3,5,6-tetrachloro-1,4-benzenedicarboxylate (CAS No. 1861–32–1) (provided for in subheading 2933.59.18)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
</tbody>
</table>

### SEC. 1111. 4-VINYLBENZENESULFONIC ACID, SODIUM SALT HYDRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

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<th>No change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1111</td>
<td>4-Vinylbenzenesulfonic acid, sodium salt hydrate (CAS No. 2695-37-6) (provided for in subheading 2904.10.37)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
</tbody>
</table>

### SEC. 1112. 4-VINYLBENZENESULFONIC ACID, LITHIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

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<th>No change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1112</td>
<td>4-Vinylbenzenesulfonic acid, lithium salt (CAS No. 4551–88–6) (provided for in subheading 2904.10.32)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
</tbody>
</table>

### SEC. 1113. CERTAIN CATHODE RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

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<th>Description</th>
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<th>No change</th>
<th>No change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1113</td>
<td>Cathode-ray data/graphic display tubes, color, with a phosphor dot screen pitch of 0.305 mm or more but not exceeding 0.315 mm, a 90-degree deflection, a video display diagonal of 69.5 cm or more and an aspect ratio of 1 to 1 (provided for in subheading 8546.90.00)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
</tbody>
</table>

### SEC. 1114. BROMACIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

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<th>No change</th>
<th>No change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1114</td>
<td>5-Bromo-3-sec-butyl-6-methyluracil (Bromacil) (CAS No. 314–40–9) (provided for in subheading 2931.30.00)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
</tbody>
</table>

### SEC. 1115. DIMETHYL 2,3,5,6-TETRACHLORO-1,4-BENZENEDICARBOXYLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>Free</th>
<th>No change</th>
<th>No change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1115</td>
<td>Dimethyl 2,3,5,6-tetrachloro-1,4-benzenedicarboxylate (CAS No. 1861–32–1) (provided in subheading 2931.39.70)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
</tbody>
</table>

### SEC. 1116. 1,1,2-2-TETRAFLUOROETHYLENE, OXIDIZED, POLYMERIZED, REDUCED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>Free</th>
<th>No change</th>
<th>No change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1116</td>
<td>1,1,2-2-Tetrafluoroethylene, oxidized, polymerized, reduced (CAS No. 69991–62–4) (provided for in subheading 2917.39.70)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
</tbody>
</table>

### SEC. 1117. DIPHOSPHORIC ACID, POLYMERS WITH ETHOXYLATED REDUCED METHYL ESTERS OF REDUCED POLYMERIZED OXIDIZED TETRAFLUOROETHYLENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>Free</th>
<th>No change</th>
<th>No change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1117</td>
<td>Diphosphoric acid, polymers with ethoxylated reduced methyl esters of reduced polymerized oxidized tetrafluoroethylene (CAS No. 200013–65–6) (provided for in subheading 2917.39.70)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
</tbody>
</table>

### SEC. 1118. 1,2-PROPANEDIOL, 3-(DIETHYLAMINO)-, POLYMERS WITH 5-ISOCYANATO-1-(ISOCYANATOMETHYL)-1,3,3-TRIMETHYLCYCLOHEXANE, PROPYLENE GLYCOL, AND REDUCED METHYL ESTERS OF REDUCED POLYMERIZED OXIDIZED TETRAFLUOROETHYLENE, 2-ETHYL-1-HEXANOL-BLOCKED, ACETATES (SALTS).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>Free</th>
<th>No change</th>
<th>No change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1118</td>
<td>1,2-Propandiol, 3-(diethylamino)-, polymers with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, propylene glycol and reduced methyl esters of reduced polymerized oxidized tetrafluoroethylene, 2-ethyl-1-hexanol-blocked, acetates (salts) (CAS No. 328389–90–8) (provided for in subheadings 3809.92.50 and 3907.20.00)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
</tbody>
</table>

### SEC. 1119. SPIROTETRAMAT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
### SEC. 1120. FLUBENDIAMIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>No.</th>
<th>Subheading</th>
<th>Description</th>
<th>Duty</th>
<th>Status</th>
<th>Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1120.19</td>
<td>cis-4-(Ethoxycarbonyloxy)-8-methoxy-3-(2,5-xylid)-1-azaspiro[4.5]dec-3-en-2-one</td>
<td>(Spirotetramat) (CAS No. 203533-25-1) (provided for in subheading 2903.79.08)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2012</td>
</tr>
</tbody>
</table>

### SEC. 1121. 1,3-CYCLOHEXANEDIONE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>No.</th>
<th>Subheading</th>
<th>Description</th>
<th>Duty</th>
<th>Status</th>
<th>Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1121.21</td>
<td>1,3-Cyclohexanedione (CAS No. 504-02-9) (provided for in subheading 2914.29.50)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2012</td>
<td></td>
</tr>
</tbody>
</table>

### SEC. 1122. THIENCARBAZONE-METHYL.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>No.</th>
<th>Subheading</th>
<th>Description</th>
<th>Duty</th>
<th>Status</th>
<th>Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1122.22</td>
<td>Methyl 4-[(3-methoxy-4-methyl-5-oxo-4,5-dihydro-1H-1,2,4-triazol-1-yl)carbonyl]amino]sulfonyl]-5-methylthiophene-3-carboxylate (Thiencarbazone-methyl) (CAS No. 31795-83-1) (provided for in subheading 2935.00.75)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2012</td>
<td></td>
</tr>
</tbody>
</table>

### SEC. 1123. TEMBOTRIONE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>No.</th>
<th>Subheading</th>
<th>Description</th>
<th>Duty</th>
<th>Status</th>
<th>Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1123.24</td>
<td>2-(Methylthio)-4-(trifluoromethyl) benzoic acid (CAS No. 142994-05-6) (provided for in subheading 2910.90.29)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2012</td>
<td></td>
</tr>
</tbody>
</table>

### SEC. 1124. 2-(METHYLTHIO)-4-(TRIFLUOROMETHYL) BENZOIC ACID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>No.</th>
<th>Subheading</th>
<th>Description</th>
<th>Duty</th>
<th>Status</th>
<th>Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1124.25</td>
<td>Products containing 3-mesityl-2-oxo-1-oxaspiro[4.4]non-3-en-4-yl-3,3-dimethylbutyrate</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2012</td>
<td></td>
</tr>
</tbody>
</table>

### SEC. 1125. PRODUCTS CONTAINING 3-MESITYL-2-OXO-1-OXASPIRO[4.4]NON-3-EN-4-YL 3,3-DIMETHYLBUTYRATE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>No.</th>
<th>Subheading</th>
<th>Description</th>
<th>Duty</th>
<th>Status</th>
<th>Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1125.26</td>
<td>Mixtures containing 5-hydroxy-1,3-dimethylpyrazol-4-ylalpha,alpha-trifluoro-2-mesityl-p-tolyllithiothane (Pyrasulfotole) (CAS No. 365400-11-8) and 2,6-dibromo-4-cyanophenyl heptanoate (Bromoxynil Heptanoate) (CAS No. 56634-95-8) (provided for in subheading 2930.90.29)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2012</td>
<td></td>
</tr>
</tbody>
</table>

### SEC. 1126. MIXTURES CONTAINING PYRASULFOTOLE; 5-HYDROXY-1,3-DIMETHYL PYRAZOL-4-YL 2-METHYL-4-(TRIFLUOROMETHYL) PHENYL KETONE; AND BROMOXYNIL OCTANOATE; 2,4-DIBROMO-6-CYANOPHENYL OCTANOATE; AND BROMOXYNIL HEPTANOATE; 2,4-DIBROMO-6-CYANOPHENYL HEPTANOATE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>No.</th>
<th>Subheading</th>
<th>Description</th>
<th>Duty</th>
<th>Status</th>
<th>Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1126.27</td>
<td>Mixtures containing 5-hydroxy-1,3-dimethylpyrazol-4-ylalpha,alpha-trifluoro-2-mesityl-p-tolyllithiothane (Pyrasulfotole) (CAS No. 365400-11-8) and 2,6-dibromo-4-cyanophenyl heptanoate (Bromoxynil Heptanoate) (CAS No. 56634-95-8) (provided for in subheading 2930.90.29)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2012</td>
<td></td>
</tr>
</tbody>
</table>

### SEC. 1127. CYCROSULFAMIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>No.</th>
<th>Subheading</th>
<th>Description</th>
<th>Duty</th>
<th>Status</th>
<th>Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1127.28</td>
<td>N-(4-(cyclopropylcarbamoyl)phenylsulfonyl)-2-methoxybenzamide (Cycrosulfamide) (CAS No. 221667-31-8) (provided for in subheading 2935.00.75)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2012</td>
<td></td>
</tr>
</tbody>
</table>

### SEC. 1128. MIXTURES OF N-(2-(2-OXIMIDAZOLIDINE-1-YL)ETHYL)-2-METHYLACRYLAMIDE, METHACRYLIC ACID, AMINOETHYL ETHYLENE UREA AND HYDROQUINONE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>No.</th>
<th>Subheading</th>
<th>Description</th>
<th>Duty</th>
<th>Status</th>
<th>Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1128.29</td>
<td>Mixtures of N-(2-(2-oximidazolidine-1-y1)ethyl)-2-methylacrylamide (CAS No. 3089-19-8), methacrylic acid (CAS No. 79-41-4), aminoethyll ethylene urea (CAS No. 6281-42-1) and hydroquinone (CAS No. 123-31-9) (provided for in subheading 2907.09.96)</td>
<td>3.9%</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2012</td>
<td></td>
</tr>
</tbody>
</table>

### SEC. 1129. QUINALDINE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>No.</th>
<th>Subheading</th>
<th>Description</th>
<th>Duty</th>
<th>Status</th>
<th>Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1129.30</td>
<td>4,4'-Butylidenbis[2-(1,1-dimethylylethyl)-5-methylphenol] (CAS No. 85-69-9) (provided for in subheading 2907.09.96)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2012</td>
<td></td>
</tr>
</tbody>
</table>
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.41.31 | 2,2'-Methylenebis(1,1-dimethylethyl)-4-phenol (CAS No. 119-47-1) (provided for in subheading 2907.29.80) | Free | No change | No change | On or before 12/31/2012 .......... |

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.41.32 | Basic Red 51 (CAS No. 12270-25-6) (provided for in subheading 3204.19.30) | Free | No change | No change | On or before 12/31/2012 .......... |

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.41.33 | 2-Aminotoluene-5-sulfonic acid (CAS No. 98-33-9) (provided for in subheading 2921.43.90) | Free | No change | No change | On or before 12/31/2012 .......... |

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.41.34 | Solvent Violet 13 (CAS No. 81-48-1) (provided for in subheading 3204.19.25) | Free | No change | No change | On or before 12/31/2012 .......... |

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.41.35 | Solvent Violet 11 (CAS No. 128-95-0) (provided for in subheading 3204.19.25) | Free | No change | No change | On or before 12/31/2012 .......... |

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.41.36 | Disperse blue 359 (CAS No. 62370-50-7) (provided for in subheading 3204.11.50) | Free | No change | No change | On or before 12/31/2012 .......... |

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.41.37 | Disperse Yellow 241 (CAS No. 83249-52-9) (provided for in subheading 3204.11.35) | Free | No change | No change | On or before 12/31/2012 .......... |

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.41.38 | Dimyristyl peroxydicarbonate (CAS No. 53220-22-7) (provided for in subheading 2920.90.50) | Free | No change | No change | On or before 12/31/2012 .......... |

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.41.39 | Dicetyl peroxydicarbonate (CAS No. 26332-14-5) (provided for in subheading 2909.90.50) | Free | No change | No change | On or before 12/31/2012 .......... |

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.41.40 | Variable speed hubs (except 2- and 3-speed) (provided for in subheading 8714.93.28) | Free | No change | No change | On or before 12/31/2012 .......... |

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.41.41 | 1,4-Benzenedisulfonic acid, 2,2'-(1-methyl-1,2-ethanediyl)bis[iminoo6-fluoro-1,3,5-triazine-4,2-diyl]iminoo1-hydroxy-3-sulfo-6,2-naphthalenediyl]azo][bis[5-methoxy-]sodium salt (CAS No. 155522-07-9) (provided for in subheading 3204.16.30) | Free | No change | No change | On or before 12/31/2012 .......... |

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.41.42 | 2,7-Naphthalenedisulfonic acid, 5-[(4-chloro-6-[2-[(4-chloro-6-[[4-(ethenylsulfonyl)phenyl]azo]-8-hydroxy-3,6-disulfo-1-naphthalenyl]iminoo-1,3,5-triazin-2-yl]aminoethyl)2-hydroxyethyl]amino]-1,3,5-triazin-2-yl]amino)-3-[(4-ethenylsulfonyl)phenyl]azo]-4-hydroxy- sodium salt (CAS No. 171599-45-2) (provided for in subheading 3204.16.30) | Free | No change | No change | On or before 12/31/2012 .......... |
SEC. 1144. S-ABSCISIC ACID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- Isopropyl \((2E,4Z,7S)-11\text{-methoxy-3,7,11-trimethylidodeca-2,4-dienoate}\) (\(8\)-Methoprene) (CAS No. 65733-16-6) (provided for in subheading 2918.99.50) …………………………… Free No change No change On or before 12/31/2012 …………...”

SEC. 1145. 1,2,4-TRIAZOLE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- 1H-(1,2,4)-Triazole (CAS No. 288-88-0) (provided for in subheading 2933.99.97) …….. Free No change No change On or before 12/31/2012 …………...”

SEC. 1146. FLUOPICOLIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- 2,6-Dichloro-N-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]methyl]benzamide (Flupicولide) (CAS No. 239110-15-7) (provided for in subheading 2933.99.21) …………………………… Free No change No change On or before 12/31/2012 …………...”

SEC. 1147. FENHEXAMID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- 2',3'-Dichloro-4'-hydroxy-1-methylcyclohexanecarboxamidine (Fenhexamid) (CAS No. 138623-17-8) (provided for in subheading 2924.39.47) ………………… Free No change No change On or before 12/31/2012 …………...”

SEC. 1148. BELT & SYNAPSE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- Mixture containing 3-ido-N-(2-mesityl-1,1-dimethylthyl)N-(4-[1,2,2,2-tetrafluoro-1-(trifluoromethyl)ethyl]-o-tolyl)phthalimide (Flubendiamide) (CAS No. 272451-65-7) and application adjuvants (provided for in subheading 2928.91.25) ………………… Free No change No change On or before 12/31/2012 …………...”

SEC. 1149. ACETOACETAMIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- Acetoacetamide (CAS No. 5977-14-9) (provided for in subheading 2924.19.11) ………………… Free No change No change On or before 12/31/2012 …………...”

SEC. 1150. SQUARIC ACID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- 3,4-Dihydroxy-3-cyclobutene-1,2-dione (squamic acid) (CAS No. 2892-51-5) (provided for in subheading 2914.40.90) ………………… Free No change No change On or before 12/31/2012 …………...”

SEC. 1151. CHLORODIMETHYLACETOACETAMIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- Chlorodimethylacetoacetamide (CAS No. 5810-11-7) (provided for in subheading 2924.19.11) ………………… Free No change No change On or before 12/31/2012 …………...”

SEC. 1152. CERTAIN MIXTURES OF N,N-DIMETHYLACETOACETAMIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- Mixtures of N,N-dimethylacetoacetamide (CAS No. 2044-64-6) with an additive that stabilizes color and diluted in water with a calculated assay of not less than 78 percent and not more than 84 percent (provided for in subheading 2924.19.11) ………………… Free No change No change On or before 12/31/2012 …………...”

SEC. 1153. LAMBDA-CYHALOTHIRN.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- 1 alpha(8alpha), 3 alpha(Z)-(+)-cyano-3-phenoxphényl)methyl 3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropene (Lambda-cyhalothrin) (CAS No. 91465-08-6) (provided for in subheading 2926.90.30) ………………… Free No change No change On or before 12/31/2012 …………...”

SEC. 1154. MONDUR M FLAKED.
(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- Methylene di-p-phenylene isocyanate (Mondur M Flaked) (CAS No. 101-68-8) (provided for in subheading 2929.10.80) ………………… Free No change No change On or before 12/31/2012 …………...”

SEC. 1155. CERTAIN ACRYLIC FIBER TOW.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
### SEC. 1156. SINGLE LIGHT OPTICAL SENSOR, STAINLESS STEEL CASING, 0.5 METER-LONG, 2.2 MILLIMETER DIAMETER CABLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Rate</th>
<th>MFN</th>
<th>Description After 12/31/2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.41.55</td>
<td>Acrylic fiber tow containing a minimum of 85 percent by weight of acrylonitrile units and a minimum of 35 percent water, imported in the form of raw white (undyed) filament, with an average filament measure of between 2 and 5 decitex, and length greater than 2 meters (provided for in subheading 5901.30.00)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
</tbody>
</table>

### SEC. 1157. A5546 SULFONAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Rate</th>
<th>MFN</th>
<th>Description After 12/31/2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.41.57</td>
<td>Methyl 3-(aminosulfonyl)-2-thiophenecarboxylate (CAS No. 59917-98-8) (provided for in subheading 2919.00.75)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
</tbody>
</table>

### SEC. 1158. HEXANEDIOIC ACID, POLYMER WITH 1,2-ETHANEDIOL, 2-ETHYL-2-(HYDROXYMETHYL)-1,3-PROPANEDIOL AND 1,3-ISOBENZOFURANDIONE, 2-PROPENOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Rate</th>
<th>MFN</th>
<th>Description After 12/31/2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.41.58</td>
<td>Hexanedioic acid, polymer with 1,2-ethanediol, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol and 1,3-isobenzofurandione, 2-propenoate (CAS No. 77107-23-4)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
</tbody>
</table>

### SEC. 1159. CERTAIN HOT FEED EXTRUDING MACHINES CERTIFIED BY THE IMPORTER AS BEING USED IN THE PRODUCTION OF TRUCK AND AUTOMOBILE TIRES, SUCH MACHINES CAPABLE OF EXTRUDING RUBBER MATERIALS MEASURING 870 MM OR MORE BUT NOT OVER 1200 MM IN WIDTH, AND PARTS THEREOF.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Rate</th>
<th>MFN</th>
<th>Description After 12/31/2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.41.59</td>
<td>Hot feed extruding machines certified by the importer as being used in the production of truck and automobile tires, such machines capable of extruding rubber materials measuring 870 mm or more but not over 1200 mm in width, and parts thereof (provided for in subheading 8477.20.00, 8477.90.25, 8477.90.45, or 8477.90.85)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
</tbody>
</table>

### SEC. 1160. 7-HYDROXY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Rate</th>
<th>MFN</th>
<th>Description After 12/31/2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.41.60</td>
<td>2,3-Dihydro-2,2-dimethyl-7-hydroxybenzofuran (Carbofuran phenol) (CAS No. 1563-38-8) (provided for in subheading 2919.00.90)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
</tbody>
</table>

### SEC. 1161. DIMETHOMORPH.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Rate</th>
<th>MFN</th>
<th>Description After 12/31/2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.41.61</td>
<td>4-[3-(4-Chlorophenyl)-3-(3,4-dimethoxyphenyl)-1-oxo-2-propenyl]morpholine (Dimethomorph) (CAS No. 120488-70-5) (provided for in subheading 2919.00.92)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
</tbody>
</table>

### SEC. 1162. CERTAIN ENGINES FOR SNOWMOBILES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Rate</th>
<th>MFN</th>
<th>Description After 12/31/2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.41.62</td>
<td>Spark-ignition reciprocating or rotary internal combustion piston engines more than 900 cc and less than 1100 cc to be installed in snowmobiles (provided for in subheading 8477.90.45)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
</tbody>
</table>

### SEC. 1163. MIXTURES OF POLYVINYL ALCOHOL AND POLYVINYL PYRROLIDONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Rate</th>
<th>MFN</th>
<th>Description After 12/31/2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.41.63</td>
<td>Aqueous mixtures of polyvinyl alcohol (CAS No. 98002-48-3) and polyvinylpyrrolidone (CAS No. 9003-39-8) (provided for in subheading 3905.99.80)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
</tbody>
</table>

### SEC. 1164. ZINC DIETHYLPHOSPHINATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Rate</th>
<th>MFN</th>
<th>Description After 12/31/2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.41.64</td>
<td>Zinc diethylphosphinate (CAS No. 28465-45-6) (provided for in subheading 2901.00.90)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
</tbody>
</table>

### SEC. 1165. VAT ORANGE 7.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Rate</th>
<th>MFN</th>
<th>Description After 12/31/2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.41.65</td>
<td>2-[1-benzimidazo]-1 benzimidazol[1,2-b:2',1' i] benzoximin)[3,8] phenoanlone-8,17-dione (VAT Orange 7) (CAS No. 4424-06-0) (provided for in subheading 3914.15.20)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
</tbody>
</table>

### SEC. 1166. 1-NITROANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Rate</th>
<th>MFN</th>
<th>Description After 12/31/2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.41.66</td>
<td>1-Nitro-9,10-anthracenedione (CAS No. 82-34-8) (provided for in subheading 2914.70.40)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
<tr>
<td>Section</td>
<td>Chemical</td>
<td>CAS Number</td>
<td>Description</td>
<td>Free</td>
</tr>
<tr>
<td>---------</td>
<td>----------</td>
<td>------------</td>
<td>-------------</td>
<td>------</td>
</tr>
<tr>
<td>1167</td>
<td>Leucoquinizarin</td>
<td>476-60-8</td>
<td>1,4,9,10-Tetrahydroxyanthracene (Leucoquinizarin)</td>
<td>Free</td>
</tr>
<tr>
<td>1168</td>
<td>2,2&quot;-Methylpropylidene bis(4,6-dimethylphenol)</td>
<td>33145-18-7</td>
<td>2,2&quot;-Isobutylidenehbin(4,6-dimethylphenol)</td>
<td>Free</td>
</tr>
<tr>
<td>1169</td>
<td>2,5-Bis(1,1-Dimethylpropyl)-1,4-benzenediol</td>
<td>68412-53-3</td>
<td>2,5-Di-tert-amylhydroquinone</td>
<td>Free</td>
</tr>
<tr>
<td>1170</td>
<td>4,4&quot;-Thiobis[2-(1,1-Dimethylpropyl)-5-methylphenol]</td>
<td>96-69-5</td>
<td>4,4&quot;-Thiobis[6-tert-buty1-m-cresol]</td>
<td>Free</td>
</tr>
<tr>
<td>1171</td>
<td>Benzeneacetic Acid</td>
<td>6213-33-5</td>
<td>DL-2-(4-Chlorophenyl)glycine</td>
<td>Free</td>
</tr>
<tr>
<td>1172</td>
<td>1-Amino-2,6-dimethylbenzene</td>
<td>87-62-7</td>
<td>1-Amino-2,6-dimethylbenzene (2,6-xylidine)</td>
<td>Free</td>
</tr>
<tr>
<td>1173</td>
<td>P-Aminobenzoic Acid</td>
<td>6212-33-5</td>
<td>P-Aminobenzoic acid</td>
<td>Free</td>
</tr>
<tr>
<td>1174</td>
<td>2-Amino-3-cyanothiophene</td>
<td>4651-82-5</td>
<td>2-Amino-3-cyanothiophene</td>
<td>Free</td>
</tr>
<tr>
<td>1175</td>
<td>NESOI Hubs</td>
<td>8714-93-35</td>
<td>Recycle hubs, not elsewhere specified or included</td>
<td>Free</td>
</tr>
<tr>
<td>1176</td>
<td>Polyethylene glycol branched-nonylphenyl ether phosphate</td>
<td>68412-33-3</td>
<td>Polyethylene glycol branched-nonylphenyl ether phosphate</td>
<td>Free</td>
</tr>
<tr>
<td>1177</td>
<td>Bismuth subsalicylate</td>
<td>14882-18-9</td>
<td>Bismuth subsalicylate</td>
<td>Free</td>
</tr>
<tr>
<td>1178</td>
<td>5-Ethyl-2-methylpyridine</td>
<td>104-90-5</td>
<td>2-Methyl-5-ethylpyridine</td>
<td>Free</td>
</tr>
<tr>
<td>1179</td>
<td>Polyphenolcyanate</td>
<td>119055-96-5</td>
<td>Phenol, polymer with 3a,4,7,7a-tetrahydro-4,7-methano-1H-indene, cyanate</td>
<td>Free</td>
</tr>
<tr>
<td>1180</td>
<td>Chemical that is used for dyeing apparel home textiles</td>
<td>476-60-8</td>
<td>Phenol, polymer with 3a,4,7,7a-tetrahydro-4,7-methano-1H-indene, cyanate</td>
<td>Free</td>
</tr>
</tbody>
</table>
### SEC. 1181. HEXANE, 1,6-DICHLORO.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Duty Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.41.81</td>
<td>1,6-Dichlorohexane (CAS No. 2163-00-0) (provided for in subheading 2903.19.60)</td>
<td>Free No change No change</td>
</tr>
</tbody>
</table>

On or before December 31, 2012

### SEC. 1182. PROPANEDIOIC ACID, DIETHYL ESTER.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Duty Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.41.82</td>
<td>Diethyl malonate (CAS No. 105-53-3) (provided for in subheading 2917.19.70)</td>
<td>Free No change No change</td>
</tr>
</tbody>
</table>

On or before December 31, 2012

### SEC. 1183. BUTANE, 1-CHLORO.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Duty Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.41.83</td>
<td>n-Butyl chloride (CAS No. 109-69-3) (provided for in subheading 2903.19.60)</td>
<td>Free No change No change</td>
</tr>
</tbody>
</table>

On or before December 31, 2012

### SEC. 1184. MIXTURES CONTAINING METHYL 2-(4,6-DIMETHOXYPYRIMIDIN-2-YLCARBAMYLOL)SULFAMOYL]-5-(METHANESULFONAMIDO)-P-TOLUATE (MESOSULFURON-METHYL) AND METHYL 4-IODO-2-[3-(4-METHOXY-6-METHYL-1,3,5-TRIAZIN-2-YL)UREIDOSULFONYL]-BENZOATE, SODIUM SALT (IODOSULFURON METHYL, SODIUM SALT), WHETHER OR NOT MIXED WITH APPLICATION ADJUVANTS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Duty Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.41.84</td>
<td>Mixtures containing methyl 2-[(4,6-dimethoxypyrimidin-2-ylcarbamoylsulfamoyl)-o-methanesulfonyl]-p-toluate (Mesosulfuron-methyl) (CAS No. 209465-21-8) and methyl 4-iodo-2-[3-(4-methoxy-6-methyl-1,3,5-triazin-2-yl)ureidosulfonyl]-benzoate, sodium salt (Iodosulfuron methyl, sodium salt), whether or not mixed with application adjuvants (CAS No. 144500-36-7)</td>
<td>Free No change No change</td>
</tr>
</tbody>
</table>

On or before December 31, 2012

### SEC. 1185. MIXTURES CONTAINING [3-(4-CHLORO-3-PRIDINYL)-METHYL]-2-THIAZOLIDINYLIDENE/(CYANAMIDE.
Subchapter II of chapter 99 is amended—

(1) by striking heading 9902.10.35; and

(2) by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Duty Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.41.85</td>
<td>Mixtures of (Z)-3-(4-chloro-3-pyridinylmethyl)-1,3-thiazolidin-2-ylidenecyanamide (Thiacloprid) (CAS No. 111988-49-9) and application adjuvants (provided for in subheading 3808.91.25)</td>
<td>Free No change No change</td>
</tr>
</tbody>
</table>

On or before December 31, 2012

### SEC. 1186. MIXTURES CONTAINING (E)-1-[4-(6-CHLORO-3-PYRIDINYL)-METHYL]-N-NITRO-2-IMIDAZOLIDINIMINE (IMIDACLOPRID).
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Duty Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.41.86</td>
<td>Mixtures containing 1-(4-chloro-3-pyridinylmethyl)-N-nitro-2-imidazolidinimine (Imidacloprid) (CAS No. 136261-41-3) and (9Z)-9-tricosene (Muscalure) (CAS No. 27519-02-4) (provided for in subheading 3800.91.25)</td>
<td>Free No change No change</td>
</tr>
</tbody>
</table>

On or before December 31, 2012

### SEC. 1187. MIXTURES CONTAINING METHYL 4-(4,5-DIHYDRO-3-METHOXY-4-METHYL-5-OXO-1,2,4-TRIAZOL-1-YL)CARBONYLPHENYL-3-CARBOXYLATE (THIENCARBAZONE-METHYL).
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Duty Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.41.87</td>
<td>Mixtures containing methyl 4-(4,5-dihydro-3-methoxy-4-methyl-5-oxo-1H-1,2,4-triazol-1-yl)carbonylphenyl-3-carboxylate (Thiencarbazone-methyl) (CAS No. 137853-48-1), ethyl 4,5-dihydro-5-ethyl-1,2-oxazole-3-carboxylate (Ioxadifen-ethyl) (CAS No. 165320-34-0) and (5-cyclopropyl)-1,2-oxazol-4-yl(i.o.a)-trifluoro-2-mesityl-p-tolyl)methanone (Ioxadifen-isoflatoe) (CAS No. 141112-29-0) (provided for in subheading 3808.91.15)</td>
<td>2.3% No change No change</td>
</tr>
</tbody>
</table>

On or before December 31, 2012

### SEC. 1188. 2-AMINO-5-CHLORO-N3-DIMETHYLBENZAMIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Duty Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.41.88</td>
<td>2-Amino-5-chloro-N3-dimethylbenzamide (CAS No. 89070-28-5) (provided for in subheading 2904.29.76)</td>
<td>Free No change No change</td>
</tr>
</tbody>
</table>

On or before December 31, 2012

### SEC. 1189. [3-(4,5-DIHYDRO-ISOXAZOL-3-YL)-4-METHYLXULFONYL]-2-METHYLPHENYL]-5-HYDROXY-1-METHYL-1H-PYRAZOL-4-YL METHANONE (TOPRAZENONE).
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Duty Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.41.89</td>
<td>[3-(4,5-Dihydro-isoxazol-3-yl)-4-methylsulfonyl-2-methylphenyl]-5-hydroxy-1-methyl-1H-pyrazol-4-yl methanone (Topramezone) (CAS No. 209549-78-5) (provided for in subheading 2934.99.15)</td>
<td>2.4% No change No change</td>
</tr>
</tbody>
</table>

On or before December 31, 2012

### SEC. 1190. PRODUCTS CONTAINING (E)-1-[2-CHLORO-1,3-THIAZOL-5-YLMETHYL]-3-METHYL-2-NITROGUANIDINE (CLOTHIANIDIN).
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Duty Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.41.90</td>
<td>Products containing (E)-1-[2-chloro-1,3-thiazol-5-yilmethyl]-3-methyl-2-nitroguanidine (Clothianidin) (CAS No. 210880-92-5) (provided for in subheading 3808.91.50)</td>
<td>4.5% No change No change</td>
</tr>
</tbody>
</table>

On or before December 31, 2012
<table>
<thead>
<tr>
<th>Paragraph Number</th>
<th>Description</th>
<th>Tariff Number</th>
<th>Condition</th>
<th>Provisos</th>
</tr>
</thead>
<tbody>
<tr>
<td>1191. TETRAKIS/HYDROXYMETHYL PHOSPHONIUM Sulfate (THPS).</td>
<td>Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:</td>
<td>9902.41.91</td>
<td>Tetrakis(hydroxymethyl) phosphonium sulfate (THPS) (CAS No. 5566-38-8) (provided for in subheading 2851.00.90)</td>
<td>Free</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2.4%</td>
<td>No change</td>
</tr>
<tr>
<td>1192. 1,1'-METHYLETHYLENDIENE/BIS(3,5-DIBROMO-4-(2,3-DIBROMOPROPoxy)BENZENE (TETRABROMOBISPHENOL A BIS(3,5-DIBROMOPROPYL ETHER).</td>
<td>Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:</td>
<td>9902.41.92</td>
<td>1,1'-(Methylethylidene)bis(3,5-dibromo-4-(2,3-dibromopropoxy)benzene (Tetra-bromobisphenol A bis(2,3-dibromopropyl ether) (CAS No. 21850-44-2) (provided for in subheading 2909.50.50)</td>
<td>Free</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>No change</td>
</tr>
<tr>
<td>1193. BELLS DESIGNED FOR USE ON BICYCLES.</td>
<td>Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:</td>
<td>9902.41.93</td>
<td>Bells designed for use on bicycles (provided for in subheading 8714.90.80)</td>
<td>Free</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>No change</td>
</tr>
<tr>
<td>1194. BLUE 171 (COBALTATE(2-), [6-(AMINO-N)-5-[2-(HYDROXY-C)-4-NITROPHENYL]AZO-N1-NMETHYL-2-NAPHTHALENESULFONAMIDATO(3-)][6-(AMINO-N)-5-[2-(HYDROXY-C)-4-NITROPHENYL]AZO-N1-2-NAPHTHALENESULFONATO(3-)])-DISODIUM.</td>
<td>Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:</td>
<td>9902.41.94</td>
<td>Acid gl.t.t,blue 171 (Cobaltate(2-), [6-(amino-N)-5-[2-(hydroxy-C)-4-nitrophenyl]azo-N1]-N-methyl-2-naphthalenesulfonamidato(3-)]-disodium) (CAS No. 7534-27-1) (provided for in subheading 2924.19.11)</td>
<td>Free</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>No change</td>
</tr>
<tr>
<td>1195. TETRAPOTASSIUM HEXA(CYANO-C) COBALTATE(4-).</td>
<td>Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:</td>
<td>9902.41.95</td>
<td>Tetrapotassium hexa(cyano-C)cobaltate(4-) (CAS No. 14664-78-6) (provided for in subheading 2851.00.90)</td>
<td>Free</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>No change</td>
</tr>
<tr>
<td>1196. TRIALLYL CYANURATE.</td>
<td>Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:</td>
<td>9902.41.96</td>
<td>Triallyl cyanurate (CAS No. 101-37-1) (provided for in subheading 2931.00.90)</td>
<td>Free</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>No change</td>
</tr>
<tr>
<td>1197. CERTAIN CHRISTMAS-TREE FILAMENT LAMPS.</td>
<td>Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:</td>
<td>9902.41.97</td>
<td>Christmas-tree filament lamps of a power not exceeding 200 W and for a voltage exceeding 100 V (provided for in subheading 8539.29.10)</td>
<td>Free</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>No change</td>
</tr>
<tr>
<td>1198. CERTAIN CHRISTMAS-TREE FILAMENT LAMPS DESIGNED FOR A VOLTAGE NOT EXCEEDING 100 V.</td>
<td>Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:</td>
<td>9902.41.98</td>
<td>Christmas-tree filament lamps designed for a voltage not exceeding 100 V (provided for in subheading 8539.22.40)</td>
<td>Free</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>No change</td>
</tr>
<tr>
<td>1199. MIXTURES CONTAINING 5-CYCLOPROPYL-1,2-OXAZOL-4-YL)-(1-METHYLETHYLIDENE)BIS(3,5-DIBROMO-4-(2,3-DIBROMOPROPoxy)BENZENE (TETRABROMOBISPHENOL A BIS(3,5-DIBROMOPROPYL ETHER).</td>
<td>Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:</td>
<td>9902.41.99</td>
<td>Mixtures containing (5-cyclopropyl)-1,2-oxazol-4-y1)-(1-methylethylidene)bis(3,5-dibromo-4-(2,3-dibromopropoxy)benzene (Tetra-bromobisphenol A bis(2,3-dibromopropyl ether) (CAS No. 141112-29-0) and application adjuvants (provided for in subheading 2931.00.90)</td>
<td>Free</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>No change</td>
</tr>
<tr>
<td>1200. N,N-DIMETHYLACETOACETAMIDE.</td>
<td>Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:</td>
<td>9902.42.01</td>
<td>N,N-Dimethylacetamide (CAS No. 2044-64-6) diluted in water with a calculated assay of not less than 93 percent and not more than 99 percent (provided for in subheading 2924.19.11)</td>
<td>Free</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>No change</td>
</tr>
<tr>
<td>1201. CERTAIN MIXTURES OF N,N-DIMETHYLACETOACETAMIDE.</td>
<td>Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:</td>
<td>9902.42.02</td>
<td>Mixtures of N,N-dimethyleacetoacetamide (CAS No. 2044-64-6) with an additive that stabilizes color and diluted in water with a calculated assay of not less than 93 percent and not more than 99 percent (provided for in subheading 2924.19.11)</td>
<td>Free</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>No change</td>
</tr>
<tr>
<td>1202. CHEMICAL USED IN THE PRODUCTION OF TEXTILES.</td>
<td>Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:</td>
<td>9902.42.03</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SEC. 1203. CHEMICALS THAT ARE USED FOR DYEING CERTAIN HOME TEXTILES.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
SEC. 1204. FERRONIOBIUM.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
SEC. 1205. PARAQUAT TECHNICAL + EMETIC.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
SEC. 1206. TEMBOTRIONE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
SEC. 1207. CERTAIN PRODUCTS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

```
SEC. 1208. FERRONIOBIUM.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
SEC. 1209. EFFECTIVE DATE.
The amendments made by this subtitle apply to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

Subtitle B—Extension of Existing Duty Suspension
SEC. 1301. EXTENSION OF CERTAIN EXISTING DUTY SUSPENSION.
Heading 9902.29.22 (relating to 2-(4-fluoro-6-(2-sulfophenyl)amino)-1,3,5-triazin-2-ylamino) propylamino)benzo-[5,6][1,4]oxazin(2,3-b)-phenoxazine-4,11-dilisulfonylic acid, lithium, sodium salt (CAS No. 163662-28-0) (provided for in subheading 9902.16.30) .......... Free No change No change On or before 12/31/2012 ...

SEC. 1302. EFFECTIVE DATE.
(a) IN GENERAL.—The amendment made by this subtitle applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RETROACTIVE APPLICABILITY.—The amendments made by this subtitle apply to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.
<table>
<thead>
<tr>
<th>Subchapter II of chapter 99</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEC. 2101. FENARIMOL TECHNICAL</td>
<td>New heading</td>
</tr>
<tr>
<td>SEC. 2102. PHOSMET TECHNICAL</td>
<td>New heading</td>
</tr>
<tr>
<td>SEC. 2103. CHIME MELODY ROD ASSEMBLIES</td>
<td>New heading</td>
</tr>
<tr>
<td>SEC. 2104. UREA, POLYMER WITH FORMALDEHYDE AND 2-METHYLPENAL</td>
<td>New heading</td>
</tr>
<tr>
<td>SEC. 2105. CERTAIN CLOCK MOVEMENTS</td>
<td>New heading</td>
</tr>
<tr>
<td>SEC. 2106. CERTAIN GLASS SNOW GLOBES</td>
<td>New heading</td>
</tr>
<tr>
<td>SEC. 2107. CERTAIN ACRYLIC SNOW GLOBES</td>
<td>New heading</td>
</tr>
<tr>
<td>SEC. 2108. TERBACIL</td>
<td>New heading</td>
</tr>
<tr>
<td>SEC. 2109. CERTAIN SKI EQUIPMENT</td>
<td>New heading</td>
</tr>
<tr>
<td>SEC. 2110. PROSULFURON</td>
<td>New heading</td>
</tr>
<tr>
<td>SEC. 2111. MANGANESE FLAKE CONTAINING AT LEAST 99.5 PERCENT BY WEIGHT OF MANGANESE</td>
<td>New heading</td>
</tr>
</tbody>
</table>
### SEC. 2112. N-BENZYL-N-ETHYLANILINE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.43.12 | N-Benzyl-N-ethylaniline (CAS No. 92-58-1) (provided for in subheading 2932.42.90) | Free | No change | On or before 12/31/2012 |

### SEC. 2113. DODECYL ANILINE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.43.13 | Dodecyl aniline (CAS No. 68411-48-3) (provided for in subheading 2932.49.45) | Free | No change | On or before 12/31/2012 |

### SEC. 2114. MIXTURES OF CHLORSULFURON AND METSULFURON-METHYL AND INERT INGREDIENTS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.43.14 | Mixtures of 1-(2-chlorophenylsulfonyl)-3-(4-methoxy-6-methyl-1,3,5-triazin-2-yl)urea (Chlorsulfuron) (CAS No. 64902-72-3) and methyl 2-(4-methoxy-6-methyl-1,3,5-triazin-2-ylcarbamoylsulfamoyl)benzoate (Metsulfuron-methyl) (CAS No. 74323-64-6) and inert ingredients (provided for in subheading 3808.90.15) | Free | No change | On or before 12/31/2012 |

### SEC. 2115. PARAQUAT DICHLORIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.43.15 | Mixtures of 1,1'-dimethyl-4,4'-bipyridinium dichloride (Paraquat dichloride) (CAS No. 1910-42-5) and inerts (provided for in subheading 3808.90.15) | Free | No change | On or before 12/31/2012 |

### SEC. 2116. P-TOLUIDINE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.43.16 | p-Toluidine (CAS No. 106-49-0) (provided for in subheading 2932.43.40) | Free | No change | On or before 12/31/2012 |

### SEC. 2117. P-NITROTOLUENE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.43.17 | p-Nitrotoluene (CAS No. 99-99-0) (provided for in subheading 2904.20.10) | Free | No change | On or before 12/31/2012 |

### SEC. 2118. ACRYLIC RESIN SOLUTION.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.43.18 | Acrylic resin solution, β-hydroxyethyl acrylate, acrylic acid, styrene, 2-ethylhexyl acrylate, butyl methacrylate polymer (CAS No. 63076-05-1) (provided for in subheading 3906.90.50) | Free | No change | On or before 12/31/2012 |

### SEC. 2119. BENZENAMINE, 4 DODECYL.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.43.19 | Benzenamine, 4 dodecyl (CAS No. 104-42-7) (provided for in subheading 2932.49.45) | Free | No change | On or before 12/31/2012 |

### SEC. 2120. PROPYLENE GLYCOL ALGINATES.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.43.20 | Propylene glycol alginates (CAS No. 9005-37-2) (provided for in subheading 3913.10.00) | 0.1% | No change | On or before 12/31/2012 |

### SEC. 2121. CERTAIN ALGINATES.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.43.21 | Algicin acid (CAS No. 9005-32-7), ammonium alginate (CAS No. 9005-34-9), potassium alginate (CAS No. 9005-36-1), calcium alginate (CAS No. 9005-35-0), and magnesium alginate (CAS No. 37251-44-8) (provided for in subheading 3913.10.00) | Free | No change | On or before 12/31/2012 |

### SEC. 2122. SODIUM ALGINATE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.43.22 | Sodium alginate (CAS No. 9005-38-3) (provided for in subheading 3913.10.00) | 2.2% | No change | On or before 12/31/2012 |

### SEC. 2123. CERTAIN FIBERGLASS SHEETS USED TO MAKE CEILING TILES.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.43.23 | Nonwoven fiberglass sheets, approximately 0.4 mm to 0.8 mm in thickness and with smooth surfaces, containing a blend of 8 micron and 10 micron glass fibers bound in an acrylatic latex binder that is cross-linked with a melamine-formaldehyde resin, the foregoing of a kind primarily used as acoustical facing for ceiling panels (provided for in subheading 7019.32.00) | Free | No change | On or before 12/31/2012 |

### SEC. 2124. CERTAIN FIBERGLASS SHEETS USED TO MAKE FLOORING SUBSTRATE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
## SEC. 2125. CERTAIN BAMBOO VASES.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Tariff Status</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.43.25</td>
<td>Vases of bamboo strips bonded together with glue, the foregoing which have been shaped or molded, sanded and varnished (provided for in subheading 4602.11.09)</td>
<td>Free</td>
<td>On or before 12/31/2012</td>
</tr>
</tbody>
</table>

## SEC. 2126. CERTAIN PLASTIC CHILDREN'S WALLETS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Tariff Status</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.43.26</td>
<td>Children's wallets with outer surface of sheeting of reinforced or laminated plastics, valued not over $1.00 each, the foregoing with dimensions not exceeding 26 cm by 11.5 cm and with artwork or graphics using cartoon characters or other children's motifs (provided for in subheading 4202.32.19)</td>
<td>Free</td>
<td>On or before 12/31/2012</td>
</tr>
</tbody>
</table>

## SEC. 2127. CERTAIN COUPON HOLDERS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Tariff Status</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.43.27</td>
<td>Divided pouches of plastic sheeting, each with a flap closure secured by a snap, magnet, or elastic band and hook, the foregoing not exceeding 203.2 mm in height, width or depth and of a type designed for organizing coupons or other printed matter (provided for in subheading 4202.32.29)</td>
<td>Free</td>
<td>On or before 12/31/2012</td>
</tr>
</tbody>
</table>

## SEC. 2128. CERTAIN INFLATABLE SWIMMING POOLS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Tariff Status</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.43.28</td>
<td>Inflatable swimming pools of polyvinyl chloride, not exceeding 1.651 m in diameter or width (provided for in subheading 9906.99.55)</td>
<td>Free</td>
<td>On or before 12/31/2012</td>
</tr>
</tbody>
</table>

## SEC. 2129. CHLORANTRANILIPROLE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Tariff Status</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.43.29</td>
<td>3-Bromo-4-(3-chloro-2-pyridyl)-2',6'-methyl-6-(methylcarbamoyl)pyrazole-5-carboxanilide (Chlorantraniliprole) (CAS No. 500008–45–7) (provided for in subheading 2933.39.27)</td>
<td>Free</td>
<td>On or before 12/31/2012</td>
</tr>
</tbody>
</table>

## SEC. 2130. 2-BUTYNE-1,4-DIOL, POLYMER WITH (CHLOROMETHYL)OXIRANE, BROMINATED, DEHYDROCHLORINATED, METHOXYLATED AND TRIETHYL PHOSPHATE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Tariff Status</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.43.30</td>
<td>2-Butyne-1,4-diol, polymer with (chloromethyl)oxirane, brominated, dehydrochlorinated, methoxylated (CAS No. 68441–62–3) and triethyl phosphate (CAS No. 78–40–0) (provided for in subheading 3987.20.00)</td>
<td>Free</td>
<td>On or before 12/31/2012</td>
</tr>
</tbody>
</table>

## SEC. 2131. DAMINOZIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Tariff Status</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.43.31</td>
<td>N-(Dimethylamino) succinamic acid (Daminozide) (CAS No. 1596–84–5) (provided for in subheading 2931.99.50)</td>
<td>Free</td>
<td>On or before 12/31/2012</td>
</tr>
</tbody>
</table>

## SEC. 2132. DIMETHYL HYDROGEN PHOSPHITE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Tariff Status</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.43.32</td>
<td>Dimethyl hydrogen phosphate (CAS No. 868–85–9) (provided for in subheading 2920.90.50)</td>
<td>Free</td>
<td>On or before 12/31/2012</td>
</tr>
</tbody>
</table>

## SEC. 2133. PHOSPHONIC ACID, MALEIC ANHYDRIDE SODIUM SALT COMPLEX.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Tariff Status</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.43.33</td>
<td>Phosphonic acid, maleic anhydride sodium salt complex (CAS No. 180513–31–9) (provided for in subheading 3824.90.92)</td>
<td>Free</td>
<td>On or before 12/31/2012</td>
</tr>
</tbody>
</table>

## SEC. 2134. COFLAKE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Tariff Status</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.43.34</td>
<td>Mixtures of polyethylene glycol (CAS No. 25322–68–3), (acetato)pentammine cobalt dinitrate (CAS No. 14854–63–8), and zinc carbonate (CAS No. 3486–35–8) (provided for in subheading 3815.90.50)</td>
<td>Free</td>
<td>On or before 12/31/2012</td>
</tr>
</tbody>
</table>

## SEC. 2135. 3-AMINO-1,2-PROPANEDIOL.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Tariff Status</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.43.35</td>
<td>3-Amino-1,2-propanediol (CAS No. 616–30–8) (provided for in subheading 2922.19.95)</td>
<td>Free</td>
<td>On or before 12/31/2012</td>
</tr>
</tbody>
</table>
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 2137. PYRAFLUFEN-ETHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 2138. Mixture of 2-(4-(2-hydroxy-3-dodecyloxypropyl)oxy)-2-hydroxyphenyl)-4,6-bis(2,4-dimethylphenyl)-1,3,5-triazine and 2-(4-(2-hydroxy-3-dodecyloxypropyl)oxy)-2-hydroxyphenyl)-4,6-bis(2,4-dimethylphenyl)-1,3,5-triazine in propylene glycol monomethyl ether.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 2139. Buprofezin.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 2140. Fenpyroximate.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 2142. ACAI, PULP, OTHERWISE PREPARED OR PRESERVED, WHETHER OR NOT CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER OR SPIRIT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

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```
9902.43.46 Isotopic separation cascades designed for the enrichment of uranium using gaseous centrifuge technology (provided for in subheading 8401.20.00) .................................................. 2.2% No change No change On or before 12/31/2012 ....... 
```

SEC. 2147. CERTAIN SENSORS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.43.47 Sensors without a recording device (provided for in subheading 9030.33.00) certified by the importer to monitor and report voltage, current and temperature in battery cells designed for use in electrically powered vehicles of subheading 8703.90.00 in which an on board gasoline engine is used to run a generator that recharges the electric drive motor battery .................................................. Free No change No change On or before 12/31/2012 ....... 
```

SEC. 2148. CERTAIN DRIVE MOTOR BATTERY TRANSUDERS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.43.48 Drive motor battery transducers (provided for in subheading 8543.70.40), certified by the importer for use in electrically powered vehicles of subheading 8703.90.00 in which an on board gasoline engine is used to run a generator that recharges the electric drive motor battery .................................................. Free No change No change On or before 12/31/2012 ....... 
```

SEC. 2149. CERTAIN ELECTRIC MOTOR CONTROLLERS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.43.49 Electric motor controllers (provided for in subheading 9032.89.60), certified by the importer to control the electric motors that power electric vehicles of subheading 8703.90.00 in which an on board gasoline engine is used to run a generator that recharges the electric drive motor battery .................................................. 1.4% No change No change On or before 12/31/2012 ....... 
```

SEC. 2150. CERTAIN CHARGERS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.43.50 Chargers (provided for in subheading 8504.40.95) certified by the importer to recharge propulsion batteries by converting external, plug-in AC power to high voltage DC, designed for use in electrically powered vehicles of subheading 8703.90.00 in which an on board gasoline engine is used to run a generator that recharges the electric drive motor battery .................................................. Free No change No change On or before 12/31/2012 ....... 
```

SEC. 2151. CERTAIN LITHIUM-ION BATTERY CELLS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.43.51 Lithium-ion battery cells (provided for in subheading 8507.80.40), certified by the importer for use as the primary source of electrical power for electrically powered vehicles of subheading 8703.90.00 in which an on board gasoline engine is used to run a generator that recharges the electric drive motor battery .................................................. 3.2% No change No change On or before 12/31/2012 ....... 
```

SEC. 2152. MIXTURES OF IMIDACLOPRID WITH CYFLUTHRIN OR ITS β-CYFLUTHRIN ISOMER, INCLUDING APPLICATION ADJUVANTS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.43.52 Mixtures of 1-[(6-chloro-3-pyridinyl) methyl]-N-nitro-2-imidazolidinimine (Imidacloprid) (CAS No. 138261-41-3) with (R)-cyano-(4-fluro-3-phenoxy)phenyl methyl (1R,3R)-3-(2,2,4-trichloroethyl)-2,2-dimethylcyclopropane-1-carboxylate (Cyfluthrin) (CAS No. 68359-37-5) or its β-cyfluthrin isomer, including application adjuvants (provided for in subheading 3808.91.25) ................................................................. 2.4% No change No change On or before 12/31/2012 ....... 
```

SEC. 2153. FLUOPYRAM.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.43.53 N-2-[(3-Chloro-5-(trifluoromethyl)-2-pyridinyl)ethyl]-a,a,a-trifluoro-o-toluidide (Fluopyram) (CAS No. 658066-35-4), whether or not mixed with application adjuvants (provided for in subheading 2933.69.60 or 3808.93.15) ................................................................. 2.2% No change No change On or before 12/31/2012 ....... 
```

SEC. 2154. INDAZIFLAM.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.43.54 N-[(1R,2S)-2,3-Dihydro-2,6-dimethyl-1H-inden-1-yl]-6-[(1RS)-(1-fluoroethyl)]-1,3,5-triazine-2,4-diamine (Indaziflam) (CAS No. 950782-86-2), whether or not mixed with application adjuvants (provided for in subheading 2933.69.60 or 3808.93.15) ................................................................. Free No change No change On or before 12/31/2012 ....... 
```

SEC. 2155. NITROGUANIDINE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.43.55 Nitroguanidine (CAS No. 956-88-7) (provided for in subheading 2925.29.90) ................................................................. Free No change No change On or before 12/31/2012 ....... 
```

SEC. 2156. GUANIDINE NITRATE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.43.56 Guanidine nitrate (CAS No. 956-93-4) (provided for in subheading 2925.29.90) ................................................................. Free No change No change On or before 12/31/2012 ....... 
```

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.43.56 Guanidine nitrate (CAS No. 956-93-4) (provided for in subheading 2925.29.90) ................................................................. Free No change No change On or before 12/31/2012 ....... 
```
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 2157. CERTAIN HYDROGENATED POLYMERS OF NORBORNENE DERIVATIVES.

- 9902.43.57 1,4,5,8-Dimethanonaphthalene, 2-ethylidene-1,2,3,4-tetrahydro-4,7-methano-1H-indene, hydrogenated (CAS No. 881025-72-5); 1,4-methano-1H-fluorene, 4a,9,9a-tetrahydro-, polymer with 1,2,3,4,4a,5,8,8a-octahydro-1,4,5,8-dimethanonaphthalene and 3a,4,7,7a-tetrahydro-4,7-methano-1H-indene, hydrogenated (CAS No. 603442-66-4); and 1,4-methano-1H-fluorene, 4a,9,9a-tetrahydro-, polymer with 1,2,3,4,4a,5,8,8a-octahydro-1,4,5,8-dimethanonaphthalene, hydrogenated (CAS No. 503296-02-0) (provided for in subheading 3911.90.25) ................................................ Free No change No change On or before 12/31/2012 ... 1/10"

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 2158. CERTAIN PLUG-IN ELECTROTHERMIC APPLIANCES.

- 9902.43.58 Plug-in electrotHERmic appliances each with either a single integral fan or with two integral fans and designed to dispense the fragrance of scented oil, such appliances with exterior shell of plastics, having an overall height of 18 mm or more but not over 21 mm (provided for in subheading 4016.79.00) ................................................ Free No change No change On or before 12/31/2012 ... 1/10"

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 2159. CONTINUOUS ACTION, SELF-CONTAINED, REFILLABLE, FAN-MOTOR Driven, Battery-operated, Portable PERSONAL DEVICE FOR MOSQUITO REPELLENTS.

- 9902.43.59 Continuous action, self-contained, refillable, fan-motor driven, battery-operated, portable personal device for mosquito repellents (provided for in subheading 8414.59.60) ........ Free No change No change On or before 12/31/2012 ... 1/10"

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 2160. 4-CHLORO-1,8-NAPHTHALIC ANHYDRIDE.

- 9902.43.60 4-Chloro-1,8-naphthalic anhydride (CAS No. 4033-08-1) (provided for in subheading 2927.39.30) ................................................ Free No change No change On or before 12/31/2012 ... 1/10"

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 2161. NEOPENTYL GLYCOL (MONO) HYDROXYPIVALATE.

- 9902.43.61 Neopentyl glycol (mono) hydroxyptivalate (CAS No. 1115-20-4) (provided for in subheading 2918.19.90) ................................................ Free No change No change On or before 12/31/2012 ... 1/10"

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 2162. O-TOLUIDINE.

- 9902.43.62 o-Toluidine (CAS No. 95-53-4) (provided for in subheading 2921.43.90) ....................... 4.2% No change No change On or before 12/31/2012 ... 1/10"

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 2163. BLOCKED POLYSOCCANATE HARDENER; 2-BUTANONE, OXIME, POLYMER WITH 1,6-DIISOCYANATOHETEXANE AND 2-ETHYL-2-(HYDROXYMETHYL)-1,3-PROPANEDIOL.

- 9902.43.63 blocked polysocyanate hardener; 2-butanone, oxime, polymer with 1,6-diisocyanatohexane and 2-ethyl-2-(hydroxymethyl)-1,3-propanediol (CAS No. 72968-62-8) (provided for in subheading 3911.90.25) ................................................ Free No change No change On or before 12/31/2012 ... 1/10"

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 2164. MIXTURES OF BARIUM SULFATE AND MAGNESIUM METAL.

- 9902.43.64 Mixtures of barium sulfate (CAS No. 7727-43-7) and magnesium metal (provided for in subheading 3924.90.52) ................................................ Free No change No change On or before 12/31/2012 ... 1/10"

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 2165. POLY(MELAMINE-CO-FORMALDEHYDE) METHYLATED BUTYLATED.

- 9902.43.65 Poly(melamine-co-formaldehyde) methylated butylated (CAS No. 68036-97-5) (provided for in subheading 3909.20.00) ................................................ Free No change No change On or before 12/31/2012 ... 1/10"

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 2166. POLY(MELAMINE-CO-FORMALDEHYDE) METHYLATED ISOBUTYLATED.

- 9902.43.66 Poly(melamine-co-formaldehyde) methylated isobutylated (CAS No. 68955-24-4) (provided for in subheading 3909.20.00) ................................................ Free No change No change On or before 12/31/2012 ... 1/10"

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 2167. ION EXCHANGE RESIN, TERTIARY AMINE CROSSLINKED POLYSTYRENE.

- 9902.43.67 Ion exchange resin, tertiary amine crosslinked polystyrene (CAS No. 68441-29-2) (provided for in subheading 3914.90.60) ................................................ Free No change No change On or before 12/31/2012 ... 1/10"

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 2168. ION EXCHANGE RESIN, POLYSTYRENE CROSSLINKED WITH DIVINYLBENZENE, QUATERNARY AMMONIUM CHLORIDE.

- 9902.43.68 Ion exchange resin, polystyrene crosslinked with divinylbenzene, quaternary ammonium chloride (CAS No. 68329-97-8) (provided for in subheading 3914.90.60) ................................................ Free No change No change On or before 12/31/2012 ... 1/10"
<table>
<thead>
<tr>
<th><strong>Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:</strong></th>
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</thead>
<tbody>
<tr>
<td><strong>9902.43.68</strong></td>
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<tr>
<td><strong>9902.43.69</strong></td>
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<td><strong>9902.43.70</strong></td>
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<td><strong>9902.43.71</strong></td>
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<td><strong>9902.43.76</strong></td>
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<td><strong>9902.43.77</strong></td>
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<tr>
<td><strong>9902.43.78</strong></td>
</tr>
<tr>
<td><strong>9902.43.79</strong></td>
</tr>
</tbody>
</table>

### SEC. 2169. ION EXCHANGE RESIN, POLYSTYRENE CROSSLINKED WITH DIVINYLBENZENE, CHLOROMETHYLATED, TRIMETHYLAMMONIUM SALT.

**Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:**

- Ion exchange resin, polystyrene crosslinked with divinylbenzene, quaternary ammonium chloride (CAS No. 69011-15-0) (provided for in subheading 3914.00.60)
- Ion exchange resin, polystyrene crosslinked with divinylbenzene, chloromethylated, trimethylammonium salt (CAS No. 69011-19-4) (provided for in subheading 3914.00.60)
- Ion exchange resin consisting of styrene-divinylbenzene-vinylethylbenzene copolymer, sulfonated, sodium salts (CAS No. 69011-22-9) (provided for in subheading 3914.00.60)

### SEC. 2170. ION EXCHANGE RESIN CONSISTING OF STYRENE-DIVINYLBENZENE-VINYLETHYL BENZENE COPOLYMER, SULFONATED, SODIUM SALTS.

**Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:**

- Ion exchange resin consisting of styrene-divinylbenzene-vinylethylbenzene copolymer, sulfonated, sodium salts (CAS No. 69011-22-9) (provided for in subheading 3914.00.60)

### SEC. 2171. TRIETHYLENEDIAMINE.

**Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:**

- Triethylenediamine (CAS No. 280-57-9) (provided for in subheading 2933.59.95)

### SEC. 2172. POLY(OXY-1,2-ETHANEDIYL), α-(2-ETHYLPENTYL)-α-HYDROXY-, PHOSPHATE.

**Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:**

- Poly(oxy-1,2-ethanediyl), α-(2-ethylhexyl)-α-hydroxy-, phosphate (CAS No. 68439-39-4) (provided for in subheading 3903.90.50)

### SEC. 2173. MACROPOUROUS ADSORBENT POLYMER COMPOSED OF CROSSLINKED PHENOL-FORMALDEHYDE POLYCONDENSATE RESIN IN GRANULAR FORM HAVING A MEAN PARTICLE SIZE OF 0.56 TO 0.76 MM.

**Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:**

- Macroporous adsorbent polymer composed of crosslinked phenol-formaldehyde polycondesate resin in granular form having a mean particle size of 0.56 to 0.76 mm (CAS No. 9003-35-4) (provided for in subheading 3909.90.00)

### SEC. 2174. POLY(4-(1-ISOBUTOXYETHOXY)STYRENE-CO-4-HYDROXYSTYRENE) DISSOLVED IN 1-METHOXY-2-PROPA NOL ACETATE.

**Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:**

- Poly(4-(1-isobutoxyethoxy)styrene-co-4-hydroxy styrene) (CAS No. 199432-82-1) dissolved in 1-methoxy-2-propanol acetate (CAS No. 198-05-6) (provided for in subheading 3903.90.50)

### SEC. 2175. POLY(4-(1-ETHOXYETHOXY) STYRENE)-[4-(T-BUTOXYCARBONYLOXY) STYRENE]-[4-HYDROXYSTYRENE].

**Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:**

- Poly[(4-(1-ethoxyethoxy) styrene)/[4-(t-butoxycarbonyloxy) styrene)/(4-hydroxy styrene)] (CAS No. 177034-75-2) (provided for in subheading 3903.90.50)

### SEC. 2176. 6-DIAZO-5,6-DIHYDRO-5-OXO-NAPHTHALENE-1-SULFONIC ACID ESTER WITH 2-(BIS(4-HYDROXY-2,3,5-TRIMETHYLPHENYL)METHYL) PHENOL.

**Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:**

- 6-Diazo-5,6-dihydro-5-oxo-naphthalene-1-sulfonic acid ester with 2-(bis(4-hydroxy-2,3,5-trimethylphenyl)methyl)phenol (CAS No. 184489-92-7) (provided for in subheading 2927.89.25)

### SEC. 2177. BENZYL CHLORIDE.

**Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:**

- Benzyl chloride (CAS No. 98-88-4) (provided for in subheading 2914.00.60)

### SEC. 2178. CHLOROBENZENE.

**Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:**

- Chlorobenzene (CAS No. 108-87-7) (provided for in subheading 2903.61.10)

### SEC. 2179. P-DICHLOROBENZENE.

**Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:**

- p-Dichlorobenzene (CAS No. 106-46-7) (provided for in subheading 2903.61.30)
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2181</td>
<td>Ice cream makers, each with a motor rated at 50 W or more but not over 60 W, with a bowl capacity of 1.4 liters or more but not over 1.95 liters (provided for in subheading 8509.40.00) Free No change No change On or before 12/31/2012...</td>
</tr>
<tr>
<td>2182</td>
<td>Food choppers each with a reversible motor and a dual function blade, for grinding or chopping, with a bowl capacity of 0.6 liters or more, but not more than 1 liter (provided for in subheading 8509.40.00) Free No change No change On or before 12/31/2012...</td>
</tr>
<tr>
<td>2183</td>
<td>Electrothermic coffee makers, programmable and with a built-in bean storage hopper of a capacity of 227 g, having a burr grinder capable of dispensing ground coffee directly into a brew basket, each with a carafe capacity of 1.475 liters or more but not over 1.77 liters (provided for in subheading 8506.71.00) Free No change No change On or before 12/31/2012...</td>
</tr>
<tr>
<td>2184</td>
<td>Electrothermic coffee makers, programmable and with automatic shut-off feature, each with a built-in bean storage hopper of a capacity of 227 g, having a burr grinder capable of dispensing ground coffee directly into a brew basket, the foregoing with a carafe capacity of 1.77 liters or more but not over 2.065 liters, capable of producing coffee in quantities starting at 1 cup per brewing cycle (provided for in subheading 8506.71.00) Free No change No change On or before 12/31/2012...</td>
</tr>
<tr>
<td>2185</td>
<td>Sardines, sardinella and bristling or sprats, in oil, in airtight containers, neither skinned nor boned (provided for in subheading 1604.13.20) Free No change No change On or before 12/31/2012...</td>
</tr>
<tr>
<td>2186</td>
<td>Image projectors capable of projecting images onto a ceiling or wall, the foregoing each imported with audio player and designed to soothe or entertain infants (provided for in subheading 3908.30.00) Free No change No change On or before 12/31/2012...</td>
</tr>
<tr>
<td>2187</td>
<td>2-OXEPANOONE POLYMER, 1-3-ISOBENZOFLUORANEDIONE TERMINATED. Free No change No change On or before 12/31/2012...</td>
</tr>
<tr>
<td>2188</td>
<td>2-OXEPANOONE, POLY WITH 1,6-HEXANEDIOL. Free No change No change On or before 12/31/2012...</td>
</tr>
<tr>
<td>2189</td>
<td>ε-CAPROLACTONE POLYMER WITH POLY(1,4-BUTYLENE GLYCOL). Free No change No change On or before 12/31/2012...</td>
</tr>
<tr>
<td>2190</td>
<td>Poly(caprolactone) diol (CAS No. 36080-68-3) (provided for in subheading 3907.99.01) Free No change No change On or before 12/31/2012...</td>
</tr>
<tr>
<td>2191</td>
<td>Caprolactone homopolymer (CAS No. 24080-41-4) (provided for in subheading 3907.99.01) Free No change No change On or before 12/31/2012...</td>
</tr>
</tbody>
</table>
SEC. 2192. 2,4,6-TRIS (DIMETHYLAMINO) METHYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9002.43.92 | 2,4,6-Tris [(dimethylamino)methyl]phenol (CAS No. 98-72-2) (provided for in subheading 2922.29.81) | Free | No change | No change | On or before 12/31/2012 | ... |

SEC. 2193. PROPANOIC ACID, 3-HYDROXY-2-(HYDROXYMETHYL)-2-METHYL- HOMOPOLYMER, ESTER WITH α-HYDROXY-α-HYDROXYPOLY(OXY-1,2-ETHANEDIYL) ETHER WITH 2,2-BIS(HYDROXYMETHYL)-1,3-PROPANEDIOL (4:4:1), 2,2-BIS(PROPENYL) METHYL) BUTYL Succinates C3-24 CARBOXYLATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9002.43.93 | Propionic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl- homopolymer, ester with α-hydroxy-(o-hydroxypoly(oxy-1,2-ethanediyl) ether with 2,2-bis(hydroxymethyl)-1,3-propandiol (4:4:1), 2,2-bis[2(propenyl)methyl]butyl succinates C3-24 carboxylates (CAS No. 69213-23-1) (provided for in subheading 3907.50.00) | Free | No change | No change | On or before 12/31/2012 | ... |

SEC. 2194. 2-OXEPANONE, POLYMER WITH 2,2-BIS(HYDROXYMETHYL)-1,3-PROPANEDIOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9002.43.94 | 2-Oxepanone, polymer with 2,2-bis(hydroxymethyl)-1,3-propandiol (CAS No. 35484-93-6) (provided for in subheading 3907.99.01) | Free | No change | No change | On or before 12/31/2012 | ... |

SEC. 2195. 2-OXEPANONE, POLYMER WITH 1,4-BUTANEDIOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9002.43.95 | 2-Oxepanone, polymer with 1,4-butanediol (CAS No. 31831-33-5) (provided for in subheading 3907.99.01) | Free | No change | No change | On or before 12/31/2012 | ... |

SEC. 2196. DIANIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9002.43.96 | 2,5-Cyclohexadiene-1,4-dione-2,5-dichloro-3,6-bis[(9-ethyl-9H-carbazol-3-yl)amino] (Dianil) (CAS No. 80036-37-4) (provided for in subheading 2933.99.79) | Free | No change | No change | On or before 12/31/2012 | ... |

SEC. 2197. S-METOLACHLOR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9002.43.97 | 2-Chloro-N-(2-ethyl-6-methylphenyl)-N-[(1S)-2-methoxy-1-methylethyl]acetamide (s-Metolachlor) (CAS No. 87392-12-9) (provided for in subheading 2924.29.47) | 6% | No change | No change | On or before 12/31/2012 | ... |

SEC. 2198. FRAMES AND MOUNTINGS FOR SPECULATIONS, GOGGLES, OR THE LIKE, THE FOREGOING OF PLASTICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9002.43.98 | Frames and mountings for speculations, goggles, or the like, the foregoing of plastics (provided for in subheading 9003.11.00) | 2.3% | No change | No change | On or before 12/31/2012 | ... |


Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9002.43.99 | 1,3-Propanediaminium, N-[[3-(dimethyl)[3-(2-methyl-1-oxo-2-propenyl) amino] propyl] ammonio] acetyl]amino] propyl]-2-hydroxy-N,N,N,N',N',N'-pentamethyl-trichloride, polymer with 2-propenamide (CAS No. 916155-61-8) (provided for in subheading 3906.90.50) | Free | No change | No change | On or before 12/31/2012 | ... |

SEC. 2200. 2-CYCLOHEXYLIDENE-2-PHENYLACETONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9002.44.01 | 2-Cyclohexylidene-2-phenylacetonitrile (CAS No. 10461-98-0) (provided for in subheading 2926.90.43) | Free | No change | No change | On or before 12/31/2012 | ... |

SEC. 2201. POLYDICYCLOPENTADIENE-CO-P-CRESOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9002.44.02 | Polydicyclopentadiene-co-p-cresol (CAS No. 68630-51-5) (provided for in subheading 3812.30.60) | Free | No change | No change | On or before 12/31/2012 | ... |

SEC. 2202. 2-OXEPANONE, POLYMER WITH AZIRIDINE AND TETRAHYDRO-2H-PYRAN-2-ONE, DODECANOATE ESTER DISPERSANT IN N-BUTYL ACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9002.44.03 | 2-Oxepanone, polymer with aziridine and tetrahydro-2H-pyran-2-one, dodecanoate ester dispersant in n-butyl acetate, such that the weight of the active ingredient is less than 50 percent of the weight of the solution (provided for in subheading 3308.18.00) | Free | No change | No change | On or before 12/31/2012 | ... |

SEC. 2203. AMINE NEUTRALIZED PHOSPHATED POLYESTER POLYMER DISPERSANT IN AROMATIC NAPHTHA SOLVENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
### SEC. 2204. CERTAIN PLASTIC LAMINATE SHEETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.44.05 | Laminate sheets of plastics, each consisting of layers of polyethylene film (the foregoing comprising polyethylene coextrusion copolymer of low density polyethylene and ethylene acrylic acid) around an inner layer of aluminum foil (provided for in subheading 3921.90.40) | Free | No change | No change | On or before 12/31/2012 |

### SEC. 2205. PARTS OF FRAMES AND MOUNTINGS FOR SPECTACLES, GOGGLES, OR THE LIKE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.44.06 | Parts of frames and mountings for spectacles, goggles, or the like (provided for in subheading 9003.90.00) | Free | No change | No change | On or before 12/31/2012 |

### SEC. 2206. CERTAIN WINDOW SHADE MATERIAL OF PAPER STRIPS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.44.07 | Material suitable for use in window shades, presented in rolls, measuring approximately 27 m² or more but not over 47 m² in area, the foregoing comprising plaiting material of paper strips placed side-by-side and woven together using polyester yarn into a repeating pattern, whether or not painted or coated and whether or not incorporating imitation leather in strips measuring approximately 2.5 mm or more but less than 4 mm in width (provided for in subheading 4601.99.90) | Free | No change | No change | On or before 12/31/2012 |

### SEC. 2207. CERTAIN WINDOW SHADE MATERIAL OF BAMBOO.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.44.08 | Material suitable for use in window shades, presented in rolls, measuring approximately 27 m² or more but not over 47 m² in area, the foregoing comprising bamboo, whether or not painted or coated, comprising one or more of the following bound together in parallel strands with polyester yarn: bamboo stems measuring 2 mm or more but not over 5 mm in diameter, bamboo slats measuring approximately 1 mm or more but not over 15 mm wide and/or bamboo cane measuring 2 mm or more but not over 12 mm in diameter; the foregoing whether or not containing grass, paper or jute (provided for in subheading 4601.92.20) | Free | No change | No change | On or before 12/31/2012 |

### SEC. 2208. CERTAIN VINDSOCK-TYPE DECOYS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.44.09 | Windsock-type decoys with silhouette heads, each having an internal frame to maintain body shape and presented with spring steel stake system (provided for in subheading 9007.90.80) | Free | No change | No change | On or before 12/31/2012 |

### SEC. 2209. CERTAIN WINDSOCKS WITH SIHOUETTE HEADS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.44.10 | Windsocks with silhouette heads and fabric bodies of textile materials, each having an internal frame to maintain body shape and presented with spring steel stake system (provided for in subheading 6307.90.96) | Free | No change | No change | On or before 12/31/2012 |

### SEC. 2210. CERTAIN IMPLEMENTS FOR CLEANING HUNTED FOWL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.44.11 | Devices of stainless steel designed for use in separating the wings and breast of hunted fowl from the rest of the carcasses when mounted on a standard vehicle trailer hitch (provided for in subheading 7328.90.85) | Free | No change | No change | On or before 12/31/2012 |

### SEC. 2211. ALKANES C10-C14.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.44.12 | Alkanes C10-C14 (CAS No. 93924–07–3) (ASTM D–156) (provided for in subheading 2710.19.98) | 6.1% | No change | No change | On or before 12/31/2012 |

### SEC. 2212. 2-HYDROXYETHYL-N-OCTYL SULFIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.44.13 | 2-Hydroxyethyl-n-octyl sulfide (CAS No. 3547–33–9) (provided for in subheading 2930.90.91) | Free | No change | No change | On or before 12/31/2012 |

### SEC. 2213. CERTAIN PHOTOMASK BLANKS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

| 9902.44.14 | Photomask blanks with synthetic quartz substrates, with zero defects greater than 0.5 microns in the photoresist and chromium or phase shift layer (provided for in subheading 3308.10.60) | 1.1% | No change | No change | On or before 12/31/2012 |
SEC. 2214. CERTAIN EARPHONES.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''9902.44.21 2,2-Dichlorobenzene (CAS No. 120-78-5) (provided for in subheading 2904.20.10) ........................................ 2.1% No change No change On or before 12/31/2012 ............ ''. 

SEC. 2215. CERTAIN HOT FEED EXTRUDING MACHINES FOR BUILDING TRUCK AND AUTOMOBILE TIRES.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''9902.44.16 Hot feed extruding machines certified by the importer as for building truck and automobile tires, such machines capable of extruding rubber materials measuring 870 mm or more but not over 1200 mm in width, and parts thereof (provided for in subheading 8477.90.00)........................................ Free No change No change On or before 12/31/2012 ............ ''. 

SEC. 2216. MIXTURES OF TETRAKIS(HYDROXYMETHYL)PHOSPHONIUM CHLORIDE - UREA POLYMER AND TETRAKIS(HYDROXYMETHYL)PHOSPHONIUM CHLORIDE, AND FORMALDEHYDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''9902.44.17 Mixtures of tetrakis (hydroxymethyl)phosphonium chloride - urea polymer (CAS No. 2704-30-9) and tetrakis (hydroxymethyl)phosphonium chloride (1:1) (CAS No. 124-64-1), and formaldehyde (CAS No. 50-00-0) (provided for in subheading 3889.91.00)................................. Free No change No change On or before 12/31/2012 ............ ''. 

SEC. 2217. P-FLUOROBENZALDEHYDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''9902.44.18 P-Fluorobenzaldehyde (CAS No. 459-57-4) (provided for in subheading 2933.90.40) ........................................ Free No change No change On or before 12/31/2012 ............ ''. 

SEC. 2218. BICYCLO[2.2.1]-HEPT-5-ENE-2,3-DICARBOXYLIC ANHYDRIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''9902.44.19 Bicyclo(2.2.1)-hept-5-ene-2,3-dicarboxylic anhydride (CAS No. 826-62-0) (provided for in subheading 2917.20.00) ........................................................................ Free No change No change On or before 12/31/2012 ............ ''. 

SEC. 2219. O-DICHLOROBENZENE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''9902.44.20 O-Dichlorobenzene (CAS No. 95-50-1) (provided for in subheading 2903.61.20) ........................................ Free No change No change On or before 12/31/2012 ............ ''. 

SEC. 2220. 2,2'-DITHIIOBISBENZOTHIAZOLE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''9902.44.21 2,2'-Dithiobisbenzothiazole (CAS No. 120-78-5) (provided for in subheading 2904.20.10) ... 2.1% No change No change On or before 12/31/2012 ............ ''. 

SEC. 2221. AUDIO INTERFACE UNITS FOR SOUND MIXING, RECORDING, AND EDITING.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''9902.44.22 Audio interface units for sound mixing, recording and editing, the foregoing capable of full interface control using separate automatic data processing systems (provided for in subheading 8541.70.96) ......................................................... Free No change No change On or before 12/31/2012 ............ ''. 

SEC. 2222. CERTAIN ELECTRIC COOKTOPS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''9902.44.23 Electric cooktops, weighing approximately 10.3 kg or more but not over 20.9 kg, having manual control knobs, each with coil-type electric cooking elements or with a flat cooking surface with incorporated heating elements, the foregoing which are (1) approximately 66.0 or 76.2 cm in width and with 4 coils or heating elements, or (2) approximately 91.4 cm in width and with 5 coils or heating elements (provided for in subheading 8541.60.60) ........................................ Free No change No change On or before 12/31/2012 ............ ''. 

SEC. 2223. CHROMATE(4-), (7-amino-3-(3-chloro-2-hydroxy-5-nitrophenyl)azo)-4-hydroxy-2-naphthalenesulfonato(3-)][6-amino-4-hydroxy-3-(2-hydroxy-5-nitro-3-sulfophenyl)azo]-2-naphthalenesulfonato(4-), tetralsodium.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''9902.44.24 Chromate(4-), (7-amino-3-(3-chloro-2-hydroxy-5-nitrophenyl)azo)-4-hydroxy-2-naphthalenesulfonato(3-)][6-amino-4-hydroxy-3-(2-hydroxy-5-nitro-3-sulfophenyl)azo]-2-naphthalenesulfonato(4-)], tetralsodium (CAS No. 187719-97-7) (provided for in subheading 2934.12.45) ........................................................................ Free No change No change On or before 12/31/2012 ............ ''. 

SEC. 2224. PIGMENT ORANGE 62.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''9902.44.25 Butanamide, N-(2,3-di-hydro-2-oxo-1H-benzimidazol-5-yl)-2-[2-(4-nitrophenyl)diazeryl]-3-oxo- (Pigment Orange 62) (CAS No. 5384-56-7) (provided for in subheading 3204.17.60) ........................................ Free No change No change On or before 12/31/2012 ............ ''.
### SEC. 2225. MIXTURES OF FLUSILAZOLE WITH XYLINE AND INERT APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mixtures of 1-[(bis(4-fluorophenyl) methylsilyl)methyl]-1H-1,2,4-triazole (Flusilazole) (CAS No. 85509-19-9) with xylene and inert application adjuvants (provided for in subheading 3808.92.15)</td>
</tr>
</tbody>
</table>

### SEC. 2226. FLUTHIACET-METHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Methyl[2-chloro-4-fluoro-5{(tetrahydro-3-oxo-1H,3H-1,3,4]hiazolozol3,4, a]pyridazin-1-ylidenamino]phenyl] thio]acetate (Fluthiacet-methyl) (CAS No. 117357-19-6) (provided for in subheading 3808.93.15)</td>
</tr>
</tbody>
</table>

### SEC. 2227. CERTAIN DYNAMIC MICROPHONES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-element unidirectional (cardioid) dynamic microphones, each with a frequency response of 60 Hz or more but not more than 15 kHz and less than 10 dB deviation across the frequency range, the foregoing each incorporating a copper coil and neodymium magnet and having a steel mesh grille and a die-cast handle of zinc alloy (provided for in subheading 8518.10.80)</td>
</tr>
</tbody>
</table>


Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ethyl [4-chloro-2-fluoro-5-[[methy1(1-methylethyl)aminol sulfonyl] amino</td>
</tr>
</tbody>
</table>

### SEC. 2229. ETHYL 3-AMINO-4,4,4-TRIFLUOROCROTONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ethyl 3-amino-4,4,4-trifluorocrotonate (CAS No. 372-29-2) (provided for in subheading 2922.49.80)</td>
</tr>
</tbody>
</table>

### SEC. 2230. DIETHYL OXALATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diethyl oxalate (CAS No. 95-92-1) (provided for in subheading 2917.11.00)</td>
</tr>
</tbody>
</table>

### SEC. 2231. POTASSIUM DECAFLUORO-PENTAFLUORO-ETHYL-CYCLOHEXANESULFONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potassium decafluoro(pentafluoroethyl) cyclohexanesulfonate (CAS No. 67585-42-3) (provided for in subheading 2935.00.95)</td>
</tr>
</tbody>
</table>

### SEC. 2232. CERTAIN ELECTRODES PASTES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soderberg electrode pastes in rectangular blocks, cylinders (greater than or equal to 500 mm in diameter), or briquettes consisting of calcined anthracite (CAS No. 66187-99-7) and coal tar pitch CAS No. 69966-93-2) (provided for in subheading 3808.92.15)</td>
</tr>
</tbody>
</table>

### SEC. 2233. FLUTHIACET-METHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Methyl[2-chloro-4-fluoro-5{(tetrahydro-3-oxo-1H,3H-1,3,4]hiazolozol3,4, a]pyridazin-1-ylidenamino]phenyl] thio]acetate (Fluthiacet-methyl) (CAS No. 117357-19-6) (provided for in subheading 3808.93.15)</td>
</tr>
</tbody>
</table>

### SEC. 2234. 2-PROPENOIC ACID, REACTION PRODUCTS WITH O-CRESOL-EPICHLOROHYDRIN-FORMALDEHYDE POLYMER AND 3A,4,7,7A-TETRAHYDRO-1,3- ISOZENOFURANDIONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-Propenoic acid, reaction products with o-cresol-epichlorohydrin-formaldehyde polymer and 3a,4,7,7a-tetrahydro-1,3-isozenzofurandione (CAS No. 118501-06-8) (provided for in subheading 3807.30.00)</td>
</tr>
</tbody>
</table>

### SEC. 2235. FORMALDEHYDE, POLYMER WITH METHYLPHENOL, 2-HYDROXY-4-((1-OXO-2-PROPENYL)OXY)PROPYL ETHER AND FORMALDEHYDE, POLYMER WITH CHLOROMETHYLOXIRANE AND METHYLPHENOL, 4-CYCLOHEXENE-1,2-DICARBOXYLATE 2-PROPENOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
SEC. 2236. VARIABLE-FOCAL-LENGTH (ZOOM) LENSES FOR DIGITAL CAMERAS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- **9902.44.37** Variable-focal-length (zoom) lenses for digital cameras, either having a focal-length range measuring approximately 10 mm or more but not over 24 mm and weighing between 455 and 465 grams, or having a focal-length range measuring approximately 55 mm or more but not over 200 mm and weighing between 1.355 and 1.545 grams (all the foregoing provided for in subheading 9902.11.90) Free No change No change On or before 12/31/2012 .......

SEC. 2237. CERTAIN UMBRELLAS HAVING AN ARC GREATER THAN 152 CM BUT NOT MORE THAN 165 CM.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- **9902.44.38** Umbrellas, each having an arc measuring 152 cm or more but not more than 165 cm (provided for in subheading 6901.99.00) .............................................................. Free No change No change On or before 12/31/2012 .......

SEC. 2238. 4-METHYLBENZENESULFONAMIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- **9902.44.39** 4-Methylbenzenesulfonamide (CAS No. 70-55-3) (provided for in subheading 2935.00.95) .................................................................................. Free No change No change On or before 12/31/2012 .......

SEC. 2239. MIXTURE OF CALCIUM HYDROXIDE, MAGNESIUM HYDROXIDE, ALUMINUM SILICATE, AND STEARIC ACID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- **9902.44.40** Mixture of calcium hydroxide (CAS No. 1305-62-0), magnesium hydroxide (CAS No. 1309-42-8), aluminum silicate (CAS No. 70131-50-9), and stearic acid (CAS No. 57-11-4) (provided for in subheading 3824.90.92) ........................................................................ Free No change No change On or before 12/31/2012 .......

SEC. 2240. CERTAIN ELECTRICAL CONNECTORS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- **9902.44.41** Banana jack connectors (provided for in subheading 8536.69.80) ......................................................... Free No change No change On or before 12/31/2012 .......

SEC. 2241. CERTAIN TAMPER RESISTANT GROUND FAULT CIRCUIT INTERRUPTER RECEPTACLES.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- **9902.44.42** Ground fault circuit interrupter (GFCI) receptacles designed to prevent insertion of foreign objects, each with internal shutters and clearly marked TR (“tamper resistant”), certified by the importer as meeting the 2008 National Electric Code Section 406.11 for 15 ampere or 20 ampere receptacles (provided for in subheading 8506.38.80) .............................................. Free No change No change On or before 12/31/2012 .......

SEC. 2242. CERTAIN HIGH PRESSURE FUEL PUMPS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- **9902.44.43** Fuel pumps designed for gasoline/ethanol direct injection fuel systems in internal combustion piston engines, the foregoing pumps capable of delivering fuel at pressures of 3.5 MPa or more but not over 12 MPa (provided for in subheading 8413.30.90) 1.4% No change No change On or before 12/31/2012 .......

SEC. 2243. CERTAIN HYBRID ELECTRIC VEHICLE INVERTERS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- **9902.44.44** Inverters (provided for in subheading 8504.40.95) for converting DC battery output to three-phase AC output designed to power an electric drive motor, certified by the importer for use in hybrid electric vehicles ......................................................... 1.1% No change No change On or before 12/31/2012 .......

SEC. 2244. CERTAIN DIRECT INJECTION FUEL INJECTORS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- **9902.44.45** Direct injection fuel injectors (solenoid valves) (provided for in subheading 8481.80.90) designed to inject gasoline/ethanol fuel blends directly into the combustion chamber of a spark-ignition combustion piston engine in a high-pressure non-port injection system in a motor vehicle ...................................................................... 1.1% No change No change On or before 12/31/2012 .......

SEC. 2245. CERTAIN POWER ELECTRONICS BOXES AND STATIC CONVERTER COMPOSITE UNITS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- **9902.44.46** Power electronics box and static converter composite units (provided for in subheading 8504.40.95), each capable of performing the functions of an AC inverter and an auxiliary power module, capable of reducing DC voltage from 42 V (supplied by battery) to 12 V output and providing three-phase AC output to motor generator unit, the foregoing certified by the importer for use in hybrid electric motor vehicles ......................................................... Free No change No change On or before 12/31/2012 .......

SEC. 2246. CERTAIN ENGINES TO BE INSTALLED IN WORK TRUCKS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
SEC. 2247. CERTAIN WINDOW SHADE MATERIAL IN ROLLS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

`9902.44.47 Compression-ignition internal combustion piston engines of a cylinder capacity not exceeding 1,000 cc to be installed in vehicles of heading 8709 (provided for in subheading 8408.20.90) ........................................ Free No change No change On or before 12/31/2012 .......... ''.

SEC. 2248. 4,4'-METHYLENEDIIS(2-CHLOROANILINE).
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

`9902.44.48 Material suitable for use in window shades, presented in rolls, measuring approximately 27 m or more but not over 47 m, the foregoing of wood, whether or not painted or coated, comprising wood slats measuring approximately 6 mm or more but not over 8 mm in width or 22 mm or more but not over 25 mm in width and 1 mm or more but not over 2 mm in thickness, woven into a repeating pattern with polyester yarn, the foregoing whether or not containing one or more of the following materials: bamboo stems measuring approximately 1 mm or more but not over 2.5 mm in width, marupa (Simarouba spp.) wood rods measuring approximately 1.5 mm or more but not over 3 mm in diameter, rope of twisted paper, jute yarn or paper strips (provided for in subheading 4601.94.20) ............................................................... Free No change No change On or before 12/31/2012 .......... ''.

SEC. 2249. METHYL CHLOROACETATE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

`9902.44.49 Methyl chloroacetate (CAS No. 96–34–4) (provided for in subheading 2915.40.50) ......................... Free No change No change On or before 12/31/2012 .......... ''.

SEC. 2250. CERTAIN LAMINATED FILM.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

`9902.44.50 Laminated film with outer layers of polyethylene sandwiched around a printed nylon inner layer, with or without an additional saran inner layer, or laminated film of polyethylene with printed nylon inner layer for use in aseptic bag manufacture (provided for in subheading 3920.10.00) ................................................................. Free No change No change On or before 12/31/2012 .......... ''.

SEC. 2251. METHYL ACRYLATE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

`9902.44.51 Methyl acrylate (CAS No. 96–33–3) (provided for in subheading 2916.12.50) ......................... 2% No change No change On or before 12/31/2012 .......... ''.

SEC. 2252. HEXANEDIOIC ACID, POLYMER WITH N-(2-AMINOETHYL)-1,3-PROPANEDIAMINE, AZIRIDINE, (CHLOROMETHYL)OXIRANE, 1,2-Ethanediame, N,N-1,2-Ethanediylbis(1,3-propylamine), FORMIC ACID AND ALPHA-HYDRO-Omega-HYDROXYPOLY(OXY-1,2-ETHANEDIYL).
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

`9902.44.52 Hexanedioic acid, polymer with N-(2-aminoethyl)-1,3-propanediamine, aziridine, (chloromethyl)oxirane, 1,2-ethanediame, N,N-1,2-ethanediylbis(1,3-propylamine), formic acid and alpha-hydro-omega-hydroxypoly(oxy-1,2-ethanediyl) (CAS No. 114133–44–7) (provided for in subheading 3911.90.90) ................................................................. Free No change No change On or before 12/31/2012 .......... ''.

SEC. 2253. N-VINYLFORMAMIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

`9902.44.53 N-Vinylformamide (CAS No. 13582–05–5) (provided for in subheading 2924.19.11) .......................... 0.3% No change No change On or before 12/31/2012 .......... ''.

SEC. 2254. LOW MOLECULAR WEIGHT ETHYLENIMINE COPOLYMERS, 1,2-Ethanediamine, Polymer with Aziridine, Whether in Aqueous Solution or Water Free Grades.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

`9902.44.54 Low molecular weight ethyleneimine copolymers, 1,2-ethanediamine, polymer with aziridines (CAS Nos. 54884–57–2; 68155–66–4; 68155–67–9) (provided for in subheading 3914.29.90) ................................................................................................. Free No change No change On or before 12/31/2012 .......... ''.

SEC. 2255. ANTARCTIC KRILL OIL.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

`9902.44.55 Antarctic krill oil, in bulk, not chemically modified, not containing lipids from any other sources (provided for in subheading 3924.90.40) ................................................................. Free No change No change On or before 12/31/2012 .......... ''.

SEC. 2256. MIXTURE OF 1-(1,2,3,4,5,6,7,8-OCTAHYDRO-2,3,8,9- TETRAMETHYL-2-NAPHTHALENY)-ETHAN-1-ONE (AND ISOMERS).
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

`9902.44.56 Mixture of 1-(1,2,3,4,5,6,7,8-octahydro-2,3,8,9-tetramethyl-2-naphthalenyl)-ethan-1-one (and isomers) (CAS Nos. 54884–57–2; 68155–66–4; 68155–67–9) (provided for in subheading 3914.29.90) ................................................................................................. Free No change No change On or before 12/31/2012 .......... ''. 
The amendments made by this subtitle apply to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

**Subtitle B—Additional Existing Duty Suspensions and Reductions**

**(A) by striking the article description and inserting the following:** “3-Pyrrolidin-1-yl-(2-(3,4-dimethoxyphenyl)ethoxy)cyclohexyl[[(1R,2R)-2-[(3,4-dimethoxyphenyl)ethoxy]cyclohexyl]dihydrochloride.” (Heading 9902.02.98 is amended—

(A) by striking “5.8%” in the column 1 general rate of duty column and inserting “7.7%”; and

(B) by striking the date in the effective period column and inserting “12/31/2012”.

**(B) by striking the article description and inserting the following:** “Triticonazole (CAS No. 131983–72–7) (protriadol-1 superchloro benzylidene)-2,2-dimethyl-1-(1H-1,2,4-triazol-1-ylmethyl)cyclopentanol” (Heading 9902.03.99 is amended—

(A) by striking the article description and inserting the following: “(RS)-(E)-5-(4-chloro-2,2,6,6,-tetramethyl-1-butanedioic acid, dimethyl ester, polymer combed, or otherwise processed for spinning).” (Heading 9902.02.63 is amended—

(A) by striking “Free” in the column 1 general rate of duty column and inserting “15%”; and

(B) by striking the date in the effective period column and inserting “12/31/2012”.

**(C) by striking the date in the effective period column and inserting “12/31/2012”.

**(D) by striking the article description and inserting the following:** “Cyproconazole (CAS No. 136200–62–4)” (Heading 9902.02.63 is amended—

(A) by striking the article description and inserting the following: “(RS)-(E)-5-(4-chloro-2,2,6,6,-tetramethyl-1-butanedioic acid, dimethyl ester, polymer combed, or otherwise processed for spinning).” (Heading 9902.02.63 is amended—

(A) by striking “Free” in the column 1 general rate of duty column and inserting “15%”; and

(B) by striking the date in the effective period column and inserting “12/31/2012”.

**(E) by striking the article description and inserting the following:** “Cyproconazole (CAS No. 136200–62–4)” (Heading 9902.02.63 is amended—

(A) by striking “Free” in the column 1 general rate of duty column and inserting “15%”; and

(B) by striking the date in the effective period column and inserting “12/31/2012”.

**SECTION 257. EFFECTIVE DATE.**

The amendments made by this subtitle apply to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.
is filed with U.S. Customs and Border Protection not later than 180 days after the date of the enactment of this Act that contains sufficient information to enable U.S. Customs and Border Protection to:

(A) locate the entry; or

(B) reconstruct the entry if it cannot be located.

(3) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry of a good under paragraph (1) shall be paid, without interest, not later than 90 days after the date of the liquidation or reliquidation (as the case may be).

(4) DEFINITION.—As used in this subsection, the term ‘‘withdrawal from warehouse for consumption’’ includes a withdrawal from warehouse for consumption.

TITLE III—MODIFICATION OF WOOL APPLIANCE MANUFACTURERS TRUST FUND

SEC. 3001. MODIFICATION OF WOOL APPLIANCE MANUFACTURERS TRUST FUND

(a) IN GENERAL.—Section 4002(c)(2) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108–429; 118 Stat. 2600) is amended—

(1) in subparagraph (A), by striking ‘‘subject to the limitation in subparagraph (B)’’ and inserting ‘‘subject to subparagraphs (B) and (C)’’; and

(2) by adding at the end the following new subparagraph:

‘‘(C) ALTERNATIVE FUND SOURCE.—Subparagraph (A) shall be applied and administered by substituting ‘chapter 62’ for ‘chapter 51’ for any period of time with respect to which the Secretary notifies Congress that amounts determined by the Secretary to be equivalent to amounts received in the general fund of the Treasury of the United States are attributable to the duty received on articles classified under chapter 51 of the Harmonized Tariff Schedule of the United States are not sufficient to make payments under paragraph (3) or grants under paragraph (6).’’.

(b) FULL RESTORATION OF PAYMENT LEVELS IN CALENDAR YEAR 2010.—

(1) TRANSFER OF AMOUNTS.—

(A) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Treasury shall transfer to the Wool Apparel Manufacturers Trust Fund, out of the general fund of the Treasury of the United States, amounts determined by the Secretary of the Treasury to be equivalent to amounts received in the general fund of the Treasury of the United States that are attributable to the duty received on articles classified under chapter 51 of the Harmonized Tariff Schedule of the United States not sufficient to make payments under paragraph (3) or grants under paragraph (6).

(B) LIMITATION.—The Secretary of the Treasury shall not transfer more than the amount determined by the Secretary to be necessary for—

(i) U.S. Customs and Border Protection to make payments to eligible manufacturers under section 4002(c)(3) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amount of such payments, when added to any other payments made to eligible manufacturers under such Act for calendar year 2010, equals the total amount of payments authorized to be provided to eligible manufacturers under section 4002(c)(6) of such Act for calendar year 2010, equal the total amount of grants authorized to be provided to eligible manufacturers under section 4002(c)(6) of such Act for calendar year 2010.

(ii) the Secretary of Commerce to provide grants to eligible manufacturers under section 4002(c)(6) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amounts of such grants, when added to any other grants made to eligible manufacturers under section 4002(c)(6) of such Act for calendar year 2010, equal the total amount of grants authorized to be provided to eligible manufacturers under section 4002(c)(6) of such Act for calendar year 2010.

(2) PAYMENT OF AMOUNTS.—U.S. Customs and Border Protection shall make payments described in paragraph (1) to eligible manufacturers not later than 90 days after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund. The Secretary of Commerce shall promptly provide grants described in paragraph (1) to eligible manufacturers after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund.

(c) RULE OF CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to affect the availability of amounts transferred to the Wool Apparel Manufacturers Trust Fund before the date of the enactment of this Act.

TITLE IV—LIQUIDATION OR RELIQUIDATION OF CERTAIN LINE ITEMS

SEC. 4001. RELIQUIDATION OF CERTAIN ORANGE JUICE ENTRIES.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provisions of law, U.S. Customs and Border Protection shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the entries listed in subsection (c) in accordance with the final results of the administrative reviews undertaken by the International Trade Administration of the Department of Commerce with respect to the antidumping duty order on certain orange juice from Brazil (Case Number A–351–440) and covering the periods from August 24, 2005, through February 28, 2007, and from March 1, 2007, through February 29, 2008, respectively.

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by U.S. Customs and Border Protection not later than 90 days after such liquidation or reliquidation with interest.

(c) AFFECTED ENTRIES.—The entries referred to in subsection (a) shall be—

(1) entered on the basis of the final results of the import administrative reviews described in paragraph (a), and

(2) subject to payment after the date of the liquidation or reliquidation of such entries.

SEC. 4002. RELIQUIDATION OF CERTAIN ENTRIES

(a) RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), any other provisions of law, U.S. Customs and Border Protection shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the entries listed in subsection (c) in accordance with the final results of the administration reviews undertaken by the International Trade Administration of the Department of Commerce with respect to the antidumping duty order on certain orange juice from Brazil (Case Number A–351–440) and covering the periods from August 24, 2005, through February 28, 2007, and from March 1, 2007, through February 29, 2008, respectively.

(b) AFFECTED ENTRIES.—The entries referred to in subsection (a) shall be—

(1) entered on the basis of the final results of the import administrative reviews described in paragraph (a), and

(2) subject to payment after the date of the liquidation or reliquidation of such entries.

TITLE V—MODIFICATION OF CERTAIN ENTRIES FROM THE UNITED KINGDOM

SEC. 5001. MODIFICATION OF CERTAIN ENTRIES FROM THE UNITED KINGDOM.

(a) RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), any other provision of law, U.S. Customs and Border Protection shall, not later than 90 days after the date of the enactment of this Act—

(1) reliquidate the entries listed in subsection (b) at the final antidumping duty assessment rate of 3.43 percent, as determined by Department of Commerce during the administrative review pertaining to those entries; and

(2) refund to the importer of record the amount of excess antidumping duty collected as a result of the liquidation of those entries.

(b) AFFECTED ENTRIES.—The entries referred to in subsection (a) shall be—

(1) entered on the basis of the final results of the administrative reviews described in paragraph (a), and

(2) subject to payment after the date of the liquidation or reliquidation of such entries.
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(a) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subsection (c), neither the Secretary of Homeland Security nor any other person may require repayment of, or attempt in any other way to recoup, any payments described in subsection (b) in an attempt to offset any amount to be refunded pursuant to section 4001 or 4002.

(b) PAYMENTS DISCREDITED.—Payments described in this subsection are payments of antidumping duties made pursuant to the Continued Dumping and Subsidy Offset Act of 2000 (section 754 of the Tariff Act of 1930 (19 U.S.C. 1677f; repealed by title II of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 154)) that were assessed and paid on imports of goods covered by section 4001 or 4002 when the entries for those goods were originally liquidated.

(c) LIMITATION.—Nothing in this section shall be construed to prevent the Secretary of Homeland Security, or any other person, from requiring repayment of, or attempting to otherwise recoup, any payments described in subsection (b) as a result of a finding of false statements or other misconduct by a recipient of such a payment.

TITLE V—TECHNICAL CORRECTIONS

SEC. 5001. TECHNICAL CORRECTIONS.

(a) REACTIVE YELLOW 7459.—Heading 9902.01.50 is amended in the article description column to read as follows: "Reactive Yellow 7459 (1,3,6-Naphthalenetrisulfonic acid, 7,7’-[1,3-propanediylbis][iminodi-1,3,5-triazine-4,2-diyl]iminodi)-[(aminocarboxyethyl)iminodi-1-phenoxy]azobis-, sodium salt) (CAS No. 143683–30–0)".

SEC. 5002. ADDITIONAL TECHNICAL CORRECTIONS.

(a) BIAXIALLY ORIENTED POLYPROPYLENE DIELECTRIC FILM.—Heading 9902.25.75 is amended in the article description column to read as follows: "Biaxially oriented polypropylene film, certified by the importer as intended for metallization and use in capacitors, or certified by the importer as below 40 gauge (10.2 micrometers), not intended for metallization and intended for use in capacitors, all of the foregoing produced from solvent-washed low ash content (less than 50 ppm) polymer resin (CAS No. 9903–07–0) (provided for in subheading 3920.20.00)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

DIVISION C—OFFSETS

TITLE I—OFFSETS

SEC. 10001. CUSTOMS USER FEES.

Section 13301(p)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 3293) is amended—

(1) in subparagraph (A), by striking "September 30, 2019" and inserting "September 30, 2020"; and

(2) in subparagraph (B)(1), by striking "September 30, 2019" and inserting "May 23, 2020".

SEC. 10002. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 6651 of the Internal Revenue Code of 1986 (26 U.S.C. 6651) is increased by 4 percentage points.

SEC. 10003. COMPLIANCE WITH PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.
Mr. LEVIN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Madam Speaker, I ask unanimous consent that the record show my time as consumed.

This is really a vital bill. I bring it to the floor in a bipartisan spirit to move and to make sure that all of the important pieces of this vital legislation, all of them, become law. This bill continues to foster trade-based economic growth and working together here in the House and the Senate in terms of the transparency of this process. Finally, this legislation delays the program expire on top of the insult of our inability to act on that trade agreement.

Furthermore, this legislation extends the bipartisan, bicameral 2009 Trade Adjustment Assistance Act that is helping trade-affected workers, farmers, firms, and communities retool and compete in the 21st century. The 2009 law provided a more flexible, cost-effective accountable regime focusing on retraining and emphasized the important role of services in the U.S. economy by bringing service workers into the program. These improvements to the TAA program help workers by getting them more quickly off government support and back into good paying, private sector jobs.

Importantly, this legislation delays for a year and a half a controversial U.S. Labor Department final rule mandating that the States use exclusively State employment service employees to administer TAA-funded benefits and services. Unless this delay is enacted now, 27 States will no longer be allowed to use a mix of staff.

Similarly, without this delay, even the other States that elect to use only State ES staff would be adversely affected because they could not make different staffing choices in the future. In today's economy, it makes no sense to require States to make costly changes to successful programs that are helping workers find new jobs.

This delay is also important because it would help restore the 2009 bipartisan, bicameral compromise on this issue. In addition, this legislation removes barriers by lowering taxes on imported inputs that enable value-added, American manufacturing and supports U.S. jobs, inputs that aren’t otherwise available in the United States. These provisions have been fully vetted through a bipartisan and transparent process. Finally, this legislation is fully paid for, which is crucial in this time of rapidly rising fiscal deficits.

I want to thank my colleague from Michigan, Chairman LEVIN, for his close cooperation in preparing this legislation and bringing it to the floor today for a vote.

Madam Speaker, I hope the other body takes up this legislation quickly.
and passes it. Several of these important programs expire at the end of the year, and there is no time to waste. Further delay would be harmful to American workers.

I reserve the balance of my time.

Mr. Speaker, I yield 3 minutes to the chair of the Subcommittee on Trade, the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Thank you, Chairman LEVIN, and I want to thank Mr. BRADY, who is the ranking member on the Trade Subcommittee.

The mentioning of the Trade Adjustment Provisions and the Generalized System of Trade Preferences are both important. I think they have been covered by Mr. CAMP and Mr. LEVIN in their remarks. I want to talk just a minute about what I consider to be one of the most important features of this bill with respect to American jobs, and that is the miscellaneous tariff provisions contained in the bill.

These miscellaneous tariff provisions allow for U.S. companies to import items that cannot be obtained in this country to be used in the manufacturing process, thereby making U.S. manufacturing concerns more competitive with the world market and in being able to increase employment in our own country. This cannot be, I don’t think, overstated or overestimated as to its importance; although, it might be a very small part of what we are trying to do in the whole area of trade.

I hope that we can move forward—even though I won’t be here next year. I hope we can move forward on some trade agreements that are pending. This is an exciting time. It is a time for America to get back in the business, and this omnibus trade bill is a good start.

I want to applaud Mr. LEVIN and committee staff and thank them for all the help they have given to the Trade Subcommittee through the years.

The SPEAKER pro tempore (Mr. ALTMIER). Without objection, the gentleman from Texas will control the balance of his time.

There was no objection.

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

I want to join others in thanking Chairman TANNER, chairman of the Trade Subcommittee, for his leadership and the whole area of trade, and to the economy through the years. He will be missed.

Mr. Speaker, our economy is struggling, and this Congress hasn’t done enough to help promote the job creation we so desperately need. Congress needs a new playbook, and this legislation can be the first new play we run. The bipartisan legislation extends the Generalized System of Preferences and the Andean Trade Preferences Act and renews and establishes certain miscellaneous tariff reductions. In doing so, this bill lowers taxes on the products that American manufacturers need to be more competitive.

More competitive U.S. manufacturers means more jobs for American workers. America’s farmers will benefit from this legislation as well, because it will help hold down the cost of fertilizers and pesticides. More importantly, American families will benefit from the bill. In fact, American families will see double benefits. Not only will it help promote job creation, it will lower costs for consumers. At a time when so many families are struggling to get by, lower taxes on these products can help American families make ends meet.

Expert analysis has demonstrated how these provisions will support American jobs. For example, the miscellaneous tariffs legislation could support as many as 90,000 U.S. jobs. The Preferences program has been found to support 682,000 jobs and lower costs for consumers by $273 million. In today’s difficult economic times, these are clearly policies the Congress should support.

Additionally, the extension of the ATPA program will provide critical support for our strongest ally in South America, Colombia. Right now, Colombia is suffering from terrible flooding and a state of emergency. This natural disaster has badly damaged the Colombian economy, and Colombians cannot afford even a temporary lapse of this program.

I share the frustration of many of my colleagues that the U.S.-Colombia trade agreement has not taken up the U.S.-Colombia trade agreement, which would remove barriers to American sales to Colombia. America’s farmers and ranchers are already losing exports to other countries implement trade agreements with Colombia ahead of us and gain a competitive advantage, and that’s why this agreement has bipartisan support.

I urge supporters on both sides of the aisle to ensure that the ATPA program does not become a hostage to our allies in Colombia while we continue our efforts to bring the trade agreement to the floor of Congress for a successful vote.

Also, this legislation continues to authorize the 2009 law updating and approving the Trade Adjustment Assistance program in various respects. Such improvements included allowing better and more successful training options to trade-impacted workers and providing trade adjustment assistance to service workers, given the importance of the service sector in America’s economy.

The 2009 law also helps ensure TAA program accountability and results by requiring data on the program’s performance and its worker outcome. This will enable that Congress how the program is effective and where improvements are needed.

Significantly, this bill prevents the U.S. Department of Labor from forcing Texas and 26 other States to use only so-called "merit" employees to provide Trade Adjustment Assistance-funded services. This Federal mandate went against the wishes of Congress and has unnecessarily distracted States from efficiently providing TAA services to trade-impacted workers.

The bill delays the ill-advised Labor Department rule for the next year and a half, helping to ensure that the congressional intent behind the 2009 bipartisan TAA law is respected and that each State may continue to decide how best to provide high-quality TAA services to trade-impacted workers to get them retrained and back to work.

Mr. Speaker, I commend Chairman LEVIN and Ranking Member CAMP for working so hard to bring this legislation to the floor. This can be the first play out of a new bipartisan playbook that promotes trade as a means to grow the economy and create jobs. The playbook should also include seeking congressional passage of the three pending trade agreements in the first half of next year: a high-standard Trans-Pacific Partnership agreement by the U.S.-hosted APEC leaders’ summits in November, an outcome to the WTO Doha talks next year, and other trade-opening initiatives.

Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. HERGER) who has led the Trade Subcommittee in past years.

The SPEAKER pro tempore. Without objection, the gentleman from California will control the balance of the time.

There was no objection.

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

Mr. LEVIN. It is now my privilege to yield 3 minutes to the distinguished member of the Ways and Means Committee from the State of Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, I rise today in support of the Omnibus Trade Act of 2010.

Mr. Speaker, you know that when the AFL-CIO and the U.S. Chamber of Commerce are energetically in favor of the same bill, that’s a pretty good day and probably a pretty good thing to do. This bill helps U.S. businesses. It reduces their costs with tariff reductions on things they need that aren’t made here in the United States. Each one of these tariff reductions have been carefully vetted. They have been on the Web site. Anybody can see them. It has been a very transparent process, and it is good that we’re able to get it done before we leave the Congress at this time.

It will create billions of dollars of economic activity and help kick-start the creation of jobs. This bill also helps struggling economies around the world—the Andes, the Caribbean, and others—by keeping our trade programs in place and stable for the next 18 months.

We can’t let these programs lapse. They are too important to Americans
I urge support for this package today.

Mr. LEVIN. Mr. Speaker, I yield the balance of my time to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I rise in strong support of H.R. 6517, the Omnibus Trade Act of 2010.

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

Mr. MCDERMOTT. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. Etheridge) asked and was given permission to revise and extend his remarks.

Mr. ETHERIDGE. I thank the gentleman for yielding.

I want to thank the chairman and ranking member of the committee for their work and the committee’s work in bringing the Omnibus Trade Act of 2010 to the floor.

Mr. Speaker, this is an important piece of legislation. It really is about jobs, as you have already heard. At a time when the unemployment rate remains unacceptable, we really needed a way to actually get people back into jobs in a lot of places across this country, this bill will help create jobs and retrain workers for new careers.

We tend to forget that sometimes when we think of people losing jobs, of the lower-middle class and the issues surrounding training for new opportunities.

In my home State of North Carolina, the manufacturers and, really, the manufacturers across the country are the ones which are going to really deliver our economic growth and our national recovery.

Miss et al., you heard how we do it. It is for those items they purchase that we don’t have in this country. When we keep them from paying tariffs, it means that they are more competitive. It means we have more workers working, and people can substitute unemployment checks for paycheck checks.

As the former State Superintendent of Public Schools in North Carolina, I have always said that education is the key to the future. There is no better way to create jobs than to have a well-educated citizenry and educated workforce. I am pleased that this bill strongly supports job training and that it supports our community colleges to expand access to education for more trade-impacted workers.

While I strongly support this bill, I wish it had included a reauthorization of the cotton trust fund, which would have helped hundreds of workers in North Carolina, and I call on the House...
and the Senate to reauthorize the cotton trust fund as soon as possible. Despite this omission, though, the Omnibus Trade Act of 2010 is a good, job-creating bill that will keep American workers competitive in this tough economy.

I urge my colleagues to join me in supporting this legislation. I thank the gentleman for yielding.

Mr. Speaker, this bill is about jobs: good jobs in manufacturing, good jobs for workers in export industries, and job training for those negatively impacted by trade. It adjusts tariffs to ensure our manufacturing businesses can compete in the world markets, and supports fair trade for American companies. At a time when the rate remains unacceptably high, this bill creates and retains jobs for new careers.

Manufacturing is a leading sector of the economy in my State of North Carolina and will be important to the Nation’s economy as a whole for the foreseeable future. Throughout this Congress I have been proud to support measures that strengthen our manufacturing industry. In order to grow our economy, we must have manufacturing jobs that allow workers the chance to earn good wages. By suspending or reducing duties on over 290 products that are used as inputs or components in domestically manufactured goods, this bill lowers production costs for our manufacturers and helps to level the playing field with our international competitors.

I am pleased that this bill provides assistance and training to workers adversely affected by trade. Trade Adjustment Assistance provides training and associated income support to individuals in need of new skills, modernization of workers, and helps workers find a place in today’s economy. Recognizing the critical role that community colleges play, the 2009 TAA reforms provided grants to educational institutions to develop, offer, and improve education and career training for workers eligible for TAA. H.R. 6517 extends this critical initiative and makes more workers eligible to participate. I have always believed education is the key to economic prosperity. My home State of North Carolina has seen many economic challenges over the years, but it is our schools and our community colleges that allowed our economy to adapt and attract new industries. As the former Superintendent of Public Schools, I’ve always said that education is the key to the future. There is no better way to create jobs than education.

While I strongly support this bill, I am disappointed that it reauthorizes the Wool Trust Fund, but not the Cotton Trust Fund. A reauthorization of the Cotton Trust Fund is important to hundreds of workers in North Carolina, and would have provided the necessary jobs impact of the bill. I hope that Congress will continue to work to make this important grant and tariff relief program to strengthen the U.S. cotton industry.

Despite this omission, the Omnibus Trade Act of 2010 is a good, job-creating bill that extends existing trade provisions, helps displaced workers acquire new skills in order to compete in our global economy, and supports U.S. manufacturing. I would like to thank Chairman Levin and all of his hard work to bring this bill to the floor. This legislation puts Americans to work, and I hope that my colleagues from both sides of the aisle will join me in supporting it.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I rise today with renewed hope that our Nation’s trade agenda may soon move forward. This legislation includes an extension of the trade preference programs, which is important, but is not a substitute for passing our pending market-opening agreements with Colombia, Panama, and Korea. Mr. Speaker, if we hope to remain the key player in the global marketplace, we can to strengthen our ties to important democratic allies. Passage of these agreements will boost economic growth and create U.S. jobs by tearing down trade barriers and significantly increasing our exports into these markets, while at the same time enhancing our national security by bringing greater stability to Asia and South America.

Take the U.S.-Colombia agreement, for example. Colombia is the largest market for U.S. agricultural exports in South America, which makes it an important market for my agriculturally rich northern California district. Yet, we have seen our agriculture exports to Colombia decline by 65 percent over the last 2 years because our products still face tariff and other barriers, while agriculture products from Argentina and Brazil, two major competitors for America’s farmers and ranchers, received duty-free access to the Colombian market. The reason for the disparity is simple: Argentina and Brazil have implemented a trade agreement with Colombia, while our Nation has not. This trend, of U.S. producers losing out to foreign competitors, will only get worse as the European Union and Canada are moving towards implementing their own agreements with Colombia.

Mr. Speaker, it is time for Congress to recognize that continued inaction is suppressing job creation for Americans out of work and denying our producers new opportunities to compete. Congress should pass our pending trade agreements without further delays.

I urge the Congress and my colleagues to support this legislation. Ms. SLAUGHTER. Mr. Speaker, I rise today in support of H.R. 6517, the Omnibus Trade Act of 2010. This bill includes provisions that are critical to our manufacturing base: specifically decreasing the cost of raw materials, extending Trade Adjustment Assistance to workers who have seen their jobs shipped overseas, and making an important technical fix to the Wool Trust Fund program.

Trade Adjustment Assistance is one of the most important lifelines for American workers who have lost their jobs due to international trade. This program helps train workers in new fields, and helps bridge the gap in health insurance benefits for workers and their families. In 2009, Congress made significant improvements by expanding eligibility for service sector workers, manufacturing and secondary workers, and by increasing training funding. In 2009, Congress also increased the Workers Health Coverage Tax Credit subsidy to minimize gaps in health insurance coverage for workers and their families. Since the overhaul more than 10,000 workers in New York alone have been certified to receive TAA benefits, and over 5,000 of these workers would not have received benefits had the extension not been in place. Across the country, TAA has helped more than 155,000 otherwise misplaced workers with the expansion since 2009. Our vote today on the improvements made until June, 2012.

If we in Congress don’t take action and instead let these improvements expire, we abandon workers who have already suffered from our tilted trade policies. It is imperative that this Congress pass this legislation to ensure that America’s workforce is able to adjust to changing economic environment America can remain competitive in the global marketplace. H.R. 6517 also includes a technical fix to ensure that the Wool Trust Fund is funded at the level authorized in 2004 and 2008. This program provides payments to U.S. suit makers who have been left at a competitive disadvantage due to an inverted tariff—where the duty on the finished product is lower than the duty on the materials used to make the finished product. Without this fix, we are actually disincentivizing suit-making in the U.S. and that would be tragic for my district, which is home to Hickey-Freeman and 500 of the best suit makers in the world.

The workers at Hickey-Freeman know from experience that over the past 2 years, revenue for this program shrank considerably, resulting in cuts of up to 66 percent to payments made to U.S. companies. H.R. 6517 closes the funding shortfall ensuring that our domestic suit makers continue to manufacture in the U.S. and that they are able to compete on a level playing field.

I strongly support this legislation because it protects many of the manufacturing jobs we have now and provides funding to retrain American manufacturing workers for the jobs of tomorrow.

I encourage my colleagues to join me in supporting H.R. 6517.

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

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

The SPEAKER pro tempore. The motion to reconsider was laid on the table.
SECTION 1. REPORTS ON MANAGEMENT OF ARLINGTON NATIONAL CEMETERY.

(a) REPORT ON GRAVESITE DISCREPANCIES.—Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall submit to the committees of Congress specified in subsection (c) a report on the management and oversight of contracts at Arlington National Cemetery. The accounting shall—

(1) specify whether gravesite locations at Arlington National Cemetery are correctly identified, labeled, and occupied; and

(2) set forth a plan of action, including the resources, a proposal, and estimated dates, to implement remedial actions to address deficiencies identified pursuant to the accounting.

(b) GAO REVIEW AND MANAGEMENT OF CONTRACTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the committees of Congress specified in subsection (c) a report on the management and oversight of contracts at Arlington National Cemetery.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The number, dollar amount, and duration of current contracts for automation of burial operations at Arlington National Cemetery, including contracts relating to the Total Cemetery Management System (TCMS), the Geographic Information System (GIS), the Interment Scheduling System (ISS), the Interment Management System (IMS), and new or modified versions of the Burial Operations Support System (BOSs) of the Department of Veterans Affairs.

(C) An assessment of the management and oversight by the Executive Director of the Army National Cemeteries Program of the contracts covered by subparagraphs (A) and (B), including the use of and actions taken for that purpose by the Corps of Engineers and the National Capital Region Contracting Center of the Army Contracting Command.


(E) An assessment of the implementation of the following:

(i) Army Directive 2010-04 on Enhancing the Operations and Oversight of the Army National Cemeteries Program, dated June 10, 2010. The assessment shall evaluate the sufficiency of all contract management and oversight procedures, current and planned information and technology systems, applications, methodologies, and contracts, and compliance with and execution of all plans, reviews, studies, evaluations, and requirements specified in the Army Directive.

(ii) The recommendations and actions proposed by the Army National Cemeteries Advisory Commission with respect to Arlington National Cemetery.

(F) An assessment of the adequacy of current practices at Arlington National Cemetery to provide information, outreach, and support to families of individuals buried at Arlington National Cemetery regarding procedures to detect and correct current errors in burials at Arlington National Cemetery.

(G) An assessment of the feasibility and advisability of transferring jurisdiction of Arlington National Cemetery and the United States Soldiers' and Airmen's Home National Cemetery to the Department of Veterans Affairs, and an assessment of the feasibility and advisability of the sharing of jurisdiction and properties between the Department of Defense and the Department of Veterans Affairs.

(b) SIMPLIFIED ACQUISITION THRESHOLD DEFINED.—The term "simplified acquisition threshold" has the meaning provided that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 430).

(c) SPECIFIED COMMITTEES OF CONGRESS.—

(1) The committees of Congress specified in this subsection are—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Veterans' Affairs of the House of Representatives.

(d) REPORTS ON IMPLEMENTATION OF ARMY DIRECTIVE ON ARMY NATIONAL CEMETERIES PROGRAM—

(1) IN GENERAL.—The Secretary of the Army shall submit to the appropriate committees of Congress reports on execution of and compliance with Army Directive 2010-04 on Enhancing the Operations and Oversight of the Army National Cemeteries Program dated June 10, 2010. Each such report shall include, for the preceding 270 days or year (as applicable), a description and assessment of the following:

(A) Execution of and compliance with every section of the Army Directive for Arlington National Cemetery, including, without limitation, the sufficiency of all contract management and oversight procedures, current and planned information and technology systems, applications, methodologies, and contracts, and compliance with and execution of all plans, reviews, studies, evaluations, and requirements specified in the Army Directive.

(B) The adequacy of current practices at Arlington National Cemetery to provide information, outreach, and support to families of individuals buried at Arlington National Cemetery regarding procedures to detect and correct current errors in burials at Arlington National Cemetery.

(2) PERIOD AND FREQUENCY OF SUBMITTAL.—A report required by paragraph (1) shall be submitted not later than 270 days after the date of the enactment of this Act, and every year thereafter for the next 2 years.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

MR. FILNER. 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 this legislation.

The SPEAKER pro tempore. There is no objection.

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

Mr. Speaker, the systemic and long-standing problems at Arlington National Cemetery have become well-known and are a national tragedy. Arlington National Cemetery is our most hallowed ground, the final resting place of many of our heroes. Every year, nearly 4 million people visit this cemetery. Because of the importance of Arlington to the American people, we expect Arlington to be run reverently and meticulously, but as we all know now, this has not been the case.

Following a yearlong series of investigative reports published on Salon.com, the Army prompted an investigation regarding reports of unmarked, misidentified, or misplaced graves. The Army investigation identified a culture of inaction and inactivity that must be addressed.

A comprehensive survey may find that the burial errors at Arlington may number in the thousands, but in order to provide a concrete solution to this problem, we must first fully understand the scope.

The Senate has acted, passing S. 3860 on December 4 of this year. This measure requires reports to Congress on the management of Arlington National Cemetery, including grave site discrepancies, the management and oversight of contracts, and the implementation of recent Army directives. Passing S. 3860 is a first step but not the final answer.

In the waning days of this Congress, we have the opportunity to send to the President this important measure. We will continue to work closely with our colleagues in Armed Services, with the administration, and our Senate colleagues in the months ahead to fix what is wrong at Arlington and to ensure that the operation of this national shrine honors the men and women who lie at rest there.

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

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

I rise in reluctant support of Senate bill 3860, as amended, which would require reports on the management of Arlington National Cemetery. The reason I say reluctant support is the Veterans' Affairs Committee itself, really
we didn’t take up the issues on Arlington, and we allowed the Senate and the House Armed Services Committee to do their work, but the House Voters’ Affairs Committee, we did not do ours. And so this is very unfortunate that we’re proceeding with this bill in a lame-duck session when we were not even held hearings ourselves on this issue. So I cannot speak from first-hand, other than my conversations with the Secretary of the Army myself, but the committee did not hold hearings on this piece of legislation at all.

Since the founding of Arlington in June of 1864, the cemetery has been revered as the “crown jewel” of the national cemetery system. It is the final resting place of several American Presidents, Supreme Court justices, and over 300,000 veterans and their families. Like most Americans, I was deeply disturbed and appalled by revelations by the Department of Army Inspector General’s report regarding the mismanagement and possible criminal behavior at Arlington.

I do want to praise Secretary of the Army John McHugh for his swift action in response to this report, also for his following up on the recommendations of Secretary Geren’s request for the investigation. Once again, I extend my compliments to my good friend, the Secretary of the Army, John McHugh.

Secretary McHugh has installed a new management team that is reaching out to the National Cemetery Administration at the VA for their help in implementing needed changes to defend Arlington’s reputation and ensure that the cemetery operations are conducted in a way that honors our warriors who have given so much in the defense of our Nation.

No family should ever have to wonder if their loved one is accounted for or buried in a proper location. They should assume that all has been done correctly. Our heroes and their families deserve the highest possible standards with regard to burial honors, and this bill seeks to prove this assurance.

This bill, as amended, requires several reports on the new management team’s progress to improve Arlington’s IT systems, the contracting practices, organizational structure, and report on the feasibility of transferring the operation of Arlington from the Department of the Army to the VA’s National Cemetery Administration. While additional reports will be beneficial, I believe it is important to first allow the Army to complete its ongoing investigations of these same issues. Different studies on overlapping issues can provide unique insights; however, providing these simultaneous investigations, performed by different agencies, might also create unnecessary hindrances to the ongoing study.

Also, with regard to the final provisos on the feasibility of transferring the operation of Arlington National Cemetery to the VA National Cemetery Administration, I want to offer my recommendation that Arlington National Cemetery remain under the jurisdiction of the United States Army. It is hasty to assume that we should immediately just transfer the jurisdiction. It is very important to recognize what, in fact, are the challenges and what are the problems. It is so much like an American: We hear a problem, and we want to run out and create a solution before we totally understand the scope of it. We get the cart before the horse, let’s not run out there and talk about, Let’s immediately transfer.

Now I can assure you that when the Department of Interior was not doing their job, what I believe, correctly, I made a suggestion that we should transfer those cemeteries from the Department of Interior to the VA. I don’t have a problem. You can make that a holder out there. You get people to do it. Then people go do the right things to do, and maybe that is what Senator McCaskill was attempting to do here. So I have to respect her in setting a benchmark to do that, and maybe that is, in fact, what her goal here is, to make sure that everybody does what they are supposed to do. The VA does an excellent job of administering the National Cemetery Administration. However, ANC imposes a comprehensive array of issues and logistical matters that have completely unique and separate from those at the VA that they, in fact, handle. For example, in addition to coordinating approximately 25 military funerals per day, the Army’s duties at Arlington, including the responsibility for the horse teams, for the caissons, and guarding the Tomb of the Unknowns, is truly unique. Certainly Arlington National Cemetery can benefit by emulating VA practices that are applicable, and such information sharing is, in fact, ultimately, Arlington National Cemetery, under the jurisdiction of the United States Army is where it should remain until we can achieve some answers.

I reserve the balance of my time.

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

We had thought that the distinguished gentleman from Missouri, the chairman of the Armed Services Committee, Mr. Skelton, would be here this evening. He is not. But I would like to say that this House, of course, honors his extraordinary service to his district, his State, the men and women of our armed services, and most importantly, of course, our Nation for 34 years. It has been a great experience to work with Ike Skelton closely, as chairman of the Veterans’ Affairs Committee, and to work with him for those who serve in active duty and those who have served and are now veterans.

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

Mr. Speaker, it is very important that we get to the bottom of this matter to correct this problem as quickly as possible and restore the respect that people need to have in such an important facility which carries such historic significance and the sacred remains of great men and women who have served their country very well.

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

We are proceeding with this legislation forward, and I want to take the opportunity to commend the gentleman from Indiana for his leadership on the Veterans’ Affairs Committee for a number of years now and for his service in the House. He came here at the same time I did, and I very much appreciate the great contributions he has made in those years.

I rise in support of this legislation which requires a detailed report to Congress on the discrepancies at Arlington National Cemetery, including information concerning burial operations and errors in burials. It is sad that we are even having to consider such legislation today, but unfortunately, it has become very apparent that it is absolutely necessary.

Recent news reports have revealed multiple instances of misplaced human remains at Arlington National Cemetery. These sicken stories are a national disgrace. Our Nation’s veterans, in life and in death, deserve our utmost respect. They have engaged in one of the noblest forms of public service, defending this Nation. It is their tireless work that has made our country great, and they deserve to be honored and free. These men and women have helped to liberate victims of oppression, spread democracy across the world, and preserve the freedoms our Nation was built upon. Our fallen heroes deserve our honor, our respect, and our appreciation. This critical legislation will go a long way in ensuring that it is always the case. It is a final “thank you” on behalf of a grateful Nation.

Mr. Speaker, it is very important that we get to the bottom of this matter to correct this problem as quickly as possible and restore the respect that people need to have in such an important facility which carries such historic significance and the sacred remains of great men and women who have served our country very well.

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

I thank the gentleman, Mr. Bob Goodlatte of Virginia, a classmate of mine, and I respect all he has been able to do on the Ag Committee. I will yield now 3 minutes to another Virginian, Congressman Robert J. Wittman.
Mr. WITTMAN. Mr. Speaker, I rise today in strong support of S. 3860, a bill that would ensure greater accountability for the operations at Arlington National Cemetery.

I would first like to thank the gentleman from California, Chairman Filner, for his leadership on this issue and bringing this bill to the floor to make sure that this issue is put out there in the forefront, and to the gentleman from Indiana, Ranking Member Buyer, who is the same, who is passionate about making sure that we are doing the right thing and making the right decisions. I think the ranking member points out some great things we ought to remember, and that is, let's make sure we do a proper examination. Let's not be hasty in reaching judgments. Let's make sure that we are thoughtful about this and make sure we are holding people accountable and not too quickly getting to a point of transfereeness or really getting at the root of the problem. So I appreciate the ranking member for his thoughtfulness on that.

Mr. Speaker, these are our Nation’s heroes, the women and men who defend to protect our country, and they deserve absolute dignity and honor. The mishandling of remains and gravesites at Arlington has demonstrated that there was a clear lack of accountability. After allegations of mismanagement surfaced in June, Army Secretary John McHugh rightly came forward to accept responsibility and immediately made changes to correct the system. And I want to applaud the Secretary for doing that. He has done great work in making sure that this issue gets addressed. I do believe that this legislation is necessary, though, as the next step to ensure accountability and to avoid these issues in the future.

Under the bill, the Comptroller General would be required to report to Congress on efforts to change the management and oversight structure at Arlington National Cemetery, including contract management.

I am pleased that the legislation requires an assessment of the adequacy of current practices at Arlington, to provide information, outreach and support to the families of individuals buried at the cemetery as errors are detected and corrected. And we’ve seen some of those things happen here recently.

I just heard the other day of a family who was told that the remains of their loved one were, indeed, known and that they were confirmed. Unfortunately, a week later they were called and told that that was not the case. We need to make sure we get this right, and we need to make sure we avoid the effects on families who have loved ones and our Nation’s heroes that are buried there.

The families deserve timely and accurate information about the location of their loved ones, and we need to make sure that that happens and happens in every case without ambiguity.

Arlington is the last resting place of so many of our Nation’s heroes, those service men and women who are called upon and gave the ultimate sacrifice to this country and, folks, they deserve nothing less.

I urge my colleagues to support this bill.

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

What I would like to comment on now, Mr. Speaker, really deals with a problem in the House rules that I think needs to be corrected as we go into the next session of Congress. So with regard to jurisdiction with regard to committees and how bills are assigned through the Parliamentarian, at the direction of the Speaker, I sent a letter to the Speaker dated December 9, 2010.

This Senate bill that came to us, it appears that it invokes the jurisdiction of the House Armed Services Committee. The Army personnel manage and operate Arlington National Cemetery, and the cemetery is under the jurisdiction of the United States Army. So Chairman SKELTON properly moved out and held his hearings in the House Armed Services Committee relative to Arlington. So I can begin to understand why the chairman of the Veterans’ Affairs Committee then allowed the House Armed Services Committee to proceed.

Then when the Senate conducts their hearings, and they did so, the Senate Veterans’ Affairs Committee passed their bill, and immediately they sent it to us in a lame duck session.

Now, you say, why wouldn’t this bill also have either a joint referral or to the Armed Services Committee, or why did it only go to the House Veterans’ Affairs Committee?

Well, you go to the House rules. So even though I sent the letter to Madam Speaker PELOSI saying, please invoke jurisdiction of the House Armed Services Committee, the response obviously was “no” because here are not any on the House floor doing this bill by a committee who had never done hearings on the bill.

The problem is in the House rules itself. When you turn to the House rules, I think this has got to be an error. It appears that the last sonorous authority under the jurisdiction of the United States Army, such as the two, Old Soldiers Home and Arlington National Cemetery, that that legislation regarding that jurisdiction rests with the Armed Services Committee. The VA Committee, we have jurisdiction over the management of such a sacred ground.

And that’s why we have two individuals here managing a bill on the floor that really the House Armed Services Committee, Mr. Speaker, should also be here. But I want all the Members to know that’s why this is happening.

I suppose, yes, we can all be very upset with regard to the management and the markings of some of these graves; but those of us who have had the opportunity to go to Arlington and see the job in which the Old Guard perform, it is pretty extraordinary. I was last there on Monday of Thanksgiving week. I joined Lieutenant General John Kelly, his family and hundreds of his friends at the chapel at Fort Myer. We all left the chapel. We proceeded down the windy road, down the hill, led by the Army Band, a platoon of soldiers, horse-drawn caisson that carried the body of John’s Lieutenant Robert Kelly, killed in Afghanistan.

The wind was crisp. The sky was blue. The oak and maple trees were clutching onto their red, yellow, gold and light-green leaves. Others were slowly drifting to the ground. The sun shined brightly upon them all.

Each grave marker properly and perfectly aligned in columns, in rows and angles, each was offset by rich green grass signifying the etchings in our national book of remembrance. That’s my firsthand account of having attended the funeral of Lieutenant Robert Kelly at his burial on Thanksgiving week. That has been replicated since that Monday of Thanksgiving week, and it has been no different than how the Old Guard pays their honor and respect to so many, and it goes back so far in time.

That rich heritage is what causes each one of us to rise when we get so concerned with regard to mismanagement of such a sacred ground.

With that, I’m going to ask all Members to support the legislation.


Mr. Speaker, S. 3860, as amended, a bill to require reports on the management of Arlington National Cemetery, appears to give the VA Committees authority under the jurisdiction of the House Committee on Armed Services.
Army personnel manage and operate Arlington National Cemetery and the cemetery is under the jurisdiction of the United States Army. According to the Ranking Member of the Committee of jurisdiction, I request that an additional referral be made to House Committee on Armed Services to provide for it full consideration of this bill.

It is important, that the Committee on Armed Services be permitted to weigh in on this legislation prior to further consideration, as that Committee has legislative and oversight jurisdiction over the Department of the Army, and held a hearing on management issues at Arlington National Cemetery on June 30, 2010.

Thank you for your consideration of this matter.

Sincerely,

STEVE BUYER,
Ranking Republican Member.

Mr. RUSH. Mr. Speaker, I rise today in support of S. 3860, A bill to require reports on the management of Arlington National Cemetery. This bill requires reports from the Department of the Army and the Government Accountability Office that will begin to restore the American people’s faith in Arlington National Cemetery and, from this point forward, ensure that this sacred space continues to maintain the high level of service that is rightfully expected by the families of our servicemembers, both living and deceased.

Mr. Speaker, I have personally seen the pain and sorrow caused by cemetery errors. As many of my colleagues are aware, Burr Oak cemetery, in my district, faced a similar situation like that which took place at Arlington.

I understand the sorrow created by this confusion. I have seen the anguish that family members suffered. It is something that I think no family should have to endure—especially the family members and loved ones of those who have paid the ultimate sacrifice to our country.

It is for this reason, Mr. Speaker, that I strongly support this legislation and encourage my colleagues on both sides of the aisle to do the same.

Mr. Speaker, I close with a reminder to my colleagues: the families of our fallen heroes have given so much. At the very least, we owe them the certainty that the gravesites they visit at Arlington National Cemetery are, indeed, the final resting place of their loved ones.

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

Mr. FILNER. Mr. Speaker, I have no further requests for time, I urge unanimous support, and 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. FILNER) that the House suspend the rules and pass the bill, S. 3860.

The question was taken. The SPEAKER pro tempore. Pursuant to the clear language of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

POST-9/11 VETERANS EDUCATIONAL ASSISTANCE IMPROVEMENTS ACT OF 2010

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3447) to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces on September 11, 2001, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Post-9/11 Veterans Educational Assistance Improvements Act of 2010.”

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

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TITLE I—POST-9/11 VETERANS EDUCATIONAL ASSISTANCE

SEC. 101. Modification of entitlement to educational assistance.

SEC. 102. Amendment for programs of education leading to a degree pursued at public, nonpublic, and foreign institutions of higher learning.

SEC. 103. Amendments for programs of education leading to a degree pursued on active duty.

SEC. 104. Amendments for programs of education pursued on half-time basis or less.

SEC. 105. Educational assistance for programs of education leading to a degree.

SEC. 106. Determination of monthly housing stipend payments for academic years.

SEC. 107. Availability of assistance for licensure and certification tests.

SEC. 108. National Guard.

SEC. 109. Continuation of entitlement to additional educational assistance for critical skills or specialty.

SEC. 110. Transfer of unused education benefits.

SEC. 111. Bar to duplication of certain educational assistance.

SEC. 112. Technical amendments.

TITLE II—OTHER EDUCATIONAL ASSISTANCE MATTERS

SEC. 201. Extension of delimiting dates for use of educational assistance for primary caregivers of seriously injured veterans and members of the Armed Forces.

SEC. 202. Extension of delimiting dates for use of educational assistance under National Call to Service and other programs of educational assistance.

SEC. 203. Approval of courses.

SEC. 204. Reporting fees.

SEC. 205. Extension for receipt of alternate subsistence allowance for certain veterans with service-connected disabilities undergoing training and rehabilitation.

SEC. 206. Modification of authority to make certain interval payments.

SEC. 2. REFERENCE TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or re-
SEC. 102. AMOUNTS OF ASSISTANCE FOR PROGRAMS OF EDUCATION LEADING TO A DEGREE PURSUED AT PUBLIC, NON-PUBLIC, AND FOREIGN INSTITUTIONS OF HIGHER LEARNING.

(a) AMOUNTS OF EDUCATIONAL ASSISTANCE—

(1) IN GENERAL.—Section 3313(c) is amended by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (1), (2), (3), and (4), respectively, and inserting the following new clause:

''(5) the amount of the basic allowance for housing payable under section 403 of title 37 for a member in pay grade E-5 residing in the military housing area that encompasses all or the major portion of the ZIP code area in which the institution of higher learning is located is the institution of higher learning at which the individual is enrolled, multiplied by—'';

(2) STIPEND FOR DISTANCE LEARNING ON MORE THAN HALF-TIME BASIS.—

(A) AN AMOUNT EQUAL TO THE FOLLOWING—

''(i) in the case of a program of education pursued at a public institution of higher learning, the actual cost per quarter, semester, or term in the amount assessed by the institution for the program of education, divided by the minimum number of course hours required for full-time pursuit of the program of education, rounded to the nearest multiple of 10;''

''(ii) in the case of an individual pursuing a program of education at a foreign institution of higher learning, the lesser of—

''(AA) the number of course hours borne by the individual in pursuit of the program of education, divided by the minimum number of course hours required for full-time pursuit of the program of education, rounded to the nearest multiple of 10;''

''(BB) the number of course hours borne by the individual in pursuit of the program of education, divided by the minimum number of course hours required for full-time pursuit of the program of education, rounded to the nearest multiple of 10;''

''(BB) the number of course hours borne by the individual in pursuit of the program of education, divided by the minimum number of course hours required for full-time pursuit of the program of education, rounded to the nearest multiple of 10;''

''(ii) the lesser of—

''(aa) 1.0; or

''(bb) the number of course hours borne by the individual in pursuit of the program of education, divided by the minimum number of course hours required for full-time pursuit of the program of education, rounded to the nearest multiple of 10;''

''(iii) in the case of an individual pursuing a program of education solely through distant learning on more than a half-time basis, a monthly housing stipend equal to the product of—

''(AA) the number of course hours borne by the individual in pursuit of the program of education, divided by the minimum number of course hours required for full-time pursuit of the program of education, rounded to the nearest multiple of 10;''

''(BB) the number of course hours borne by the individual in pursuit of the program of education, divided by the minimum number of course hours required for full-time pursuit of the program of education, rounded to the nearest multiple of 10;''

''(BB) the number of course hours borne by the individual in pursuit of the program of education, divided by the minimum number of course hours required for full-time pursuit of the program of education, rounded to the nearest multiple of 10;''

''(ii) the lesser of—

''(aa) 1.0; or

''(bb) the number of course hours borne by the individual in pursuit of the program of education, divided by the minimum number of course hours required for full-time pursuit of the program of education, rounded to the nearest multiple of 10;''

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on August 1, 2011, and shall apply with respect to amounts payable to the individual for educational assistance by reason of paragraphs (1), (2), and (3) of section 3452(f) after such quarter, semester, or term constitutes. (2) STIPEND FOR DISTANCE LEARNING ON MORE THAN HALF-TIME BASIS.—Clause (ii) of section 3313(c)(1)(B) of title 38, United States Code, as added by subsection (b)(2) of this section, shall take effect on October 1, 2011, and shall apply with respect to amounts payable to the individual for educational assistance by reason of paragraphs (1), (2), and (3) of section 3313(c)(1) of title 38, United States Code, as added by subsection (b)(2) of this section, after such quarter, semester, or term constitutes.
section shall take effect on the date that is 60 days after the date of the enactment of this Act, and shall apply with respect to amounts payable for educational assistance for pursuit of programs of education on or after such effective date.

(2) Lump sum for books and other educational costs.—Subparagraph (B) of section 3313(e)(2) of title 38, United States Code (as added by subsection (a)(2)(E) of this section), shall take effect on October 1, 2011, and shall apply with respect to amounts payable for educational assistance for pursuit of programs of education on or after that date.

SEC. 104. EDUCATIONAL ASSISTANCE FOR PROGRAMS OF EDUCATION PURSUED ON A HALF-TIME BASIS OR LESS.

(a) Clarification of availability of assistance.—Section 3313(i) is amended—

(1) in paragraph (1), by inserting before the period at the end the following: “whether a program of education pursued on active duty, a program of education leading to a degree, or a program of education other than a program of education leading to a degree”; and

(2) in paragraph (2), by inserting “covered by the same percentage applicable to the program of education pursued on a half-time basis or less” after “program of education covered by this subsection” after “program of education”.

(b) Amount of Assistance.—Clause (i) of paragraph (2)(A) of such section is amended to read as follows:

“(i) the actual net cost for in-State tuition and fees assessed by the institution and specifically designated for the sole purpose of defraying tuition and fees; or

“(ii) the number of course hours borne by the individual in pursuit of the program of education involved, divided by the minimum number of course hours required for full-time pursuit of such program of education, rounded to the nearest multiple of 1/10.

“(iii) during the first six-month period of the program, 50 percent of the monthly amount of the basic allowance for housing payable as described in subclause (I);

“(IV) during the fourth six-month period of such program, 40 percent of the monthly amount of the basic allowance for housing payable as described in subclause (I); and

“(V) during any month after the first 24 months of such program, 20 percent of the monthly amount of the basic allowance for housing payable as described in subclause (I).”

(c) Effective date.—The amendments made by this section shall take effect on August 1, 2011, and shall apply with respect to amounts payable for educational assistance for pursuit of programs of education on or after that date.

SEC. 105. EDUCATIONAL ASSISTANCE FOR PROGRAMS OF EDUCATION OTHER THAN PROGRAMS OF EDUCATION LEADING TO A DEGREE.

(a) Approved programs of education at institutions other than institutions of higher learning.—Subsection (b) of section 3313 is amended by striking “is offered by an institution of higher learning (as that term is defined in section 3462(c))” and “and”.

(b) Assistance for pursuit of programs of education other than programs of education leading to a degree.—Such section is further amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

(c) Effective date.—The amendments made by this section shall take effect on August 1, 2011, and shall apply with respect to amounts payable for educational assistance for pursuit of programs of education on or after that date.
"(II) in the case of an individual entitled to educational assistance by reason of paragraphs (3) through (8) of section 3311(b), the amount otherwise determined pursuant to such subparagraph subject to a percentage adjustment equal to the percentage adjustment applied to the individual under paragraph (3)(A)(iv)."

"(c) PAYMENT OF AMOUNTS TO EDUCATIONAL INSTITUTIONS.—Subsection (b) of section 3313, redesignated by subsection (b)(2) of this section, is amended by inserting ',', and under subparagraphs (A)(i), (C), and (D) of subsection (g)(3), after '(1)(b)(1)'."

"(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011, and shall apply with respect to amounts payable for educational assistance for pursuit of programs of education on or after that date.

SEC. 106. DETERMINATION OF MONTHLY HOUSING STIPEND PAYMENTS FOR ACADEMIC YEARS.

(a) IN GENERAL.—Section 3313, as amended by this Act, is further amended by adding at the end the following:

"(1) Determination of housing stipend payments for academic years.—Any monthly housing stipend payable under this section during the academic year beginning on August 1 of a calendar year shall be determined utilizing rates for basic allowances for housing payable under section 409 of title 37 in effect as of January 1 of such calendar year.

(b) EFFECTIVE DATE.—The amendment made by this Act (section 106) shall take effect on August 1, 2011.

SEC. 107. AVAILABILITY OF ASSISTANCE FOR LICENSURE AND CERTIFICATION.

(a) AVAILABILITY OF ASSISTANCE FOR ADDITIONAL TESTS.—Subsection (a) of section 3315 is amended by striking "one licensing or certification test" and inserting "licensing or certification tests".

(b) CHARGE AGAINST ENTITLEMENT FOR RECOGNITION OF CREDIT FOR PROFESSIONAL EDUCATION.—Subsection (b) of section 3316 is amended—

(1) by redesigning subsection (b) as subsection (c); and

(2) by inserting after subsection (b) the following:

"(c) CHARGE AGAINST ENTITLEMENT FOR RECOGNITION OF CREDIT FOR PROFESSIONAL EDUCATION.—"(1) IN GENERAL.—Subsection (c) of such section is amended to read as follows:

"(c) CHARGE AGAINST ENTITLEMENT.—The charge against an individual’s entitlement under this chapter for payment for a licensing or certification test shall be determined at the rate of one month (rounded to the nearest whole month) for each amount paid that equals—

"(i) the fee charged for the test; or

"(ii) the amount of entitlement available to the individual under this chapter at the time of payment for the test under this section.

(b) EFFECTIVE DATE.—The amendments made by this Act (section 107) shall take effect on August 1, 2011, and shall apply with respect to national tests taken on or after that date.

SEC. 109. CONTINUATION OF ENTITLEMENT TO ADDITIONAL EDUCATIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALTY.

(a) IN GENERAL.—Section 3316 is amended—

(1) by redesigning subsection (c) as subsection (e); and

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

"(c) CHARGE AGAINST ENTITLEMENT OF INCREASED EDUCATIONAL ASSISTANCE.—"(1) IN GENERAL.—An individual who made an election to receive educational assistance under this chapter pursuant to section 5003(c)(1)(A) of the Post-9/11 Veterans Educational Assistance Act of 2008 (38 U.S.C. 3301 note) and who, at the time of the election, had 30 credit hours of increased educational assistance under section 3315(c)(1)(A) of the Post-9/11 Veterans Educational Assistance Act of 2008 (38 U.S.C. 3315) may, in this election, elect to change the percentage increase under section 3315(c)(1)(A) of that title to an amount in excess of 30 credit hours in this election, with respect to the years following the election under this chapter, by not later than the end of the quarter in which the election is made by that individual.

(2) EFFECTIVE DATE.—The amendment made by this Act (section 109) shall take effect on August 1, 2011, and shall apply with respect to licensure and certification tests taken on or after that date.
education involved divided by the minimum number of course hours required for full-time pursuit of the program of education, rounded to the nearest multiple of 10.

"(3) Funding.—Payment of the amounts payable under paragraph (1) during pursuit of a program of education shall be made on a monthly basis.".

(b) Clarification on Funding of Increased Assistance.—

(1) In General.—Such section is further amended by inserting after subsection (c), as added by section 3 of this Act, the following new subsection:

"(2) The purpose of the authority in paragraphs (1) and (2) of this subsection shall be made from the Department of Defense Education Benefits Fund under section 3306 of title 10 or from appropriations available to the Department of Homeland Security for that purpose, as applicable.".

(2) Conforming Amendments.—Section 3306(b) of title 10, United States Code, is amended—

(A) in paragraph (1), by inserting "or 33" after "chapter 30"; and

(B) in paragraph (2), by adding at the end the following new subparagraph:

"(c) The present value of any future benefits payable from the Fund for amounts attributable to increased amounts of educational assistance authorized by section 3316 of title 38.".

(c) Effective Date.—The amendments made by this section shall take effect on August 1, 2011.

SEC. 110. TRANSFER OF UNUSED EDUCATION BENEFITS.

(a) Availability of Transfer Authority for Members of PHS and NOAA.—Section 3319 is amended—

(1) by striking "Armed Forces" each place it appears in subsection (a)(2) and inserting "uniformed services"; and

(2) by striking subsection (c).

(b) Preservation of Authority.—Subsection (a) of such section is amended—

(1) by striking "Subject to the provisions of this section," and all that follows through "permit" and inserting "(1) Subject to the provisions of this section, the Secretary concerned may permit"; and

(2) by adding at the end the following new paragraph:

"(2) The purpose of the authority in paragraph (1) is to promote recruitment and reenlistment in the uniformed services. The Secretary may exercise the authority for that purpose when authorized by the Secretary of Defense in the national security interest of the United States.".

(c) Effective Date.—The amendments made by this section shall take effect on August 1, 2011.

SEC. 111. BAR TO DUPLICATION OF CERTAIN EDUCATIONAL ASSISTANCE BENEFITS.

(a) Bar to Concurrent Receipt of Transferred Education Benefits and Marine Gunnery Sergeant John David Fry Scholarship Assistance.—Section 3322 is amended by adding at the end the following new subsection:

"(e) Bar to Concurrent Receipt of Transferred Education Benefits and Marine Gunnery Sergeant John David Fry Scholarship Assistance.—An individual entitled to educational assistance under both sections 3311(b)(9) and 3319 may not receive assistance under either of such sections concurrently; but shall elect (in such form and manner as the Secretary may prescribe) under which provision to receive educational assistance.".

(b) Bar to Receipt of Compensation and Pension and Marine Gunnery Sergeant John David Fry Scholarship Assistance.—Such section is further amended by adding at the end the following new subsection:

"(f) Bar to Receipt of Compensation and Pension and Marine Gunnery Sergeant John David Fry Scholarship Assistance.—The commencement of a program of education under section 3311(b)(9) shall be a bar to the following:

(1) Subsequent payments of dependency and indemnity compensation or pension based on the death of a parent to an eligible person over the age of 18 years by reason of pursuing a course in an educational institution.

(2) Increased rates, or additional amounts, of compensation, dependency and indemnity compensation, or pension because of such a person, whether eligibility is based on the death of the parent.".

(c) Bar to Concurrent Receipt of Transferred Education Benefits.—Such section is further amended by adding at the end the following new subsection:

"(g) Bar to Concurrent Receipt of Transferred Education Benefits.—A spouse or child who is entitled to educational assistance under this chapter based on a transfer of entitlement from more than one individual under section 3319 may not receive assistance based on transfers from more than one such individual concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which source to utilize such assistance at any one time.".

(d) Bar to Duplication of Eligibility Based on a Single Event.—Such section is further amended by adding at the end the following new subsection:

"(h) Bar to Duplication of Eligibility Based on a Single Event or Period of Service.—

(1) Active-duty service.—An individual with qualifying service in the Armed Forces that establishes eligibility on the part of such individual for educational assistance under this chapter, chapter 30 or 32 of this title, or chapter 30 or 32 of title 10, shall elect in such form and manner as the Secretary may prescribe) under which authority such service is to be credited.

(2) Eligibility for Educational Assistance Based on Parent's Service.—An individual who is a child of a member of the Armed Forces who, on or after September 11, 2001, dies in the line of duty while serving on active duty, who is eligible for educational assistance under either section 3311(b)(9) or chapter 33 of this title based on the parent's death may not receive such assistance under both this chapter and chapter 33 of this title, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter to receive such assistance.".

(e) Effective Date.—The amendments made by this section shall take effect on August 1, 2011.

SEC. 112. TECHNICAL AMENDMENTS.

(a) Section 3313.—Section 3313 is amended—

(1) by striking "higher education" each place it appears and inserting "higher learning"; and

(2) in clause (ii) of subparagraph (A) of subsection (a), as redesignated by section 103(a)(2) of this Act, by adding a period at the end.

(b) Section 3319.—Section 3319(b)(2) is amended by striking "to section (k)" and inserting "to subsection (j)".

(c) Section 3332.—Section 3332(a) is amended by striking "section 3034(a)(1)" and inserting "sections 3034(a)(1) and 3680(c)".
SEC. 206. MODIFICATION OF AUTHORITY TO MAKE CERTAIN INTERVAL PAYMENTS.

(a) IN GENERAL.—The flush matter following clause 3(b) of section 3680(a) is amended by striking “of this subsection” and all that follows and inserting “of this subsection”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on August 1, 2011.
Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend and include extraneous material on S. 3447.

The SPEAKER pro tempore (Mrs. HAYWORTH). Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

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

I want to thank Senator AKAKA, chairman of the Senate Veterans’ Affairs Committee, for introducing this bill, also known as the Post-9/11 Veterans Educational Assistance Improvement Act of 2010. And I want to thank my colleague, Representative WALT MINNICK of Idaho, for his advocacy on behalf of our Nation’s veterans and for introducing a similar bill in the House of Representatives.

My colleagues may recall that we successfully passed the Post-9/11 Veterans Educational Assistance Act of 2008 to help pay the full cost of tuition at 4-year colleges for veterans who served after September 11, 2001. This new entitlement has provided thousands of veterans with funds to pay for tuition and fees, a monthly housing allowance, and a $1,000 book stipend. While this has proven to be a significant step to improve existing educational benefits for our veterans, much work remains to be done.

This bill is fully paid for, bipartisan, and seeks to rectify many of the ongoing technical concerns that were highlighted after the passage of the Post-9/11 GI bill while expanding benefits to veterans that were originally excluded from participating in this new benefit. Current law prohibits certain individuals in the Reserve and National Guard from obtaining veterans education benefits under the Post-9/11 bill. This legislation seeks to address this inequity by allowing qualified individuals in our Reserve and National Guard to receive benefits under the Post-9/11 GI bill. The legislation would also provide veterans with a housing stipend while taking courses strictly through long distance learning, a key issue which many of us have spoken on. In addition to expanding the housing stipend, student veterans will also have the ability to use their educational benefits to pay for national tests, licensure, and certification tests.

Furthermore, this bill would address a major shortfall expressed by the Department of Veterans Affairs by those who would prefer to attend a non-college degree program that would meet their professional goals. This bill seeks to expand on the eligible programs of education to include apprenticeship and on-the-job training, in addition to flight training and non-college degree programs of education.

Finally, this bill seeks to recognize the family’s role of caring for an injured veteran by allowing the period during which a family member can use his or her education benefits. Providing more time for a caregiver to pursue their educational goals is the least we can do for those who have taken on the responsibility to care for an injured loved one.

I would like to thank our Speaker, Ms. PELOSI, for her leadership and dedication to America’s veterans. It is only fitting to note that enhancing veterans education benefits was a major focus when Democrats took control of the House 4 years ago, and remains a final priority here in the final hours of the 111th Congress. Certainly, we look forward to continuing this advocacy in the next Congress.


Hon. Chairman BOB FILNER,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN BOB FILNER: On behalf of AMVETS (American Veterans), I am writing to express our support of S. 3447, the ‘‘Post 9/11 Veterans Educational Assistance Improvement Act of 2010.’’

AMVETS believes that this piece of legislation seeks to better the educational opportunities afforded to all veterans, servicemembers, National Guard and Reserve. Furthermore, AMVETS believes that this piece of legislation will provide, much overdue, clarity and understanding to our veterans, servicemembers and the schools seeking to offer them an education and the exact eligibility to all the interested parties involved. For these reasons, AMVETS extends our support to S. 3447, the ‘‘Post 9/11 Veterans Educational Assistance Improvement Act of 2010.’’

Sincerely,
CHRISTINA M. ROOF,
National Deputy Legislative Director.


Hon. BOB FILNER,
Chairman, House Committee on Veterans Affairs, House of Representatives, Washington, DC.

DEAR CHAIRMAN: On behalf of the 370,000 members of the Military Officers Association of America (MOAA), I am writing to urge your support for final passage of S. 3447, the ‘‘Post 9/11 Veterans Educational Assistance Improvement Act of 2010’’, as passed by the Senate on 13 December.

S. 3447 takes the best GI Bill Since World War II to a new level of excellence, transparency and efficiency for veterans, college administrators and the Department of Veterans Affairs. The bill simplifies the complex and confusing 2 GI Veterans Educational Assistance Improvement Act of 2010, as passed by the Senate on 13 December.

S. 3447 takes the best GI Bill Since World War II to a new level of excellence, transparency and efficiency for veterans, college administrators and the Department of Veterans Affairs. The bill simplifies the complex and confusing Post GI Education provisions in key areas, eliminates glaring inequities, and enhances the opportunity for our veterans to successfully reintegrate in society after serving their nation.

We are particularly pleased that top MOAA priorities in S. 3447 would:

Permit full-time National Guard members on Title 32 orders to earn the benefit for their service;

Open vocational, apprenticeship, OJT and other job training—the Post-9/11 GI Bill is the only GI Bill program since WWII that excludes job training;

Simplify the payment system for public college attendance and set a national baseline for private college enrollment;

Permit USPHS and NOAA Corps service women and men to transfer their benefits to family members, if requested by their Department’s respective Secretaries with the approval of the Secretary of Defense;

Establish a housing allowance for veterans enrolled in full-time online study;

Raise the cost-of-living stipend for wounded warriors eligible for Vocational Rehabilitation and Employment benefits.

The CBO has reported that the bill will save $536 million over 10 years. More importantly, S. 3447 will help our veterans gain the skills and training they need to compete in a very different economic climate. This legislation will reduce the need for future costly intervention programs for under- and unemployed veterans, making it a wise investment for our country.

On behalf of our entire membership, I would respectfully recommend your personal support for final passage this week of S. 3447.

New GI Bill 2.0 will help our veterans, servicemembers and the families and our veterans.

Sincerely,
NORBERT R. RYAN, Jr.
President.


Hon. BOB FILNER,
Cannon House Office Building, Washington, DC.

Hon. STEVE BUYER,
Cannon House Office Building, Washington, DC.

DEAR CHAIRMAN BOB FILNER AND RANKING MEMBER BUYER: Iraq and Afghanistan Veterans of America (IAVA) offers our strong support for S. 3447, commonly referred to as the New GI Bill 2.0. Our work is not done. The New GI Bill is a historic commitment to this generation of veterans that has enabled over 300,000 student veterans to attend school. However, tens of thousands of young veterans are unable to take advantage of these new GI Bill benefits because confusing regulations and holes in the original legislation. To ensure every veteran has access to a first class future, IAVA recommends swift passage of S. 3447.

New GI Bill 2.0 finishes the Post 9/11 GI Bill and includes:

Vocational Training: Invaluable job training for students studying at vocational schools.

Title 32 AGR: Grant National Guardsmen responding to national disasters full GI Bill credit.

Distance Learners: Provide living allowances for veterans in distance learning programs.

Tuition/Fees: Expand and simplify the Yellow Ribbon Program.

Active Duty: Include a book stipend for active duty students.

New GI Bill 2.0 will help student veterans like Charles Conrad who returned home to a tough economy and enrolled in a vocational school to help prepare him for a meaningful career only to find out that his vocational school was not covered by the GI Bill and SPC Weaver a Purple Heart recipient whose vertigo is so bad he can’t sit in a
classroom for an entire period and therefore does not qualify for a living allowance because he has to take classes online. This legislation will also help the tens of thousands of National Guard members who were activated to clean up the oil spill in the Gulf and have not received credit toward the GI Bill for their service.

We are proud to offer our assistance on this vital piece of legislation. If we can be of help please feel free to contact Tim Emoree. Sincerely,

Paul Rieckhoff, Executive Director.


Hon. Robert Filner, Chairman, House Committee on Veterans’ Affairs, Chairman, Common House Office Building, Washington, DC.

Dear Chairman Filner: NGAUS strongly supports the cost neutral S. 3447, The Post-9/11 Veterans Educational Assistance Improvements Act of 2010, which unanimously passed the Senate on December 13, 2010. It is our understanding the bill will be placed on the House suspension calendar this week in order that it may be considered this session.

The National Guard is composed of volunteer men and women who serve in the military as a part of the Armed Forces who serve after September 11, 2001, commonly known as the Post 9/11 GI Bill. It was initially enacted under Title 32 active duty service and was expanded to cover duty service under this program, and limited benefits for vocational, on-the-job and distance learning and distance learning that is so vital to geographic isolated members for the National Guard.

S. 3447 would fully credit all National Guard Title 32 AGGR duty and service under Title 32 section 502(f) in response to a national emergency declared by the President. The bill would also provide expanded benefits for vocational learning, apprenticeships, on-the-job training, and provide a living allowance for full-time distance learners. Of critical importance is the fact that the Congressional Budget Office has rated the bill to be cost neutral.

NGAUS strongly supports approval of a motion to suspend the rules for S. 3447 in the House to correct this inequity and properly credit our members of the National Guard for their service to our country. The sooner this corrective legislation may be passed, the sooner our members and veterans will be able to improve their skills in a difficult economy.

Our men and women who bravely serve and have served our nation richly deserve the recognition that S. 3447 would provide. Thank you for this opportunity to express our support. Sincerely,

Gus Hargrett, Major General, (Ret), President.


Hon. Bob Filner, Chairman, House Veterans’ Affairs Committee, House of Representatives, Washington, DC.

Dear Mr. Chairman: The National Association For Uniformed Services (NAUS) strongly supports passage of S. 3447, the Post-9/11 Veterans Educational Assistance Improvements Act. The bill brings critical upward expansion of the extraordinary and historic Post 9/11 GI Bill.

As approved in the Senate earlier this week, the Post-9/11 Veterans Educational Assistance Improvements Act makes a number of modifications to the education assistance legislation. Not only does it open educational opportunities for National Guard and Reserve members called to active duty, it would simplify the bill making it less complex, and expand the program to include on-the-job and vocational training opportunities for veterans interested in developing a career in skilled trades.

NAUS urges speedy action to complement, upgrade and improve the historic action previously taken under your leadership to approve the Post-9/11 GI Bill. Our membership endorses this legislation, and we are urging our colleagues to support the course of action you propose. For those men and women who have honorably served in the Uniformed Services, it is the right thing to do.

Sincerely,

Richard A. Jones, Legislative Director.


Hon. Stephanie Herseth Sandlin, Cannon House Office Building, House of Representatives, Washington, DC.

Dear Representative Herseth Sandlin: On behalf of the 2.4 million members of The American Legion, we would like to express our support for S. 3447, the Post-9/11 Veterans Educational Assistance Improvements Act of 2010, legislation which expands and improves upon the Post 9/11 G.I. Bill. Most importantly, S. 3447 fully credits National Guard and Reserve forces activated under Title 32 for their GI Bill benefits. S. 3447 will also provide a housing allowance to distance learners, provide a living allowance for distance learning, and expand and simplify the existing Yellow Ribbon Program, reimburse student-veterans taking multiple certification tests and national exams, and allow active duty service members and their spouses to receive a $1000 per year book stipend, among other things.

The American Legion has a proud history of advocating for veterans’ benefits, most notably the contribution to writing and passing the historic Servicemen’s Readjustment Act of 1944, commonly known as the “G.I. Bill of Rights.” Harry W. Colmery, a former National Commander of the American Legion, is credited with drafting the original language that would become the G.I. Bill. S. 3447 will go far in ensuring that current veterans will be helped as much as the original G.I. Bill helped the Greatest Generation in shaping America. Once again, The American Legion fully supports this legislation and we urge final passage of this bill before the close of the 111th Congress.

Sincerely,

Jeremy Glasstetter, National President.

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

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

I don’t know since when the GI bill all of a sudden became the greatest hallmark of Democrats. It’s of both parties. I am not a Chair.

I rise to express my concerns about the way, once again, we are legislating outside of regular order, leaving undone significant fixes needed to correct known substantive and technical problems with the bill. And this time goes back to the way the GI bill came to us. It came to us as a political instrument, not properly even vetted through the House. It came as a political instrument in a highly Presidential election time tension of ten.

The House committee was doing its work on modernizing the Montgomery GI bill. STEPHANIE HERSETH and JOHN
BOOZMAN were doing yeoman's work, under the guidance of Chairman FISNER, and they were doing everything that they were supposed to do to that bill. Sure enough, they took a bill that was drafted by one staffer who had not been properly vetted in the Senate and sent it point by point to the House without even being vetted here by the House. And then Speaker PELOSI wanted to do that, and it was all about, at that time, jamming JOHN MCCAIN.

Now I voted for that when it came here to the House floor. The reason I did that is I wanted a seat at the table. I wanted to be able to correct problems with the bill. We cited 10 or 11 of the problems that we had with the bill, all of which were ignored.

So what happened? All these inequities, all these poor drafting errors, the challenge that the administration even had with regard to the implementation of the legislation. Oh, once again we'll just do something quickly, with expediency, bypass processes using regular order, dump it on the administration, and then force them to fix it. And then, if they don't do things according to the timeline for which we foresee, then we'll just beat 'em up. This is not the way to legislate.

If you want to do proper governing, you don't worry about winning and losing and who's getting credit, whether a Democrat is getting credit or a Republican is getting credit. You don't think about who's winning. Good government is about the collective ideas of all people of this House.

So, once again, what are we doing? Here comes a bill, once again, coming from the Senate to us on issues that we haven't even had a chance to pore through. Oh, let's come to the floor. Let's cheerlead. Let's embrace. And you're doing it, once again, in a lame duck session.

Then-Speaker Dennis Hastert, in 2006, I think that Democrats took over the House, what did Dennis Hastert do? He held a conference and he told Republicans: Respect the will of the American people. We will not legislate our agenda in a lame duck.

What are you doing? You're ignoring the will of the American people and trying to jam everything imaginable that you can before you, quote, lose power. So let's do gaya in the military and let's jam everything imaginable you can. Let's do this. You're creating every one of these processes in this bill than you think that you're correcting.

In order to understand my concerns: Originally the bill cost nearly $80 billion and was not paid for. We could be headed for a similar situation by passing this bill today without going through regular order.

I received a long list of technical changes from the VA that would have facilitated successful implementation. Unfortunately, the majority continues to block any efforts for these changes. In the end, the House once again will have no say in a major piece of legislation expanding veterans' benefits.

So be careful getting out there and pounding your chest thinking that you've done a lot of great things or that you've had all the input. We have not.

I am concerned about the policy change in this bill that ends living stipend payments to veterans during periods of time between semesters. You had better think about what you are about to vote on. This cut in veterans' benefits will hit veterans and their families during the holiday season, since many schools dismiss for the winter break veterans who would receive their living stipend check during that period. I can't think of a worse idea than to cut a veteran benefit during the Christmas and holiday season. All Americans know that the month of December is already a strain on their paycheck, and to have your paycheck cut during a devastating time period is pretty tough.

My second concern deals with the national cap on tuition and fees. Current law allows the VA to pay up to the maximum in-state tuition and fees for each veteran enrolled in an institution of higher learning. This means that each State has a different maximum amount of tuition and fees that the VA is required to pay. While the revised benefit of up to $17,500 a year will be a windfall for most veterans, there are veterans in several States, including Texas, New York, and New Hampshire that will see their tuition and fees payments reduced. Veterans in these States will be forced to pay for this reduction from other sources or from their own pocket.

For example, a veteran who is a junior studying at Baylor University in Texas currently receives roughly $26,000 in tuition and fee payments per year. Under this bill, that veteran would receive the maximum in tuition and fee payments for a difference of $8,500 per year; or, $34,000 over a 4-year time period will be cut from their benefit.

This bill should have included a provision to grandfather the current students in these high-cost States so they are not required to make up the difference in tuition, but the Members of the House Committee on Veterans’ Affairs did not get that change, or any other change, for that matter. By removing these interval payments and replacing with the $17,500 cap clause, the drafters of this bill were able to pay for their other enhancements of the bill. However, these enhancements are being done at the expense of some veterans to the benefit of other veterans. It is one of those things which we are always cautious about, cutting one veteran's benefit to the benefit of some other veteran. If you went out and surveyed the average student veteran, I believe they would oppose improving their own benefits at the expense of one of their comrades.

What is even more disturbing to me is that by rushing this bill through without regular order, the majority and the veterans service organizations who support this move don’t seem to have a problem with either of these issues that will hurt some of America’s veterans in the name of expediency and of the apparent need to score some kind of point before the end of the year.

I am surprised that the veterans service organizations have jumped on board in support of this bill despite the fact of its cuts of veterans benefits. I am quite certain they are very uncomfortable with me today on the House floor talking about the veterans service organizations' support of the cut in veterans benefits.

In a press release on Tuesday, the commander of the American Legion, Jimmie Foster, stated: “This is great news. This bill rectifies the inequities and shortcomings of the well-intentioned but incomplete Post-9/11 GI Bill and makes it whole.”

It does not. We create even more inequities and make the matter even worse.

In testimony in July before the Senate Committee on Veterans’ Affairs, the Iraq and Afghanistan Veterans of America stated: “The discussion draft of 2006 Post-9/11 GI Bill and ensure that all student veterans have access to the most generous investment in veterans education since World War II.”

At the same hearing, the Veterans of Foreign Wars stated: “Senator AKAKA, your legislation addresses every area of concern the VFW has with improving the Post-9/11 GI Bill. We cannot say enough about the noble intent driving this legislation.”

Madam Speaker, I guess we have a few questions for the veterans who are members of these veterans service organizations. Number one, are you Representatives in Washington really standing up for you when they endorse a bill that cuts your living stipend during the holidays?

Please understand what this does. When an individual finishes their fall semester and before they start their spring semester, their benefits are cut. At some schools they might be out 5 weeks, or 3 weeks, or 4 weeks. We are going to cut their stipend during that break between semesters.

The other question is, are they really representing the view of a veteran who endorses legislation that cuts tuition payments for some veterans by thousands of dollars while trying to benefit a veteran in some other place?

While I am retiring here at the end of this Congress, I am sure that Members of the new majority will want to hold hearings on the shortcomings in the Post-9/11 GI Bill and look for ways to improve the bill early in the next Congress. That way we can further consider the VA’s and the committee’s concerns, and unintended consequences, and do so in a non-partisan manner, and, most importantly, using regular order and making sure everyone participates in the process. That is
Mr. FILNER, Madam Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. LOEBSACK), who has been a great leader on veterans issues.

Mr. LOEBSACK. I thank Chairman FILNER, and I want to thank Democrats and Republicans alike who have worked on this bill and folks in the Senate who have worked on this bill as well, both Democrats and Republicans.

Mr. Speaker, the Post-9/11 GI Bill is an expression of our Nation’s gratitude to those who have served our country since the 9/11 attacks.

As a former college professor, I know firsthand the impact a post-secondary education can have. It opens doors and it builds opportunities, and it is critical to the strength of our military and the future of our economy.

I have had the honor to meet many members of the Iowa National Guard. I have seen them respond to the floods that plagued my district in 2008, and I have visited them in Iraq and Afghanistan.

The dual role of the National Guard in our homeland and national security is unique, and it has only increased since the 9/11 attacks.

The National Guard is no longer a strategic reserve. It is an operational one. These soldiers and airmen secure our airspace, respond to disasters, protect our borders, and deploy to Iraq and Afghanistan.

We are proud to provide access to the Post-9/11 GI Bill, but the Post-9/11 GI Bill did not recognize this dual role. It counts only service overseas and overlooked the role the National Guard plays in federally funded homeland security missions.

That is why I introduced the National Guard Education Equality Act, which has over 100 bipartisan cosponsors and has been endorsed by a number of veterans service organizations. I am very proud that my bill has been included in the Post-9/11 Veterans Educational Assistance Improvements Act.

As a result, tens of thousands of National Guard members will receive benefits they are due for their service to our country.

While this bill is not perfect and more needs to be done, it is an essential step forward. Among its many other improvements for our veterans, it will recognize and it will honor the contributions of the National Guard to both our homeland and our national security. I urge support for this critical legislation.

I again thank Chairman FILNER and Members for all their great work on this, Democrats and Republicans alike. Ms. HERSETH SANDLIN, Mr. Speaker, I rise today in strong support of S. 3447, The Post-9/11 Veterans Educational Assistance Improvements Act of 2010.

I would like to thank Senator AKAKA for introducing this critical legislation in the Senate and Representative MINNICK of Idaho who introduced the companion bill here in the House and worked diligently to refine the landmark Post-9/11 G.I. Bill enacted in 2008.

I would also like to thank Veterans Affairs Committee Chairman FILNER, as well as Ranking Member BUYER, for their leadership throughout the 110th and 111th Congresses on this topic in helping ensure that our Nation’s veterans have access to the educational benefits they deserve and have earned.

One of the most significant accomplishments of the 110th Congress was the passage of the Post-9/11 G.I. Bill. That legislation offered the first update and improvement of the Montgomery G.I. Bill in over a generation, and set the Department of Veterans Affairs on the path toward providing today’s veterans the educational benefits that befit their service and sacrifice.

Today, by passing S. 3447, this House can take another significant step on the ongoing journey to provide veterans with those improved educational benefits. During the 111th Congress, I have had the honor to serve our Nation’s veterans as Chairman of the Economic Opportunity Subcommittee. As part of my work as chairman, our subcommittee held six hearings on various aspects of the Post-9/11 G.I. Bill program. We addressed the VA’s long-term strategy to implement the benefit and investigated the reasons behind some of the processing delays that plagued the program when the VA first began paying benefits in August of 2009.

In addition, our Subcommittee held an education roundtable and several legislative hearings on bills that sought to improve or expand the Post-9/11 G.I. Bill program.

During these many hearings, it became clear that, while the version of the Post-9/11 G.I. Bill program passed in the 110th Congress was a positive step, there were also logical, commonsense, bipartisan improvements to be made to the benefit that would allow veterans greater flexibility and better meet their needs.

S. 3447 contains many of those needed improvements.

This bill: Allows veterans to use Post-9/11 benefits for Apprenticeship and On-the-Job Training programs.

Provides students pursuing education through distance learning access to the housing stipend given to traditional students.

Credits National Guard members—who are activated under Title 32 orders for national disasters—with Post-9/11 eligibility.

Improves the often confusing state cap system to expand and simplify the yellow ribbon program which allows veterans to receive funds to attend private schools.

Fully covers tuition at any public school.

Is fully offset and cost neutral thanks in part to closing several loopholes in the program.

There is historical precedence for making such changes. The 78th Congress also needed to pass several reforms to the original Montgomery G.I. Bill. Today, the Montgomery G.I. Bill is considered to be one of the most successful veterans programs in the history of our country. By passing S. 3447, we are following in that tradition.

In conclusion, I would like to thank the many Veterans Service Organizations who worked with Senator AKAKA, Representative MINNICK, and myself on these issues. Groups such as the Veterans of Foreign Wars, the American Legion, and the Iraq and Afghanistan Veterans of America were tireless champions on this bill and these issues. The passage of S. 3447 would not be possible without their efforts.
I urge my colleagues to support this bill. Ms. BORDALLO. Mr. Speaker, I rise today in support of S. 3447, the Post-9/11 Veterans Educational Assistance Improvements Act of 2010. I commend Chairman Ike SKEELON of the House Armed Services Committee, Chairman of the House Committee on the Budget, and Chairman Bob Filner of the House Committee on Veterans Affairs for their commitment, hard work and dedication to expanding education benefits for the men and women who have served our great nation in uniform since September 11, 2001. The work of commitee leadership ensures that this Congress will make a meaningful positive impact on our Armed Forces.

The improvements to the bill will make it easier for the U.S. Department of Veterans Affairs and the military services to implement the program thereby speeding up the time it presently takes to use the benefits. Further, the proposed legislation expands the types of training which can be pursued to include vocational and technical schools, apprenticeships and on the job training that were not previously covered. The important expansion to the Bill includes expanded financial assistance to active duty members to cover the cost of books and administrative fees and to broaden the opportunity to participate in distance learning programs.

Another critical component of the legislation is expanding eligibility to many men and women of the National Guard who serve under Title 32 authority. Men and women of the National Guard continue to be called upon to serve at home and abroad to protect our nation. The distinction between different types of orders is often blurred due to archaic procedures and operational requirements. The legislation significantly enhances benefits for men and women of the National Guard by including active duty time spent for the purpose of organizing, administering, recruiting, instructing, or training the National Guard. It also includes time spent under section 502(f) of Title 32 when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal forces.

This legislation continues our solemn commitment to veterans and service members. The bill improves the processing of these benefits and ensures that we fulfill our commitment to all service members and veterans. As such, I urge my colleagues to join me in supporting S. 3447.

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

Mr. FILNER. 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.

SUPPORTING A NEGOTIATED SOLUTION TO THE ISRAELI-PALESTINIAN CONFLICT

Mr. Berman. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1765) supporting a negotiated solution to the Israeli-Palestinian conflict and condemning unilateral declarations of a Palestinian state, and for other purposes. The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 1765

Whereas a true and lasting peace between Israel and the Palestinians can only be achieved through direct negotiations between the parties;

Whereas Palestinian leaders have repeatedly threatened to declare unilaterally a Palestinian state and to seek recognition of a Palestinian state by the United Nations and other international forums;

Whereas Palestinian leaders are reportedly pursuing a coordinated strategy of seeking recognition of a Palestinian state within the United Nations, in other international forums, and from a number of foreign governments;

Whereas, on November 24, 2010, Mahmoud Abbas, President of the Palestinian Authority and the Palestine Liberation Organization, wrote to the President of Brazil, requesting that the Government of Brazil recognize a Palestinian state, with the hope that such an action would encourage other countries likewise to recognize a Palestinian state;

Whereas, on December 1, 2010, in response to Abbas’s letter, the President of Brazil unilaterally recognized a Palestinian state;

Whereas, on December 6, 2010, the Government of Argentina announced its decision to recognize a Palestinian state, and the Government of Uruguay announced that it would unilaterally recognize a Palestinian state in 2011;

Whereas, on March 11, 1999, the Senate adopted Senate Concurrent Resolution 5, and on March 16, 1999, the House of Representatives adopted House Concurrent Resolution 9, both of which resolved that “any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition;”

Whereas, on December 7, 2010, Assistant Secretary of State Hillary Rodham Clinton stated, “there is no substitute for face-to-face discussion and, ultimately, for an agreement that leads to a just and lasting peace;”

Whereas, on November 5, 2010, Mahmoud Abbas, President of the Palestinian Authority, publicly taking action to seek recognition of a Palestinian state at the United Nations, said, “[T]he only way that we’re going to get a comprehensive peace is through direct and thorough direct and anything that might affect those direct negotiations we feel is not helpful and not constructive;”

Whereas, on November 10, 2010, Secretary Clinton stated, “by and large I continue to say that negotiations between the parties is the only means by which all of the outstanding claims arising out of the conflict can be resolved. As there can be no progress until they actually come together and explore where areas of agreement are and where they are not and narrow down the issues. So we do not support unilateral steps by either party that could prejudice the outcome of such negotiations;”

Whereas, on December 7, 2010, Assistant Secretary of State for Public Affairs Philip J. Crowley stated, “we don’t think that we should be distracted from the fact that the only way to resolve the core issues within the process is through direct negotiations;”

Whereas, on December 10, 2010, Secretary Clinton stated, “it is only a negotiated agreement between the parties that will be sustainable;”

Whereas the Government of Israel has made clear that it would reject a Palestinian unilateral declaration of independence, has repeatedly affirmed that the conflict should be resolved through direct negotiations with the Palestinians, and has repeatedly called on the Palestinian leadership to return to direct negotiations; and

Whereas efforts to bypass negotiations and to unilaterally declare a Palestinian state, or to appeal to the United Nations or other international forums for recognition of a Palestinian state, would violate the underlying principles of the Oslo Accords, the Road Map, and other relevant Middle East peace process efforts: Now, therefore, be it

Resolved. That the House of Representa-

(A) reaffirms its strong support for a negotiated solution to the Israeli-Palestinian conflict resulting in two states, a democratic, Jewish state of Israel and a viable, democratic Palestinian state, living side-by-side in peace, security, and mutual recognition;

(B) reaffirms its strong opposition to any attempt to establish or seek recognition of a Palestinian state outside of an agreement negotiated between Israel and the Palestinians;

(C) urges Palestinian leaders to-

(A) cease all efforts at circumventing the negotiation process, including efforts to gain recognition of a Palestinian state from other nations, within the United Nations, and in other international forums prior to achievement of a final agreement between Israel and the Palestinians, and calls upon foreign governments not to extend such recognition; and

(B) resume direct negotiations with Israel immediately;

(C) supports the Administration’s opposition to a unilateral declaration of a Palestinian state; and

(D) calls upon the Administration to—

(A) lead a diplomatic effort to persuade other nations to oppose unilateral declaration of a Palestinian state and to oppose recognition of a Palestinian state by other nations, within the United Nations, and in other international forums prior to achievement of a final agreement between Israel and the Palestinians; and

(B) affirm that the United States would recognize a Palestinian state only when that state is established through direct negotiations and a peace agreement.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. Berman) and the gentleman from Texas (Mr. Poe) each will control 20 minutes.

The Chair recognizes the gentleman from California.
Mr. BERNSTEIN. Mr. 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 California?

There was no objection.

Mr. BERNSTEIN. Mr. Speaker, I rise in strong support of Res. 1765, and I yield myself 3 minutes.

Mr. Speaker, I brought this resolution to the floor because I believe negotiations are the only path to a two-state solution to the Israeli-Palestinian conflict. For this reason, the United States Congress has every reason to be concerned about efforts of some in the Palestinian Authority leadership to attain recognition of statehood while bypassing the accepted negotiation process.

That is but one reason I am deeply disappointed by the recently announced decisions of Brazil and other Latin American countries to recognize an independent Palestinian state, actions prompted by a direct request from Palestinian President Abbas.

Ultimately, such recognition of nonexistent statehood gives the Palestinians nothing. In 1988, Yasser Arafat declared a state and garnered recognition from more than 100 states; now, 22 years later, there is still no state. The Palestinian people don’t want a bunch of declarations of statehood. They want a state. And they should have one, through the only means possible for attaining one, negotiations with Israel.

The Obama administration has been unwavering on this point. Unless an independent Palestinian state is formed via a negotiated settlement, the Israeli-Palestinian conflict will not be solved. Only through direct negotiations can difficult compromises be reached on the core issues of borders, water, refugees, Jerusalem, and security. Unilateral declarations of statehood will not eliminate the sources of the conflict; they will exacerbate them. Secretary of State Hillary Clinton could not have been more correct when she said just this past Friday that “it is only a negotiated agreement between the parties that will be sustainable.”

I believe that Palestinian Authority President Abbas and Prime Minister Fayyad are committed to a peace resolution of their conflict with Israel, so I hope they will take Secretary Clinton’s message to heart. This body has been very generous in its support of their worthy efforts to build institutions and the economy on the West Bank. In fact, I believe we are the most generous nation in the world in that regard. So I think our friends should understand: If they persist in pursuing a unilateral path, and however regretfully, there will be consequences for U.S.-Palestinian relations.

I encourage all of my colleagues to support this important pro-negotiations, pro-peace resolution.

I reserve the balance of my time.

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

I am proud to be a cosponsor of this legislation. I strongly support a negotiated solution for peace in the Middle East, and this resolution will help do that.

Unfortunately, behind closed doors and behind the backs of Israelis and the United States, Palestinian leaders are reportedly holding high-level, unilateral discussions in pursuing recognition of a Palestinian state by the United Nations and other international forums. In fact, the U.N. Special Coordinator for Middle East Peace Process, Robert Serry, on October 26 of this year said he supported recognition of a Palestinian state by the United Nations. The answer is to negotiate with Israel. I make sure that there is a Palestinian state and not operate unilaterally without the help and negotiation of Israel. But this is not all.

Earlier this month, three South American countries—Argentina, Brazil, and Uruguay—recognized Palestine as a state. Palestinian statehood recognition outside of talks with Israel is a bad idea, and it is not a peaceful solution to this problem.

If the Palestinian state is a sovereign state, what are the borders of this state going to be? Will terrorist acts now be seen as an act of war from a recognized state? Is this going to be a sovereign state within the sovereign State of Israel? No one knows because none of these questions have been answered with these countries who want to have a unilateral recognition of this state.

I am not saying that there can never be a Palestinian state, but what I am saying is certain conditions certainly should be met before a state can be established. And the foremost, most important one, is get to the table and negotiate with Israel. Quit worrying about what Brazil, Argentina, and Uruguay think and be more concerned about what Israel thinks, because Israel must agree to whatever solution comes out of this negotiation.

If other countries follow Brazil and recognize Palestine, why would Palestinian return to negotiations with Israel? They are already getting what they want without negotiations. I believe that peace negotiations with Israel, there will be violence in the Middle East; in fact, peace in the Middle East will be a far-off dream.

I think the administration needs to come out very strongly in opposition to this idea before more states recognize a Palestinian state. I think it is important that Congress show Israel that we stand with them. We stand for them because what is bad for them is bad for the United States and for the world and for the Middle East. So it is simple: Get back to the table with the people that are most concerned about a Palestinian state, that being the Israelis.

I reserve the balance of my time.

Mr. BERNSTEIN. Mr. Speaker, I yield myself 15 seconds.

I thank the gentleman for his position, his resolution, and for his co-sponsoring of this resolution. And I am here to stand not only with the Israelis, but I stand with the Palestinians on this issue because the Palestinians want this state, and negotiations are the way to get it.

I am pleased to yield for an unanimous consent request to my colleague from California (Mr. MILLER).

Mr. GEORGE MILLER of California asked and was given permission to review and extend his remarks.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

Mr. Speaker, I rise today to express my support for a negotiated solution to the decades-long conflict between Israel and the Palestinians. I will be voting in favor of the resolution introduced by my friend from my home state of California, Congressman BERNSTEIN, as I believe that only a negotiated solution to which all parties agree will achieve lasting peace.

However, I would like to note that I believe that this resolution unwisely addresses only one issue standing in the way of Israeli-Palestinian peace, even while numerous other issues continue to plague the peace process. I believe that the resolution is fully correct that the Palestinian Authority should not seek statehood unilaterally. Yet, I do not believe that unilateral actions by either side that undermine efforts to achieve a negotiated solution, are helpful in achieving the shared goal of peace in the region. In fact, I believe that they are extremely counterproductive.

Moreover, I believe that it is critical that this Congress support the Obama Administration’s continued efforts to negotiate with each of the parties over substantive issues to make progress toward a settlement so that an eventual return to direct negotiations can be successful. Indeed, Special Envoy for Middle East Peace George Mitchell is in the region now working to make substantive progress.

I again, support this resolution, but I believe that it unfairly only addresses one of a number of complex issues standing in the way of achieving a negotiated peace settlement in the Middle East.

Mr. BERNSTEIN. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from New York (Mr. ACKERMAN), the chairman of the Middle East and Southeast Subcommittee.

Mr. ACKERMAN. Mr. Speaker, this resolution is absolutely vital. It should be called the Peace Process Preservation Act because that is exactly what it is all about.
I understand that to many Israelis and many Palestinians, there is enormous frustration and disappointment and impatience with the peace process, but there is absolutely no acceptable alternative to it. Only negotiations can promise a real and durable peace, a peace for Israel, for Lebanon, for a Jewish and democratic state, and independence for a sovereign and viable Palestinian state. There is no magic wand. There is no shortcut. The only way to peace is negotiating in good faith and making the hard choices that it demands.

Israel has shown time and again that it is ready. In the year 2000, Israel made a serious and generous offer to the Palestinians at Camp David, and then offered even more at Tab’a. Israel offered the Palestinians still more in 2008. And last year, Prime Minister Netanyahu, without getting any credit, came out in favor of a two-state solution and has been waiting ever since for the Palestinians to join him at the table.

It is time for Abu Mazen to stop jetting around the looking for alternatives to dealing directly with Prime Minister Netanyahu. Palestinians can’t, on the one hand, complain that Israeli settlements prejudice final status issues and then run around calling on other nations to try to impose a solution from the outside.

Personally, I think that the Palestinians’ complaints about settlements are overwrought. Prime Minister Netanyahu froze settlement building for 10 months and got only Palestinian scorn for his efforts. Moreover, for peace, or to promote it, Israel has withdrawn completely from Sinai, Lebanon, and Gaza. So the Israeli track record on land for peace is very clear.

But what some Palestinians can’t seem to understand is that their legitimate aspirations not only can’t be achieved by violence, but are equally unattainable through unilateral or external declarations. A just and lasting settlement is only possible through a political process, one where both sides make concessions.

Any nation that is truly committed to peace with security, that to many Israelis or the Palestinians, has to recognize that trying to dictate a solution is a recipe for catastrophe. Instead of producing peace, efforts to impose one from the outside will transform a difficult but resolvable conflict between two peoples into a horrific war between two religions.

So if you think the time to resolve this conflict is now, and I do, and if you think both Israelis and Palestinians are entitled to govern themselves, and I do, then you need to support this resolution in favor of negotiations and peace and against imposed or unilateral solutions.

Mr. POE of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana (Mr. BURTON), the ranking member on the Middle East Subcommittee, be allowed to control the remainder of my time.

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

There was no objection.

Mr. BURTON of Indiana. Mr. Speaker, at this time I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. ENGEL), a member of the committee, chair of the Western Hemisphere Subcommittee.

Mr. ENGEL. I thank the chairman for yielding to me. And I, like my colleagues on both sides of the aisle, rise in support of this resolution. My colleagues have said it very, very well, and I reiterate it—the only way that peace can be achieved in the Middle East is by having the two parties sit down and negotiate a settlement that can’t be an American plan, that can’t be an Obama plan, that can’t be a U.N. plan. It has to be a plan between the Israelis and Palestinians. So at the end of the day, we come out with a two-state solution—the Jewish State of Israel and the Palestinian State. And both States ought to live with security along recognized borders.

Now, it is bad enough that these countries like Brazil, Argentina, and Uruguay, unilaterally say that they accept or recognize the Palestinian State. They talk about a Palestinian State within the 1967 borders, which is preposterous. Everyone knows that Israel would never and could never agree with it. Those borders are indefensible, and for that reason Israel would and could not accept it. So, as far as I am concerned, this is just mischievous-making. This is the Palestinian leadership not having the guts to sit down and negotiate a difficult situation.

The Palestinian leadership has been throwing all kinds of preconditions out there, saying to Israel, ‘We’re not going to sit and negotiate with you unless you do this; we’re not going to sit and negotiate with you unless you do that.’ So, the prime minister of Israel, Netanyahu, agrees to a 10-month moratorium on building any kind of settlements or neighborhoods or anything like that, and the Palestinian leadership decreed it. They made fun of it. They said, if you build then, they waited 9 of those 10 months to actually sit down and negotiate with Israel. So they sat down for 1 month and then the 10 months expired. And now they are demanding another freeze. Well, I find it very odd that now that this freeze on so-called settlement activities is absolutely necessary in order for the Palestinians to sit down and negotiate, when for 9 months they refused to negotiate when Israel had stopped any kind of new settlements.

So this is just a further international attempt to delegitimize Israel and to unilaterally declare statehood for the Palestinians. That will never work.

A little history is important here. Back in 1948, when the United Nations resolution passed, taking what was then historic Palestine and dividing it between an Arab State and a Jewish State, the Jews in the area said yes, accepted it, and the Arabs said no. And they went to war against Israel. And went to war against Israel time and time again to wipe out the State of Israel.

So we know we have come a long way. And my colleagues have said this. Back in 2000, back in 2001, Prime Minister Barak, Prime Minister Sharon, Prime Minister Olmert all issued and agreed to have negotiations and to give the Palestinians almost everything they wanted; a state of their own. They turned it down. Negotiation is the only step forward, and we should continue on that path.

Mr. BURTON of Indiana. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to a member of the committee, the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. I do want to thank the distinguished gentleman from California, the chairman of the House Foreign Affairs Committee, and I want to state for the record I associate myself with the comments and the position taken by the chairman of the Foreign Affairs Committee concerning this issue that is now before the House.

Mr. Speaker, there is no question that the Israeli-Palestinian conflict for the past 60 years, in my opinion, has been something that not only has got the attention of the entire world, it is trying to find a solution to the current issues and the problems existing between the Israeli and the Palestinian people. I also want to commend the Obama administration and certainly Secretary Clinton for initiating the efforts to continue the negotiation process in trying to find a peaceful solution to the current problem existing between Israel and the Palestinian people.

One thing that is quite certain, that is at least a sense of consensus and agreement, is the fact that we recognize that yes, Palestine should be given an independent Palestinian State just as much as there should be proper recognition of Israel as a sovereign and an independent state. I think the points that have been taken by my good friend, the gentleman from Texas; Mr. POE of Texas; and my colleagues from New York, Mr. ACKERMAN and Mr. ENGEL, are well taken. And I just want to urge my colleagues to support the resolution.

Mr. BURTON of Indiana. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to a
Mr. Speaker, I rise in very reluctant support of this resolution. Unfortunately, we have before us today yet another one-sided resolution regarding the Israeli-Palestinian conflict. I will vote in favor of it because I do oppose unilateral declarations of Palestinian statehood and I believe that a negotiated solution is the only way forward for Palestinian statehood to actually happen. However, this resolution ignores other facts on the ground that have led to the current breakdown in the negotiation process. In particular, it is notable Israel’s expansion of settlements.

Mr. Speaker, it is truly absurd to argue that serious negotiations can occur when both actors are engaged in activities that threaten the credibility of the peace process. It is likewise wise to ignore that both Israelis and Palestinians bear responsibility for engaging in these activities.

Resolutions, like the one we are considering today, are clearly done for political reasons and are used to ata the process. They are intended not merely as a statement of principle, but also to provide a vehicle for putting pressure on the other side. The resolution is about a specific political action by Israel. It is about freezing settlements.

No one is doubting the importance of the situation between the United States and Israel. Israel is our strongest ally and the only true democracy in the region. And again, we should speak the truth in identifying Israeli policies that are harmful to promoting peace in the region and that advance the United States’ national interests.

If I could rewrite this resolution, it would highlight the responsibilities of each partner to take actions demonstrative of its commitment to peace. Israelis and Palestinians alike share this responsibility, and so does the United States as a broker.

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

You know, Mr. Speaker, I think Israel continues to do everything they can to bring about a peaceful solution to the problems in the Middle East regarding the Palestinian issue, but they don’t have a partner, and the Palestinians continue to do an end run around the negotiation process.

Number one, it isn’t going to work. Number two, it is going to undermine the authority of the leadership of the Palestinian Authority when it talks about peace. In the past 5 years, we have given over $2 billion in assistance to the Palestinian Authority, and we have been reinforcing and rewarding bad behavior on the part of the Palestinian Authority when it has proven to us, by doing the things it is doing right now, that it is really not worthy of the support we are giving it. We should finally hold the Palestinian Authority leaders accountable.

A couple of things really bother me. One is when I hear the leader of the Palestinian Authority and the PLO, Abu Mazen, praise the recently deceased mastermind of the PLO’s massacre of the Israeli athletes at the 1972 Munich Olympics. This is the leader, and he is praising the massacre that the whole world abhorred. He also expressed what he called his “firm rejection of the so-called Jewishness of the State of Israel,” saying, “This issue is over for us. We have not and will not recognize it.”

That’s a heck of an attitude for people to have who say they want a Palestinian state and who say they want to negotiate while, at the same time, they’re making these statements and they are doing an end run around the entire process.

Last year, Abu Mazen said, “Presently, we are against armed struggle because we cannot cope with it, but things could be different at some future phase.”

That indicates again and again and again their insincerity of negotiating in good faith. They are talking about it at some point in the future having another armed struggle. Israel has gone beyond the pale time and again. Bibi Netanyahu, the Prime Minister, has taken that extra step time and again.

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

Mr. Berman. Mr. Speaker, how much time do I have left?

The Speaker pro tempore. The gentleman from California has 5 minutes remaining.

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

Mr. Speaker, I would like to address the comments of my colleague from California (Mrs. Capps). I am obviously grateful for her support of this resolution and for her agreement with the notion that unilateral steps like this are not the way to achieve peace. Yet she made certain comments regarding issues which are not in the resolution—and she is right. This resolution has nothing about settlements. There is nothing about incitement. There is nothing about the Palestinian denial of the Jewish connection to the Western Wall. A for the settlements. I have my own reservations about Israel’s activities, but this resolution isn’t about any of those things.

This resolution is about the most central issue of all—the pathway to Palestinian statehood. There is only one path, and that is through negotiations. No negotiations, no state. It is as simple as that.

I am now happy to yield 2 minutes to the gentlewoman from Texas (Ms. Jackson Lee).

Ms. Jackson Lee of Texas. Let me thank the distinguished gentleman for yielding.
I rise to support this legislation. As I listened earlier—and I had to depart from the floor—I wanted to reinforce the comments and perspective that Chairman Berman has announced.

Mr. Speaker, diplomacy is bilateral. It is a two-way street. It is a give-and-take. It is the ability to find the will of the people who are involved, and it is also the ability for the world to recognize that a coming together has occurred. I have the greatest sense of concern and respect for the Palestinian people and for Palestinian Americans who themselves have reached out and asked for help.

I believe the people of the West Bank and Gaza want freedom, opportunity, equality, and a peaceful existence. I believe, over the years, the people of Israel and its many leaders have engaged in the process of peace. We in the United States are committed to a two-party state. We are committed to a peace resolution. Make peace today. Unilateral declaration of one state without the recognition of the importance of both states coexisting and working together does not lead to the recognition that the world should give to two independent states that will be working alongside each other.

So I would simply indicate that, as we move forward, it is enormously important that we get energized on the two-party debate, discussion and diplomacy, and that we provide a peaceful existence as one of the negotiators—the United States—for the Palestinian people and the people of Israel. We should be engaged. We have been asked to be engaged. We can make a difference, and I would support the idea of our making a difference.

To my friends who have proceeded on a unilateral perspective, Mr. Speaker, I would simply say: go this route of a two-party state, engaging to provide peace for the two states.

Mr. Berman. Mr. Speaker, I would close by quoting from Prime Minister Salam Fayyad in an interview he gave just yesterday—actually, it was to-night in that time zone—where he said, “We want a state of Palestine, not a unilateral declaration of statehood.”

He explained that he did not see how a unilateral declaration of statehood would assist the Palestinian cause.

Mr. Speaker, I urge the House to pass this resolution.

Mr. Cantor. Mr. Speaker, having repeatedly refused to negotiate in good faith with Israel, the Palestinian Authority is now threatening to abrogate the Oslo Accords by unilaterally declaring a state at the U.N. For all those Americans and citizens of the world who yearn for peace, prosperity and stability in the Middle East, I warn that nothing could be more detrimental to these hopes.

A unilateral declaration of a Palestinian state is a rejection of the very essence of the peace process. It is an unambiguous statement that the Palestinians refuse to honor their obligations in the interest of a lasting peace with Israel.

A real, genuine peace won’t come out of thin air. It will come when the Palestinians teach their children that Israel has a right to exist as a Jewish State. And it will come when the PA inspires confidence that it has the capability and the will to provide security and safeguard the interests of all those Americans and citizens of the world who yearn for peace, prosperity and stability in the Middle East, I warn that nothing could be more detrimental to these hopes.

The resolution notes that the House of Representatives is signaling its belief that the United States’ veto authority should be used to promote stability and prospects for peace in the Middle East.

Ms. Moore of Wisconsin. Mr. Speaker, I am as disappointed as anyone that the Middle East Peace talks have stalled despite considerable efforts by the Administration and the international community to help both sides make the tough decisions needed to help advance those talks. I understand that some of my colleagues are frustrated with repeated roadblocks that appear only intent on derailing the peace process. I share that frustration. I believe that all who have a clear stake in the peace process are also frustrated.

I have long advocated and reaffirmed my strong support for a negotiated solution to the Israeli-Palestinian conflict with two states living side by side in peace and security. Both parties bear responsibility for the success or failure of the Middle East Peace efforts.

No one pretends that the issues involved here are easy. I think everyone also recognizes that the devastating consequences for the region, for our ally Israel, and for U.S. security interests if the right solution is not found.

There are a myriad of issues that have arisen that have complicated talks. Palestinian unilateral declaration of a state is only one, if you read this resolution you would reach the conclusion that it is the only unilateral action or proposed action that would imperil this process. The House should urge the Administration to take a strong stand with both parties on all unilateral actions that are hindering the peace talks, especially those that were agreed to only a few years ago by the parties in the Roadmap.

Middle East peace requires the active engagement of both parties. The Administration, well, the House of Representatives should make the expectations for both parties clear: each party must engage seriously on even the hardest issues—making proposals and counter-proposals—and achieve concrete results.

As I stated in a letter to President Obama earlier this year in support of strong U.S. engagement as an honest broker in renewed Middle East Peace talks, allowing actions by either party that undermine the process to go unchallenged serves to fan animosity and mistrust, which feeds this needless cycle of conflict and violence. This does not serve the interests of the U.S., our ally Israel, or the Palestinian people.

This resolution reaches half that goal since it targets only one action by one party. It correctly notes the Administration’s opposition to a unilateral declaration of a Palestinian state and the potential harm that would do to a comprehensive Middle East Peace Agreement. The same resolution also conveniently omits the other actions by the parties that may also harm the atmosphere for peace in the region.

The resolution notes one quote from Secretary Clinton’s speech a few days ago on December 10. Let’s look a little deeper into some of Secretary Clinton’s words in that lengthy speech. Secretary Clinton made clear that the U.S. remains committed to reaching a comprehensive peace deal between the parties with the U.S. playing a key role. She also stated that a peace agreement between the two parties is the “only path to achieve the Palestinians’ dreams of independence.”

She specifically also noted that “in the days ahead, our discussion with both sides will be substantive two-way conversations with an eye toward making real progress in the next months. The United States will not be a passive participant. We will push the parties to lay out their position on the core issues without delay and with real specificity … We enter this phase with clear expectations of both parties.”

In her speech Secretary Clinton noted that “the position of the U.S. on settlements has not changed and will not change. Like every American administration for decades, we do not accept the legitimacy of continued settlement activity. We believe their continued existence is corrosive not only to peace efforts and a two-state solution, but to Israeli’s future itself.” The resolution before us today notes support for a negotiated solution but is silent on this issue as if it does not impact achieving that negotiated solution.

Secretary Clinton went on to say that both parties, “to demonstrate their commitment to peace … should avoid actions that prejudice the outcome of negotiations or undermine good faith efforts to resolve final status issues. Unilateral efforts at the United Nations are not helping and undermine the positive announcements on East Jerusalem are counter-productive. And the United States will not shy away from saying so.”

Unfortunately, the resolution before us today gets half of the message and only a small fraction of the demands on both parties to help move this process forward, laid out by the Secretary of State last Friday.

As noted by Secretary Clinton, Israeli and Palestinian leaders should stop trying to assign blame for the next failure, and focus instead on what they need to do to make these efforts succeed. I believe the House resolution before us today would have been wise to also heed that advice.

The intent of this resolution is to express concern with an action that will put more obstacles in the way of achieving Middle East Peace. I could not agree with that goal more. But let’s make sure that we recognize that both parties have an equal responsibility to refrain from such actions.

Mr. Berman. 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. Berman) that the House suspend the
Sec. 1. Introduction.

(2) Child marriage, also known as "forced marriage" or "early marriage," is a harmful traditional practice that deprives girls of their dignity and human rights.

(3) Child marriage as a traditional practice, as well as through coercion or force, is a violation of article 16 of the Universal Declaration of Human Rights, which states, "Marriage shall be entered into only with the free and full consent of both spouses."

(4) According to the United Nations Children’s Fund (UNICEF), an estimated 100,000,000 girls in developing countries now ages 20 through 24 were married under the age of 18, and if present trends continue more than 100,000,000 more girls in developing countries will be married as children over the next decade, according to the Population Reference Bureau, Washington, D.C.

(5) Between ½ and ¾ of all girls are married before the age of 18 in Niger, Chad, Mali, Bangladesh, Guinea, the Central African Republic, Burkina Faso, and Nepal, according to Demographic Health Survey data.

(6) Child marriage has negative effects on girls’ education, legal rights, and norms that contribute to child marriage.

(7) According to the United States Agency for International Development (USAID), increasing the age at first birth for a woman will increase her chances of survival. Currently, pregnancy and childbirth complications are the leading cause of death for women 15 to 19 years old in developing countries.

(8) Most countries with high rates of child marriage have already established minimum age of marriage, yet child marriage persists due to strong traditional norms and the failure to enforce existing laws.

(9) In 2000, Hillary Clinton stated that child marriage is "a clear and unacceptable violation of human rights".

Sec. 2. Definitions.

(1) Child marriage, also known as "forced marriage" or "early marriage," is a harmful traditional practice that deprives girls of their dignity and human rights.

(2) Child marriage as a traditional practice, as well as through coercion or force, is a violation of article 16 of the Universal Declaration of Human Rights, which states, "Marriage shall be entered into only with the free and full consent of both spouses."

(3) According to the United Nations Children’s Fund (UNICEF), an estimated 100,000,000 girls in developing countries now ages 20 through 24 were married under the age of 18, and if present trends continue more than 100,000,000 more girls in developing countries will be married as children over the next decade, according to the Population Reference Bureau, Washington, D.C.

(4) Between ½ and ¾ of all girls are married before the age of 18 in Niger, Chad, Mali, Bangladesh, Guinea, the Central African Republic, Burkina Faso, and Nepal, according to Demographic Health Survey data.

(5) Factors perpetuating child marriage include the lack of educational or employment opportunities for girls, parental concerns to secure sexual relations within marriage, the dowry system, and the perceived lack of value of girls.

(6) Child marriage has negative effects on the health of girls, including significantly increased risk of maternal death and morbidity, early marriage and child mortality, reduced maternal illness, and the transmission of HIV/AIDS, prevent gender-based violence, and reduce poverty; and

(7) expanding educational opportunities for girls, economic opportunities for women, and reducing maternal and child mortality are critical to achieving the Millennium Development Goals and the global health and development objectives of the United States, including efforts to prevent HIV/AIDS.

Sec. 3. Child Marriage Defined.

In this Act, the term ‘child marriage’ means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which the girl or boy is a resident or, where there is no such law, under the age of 18.

Sec. 4. Sense of Congress.

It is the sense of Congress that—

(1) child marriage is a violation of human rights, and the prevention and elimination of child marriage is a foreign policy goal of the United States;

(2) the practice of child marriage undermines United States investments in foreign aid for activities to increase education and skills building for girls, reduce maternal and child mortality, reduce maternal illness, halt the transmission of HIV/AIDS, prevent gender-based violence, and reduce poverty; and

(3) expanding educational opportunities for girls, economic opportunities for women, and reducing maternal and child mortality are critical to achieving the Millennium Development Goals and the global health and development objectives of the United States, including efforts to prevent HIV/AIDS.

Sec. 5. Strategy to Prevent Child Marriage in Developing Countries.

(a) Assistance Authorized.—

(1) In General.—The President is authorized to provide assistance, including through multilateral, nongovernmental, and faith-based organizations, to prevent the incidence of child marriage in developing countries through the promotion of educational, health, economic, social, and legal empowerment of girls and women.

(2) Priorities.—In providing assistance authorized under paragraph (1), the President shall give priority to—

(A) areas or regions in developing countries where the percentage of girls under the age of 18 are married; and

(B) activities to—

(i) expand and replicate existing community-based programs that encourage community members to address beliefs or practices that promote child marriage and educate parents, community leaders, religious leaders, and adolescents of the health risks associated with child marriage and the benefits for adolescents, especially girls, of accessing health care, livelihood skills, microfinance, and savings programs;

(ii) support for activities to educate girls in primary and secondary school at the appropriate age and keeping them in age-appropriate grade levels through adolescence;

(iii) support for activities to reduce educational and economic opportunities in primary and secondary schools to meet the needs of girls, including—

(A) access to water and suitable hygiene facilities, including separate lavatories and latrines for girls;

(B) assignment of female teachers;

(C) safe routes to and from school; and

(D) support for activities that allow adolescent girls to access health care services and proper nutrition, which is essential to both their school performance and their economic productivity;

(iv) support to train adolescent girls and their parents in financial management and other forms of violence and coercion;

(v) support for activities that allow adolescent girls to access health care services and proper nutrition, which is essential to both their school performance and their economic productivity;

(vi) assistance to train adolescent girls and their parents in financial management and other forms of violence and coercion;

(vii) support for activities that allow adolescent girls to access health care services and proper nutrition, which is essential to both their school performance and their economic productivity;

(viii) assistance to train adolescent girls and their parents in financial management and other forms of violence and coercion;

(ix) support for activities that allow adolescent girls to access health care services and proper nutrition, which is essential to both their school performance and their economic productivity; and

(x) support for activities that allow adolescent girls to access health care services and proper nutrition, which is essential to both their school performance and their economic productivity.

(3) Elements.—The strategy required by paragraph (1) shall—

(A) focus on areas in developing countries with high prevalence of child marriage;

(B) encompass diplomatic initiatives between the United States and governments of countries with attention to human rights, legal reforms, and the rule of law;

(C) encompass programmatic initiatives in the areas of education, health, income generation, changing social norms, human rights, and democracy building; and

(D) be submitted to Congress not later than one year after the date of the enactment of this Act.

(b) Cooperation.—The President should submit to Congress a report that includes—

(1) a description of the implementation of the strategy required by subsection (a);

(2) examples of best practices or programs to prevent child marriage in developing countries that could be replicated; and

(3) data disaggregated by age and sex to the extent possible, of current United States funded efforts to specifically prevent child marriage in developing countries.

(c) Coordination.—Assistance authorized under subsection (a) shall be integrated with existing United States development programs.

(d) Activities Supported.—Assistance authorized under subsection (a) may be made available for activities that promote health, income generation, agribusiness development, legal rights, democracy building, and human rights, including—

(1) support for community-based activities that encourage community members to address beliefs or practices that promote child marriage and educate parents, community leaders, religious leaders, and adolescents of the health risks associated with child marriage and the benefits for adolescents, especially girls, of accessing health care, livelihood skills, microfinance, and savings programs;

(2) support for activities to educate girls in primary and secondary school at the appropriate age and keeping them in age-appropriate grade levels through adolescence;

(3) support for activities to reduce educational and economic opportunities in primary and secondary schools to meet the needs of girls, including—

(A) access to water and suitable hygiene facilities, including separate lavatories and latrines for girls;

(B) assignment of female teachers;

(C) safe routes to and from school; and

(D) support for activities that allow adolescent girls to access health care services and proper nutrition, which is essential to both their school performance and their economic productivity;

(4) support for activities that allow adolescent girls to access health care services and proper nutrition, which is essential to both their school performance and their economic productivity;

(5) support to train adolescent girls and their parents in financial management and other forms of violence and coercion;

(6) support for activities that allow adolescent girls to access health care services and proper nutrition, which is essential to both their school performance and their economic productivity; and

(7) support for education, including through community and faith-based organizations and youth programs, that helps reduce gender stereotypes and the biases against girls used to justify child marriage, especially efforts targeted at men and boys, promotes zero tolerance for violence, and promotes gender equality, which in turn helps to reduce the perceived value of girls.

(8) support for education, including through community and faith-based organizations and youth programs, that helps reduce gender stereotypes and the biases against girls used to justify child marriage, especially efforts targeted at men and boys, promotes zero tolerance for violence, and promotes gender equality, which in turn helps to reduce the perceived value of girls.

(9) support for education, including through community and faith-based organizations and youth programs, that helps reduce gender stereotypes and the biases against girls used to justify child marriage, especially efforts targeted at men and boys, promotes zero tolerance for violence, and promotes gender equality, which in turn helps to reduce the perceived value of girls.
law enforcement officials are meeting their obligations to prevent child and forced marriage.

SEC. 6. RESEARCH AND DATA.

It is the sense of Congress that the President and all appropriate agencies should, as part of their ongoing research and data collection activities—

(1) collect and make available data on the incidence of child marriage in countries that receive foreign or development assistance from the United States where the practice of child marriage is prevalent; and

(2) collect and make available data on the impact of the incidence of child marriage and the age at marriage on progress in meeting key development goals.

SEC. 7. DEPARTMENT OF STATE'S COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.

The Foreign Assistance Act of 1961 is amended—

(a) in section 116 (22 U.S.C. 2151n), by adding at the end the following new subsection:

"""The report required by subsection (d) shall include, for each country in which child marriage is prevalent, a description of the status of the practice of child marriage in such country. In this subsection, the term 'child marriage' means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law or under the age of 18 if no such law exists, in the country in which such girl or boy is a resident.''

(b) in section 502B (22 U.S.C. 2304), by adding at the end the following new subsection:

"""The report required by subsection (b) shall include, for each country in which child marriage is prevalent, a description of the status of the practice of child marriage in such country. In this subsection, the term 'child marriage' means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law or under the age of 18 if no such law exists, in the country in which such girl or boy is a resident.''

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Indiana (Mr. BURTON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

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

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

There was no objection.

Mr. BERMAN. Mr. Speaker, I rise in support of S. 987, the International Protecting Girls by Preventing Child Marriage Act of 2010 and yield myself as much time as I may consume. Mr. Speaker, this legislation, S. 987, is the corresponding legislation to legislation introduced by our colleague from Minnesota (Ms. MCCOLLUM), H.R. 2103.

Child marriage is one of the most harmful practices affecting girls in the developing world today. Globally, more than 60 million girls under the age of 18, many only 12 or 13, are married, usually before they are three times their age. Between one-half and three-fourths of all girls are married before the age of 18 in countries such as Chad, Mali, Bangladesh, and Nepal. Should these numbers remain consistent in the next 10 years, there will be 25,000 new child brides every day.

Marrying at such a young age comes at a terrible cost for these girls—girls who, in most developed countries, would otherwise still be happily playing sports and singing in their school choir. These young girls are at an increased risk for health problems like HIV/AIDS due to the sexual history of their older partner, young girls are at risk of complications during pregnancy and childbirth. In fact, childbirth complications are the leading cause of death for women 15 to 19 years old in developing countries.

Not only are child brides at a higher risk for disease and death during childbirth, they are frequently victims of domestic abuse. Premature marriage deprives girls of their dignity and dooms these girls to a life of poverty and dependence. For many reasons, and many more, that child marriage is categorized as both child abuse and a violation of human rights.

Poverty and a lack of education are both key contributing factors to why young girls are vulnerable to child marriages. Girls who live in impoverished homes are twice as likely to marry under 18, and 60 percent of girls involved in child marriages have no education.

Families struck by poverty cannot afford to keep their daughters in school and often do not have the resources to provide for their daughters at all. Marrying off female children is often the only alternative for struggling families. With an often false promise of a better life for their daughters, parents marry their girls off at an all-too-early age.

However, there are undoubtedly better alternatives. This bill before us seeks to eliminate the harmful practice of child marriage overseas. It requires an integrated, strategic approach by our government to reduce the incidence of child marriage by authorizing the President to provide assistance through multilateral, non-governmental, and faith-based organizations to prevent the incidence of child marriage and to promote the educational, health, economic, social, and legal empowerment of girls and women. It also requires the President to establish a multiyear strategy in developing countries and promote the empowerment of girls at risk of child marriage.

Mr. Speaker, we need to invest in these young girls and provide safe spaces where they can evolve socially and become self-sufficient. Empowering young girls through education can help prevent child marriages and lead to a brighter and healthier future for millions worldwide.

I want to thank Representatives McCOLLUM and CRENSHAW for their leadership on this bill, and I encourage my colleagues to support the bill, which will be an invaluable investment in the future of millions of girls around the world.

Mr. Speaker, I am now pleased to yield 7 minutes to the gentlelady from Minnesota (Ms. MCCOLLUM), the author of this legislation, with Congressman CRENSHAW, of the corresponding House legislation.

Ms. MCCOLLUM. Mr. Speaker, every year in the world’s poorest countries, millions of girls are forced into marriages as young as age 8, but often age 13, 14, and 15 years old, sold by impoverished parents to settle debts or they are given away to become the wives of men who are years or even decades older. For a young girl, a child, to be forced into marriage to an adult man can only be described as a life of slavery, child molestation, and servitude. This is not marriage. It is a violation of the most basic human rights of a child.

On the floor today is S. 987, the International Protecting Girls by Preventing Child Marriage Act, a bill that was passed unanimously in the United States Senate. Let me repeat. This bill passed unanimously. Every Republican and every Democrat in the Senate supported it.

I want to commend Senators RICHARD DURBIN and OLYMPIA SNOWE, along with the other bipartisan cosponsors, for their tremendous efforts to protect vulnerable girls.

It is my honor to be the sponsor of the companion bill in the House, and I want to thank my Republican colleagues, Mr. CRENSHAW, Mr. LATOURETTE, Mr. SCHOCK, and Mr. LATHAM, for their bipartisan support for ending child marriage.

According to UNICEF, child marriage is “the most prevalent form of sexual abuse and exploitation of girls.” One in every seven girls in the developing world is forced into marriage sometime between the ages of 15, millions of girls every year.

A 13-year-old that is forced into marriage will not go to school. She is most certainly guaranteed to be a victim of domestic violence. She is condemned to a lifetime of poverty, and she is more likely to die or be disabled in childbirth, and because she is a child, her infant is more likely to die.

HIV infection, maternal death, child death, gender-based violence, and extreme poverty are all deadly obstacles to development that destroys families, weakens communities, and destabilizes countries. Child marriage contributes to all of these destructive problems.

The photo I have with me was taken by a brilliant photojournalist, Stephanie Sinclair, who documented child marriage in Afghanistan. This 11-year-old girl in this photo, Gulam, is not seated with her grandfather. The man next to this child is her husband-to-be. This little girl’s father gave her away to marry a man who is too old to care for her. Gulam’s value to her husband comes from her ability to care for her. Ghulam’s value to her husband comes from her ability to work in the field, care for animals, and
Mr. Speaker, child marriage is sanctioned sexual abuse that destroys girls' lives. The choice before this Congress is to do nothing as young girls and children are further violated, raped, and condemned to a life of abuse and poverty; or we can join the U.S. Senate and vote to pass this legislation and have the United States stand with millions of girls today and tomorrow who seek nothing more than the freedom, the opportunity, and the time to be allowed to be children and grow into adulthood without being forced into marriage.

I thank Chairman Berman for his support, and I urge all my colleagues to vote to protect millions of girls in this world from sexual abuse.

The Elders Foundation, as Chair of The Elders, I am writing to you for your leadership and support of the International Protecting Girls by Preventing Child Marriage Act (S. 987 and H.R. 2103). The Senate passed the bill by unanimous consent on 1 December, 2010, and we now encourage the House of Representatives to pass this legislation.

As an independent group of global leaders, brought together by Nelson Mandela, we seek to address major causes of human suffering and promote the shared interests of humanity. Part of that effort involves speaking out about gender discrimination and the oppression of women and girls worldwide, and we know many members of the House care about as well.

Child marriage is a harmful practice that treats young girls as property, stops their education and robs them of their childhood and dignity. Child brides are at far greater risk of dying young, while their children are also less likely to survive infancy than the children of older mothers. Often married to much older men, child brides are more vulnerable than their unmarried peers and are more likely to be forced into marriage. This bill gives clear guidance to the Department of State to track the issue annually and report to the Congress.

It does not matter where in this world an 11-year-old girl is; she should never be anyone's wife. Today we have an opportunity to put the lives of vulnerable girls ahead of what is all too common at times partisan political games that take place in this House. Today we can show our constituents in the world that the life of every girl has value and limitless potential if they can grow up free from exploitation.

It is my firm belief that girls, everywhere—in America, in Ethiopia, in Afghanistan—deserve the right to enter adulthood with the freedom to decide for themselves who their husband will be. A girl is not a commodity to be traded. She is a precious member of a community who needs to be valued and allowed to grow into adulthood.

This Congress and the American people spend billions of tax dollars on foreign assistance. The U.S. has a direct interest in ending child marriage. There are over 500 million girls in the developing world who seek nothing more than the freedom, the opportunity, and the time to be allowed to be children and grow into adulthood without being forced into marriage. This legislation supports and expands the successful models already in place to promote girls’ education, protecting the human rights of girls, and eliminating the practice of child marriage. This bill authorizes State Department funds to be used to implement a strategy to protect girls from being forced into marriage. This bill does not spend one additional dollar that is not already appropriated by Congress for health, education, democracy, or other development activities.

Earlier this week, I was honored to receive a letter from Archbishop Desmond Tutu of South Africa, urging Congress to pass S. 987. The letter says: "Child marriage is a harmful practice that treats young girls as property, stops their education, and robs them of their childhood and dignity. Child brides are at far greater risk of dying young, while their children are also less likely to survive infancy than the children of older mothers. Often married to much older men, child brides are more vulnerable than their unmarried peers. IVF and the policy of the United States right now is to write more reports. With this bill, we can make a huge difference with no additional taxpayer moneys being spent. This bill gives clear guidance on how already appropriated moneys are to be spent in countries with the greatest problems, in ways that are culturally sensitive and community-based. It requires the State Department to track the issue annually as part of our human rights considerations.

Mr. Speaker, this bill will save lives and save dreams, and I urge my colleagues on both sides of the aisle to support it.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume. I rise, as do others on our side of the aisle today, as a supporter of efforts to combat child marriage in developing countries but in opposition to the Senate bill that we are considering today. I want you to know, before I make all my remarks, that I have actually seen forced child marriages in countries like Saudi Arabia firsthand. And it is a horrible thing, and I have been very supportive of stopping that practice.

It is truly distressing to know that there still are countries where underage girls, like in Saudi Arabia, are compelled to marry much older men and lose their innocence and hope for a better life. The health of such young girls can suffer, as can their future opportunities to lead productive lives filled with normal social and economic opportunities.

Concern over this problem is not a partisan issue. For example, in response to the plight of such young
women and to ensure that the prevention of child marriage is an integral part of U.S. efforts to promote respect for fundamental universally recognized human rights, in May of last year, Ranking Member Ros-Lehtinen of the Foreign Affairs Committee expressly included the language in the Republican alternative version for the State Department authorization bill, H.R. 2475.

However, much has changed in our domestic fiscal environment over the course of the last 2 years. Here at home, we have Americans who are losing their houses, their homes, State and local governments that are on the verge of bankruptcy, cities that are reducing their police and firefighting forces, an economy that is close to stalling due to lack of growth, and I could go on and on. But in light of all these facts, even the provision that had been included in the Republican proposal, or the authorization of State Department operations last year would now need to be revised to cut spending and address the budgetary challenges that we face.

Regrettably, the bill adopted by the Senate that we are considering today does not reflect the current fiscal realities. The Congressional Budget Office has stated that the manner in which the provisions of this bill are drafted would result in $108 million of authorized funding and $67 million in actual outlays over the next few years, which is different than what we have heard here on the floor.

Further, despite inquiries to the Congressional Research Service and, through CRS, the State Department and Agency for International Development, there is apparently no available confirmed figure on exactly how much aid the United States already provides to fight child marriage overseas.

We do know that such U.S. assistance programs, programs that specifically include the prevention of child marriage as an objective, are already underway. But no one can tell us how much taxpayer funding is already being used to fight child marriage in developing countries.

To achieve the policy objectives we seek, while taking into account the economic challenges and limitations our Nation, our constituents are facing, this week Congresswoman Ros-Lehtinen introduced a bill on the prevention of child marriage which enjoys the support of several of our colleagues in this House. That bill reflects modifications that Ranking Member Ros-Lehtinen had sought to make to the Senate text before it came to the floor, but they were not accepted. Instead of the $67 million in outlays over the next 5 years in the Senate text before us, the provisions of that bill would have resulted in costs less than $1 million in potential costs.

The Republican alternative proposed the following:

First, we make it clear that child marriage is a violation of human rights and that its prevention should be a goal of U.S. foreign policy.

Second, since there’s currently no legislative requirement for a U.S. strategy to prevent child marriage, we support the creation of such a multiyear strategy.

Third, we require a report within 1 year that would inform us on the progress of the required strategy and, perhaps more important, give us a comprehensive assessment of what we already are doing and funding in the effort to fight child marriage; and

Finally, that the practice of child marriage in other countries be reported each year as part of the annual Human Rights Report, and that the practice of child marriage also be reported for those countries that are potential recipients of U.S. security assistance.

I believe the alternative approach that was proposed would have achieved the goal without adding to our economic burdens. Regrettably, we are faced with S. 987 and its price tag of $67 million.

Mr. Speaker, having outlined my concerns with the bill before us today, I ask my colleagues to vote “no” on this bill.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I assume the gentleman from Indiana has no further speakers. I have no further speakers, but I will add one more comment if I may, and that is: Make no mistake about it.

Mr. BERMAN. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I have no further speakers, but I will add one more comment if I may, and that is: Make no mistake about it.

Mr. BERMAN. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Well, I have not yielded my time, so I will use my time. I will be happy to use your time.

Mr. BERMAN. I would yield the gentleman such time as he may consume, up to a point, everything except 1 minute.

Mr. BURTON of Indiana. I won’t take the full minute. Thank you, Mr. Chairman.

Let me just say that I don’t want anyone to think we’re not very sympathetic to the problem. We are, but the fiscal problems we face in this country right now are of paramount concern to all of us. And for that reason, we must bring this to a vote, and that’s the reason why I ask for it.

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

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume. And I do it simply in the context of urging my colleagues to vote for this legislation; to point out, number 1, that this is not an entitlement program. This is an authorization. It is not an appropriation.

To the extent, after we pass this legislation and it is signed into law, that the statement takes its appropriated resources and uses some of those resources to develop the strategic plan to work with these organizations for what the gentleman himself concedes is a very important cause, those resources will come from some other form of resources. They will not be additional spending unless there is an appropriation. And this bill is not an appropriations bill; it is an authorization bill.

I urge my colleagues to support it. It’s critical.

Ms. SLAUGHTER. Mr. Speaker, I rise today in support of the International Protecting Girls from Childhood Marriage Act.

Child marriage is an international epidemic, with 100 million girls projected to marry in the next decade.

Not only do these young girls lose the opportunity to achieve their full potential, but they also are at risk for serious health consequences. Childbirth is five times more dangerous for girls in their twenties, and pregnancy is the most common cause of death for girls between the age of 15 and 19.

HIV/AIDS is another serious risk for child brides, as they frequently marry more sexually experienced men. In many countries in sub-Saharan Africa, girls under the age of 19 are more than twice as likely to contract HIV as boys of the same age.

Young girls frequently experience trauma and violence in these marriages.

A front page article in The New York Times on November 7, 2010 told the story of Farzana, a young girl living in Afghanistan. Although she dreamed of being a teacher, Farzana was engaged at age 8 and married four years later. Her husband beat her for the first time on her wedding day, and the beatings continued for four years. She was forbidden to see her mother.

Farzana tells us, “I thought of running away from that house, but then I thought: what will happen to the name of my family? No one in our family has asked for divorce. So how can I be the first?”

Left with few choices, Farzana set herself on fire. After burning half her body, she lived—but only after 57 days in the hospital and multiple surgeries.

Farzana’s dream of becoming a teacher was killed by a premature marriage.

She—and millions of others like her—deserve better.

The bill that we are considering today will help realize the dreams of many young girls like Farzana by expanding assistance to prevent child marriage and empower girls around the world.

Young girls everywhere deserve the opportunity to make their own decisions and determine their own destiny.

Mr. BERTIN. 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 California (Mr. BERNAN) that the House suspend the rules and pass the bill, S. 987.

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. BURTON of Indiana. 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.
MR. POLIS (during consideration of H. Res. 20) and the gentleman from California (Mr. BERMAN) and the gentleman from California.

Whereas the Unified Buddhist Church of Vietnam (UBCV), the Hoa Hao Buddhists, and the Cao Dai group continue to face unwarranted abuses because of their attempts to organize independently of the Vietnamese Government, including the detention and imprisonment of some of the members of these religious communities;

Whereas villagers of Con Dau, Da Nang, have suffered severe violence, including beatings with batons and electric rods during a May 2010 incident, at the hands of Vietnamese Government officials for attempting to protect their historic Catholic cemetery and other parish properties from an attempted government forced sale of these properties;

Whereas over the last 3 years, 18 Hoa Hao Buddhists have been arrested for distributing sacred texts or publically protesting the religious restrictions placed on them by the Vietnamese Government, including the detention of six individuals and beaten, tear-gassed, harassed, publicly slandered, and threatened Catholics engaged in peaceful activities seeking the return of Catholic Church properties confiscated by the Vietnamese Government after 1954 in Hanoi, including in the Thai Ha parish;

Whereas in September 2008, immediately preceding a visit by Deputy Secretary of State, John Negroponte, Vietnam arrested five journalists and human rights defenders, including two journalists and bloggers reportedly covering the prayer vigils held by Catholics in Hanoi; and

Whereas the United States Commission on International Religious Freedom, prominent nongovernmental organizations, and representative associations of Vietnamese-American, Montagnard-American, and Khmer-American organizations have called for the redesignation of Vietnam as a CPC: Now, therefore, be it

Resolved, That the House of Representatives (1) strongly encourages the Department of State to place Vietnam on the list of “Countries of Particular Concern” for particular acts of religious freedom violations; (2) strongly condemns the ongoing and egregious violations of religious freedom in Vietnam, including the detention of religious leaders and the long-term imprisonment of individuals engaged in peaceful advocacy; and (3) urges the Vietnamese Government to lift restrictions on religious freedom and implement necessary legal and political reforms to protect religious freedom.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Vermont (Mr. Burr) each will control 20 minutes. The Chair recognizes the gentleman from California.
Mr. BERMAN. Mr. Speaker, 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 California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I rise in support of this resolution and yield myself such time as I may consume.

This resolution calls on the State Department to list the Socialist Republic of Vietnam as a “Country of Particular Concern” with respect to religious freedom.

I want to thank my colleague, Congressman Ed ROYCE of California, for introducing this important resolution.

This year marks 15 years since the normalization of diplomatic relations between the United States and Vietnam. Bilateral relations have deepened in recent years with Hanoi emerging as an important partner in ensuring a peaceful and secure Asia-Pacific region.

We have seen close cooperation on a number of important fronts, including regional security and nonproliferation. Unfortunately, the lack of progress in the area of protecting basic rights and civil liberties enshrined in Vietnam’s constitution remains an impediment to our bilateral ties.

Since the Bush administration lifted the “Country of Particular Concern” designation for Vietnam in November of 2006, freedom of religion and expression have come under increasing attack. Hanoi has tightened its control on the area of protective basic rights and civil liberties enshrined in Vietnam’s constitution remains an impediment to our bilateral ties.

Mr. ROYCE, Mr. Speaker, as author of this resolution, I rise in support of House Resolution 20, calling on the State Department to list the Socialist Republic of Vietnam as a Country of Particular Concern with respect to religious freedom.

I also want to say I appreciate very much the assistance of Chairman BERMAN in bringing this to the House floor, the assistance of Ranking Member ROSS-LEHTINEN, but also the assistance of Congressman Joseph Cao in his support and his concern about this issue.

I would like to share with the Members in this body today that the House Resolution 20 has an opportunity to send a very strong message to the Communist government in Vietnam. And that message, if we pass this resolution, is that its abuses against peaceful religious practitioners of all faiths and all creeds are unacceptable.

As we reflect for a minute on some of the conditions that those who practice their faith have to contend with in Vietnam, you think about the 350 Montagnard Christians who remain imprisoned for their faith, for other religious groups like the Unified Buddhist Church of Vietnam, the Hoa Hao Buddhists, the Cao Dai Buddhists. They face severe persecution from the Communist government of Vietnam.

Recently, residents of Con Dau, Da Nang, have suffered severe violence, including beatings with batons, beatings with electric rods during a May assault at the hands of Vietnamese government officials. And what was the charge? Attempting to protect their historic, Buddhist cemetery from government seizure.

I met with the Venerable Thich Quang Do in Vietnam. I had several conversations with him. He was under house arrest. He has spent the last 33 years of his life either in prison or under house arrest.

I think for a minute about Pastor Nguyen Cong Chinh whose picture is right here. He has been interrogated more than 300 times, he has been beaten over 30 times, and this is a photograph after one of those beatings. He is one of the many faces, I would say battered faces, of religious freedom in Vietnam.

In its 2010 annual report, the U.S. Commission on International Religious Freedom found as follows: “Vietnam’s overall human rights record remains poor and has deteriorated.” They cite police officers and members of the Religious Security Police—yes, the Religious Security Police—routinely harassing and intimidating those who pray outside of government-approved religions. They cite beatings with electric batons, sexual abuse,等诸多 violations of property and forced evictions.

While the State Department has documented some of these abuses, real action is needed. By re-listing Vietnam as a CPC, as this resolution instructs, the State Department could bring about real change. In addition to the naming and shaming aspect of the report, a wide range of sanctions, from limitations on foreign aid to denial of visas for those in the government, can be imposed on the regime that carry out these abuses. Unfortunately, the Obama administration hasn’t used this tool. This will make that tool available.

Some will ask if a CPC redesignation can have any impact. Well, let’s look at the prior experience on this. After being listed as a CPC in 2004, Vietnam immediately released several prominent dissidents and democracy advocates, and issued ordinances that prohibited the forced renunciation of faith. These were concrete results achieved with a CPC designation, and more can be achieved with a re-listing of Vietnam. Sadly, after Vietnam was permanently removed from the list in 2006, religious freedom and tolerance has been on a continuous downward slide.

The Vietnam War is history. We have deepening relations with Vietnam. But that fact doesn’t mean we should short-change religious liberty. Frankly, we know that raising these issues with Hanoi isn’t on the top of our diplomats’ list. They are uncomfortable with raising these rights abuses. But by putting Vietnam on this list, where it belongs, we are at least giving promoting religious freedom a chance of being part of our policy towards Vietnam.

Mr. Speaker, it is time to put the House on record in support of the Vietnamese people and religious freedom in Vietnam. Indeed, the right to freely practice your religion is a universal sacred right.

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

Mr. BURTON of Indiana. Mr. Speaker, I yield 6 minutes to my very good friend from Louisiana (Mr. CAO).

CAO. Mr. Speaker, the International Religious Freedom Act, or IRFA, requires the U.S. Commission on International Religious Freedom to prepare an annual report on the state of religious freedom throughout the world. IRFA also provides that any country which commits systematic, ongoing, and egregious violations of religious freedom be placed on a list of...
countries of particular concern, or CPC, which opens these nations up to economic sanctions by the United States.

After several years of urging from the U.S. Commission on International Religious Freedom, Vietnam was eventually designated a Country of Particular Concern in 2004 and 2005, and this designation led to modest but unprecedented improvements in the government’s treatment of worshippers.

Sincerely, the U.S. State Department has declined to designate Vietnam as a CPC, and during the ensuing 4 years there have been no further significant improvements and even some backsliding in the progress made on the ability of those of faith to freely practice their religion.

The October 2009 report of the U.S. Commission on International Religious Freedom disputes between the government and the Catholic Church in Hanoi led to detention, threats, harassment, and violence by contract thugs against peaceful prayer vigils and religious leaders.

There are disturbing reports from the northern highland of public officials forcing believers to renounce their faith and documented cases in the central highland of religious prisoners being taken. Elsewhere, violent actions against Catholics at Tam Toa, Bau Sen, Loan Ly, and against Buddhists at Bat Nha and Phuoc Hue seem to have increased in frequency and intensity.

More systematically, property seizures are not being used as a means to control religious practice. Since the complete takeover of South Vietnam in 1975, the Communist government of Vietnam has seized many religious institutions and effectively banned their existence. An example is the complete property seizure of the Unified Buddhist Church of Vietnam in 1981, leading to its dissolution. The Unified Buddhist Church of Vietnam has been outlawed since, and its religious leaders have been constantly harassed. Other religions such as the Hoa Hao Buddhist and the Cao Dai have suffered a similar fate. Almost as a rule, all land disputes against the Catholic Church in Vietnam result in violence. A great number of Catholic institutions in North Vietnam have been seized in the 1950s and in South Vietnam since the takeover in 1975.

Parishioners of Thai Ha Church in Hanoi were beaten by police and government thugs while attending a prayer vigil for the return of the church’s properties. They also proceeded to desecrate or destroy religious symbols and properties. Those who were perceived to be leaders of these protests were arrested. This pattern of abuse has been repeated the last few years at parishes, including Dong Chiem and the St. Paul of Chartres Monastery in the Diocese of Vinh Long.

More recently, the government of Da Nang City ordered the Catholic town of Con Dau to evacuate their homes, farmlands, and their historic cemetery to make way for a high-end resort to be built by a joint venture with private companies. When the people of Con Dau resisted the order, the government violated the funeral procession of a member of the parish. The police seized the casket and cremated the body of the deceased, against her last will. Many members of the funeral procession were beaten, arrested, convicted, and sentenced to prison on trumped-up charges. Others have fled the country and are seeking asylum. Mr. Nguyen Nam, a member of the funeral procession, was interrogated numerous times and died after severe beatings.

Mr. Speaker, does anyone in this distinguished Chamber doubt the need for us to take action? How can we as a Nation stand by idly while a government that we increasingly supported with improved ties over the past 15 years commits such atrocities against its own people?

As a Vietnamese American, I ask for the passage of House Resolution 20, calling on the State Department to list the Socialist Republic of Vietnam as a Country of Particular Concern.

Mr. FALEOMAVAEGA. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I yield 5 minutes to one of the distinguished Muslim American offices of the House, Mr. Smith of New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, thank you for yielding. I want to thank Mr. Royce for this very, very important and timely resolution, and both the chairman and ranking member, Chairman BERMAN and ILEANA ROS-LEHTINEN, for bringing this very, very important resolution to the House.

Mr. Speaker, in early July, Nam Nguyen, this is Nam Nguyen right here, a Catholic from Con Dau, was savagely beaten to death for his faith by the Vietnamese police. His brother, Tai Nguyen, testified at an August Tom Lantos Human Rights Commission hearing that police repeatedly kicked his brother in the chest and the head and on his nose, one of course, that means there are fewer marks on the face, but his body was riddled with punches and broken bones.

"Blood," he said, "poured out of his nose and ears." Tai said his brother told his wife he couldn’t handle the beatings anymore. The wife, seeing her husband’s broken body, kneeled in front of the police and begged them to stop. In response, they punched and kicked him again and again and, and Nam Nguyen died in his wife’s arms, this man right here.

What was Nam Nguyen’s alleged crime? His faith in Jesus Christ and his devotion to his Catholic parish. The entire Catholic community and its property in Con Dau, you see, is in the process of being confiscated or stolen by the Vietnamese authorities. The faithful are a ripe target for the atheistic Government of Vietnam. The proximate cause for the unspeakable violence was the May 4 funeral of an elderly woman and an attempt to bury her in the town’s Catholic cemetery.

Nam Nguyen was a pallbearer when the police busted up the funeral procession of over 1,000 people, beating over 100 mourners, arresting dozens, and deliberately beating two pregnant women so as to kill their unborn babies. They did not stop. In response, they punched and broke the funeral procession of a member of the parish. The police seized the casket and cremated the body of the deceased, against her last will. Many members of the funeral procession were beaten, arrested, convicted, and sentenced to prison on trumped-up charges. Others have fled the country and are seeking asylum. Mr. Nguyen Nam, a member of the funeral procession, was interrogated numerous times and died after severe beatings.

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of the Country of Particular Concern, or CPC designation.

Do you know what happened then? Hanoi responded with a massive retaliation against both political and religious believers. Signors of Bloc 8406, the magnificient human rights manifesto, went to prison for the rule of law and nonviolence, a manifesto that parallels China’s Charter 08 and Czechoslovakia’s Charter 77, were hunted down methodically and imprisoned. Many religious believers who expected social reform and openness were arrested and in some cases rearrested and sent to prison.

Father Ly, this man here, is a Catholic priest and a prisoner of conscience for 17 years in jail, a man who committed no crimes. I met Father Ly when he was under house arrest in Hue. He was rearrested in 2007, held in confinement and denied emergency medical attention. So bad is he that even the Vietnamese let him out under kind of a humanitarian parole, but he is still under arrest.

Look at this picture of him taken at trial. Look at the animosity in the eyes of these guards. And when they get behind closed doors, Mr. Speaker, they break, they break bones and they break heads, and it leads to death or permanent maiming.

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

Mr. BURTON of Indiana. I yield the gentleman from Indiana.

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

Mr. Speaker, I want to thank my good friend, the gentleman from Indiana, for our co-management of this important legislation, and thank my colleagues, Mr. ROTTNER and Mr. CAO and my good friend Mr. SMITH, for their most eloquent statements concerning this proposed resolution.

I have no doubt in my mind in terms of the concerns that have been expressed by my colleagues, as well as the substance of this proposed resolution; but I do have some concerns. While I fully understand the concerns reflected in the resolution, which was introduced almost 2 years ago, it is based on what I believe is information that somewhat did not indicate the progress that Vietnam has made over the recent years.

I think if we look at the statement that was made by our current Ambassador to Vietnam, U.S. Ambassador to Vietnam Mr. Michael McFaul, in his speech that he gave before the Human Rights Day Event at the U.S. Embassy and the American Center of Vietnam just this month, a couple of weeks ago, “Another area where over the past 3 years I have seen strong improvements is religious freedoms where individuals are now largely free to practice their deeply felt convictions. Pagodas, churches, temples, and mosques throughout Vietnam are full. Improvements include increased religious participation, religious gatherings—some with more than 100,000 participants, growing numbers of registered and recognized religious organizations, increasing number of new churches and pagodas, and bigger involvement of religious groups in charitable activities. President Nguyen Minh Triet also met with Pope Benedict XVI at the Vatican, and Vietnam and the Holy See agreed to a Vatican appointment of a nonresident representative of Vietnam as a first step towards the establishment of full diplomatic relations.”

Ambassador Michalak first said, “However, some significant problems remain, including occasional harassment and excessive use of force by local government officials against religious groups in some outlying locations. Specifically, there were several problematic high-profile incidents over the past year, including where the authorities used excessive force against Catholics and disputes outside of Hanoi at Dong Chiem parish and outside of Da Nang at Con Dau parish. These incidents called into question Vietnam’s commitment to the rule of law and hurt Vietnam’s otherwise positive image on religious freedom. Registration of protestant congregations also remains slow and cumbersome in some areas of the country, particularly in the Northwest Highlands.”

Even so, the U.S. Department of State has not found that these incidents rise to the level of listing Vietnam as a country of particular concern, and I am confident that while recognizing and understanding the concerns reflected by the resolution and the testimony of my colleagues, the State Department will make a determination on CPC designation in keeping with the statutory requirements of the International Religious Freedom Act rather than in some responsive position to speak for and on behalf of the Catholic Church, in my humble opinion.

For example, it is my understanding that some of the claims, again, of my friends of the resolution about the Catholic Church stem from land disputes and not necessarily religious disputes at all. Regardless, the Catholic
Church is moving forward in establishing better relations with Vietnam.

If one were to single out the U.S. Government’s mishandling of the Waco siege in 1993, we might find ourselves, at the receiving end of this resolution if other countries had chosen to take us to task when the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives failed to execute a search warrant at the Branch Davidian Ranch in Mount Carmel, located 9 miles east-northeast of Waco, Texas, at which time the siege was initiated by the Federal Bureau of Investigation, which ended 50 days later with the death of 76 people, including more than 20 children.

This said, Mr. Speaker, Vietnam recognizes that it has work to do, and Vietnam is trying to improve its record on all fronts.

Last month, I was in Hanoi, where I met with His Excellency Mr. Nguyen Van Son, chairman of the Foreign Affairs Committee of the National Assembly of the Socialist Republic of Vietnam, and His Excellency Mr. Ngo Quang Xuan, vice-chairman of the Foreign Affairs Committee of the National Assembly of the Socialist Republic of Vietnam. We had discussions about religious freedom, and I can assure my colleagues that there is a strong commitment on the part of the Vietnamese Government to respect and facilitate religious freedom, and the central government is with the local government to bring about this change.

Having visited Vietnam five times, Mr. Speaker, during my tenure as chairman of this subcommittee, I have also personally worshipped in Catholic parishes with local Vietnamese and, in the case of my own church, I can verify that the Government of Vietnam has been very supportive of the LDS Church as it seeks to establish official recognition in accordance with the laws of that country.

As a member of the LDS Church, I am always reluctant to oppose any resolution dealing with religious freedom because the Church of Jesus Christ of Latter-Day Saints is the only religion, Mr. Speaker, the only church in the United States against which an extermination order was issued sanctioning mass removal or extermination against American citizens. The extermination order was a military order signed by then Missouri Governor Liburn W. Boggs on October 27, 1838, directing that the Mormons be driven from the State or be exterminated.

On June 25, 1976, after some 138 years, Governor Christopher Bond, who is now a U.S. Senator, issued an executive order rescinding the extermination order, recognizing its legal invalidity and formally apologizing on behalf of the people of the State of Missouri for the suffering it had caused the Latter-Day Saints. I thank Senator Bond for this.

Knowing the history of the LDS Church and the short-term and long-term consequences that the forced exile of over 10,000 Latter-Day Saints—all United States citizens—had on those before and yet to come, I am firm in the belief that each of us should be allowed to claim the privilege of worshipping Almighty God according to the dictates of our own conscience, and allow all men the same privilege. Let them worship how, where, or what they may.

So while I agree in principle in speaking up for religious freedom, Mr. Speaker, with the utmost respect, and my colleagues and those who worked so hard in bringing this resolution to the floor—this year we are celebrating 15 years of diplomatic relations with Vietnam. As one who served during the Vietnam War at the height of the Tet Offensive, I know we have come a long way, and I sincerely hope that we ought to continue making this a better effort to establish good relations with this country.

On the matter of human rights, I hope we will also consider that the U.S. cannot assume, Mr. Speaker, the moral high ground when it comes to Vietnam.

What I mean by this is, from 1961 to 1971, the United States Government’s military sprayed more than 11 million gallons of Agent Orange in Vietnam, subjecting millions of innocent civilians to dioxin, which is a toxin known to be one of the deadliest chemicals ever made by man. Despite the suffering that has occurred ever since, there seems to be no real interest on the part of our government to clean up the mess that has been made. I believe we can and should do better. For this reason, Mr. Speaker, I reluctantly oppose the resolution.

I reserve the balance of my time. Mr. BURTON of Indiana. May I inquire of the Chairman how much time we have on each side.

The SPEAKER pro tempore. The gentleman from Indiana has 3 minutes remaining. The gentleman from American Samoa has 2 minutes remaining.

Mr. BURTON of Indiana. At this time, I yield 1 additional minute to my colleague from California (Mr. ROYCE).

Mr. ROYCE. I thank the gentleman for yielding.

Mr. Speaker, the U.S. Commission on International Religious Freedom has one job, and that is to monitor religious freedom around the world. The conclusion they have come to is that the Vietnamese Government to respect and facilitate religious freedom, and the central government is with the local government to bring about this change.

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Mr. ROYCE. I thank the gentleman for yielding.

Mr. Speaker, the U.S. Commission on International Religious Freedom has one job, and that is to monitor religious freedom around the world. The conclusion they have come to is that the Vietnamese Government to respect and facilitate religious freedom, and the central government is with the local government to bring about this change.

What they cite as the reason, as the rationale, is that, over the past 2 years, there have been severe restrictions on religious freedom and human rights continue to be arrested; they continue to be detained. Over the past year, they have said violence by contract thugs against peaceful prayer vigils and religious leaders continues. As a matter of fact, they cite it is accelerating.

We are not talking about deaths that occurred in 1838 right now. My colleagues and I are talking about what happened 2 months ago in terms of people losing their lives in Vietnam because they are speaking out for religious freedom.

Lastly, in terms of what was shared with me by the Venerable Thich Quang Do, they are not allowing us to practice our Buddhist faith. The Communist government is trying to change the faith. That is why we are speaking out.

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

Mr. Speaker, I just want to say for the record and to make absolutely clear that in no way do I have any disagreements with the concerns and the statements made by my colleagues and of their honest opinions and assessments as to the situation of religious freedom in Vietnam.

I have no further requests for time, and I reserve the balance of my time. Mr. BURTON of Indiana. May I make an inquiry of my colleague, Mr. Speaker.

Do you have any time you would like to yield to our side?

Mr. FALEOMAVAEGA. In the spirit of democracy and bipartisanship, I would like to yield 1 minute to my colleague from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding. I will let Mr. SMITH of New Jersey take that 1 minute and I thank him for his generous time. Mr. SMITH of New Jersey. I thank my friend for yielding.

Mr. Speaker, worldwide, Communist dictatorships either crush or seek to control religious organizations. I have seen this in my 30 years as a Member of Congress.

I remember in the early 1980s how the Romanian apologists, as MSM was coming up for renewal every year, would rush over and meet with Members of Congress. They would have very slick talking points about the number of churches and about the number of believers in Romania. All the while, people were suffering in the prisons, or the gulags, people who happened to be pastors or believers; and it was all part of a disinformation campaign.

I would say to my colleagues that Vietnam uses the exact same tactic. They will give you numbers. They will give you some fact sheets; but if you are someone who is not under the control of that dictatorship and if you happen to be part of the Unified Buddhist Church, like the Venerable Thich Quang Do, and not the church or the unified or the Buddhist temples that are under the control of the government, watch out. They will be knocking on your door. You will either be under pagoda arrest or find yourself in prison. The same goes for the monsignors and the others who are evangelicals who are finding themselves being severely repressed in Vietnam.

Members really have to back this resolution.
Mr. FALEOMAVAEGA. Mr. Speaker, I reserve the balance of my time.

Mr. BURTON of Indiana. As I understand it, Mr. Speaker, I have 2 minutes remaining.

The SPEAKER pro tempore. That is correct.

Mr. BURTON of Indiana. I am happy to yield 1 minute to my good friend from Louisiana (Mr. CAO).

Mr. CAO. Thank you very much.

In this recent trip to Vietnam that I made with Chairman FALEOMAVAEGA, I happened to visit my sister in the outskirts of Saigon. I was there for about 15 minutes. As soon as I left, guess who showed up? The police. The police showed up and interrogated my brother-in-law. They asked him why we were there, how many people were there, what did we talk about.

Now, if they were to do that to a family member of a U.S. Congressman, what would they do to the normal Vietnamese citizen in Vietnam? There are no protections whatsoever. There is a difference between practicing your religion and practicing your faith. In practicing religion, you can go in there and pray, which is good. In practicing faith is when you have to advocate for people’s rights to worship, for people’s rights to defend their families, to defend their property, and to defend their faiths and their views. In that regard, the Vietnamese Government has been lacking in every aspect.

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

Mr. Speaker, I want to compliment and thank my colleague from Louisiana. In fact, it was a high privilege and honor for me to be part of our congressional delegation that visited Vietnam.

There were some very serious issues about even allowing my colleague from Louisiana to come with us because, as we all know, this government is not a democracy. It is still a Communist country, controlled by a party structure very different from ours.

What I did insist on of the officials of the Vietnamese Government was that, if my friend Congressman CAO was not going to come with me, then I wasn’t going to go to Vietnam, and they did accede to our request. I think it was a real educational experience, even for the Vietnamese officials, to see that my Congressman CAO was not a bad guy after all. I tried to stress the fact that, although we may belong to two separate political parties with different beliefs and understandings, it doesn’t mean that we shouldn’t continue to be friends.

In the aftermath of our visit to Vietnam, more than anything, I would say that the officials of the Vietnamese Government were very impressed by my good friend Congressman CAO—the first Vietnamese American ever elected to the sacred body, as a Member of this great institution. I am very proud as a fellow American to tell the 90-some million Vietnamese people out there that this is what America is all about, that only in America is someone of Congressman CAO’s caliber able to be elected as a Member of this body.

With that, I want to say that I am very, very happy to see him, and I wish him all the best in his future endeavors.

I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, in closing, I would just like to say that I think it was a proven conclusively by my colleagues here speaking tonight that Christians, Buddhists and Catholics have been prodded with electric prods; they have been beaten; they have been gagged; and they have been mistreated.

There is a very strong concern among many of us in Congress that the CPC designation should be reimposed. If the State Department says that Hanoi in Vietnam has turned a corner, the corner that it has turned is down a very dark alley, and we need to enlighten them so that to let the Vietnamese people know that we stand with them for religious freedom.

I rise in vigorous support of this resolution which recognizes that the United States Commission on International Religious Freedom that Vietnam be re-designated as a Country of Particular Concern, CPC.

The State Department, when it lifted the CPC designation for Vietnam, largely for commercial reasons, stated that Hanoi had “turned a corner.”

Well, as the facts listed in this resolution amply demonstrate, a corner was indeed turned when it comes to religious freedom in Vietnam and we then ended up in a grim, dark alley.

This is the dark alley where the Vietnamese regime’s security officers gagged prominent advocate for religious freedom Father Ly (LEE) during his trial, a mere four months after the State Department claimed Vietnam had supposedly turned a corner.

This is the dark alley from which agents sprang to detain a Norwegian citizen outside a Buddhist monastery where she had gone to present a prestigious human rights award. This is the dark alley where the Communist regime in Vietnam where guests of a Congressional delegation, invited by the United States Ambassador to discuss human rights and religious freedom, were blocked from entering her residence by armed Vietnamese police.

This is the dark alley where Protestants have been beaten and Buddhist monks have been harassed and detained.

This is the dark alley where members of a Catholic funeral procession last spring were beaten with batons and tortured with electric rods.

Can the State Department continue to credibly claim that the Vietnamese regime has turned a corner on religious freedom and is on a positive trend?

If so, what, according to the State Department diplomats be willing to walk the walk with Vietnamese monks and priests around that corner to confront what lurks in the shadows beyond?

The facts more than justify Vietnam’s re-designation as a country of particular concern with regard to religious freedom. The Vietnamese regime must be held accountable for its fundamental violations of religious rights.

The Vietnamese people need to know that the U.S. stands with them and unequivocally supports and defends their right to exercise their religious freedoms unimpeded. This resolution is long overdue.

I urge my colleagues to offer their vigorous support.

Mr. FALEOMAVAEGA. Mr. Speaker, with reluctance, I rise today in opposition to H. Res. 20, calling on the State Department to list the Socialist Republic of Vietnam as a “Country of Particular Concern” with respect to religious freedom.

While I fully understand the concerns reflected in H. Res. 20, this Resolution, which was introduced almost two years ago on January 6, 2009, is based on out-dated information that is not representative of Vietnam’s progress.

Also, a nearly identical provision, which was also flawed, already passed the House as part of H.R. 2410, the Foreign Relations Authorization Act, which begs the question—why are we doing this again?

The passage of resolutions has real-world consequences and impacts our relations with other countries. At a minimum, we should give thoughtful consideration to best ways forward and channel resolutions through the sub-committees of jurisdiction when assessing the region, was bypassed for the sake of maintaining a 2–1 ratio of majority to minority suspensions, and our own U.S. Ambassador to Vietnam, the Honorable Michael W. Michalak, was not consulted. While I realize that we represent separate branches of government, I believe Ambassador Michalak is in a better position than any of us to know where Vietnam stands in its progress regarding religious freedom.

Ambassador Michalak, in his remarks at the Human Rights Day Event held at the U.S. Embassy and American Center in Vietnam on December 9, 2010, stated:

Another area where over the past three years I have seen strong improvements is religious freedom. Vietnam is now largely free to practice their deeply felt convictions. Pagodas, churches, temples and mosques throughout Vietnam are full. Improvements include increased religious participation, large-scale religious gatherings—some with more than 100,000 participants, growing numbers of registered and recognized religious organizations, increasing number of new churches and pagodas, and bigger involvement of religious groups in charitable activities. President Nguyen Minh Triet also met with Pope XVI at the Vatican, and Vietnam and the Holy See agreed to a Vatican appointment of a non-resident Representative for Vietnam as a first step toward the establishment of full diplomatic relations.

Ambassador Michalak also expressed some concerns, which I also share. He stated:

However, some significant problems remain including occasional harassment and excessive use of force by local government officials against religious groups in some outlying locations. Specifically, there were several problematic high-profile incidents over the past year involving the authorities used excessive force against Catholic parishioners in land disputes outside of
Hanoi at Dong Chiem parish and outside of Danang at Con Dau parish. These incidents call into question Vietnam's commitment to the rule of law and hurt Vietnam's otherwise positive position on religious freedom. Registration of Protestant congregations also remains slow and cumbersome in some areas of the country, particularly in the Northwest Highlands.

Even so, the U.S. Department of State has not found that these incidents rise to the level of listing Vietnam as Country of Particular Concern and I am confident that while recognizing and understanding the concerns reflected in the Resolution, the State Department's determination on Vietnam remains in line with the statutory requirements of the International Religious Freedom Act rather than in response to consideration, or passage, of this Resolution by the U.S. House of Representatives.

Despite isolated incidents which all of us oppose, Vietnam is a multi-religion country with all major religions present including Buddhism, Christianity, Protestantism and Islam. Vietnam boasts the second largest Christian population in Southeast Asia. Vietnam has approximately 22.3 million religious followers, accounting for one fifth of the population and over 25,000 religious worship establishments.

According to Vietnam, so far the government has recognized 15 new religious organizations including 7 Protestant denominations, making the total of recognized religions 32. The State has assisted the publication of the Bible in 4 ethnic minority languages including Bana, Ede, Giarai and H'Mong, and facilitated the construction and reconstruction of over 1,500 religious establishments.

Vietnam Buddhist Academies, 32 Buddhist schools, hundreds of classes on Buddhism, 6 grand seminaries and one Protectionist Seminary. 1,177 religious leaders are actively participating in social management.

Vietnam Episcopal Council officials attended Ad-limina at the Vatican. Thousands of Catholic followers in Vietnam joined a range of activities to celebrate the 2010 Jubilee Year including 300 years of the presence of Catholicism and 50 years of the establishment of Catholic hierarchy in the country. In June, Vietnam and the Vatican agreed to promote the process of establishing diplomatic relations and the Pope agreed to appoint a “non-resident representative” of the Holy See for Vietnam.

The training and education of religious dignitaries and priests have been maintained and expanded. Throughout the country, there are around 17,000 seminarians and Buddhist monks and nuns are enrolled in religious training courses. The Vietnam Buddhist has 4 Buddhist academies, 65 grand seminaries, 32 Buddhist schools, 323 Buddhist seminaries and one Protectionist Seminary. 1,177 religious leaders are actively participating in social management.

Members of Congress whose information from third parties may be distorted. For example, it is my understanding that some of the claims laid out by the Catholic Church stem from land disputes and not religious disputes at all.

Regardless, the Catholic Church is moving forward in establishing better relations with Vietnam and through H. Res. 20 also mischaracterizes Vietnam’s relationship with the Buddhists by singling out isolated incidents. If one were to single out the U.S. government’s mishandling of the Waco Siege in 1993, we might find ourselves at the receiving end of a resolution like H. Res. 20 if other countries had chosen to take us to task when the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) failed to execute a search warrant at the Branch Davidian ranch at Mount Carmel, located nine miles east-northeast of Waco, Texas, which was involved by the Federal Bureau of Investigation which ended 50 days later with the death of 76 people, including more than 20 children.

This said, Vietnam recognizes it has work to do and Vietnam is trying to improve its record on all fronts. Last month, I was in Hanoi where I met with H.E. Mr. Nguyen Van Son, Chairman of the Foreign Affairs Committee, National Assembly of the Socialist Republic of Viet Nam, and H.E. Mr. Ngo Quang Xuan, Vice-Chairman of the Foreign Affairs Committee, National Assembly of the Socialist Republic of Viet Nam. We had serious discussions about religious freedom and I can assure my colleagues that there is a strong commitment on the part of the Vietnamese Government to respect and facilitate religious freedom, and the central government is working with the local government to bring about change.

Having visited Vietnam five times during my tenure as Chairman of the Subcommittee on Asia, the Pacific and the Global Environment, I have personally worshipped in parishes with local Vietnamese and, in the case of my own Church, I can verify that the Government of Viet Nam has been very supportive of efforts of The Church of Jesus Christ of Latter-day Saints as it seeks to establish official recognition in accordance with the laws of the land.

As a Member of the Church of Jesus-Christ of Latter-day Saints (LDS), I am always reluctant to oppose any resolution dealing with religious freedom because The Church of Jesus Christ of Latter-day Saints is an ordinance religion in the United States against which an Extermination Order was issued sanctioning mass removal or death against American citizens. The Extermination Order was a military order signed by Missouri Governor Liburn W. Boggs on October 27, 1838 directing that the Mormons be driven from the state or exterminated.

On June 25, 1976, after some 138 years, Governor CHRISTOPHER S. BOND, who is now a U.S. Senator, issued an executive order rescinding the Extermination Order, recognizing its legal invalidity and formally apologizing on behalf of the state of Missouri for the suffering it had caused the Latter-day Saints, and I thank Senator Bond for this.

Knowing the history of the LDS Church and the short-term and long-term consequences this forced exile of over 10,000 Later-day Saints had on those before and yet to come, I am firmly rooted in the belief that each of us should be allowed to claim the privilege of what was allowed to us. I strongly oppose any resolution which will vote in favor of this resolution, in the case of H. Res. 20, I must oppose. This year, the U.S. celebrated 15 years of diplomatic relations with Vietnam. As one who served during the Vietnam War at the height of the Tet Offensive, I know we've come a long way and that resolutions like this don't serve to move us forward but may have the opposite effect when we fail to acknowledge sincere and measurable progress.

On matter of human rights, I hope we will also consider that the U.S. cannot assume the moral high ground when it comes to Vietnam. From 1961 to 1971, the U.S. sprayed more than 11 million gallons of Agent Orange in Vietnam, subjecting millions of innocent civilians—a total of the deadliest chemicals made by man. Despite the suffering that has occurred ever since, there seems to be no real interest on the part of the U.S. to clean up the mess we left behind. Instead, we spend our time offering up resolutions like this which fail to make anything right. I believe we can and should do better and this is why I oppose H. Res. 20.

Mr. BURTON of Indiana. I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman from Indiana and 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 California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 20, as amended.

Mr. FALEOMAVAEGA. Mr. 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.

APPROVING REGULATIONS TO IMPLEMENT VETERANS EMPLOYMENT OPPORTUNITIES ACT

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1757) providing for the approval of final regulations issued by the Office of Compliance to implement the Veterans Employment Opportunities Act of 1998.
that apply to the House of Representatives and employees of the House of Representatives.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1757

Resolved,

SECTION 1. APPROVAL OF REGULATIONS.

The regulations issued by the Office of Compliance on August 21, 2008, and published in section 4, with the technical corrections described in section 3 and to the extent applied by such corrections, are hereby approved.

SECTION 2. APPLICATION OF REGULATIONS.

(a) In General.—For purposes of applying the issued regulations as a body of regulations approved by the Office of Compliance, issued regulations that are unclassified or classified with an “H” classification shall apply to the House of Representatives and employees of the House of Representatives.

(b) Definition.—In this section, the term “employee of the House of Representatives” has the meaning given the term in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), except as limited by the regulations (as corrected under section 3).

SECTION 3. TECHNICAL CORRECTIONS.

(a) Current Names of Offices and Heads of Offices.—A reference in the issued regulations—

(1) to the Capitol Guide Board or the Capitol Guide Service (which no longer exist) shall be considered to be a reference to the Office of Congressional Accessibility Services;

(2) to the Capitol Police Board shall be considered to be a reference to the Capitol Police;

(3) to the Senate Restaurants (which are no longer public entities) shall be disregarded; and

(4) in sections 1.110(b) and 1.121(c), to the director of an employing office shall be considered to be a reference to the head of an employing office.

(b) Cross References to Provisions of Regulations.—A reference in the issued regulations—

(1) in paragraphs (l) and (m) of section 1.102, to subparagraphs (3) through (8) of paragraph (g) of that section shall be considered to be a reference to subparagraph (g) of that section;

(2) in section 1.102(1), to subparagraphs (aa) through (dd) of section 1.102(g) shall be considered to be a reference to subparagraphs (aa) through (dd) of that section (as specified in the regulations classified with an “H” classification);

(3) in section 1.102(m), to subparagraphs (aa) through (ee) of section 1.102(g) shall be considered to be a reference to subparagraphs (aa) through (ee) of that section (as specified in the regulations classified with an “S” classification);

(4) in section 1.111(d), to section 1.102(o) shall be considered to be a reference to section 1.102(p); and

(5) in section 1.112, to section 1.102(b) shall be considered to be a reference to section 1.102(a).

(c) Cross References to Other Provisions of Law.—A reference in the issued regulations—

(1) to the Veterans Employment Opportunities Act shall be considered to be a reference to the Veterans Employment Opportunities Act of 1998;

(2) to 2 U.S.C. § 1318a(3) shall be considered to be a reference to section 4(c)(3) of the Veterans Employment Opportunities Act of 1998;

(3) to 5 U.S.C. § 2108(b)(3) shall be considered to be a reference to section 2108(b)(3) of title 5, United States Code;

(4) to 5 U.S.C. § 3309 through 3312, and subchapter I of chapter 35 of title 5 U.S.C., to certain provisions classified with an “H” classification; and

(5) to the Soil Conservation and Allotment Act shall be considered to be a reference to the Soil Conservation and Domestic Allotment Act; and

(6) to the Agricultural Adjustment Act shall be considered to be a reference to the Agricultural Adjustment Act of 1938.

(d) Other Corrections.—In the issued regulations—

(1) in section 1.102(g)(1) (in the regulations classified with an “H” classification), the term “and” at the end shall be disregarded;

(2) section 1.102(g)(7) (in the regulations classified with an “H” classification) shall be considered to have an “or” at the end;

(3) section 1.108 shall be considered to have an “and” after paragraph (a);

(4) the second sentence of section 1.116 shall be disregarded;

(5) section 1.118(b) shall be considered to have an “and” after paragraph (2) rather than paragraph (3); and

(6) a reference in sections 1.118(c)(1) and 1.120(b)(1) to veterans’ “preference eligible” shall be considered to be a reference to “preference eligible”:

(1) in section 1.118(c) and 1.120(b) shall be considered to have an “and” after paragraph (1); and

(2) section 1.121(b)(6)(B) shall be considered to have an “and” at the end.

SEC. 4. REGULATIONS.

When approved by the House of Representatives for the House of Representatives, these regulations will have the prefix “H.” When approved by the Senate for the Senate, these regulations will have the prefix “S.” When approved by Congress for Congress, these regulations will have the prefix “C.”

In this draft, “H & S Regs” denotes the provisions that will be included in the regulations applicable to be made applicable to the House of Representatives and Senate, and “C Reg” denotes the provisions that should be included in the regulations to be made applicable to other employing offices.

PART 1—EXTENSION OF RIGHTS AND PROTECTIONS RELATING TO VETERANS’ PREFERENCE UNDER TITLE 5, UNITED STATES CODE

SUBPART A—MATTERS OF GENERAL APPLICABILITY TO ALL REGULATIONS PROMULGATED UNDER SECTION 4 OF THE VEOA

Sec.

1.101 Purpose and scope.

1.102 Definitions.

1.103 Adoption of regulations.

1.104 Coordination with section 225 of the Congressional Accountability Act of 1995.

SEC. 1.101. PURPOSE AND SCOPE.

(a) Scope of Regulations. The definition of “covered employee” in section 4(c) of the VEOA limits the scope of the statute’s applicability within the Legislative branch.

(b) Cross References to Other Provisions of Law. In the issued regulations—

(1) to 2 U.S.C. § 2108, 3309 through 3312, and subchapter I of chapter 35 of title 5 U.S.C., to section 2108(b)(3) or paragraph (1); and

(2) to 2 U.S.C. § 1318a(3) shall be considered to be a reference to section 4(c)(3) of the Veterans Employment Opportunities Act of 1998.

SEC. 1.102 Definitions.

(1) Covered employee. The term “covered employee” excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made by a Member of Congress within an employing office, as defined by Sec. 101(9)(A–C) of the CAA, 2 U.S.C. § 1301 (9)(A–C); or; (3) whose appointment is made by a subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (4) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code).

Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

S Regs: (c) Scope of Regulations. The definition of “covered employee” in section 4(c) of the VEOA limits the scope of the statute’s applicability within the Legislative branch.

(c) Cross References. In the issued regulations—

(1) to 2 U.S.C. § 2108, 3309 through 3312, and subchapter I of chapter 35 of title 5 U.S.C., to section 2108(b)(3) or paragraph (1); and

(2) to 2 U.S.C. § 1318a(3) shall be considered to be a reference to section 4(c)(3) of the Veterans Employment Opportunities Act of 1998.

(b) Purpose of regulations. The regulations set forth herein are the substantive regulations that apply to the House of Representatives and employees of the House of Representatives, as approved pursuant to section 4(c)(4) of the VEOA, in accordance with the rulemaking procedure set forth in section 3204 of the CAA (2 U.S.C. § 1384). The purpose of subparts B, C and D of these regulations is to define veterans’ preference and the determination of eligibility therefor as applicable to Federal employment in the Legislative branch. (5 U.S.C. § 2108, as applied by the VEOA). The purpose of subparts A of these regulations is to ensure that the principles of the veterans’ preference laws are integrated into the existing employment and recruitment policies and procedures of the employing offices with employees covered by the VEOA, and to provide for transparency in the application of veterans’ preference in covered appointments and decisions. Provided, nothing in these regulations shall be construed so as to require an employing office to reduce any existing veterans’ preference rights of and protections that it may afford to preference eligible individuals.

Res. 1757

The resolution is as follows:

H. RES. 1757

Resolved,
SEC. 1.102. DEFINITIONS.

Except as otherwise provided in these regulations, as used in these regulations:

(a) Accredited physician means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices.


(c) Active duty or active military duty means full-time duty with military pay and allowances in the armed forces, except (1) for training purposes, including physical fitness and (2) for service in the Reserves or National Guard.

(d) Appointment means an individual’s appointment to a position, but does not include any personnel action that an employing office takes with regard to an existing employee of the employing office.

(e) Armed forces means the United States Army, Navy, Air Force, Marine Corps, and Coast Guard.

(f) Board means the Board of Directors of the Office of Compliance.

H Regs: (g) Covered employee means any employee of the House of Representatives, and (2) the Senate; (3) the Capitol Guide Board; (4) the Capitol Police Board; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; and (8) the Office of Compliance, but does not include an employee (aa) whose appointment is made by the President with the advice and consent of the Senate; or (bb) whose appointment is made by the Senate; or (cc) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position; or (dd) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position.

(i) The term covered employee includes an applicant for employment in a covered position, and a former covered employee.

S. Regs: (g) Covered employee means any employee of the House of Representatives; and (2) the Senate; (3) the Capitol Guide Board; (4) the Capitol Police Board; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; and (8) the Office of Compliance, but does not include an employee (aa) whose appointment is made by the President with the advice and consent of the Senate; or (bb) whose appointment is made by the Senate; or (cc) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position.

R. Regs: (g) Covered employee means any employee of the House of Representatives; and (2) the Senate; (3) the Capitol Guide Board; (4) the Capitol Police Board; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; and (8) the Office of Compliance, but does not include an employee (aa) whose appointment is made by the President with the advice and consent of the Senate; or (bb) whose appointment is made by the Senate; or (cc) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position.

SEC. 1.103. ADOPTION OF REGULATIONS.

(a) Adoption of regulations. Section 4(c)(4)(A) of the VEOA generally authorizes the Board to issue regulations to implement section 4(c). In addition, section 4(c)(4)(B) of the VEOA directs the Board to promulgate regulations that are the most relevant substantive regulations (applicable with respect to the Executive branch) promulgated to implement the statutory provisions of section 4(c) of the VEOA. Those statutory provisions are section 2108, sections 3309 through 3312, and subchapter I of chapter 35, of title 5, United States Code. The regulations issued by the Board hereinafter are on all matters for which section 4(c)(4)(B) of the VEOA requires a regulation to be issued. Specifically, it is intended that such regulations be based on the information available to it at the time of promulgation of these regulations, that, with the exception of the regulations adopted and set forth herein, there are no other “substantive regulations (applicable with respect to the Executive branch)” promulgated to implement the statutory provisions referred to in paragraph (2)” of section 4(c) of the VEOA that need be adopted.

(b) Modification of substantive regulations. As a qualification to the statutory obligations referred to in paragraph (2) above, the regulations adopted by the Board pursuant to section 4(c) of the VEOA shall be consistent with the relevant substantive regulations (applicable with respect to the Executive branch) promulgated to implement section 4(c) of the VEOA.

(c) Rationale for Departure from the Most Relevant Executive Branch Regulations. The Board concludes that it must promulgate regulations accommodating the human resource systems existing in the Legislative branch and found that such regulations take into account the fact that the Board does not possess the statutory and Executive Order based government-wide policy making authority underlying OPM’s counterpart VEOA regulations governing the Executive branch.

OPM’s regulations are designed for the competitive service (defined in 5 U.S.C. § 2101(2)), which is not applicable to the employing offices subject to this regulation. Therefore, to follow the OPM regulations would create detailed and complex rules and regulations for a workforce that does not exist in the Legislative branch, while providing no VEOA protections to the covered Legislative branch employees. We have chosen to promulgate regulations, rather than simply to adopt those promulgated by OPM, so that we may effectuate...
Congress' intent in extending the principles of the veterans' preference laws to the Legislative branch through the VEOA.

SEC. 1.104. COORDINATION WITH SECTION 225 OF THE FEDERAL COMMUNICATIONS ACCOUNTABILITY ACT.

Statutory directive. Section 4(c)(4)(C) of the VEOA requires that promulgated regulations must be consistent with section 225 of the CAA. Among the relevant provisions of section 225 are subsection (f)(1), which provides as a rule of construction that definitions and exemptions in the law made applicable by the CAA shall apply under the CAA, and subsection (f)(3), which states that the CAA shall not be considered to authorize enforcement of the CAA by the Executive branch.

SUBPART B—VETERANS' PREFERENCE—GENERAL PROVISIONS

Sec. 1.105 Responsibility for administration of veterans' preference.

1.106 Procedures for bringing claims under the VEOA.

SEC. 1.105. RESPONSIBILITY FOR ADMINISTRATION OF VETERANS' PREFERENCE.

Subject to section 1.106, employing offices with covered employees or covered positions are responsible for making all veterans' preference determinations, consistent with the VEOA.

SEC. 1.106. PROCEDURES FOR BRINGING CLAIMS UNDER THE VETERANS' EMPLOYMENT OPPORTUNITIES ACT.

Applicants for appointment to a covered position and covered employees may contest adverse veterans' preference determinations, including any determination that a preference eligible applicant is not qualified, or that a preference eligible applicant has not met location-of-service requirements, or that an employee's preference eligibility has expired.

SUBPART C—VETERANS' PREFERENCE IN APPOINTMENTS

Sec. 1.107 Veterans' preference in appointments to restricted covered positions.

1.108 Veterans' preference in appointments to non-restricted covered positions.

1.109 Crediting experience in appointments to covered positions.

1.110 Waiver of physical requirements in appointments to covered positions.

SEC. 1.107. VETERANS' PREFERENCE IN APPOINTMENTS TO RESTRICTED POSITIONS.

In each appointment action for the position of custodian, elevator operator, guard, and messenger (as defined below and collectively referred to in these regulations as restricted covered positions) employing offices shall restrict competition to preference eligible applicants as long as qualified preference eligible applicants are available. The provisions of sections 1.109 and 1.110 below shall apply to the appointment of a preference eligible applicant to a restricted covered position. The provisions of section 1.108 shall apply to the appointment of a preference eligible applicant to a restricted covered position, in the event that there is more than one preference eligible applicant for the position.

Custodian—One whose primary duty is the performance of cleaning or other ordinary tasks to protect life and property; make observations for detection of fire, trespass, unauthorized removal of public property or hazards to Federal personnel or property; or duties Similar enough in duties, responsibilities, and qualifications on the basis of physical ability of individual or group of individuals with a disabilty of 30 percent or more.

Elevator operator—One whose primary duty is the supervision or performance of general messenger (such as running errands, delivering messages, and answering call bells).

SEC. 1.108. VETERANS' PREFERENCE IN APPOINTMENTS TO NON-RESTRICTED COVERED POSITIONS.

Where an employing office has duly adopted and promulgated numerical scoring or rating of applicants for covered positions, the employing office shall add points to the earned ratings of those preference eligible applicants whose ratings exceed the highest score in a 100-point system. Approval shall be granted to preference eligible applicants in a 100-point system, one point shall be granted in a 20-point system, and so on.

B. In all appointments involving appointment to a covered position, employing offices shall consider veterans' preference eligible applicants for appointment in the employing office's determination of who will be appointed from among qualified applicants.

SEC. 1.109. CREDITING EXPERIENCE IN APPOINTMENTS TO COVERED POSITIONS.

When considering applicants for covered positions in which experience is an element of qualification, employing offices shall provide preference eligible applicants with credit for:

(a) Time spent in the military service (1) as an extension of time spent in the position in which the applicant was employed immediately before his/her entrance into the military service, or (2) on the basis of actual duties performed in the military service, or (3) as a combination of both methods. Employing offices shall credit time spent in the military service according to the method that will be of most benefit to the preference eligible applicant;

(b) All experience material to the position for which the applicant is being considered, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether he/she received pay therefor.

SEC. 1.110.WAIVER OF PHYSICAL REQUIREMENTS IN APPOINTMENTS TO COVERED POSITIONS.

(a) Subject to (c) below, in determining qualifications of a preference eligible for appointment, an employing office shall waive:

(1) With respect to a preference eligible applicant, requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position;

(2) With respect to a preference eligible applicant, a requirement for a conditional offer of employment, physical requirements if, in the opinion of the employing office, on the basis of evidence before it, including any statement of an accredited physician submitted by the preference eligible applicant, the preference eligible applicant is physically able to perform efficiently the duties of the position;

(b) Subject to (c) below, if an employing office determines, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the preference eligible applicant, to whom it has made a conditional offer of employment, that the applicant is not able to fulfill the physical requirements of the covered position, the employing office shall notify the preference eligible applicant of the reasons for the determination and of the right to respond and to submit additional information to the employing office, within 15 days of the date of the notification. The director of the employing office may, by providing written notice to the preference eligible applicant, shorten the period for submitting a response with respect to an appointment to a particular covered position. If necessary because of a need to fill the covered position immediately. Should the preference eligible applicant make a timely response, the highest ranking individual or group of individuals with authority to make employment decisions on behalf of the employing office shall render a final determination of the physical ability of the preference eligible applicant to perform the duties of the position, taking into account the response and any additional information provided by the preference eligible applicant.

(c) Nothing in this section shall relieve an employing office of any obligations it may have pursuant to the Americans with Disabilities Act (12 U.S.C. 12101 et seq.) as applied by section 102(a)(3) of the Act, 2 U.S.C. §132(a)(3).

SUBPART D—VETERANS' PREFERENCE IN REDUCTIONS IN FORCE

Sec. 1.111. Definitions applicable in reductions in force.

1.112. Application of preference in reductions in force.

1.113. Crediting experience in reductions in force.

1.114. Waiver of physical requirements in reductions in force.

1.115. Transfer of functions.

SEC. 1.111. DEFINITIONS APPLICABLE IN REDUCTIONS IN FORCE.

(a) Competing covered employees are the covered employees within a particular position or job classification, at or within a particular competitive area, as those terms are defined below.

(b) Competitive area is that portion of the employing office's organizational structure, as determined by the employing office, in which covered employees compete for retention. A competitive area must be defined solely in terms of the employing office's organizational unit(s) and geographical location, and it must include all employees within the competitive area so defined. A competitive area may consist of all or part of an employing office. The minimum competitive area is a department or subdivision of the employing office within the local commuting area.

(c) Position classifications or job classifications are determined by the employing office, and shall refer to all covered positions within a competitive area that are in the same grade, occupational level or classification, and which are similar enough in duties, qualification requirements, pay schedules,
tenure (type of appointment) and working conditions so that an employing office may realign the incumbent of one position to any of the other positions in the position classification and sub-classification.

(d) Preference Eligibles. For the purpose of applying veterans’ preference in reductions in force, in respect to the application of section 1.114 of these regulations regarding the waiver of physical requirements, the following shall apply: (1) A 90-day standard was the meaning given it by section 101 of title 38; (2) “a retired member of a uniformed service” means a member or former member of a uniformed service who is entitled to retirement under title 38; (3) a preference eligible covered employee who is a retired member of a uniformed service is considered a preference eligible only if (A) his/her retirement was based on disability—(i) resulting from injury or disease received in line of duty as a direct result of armed conflict; or (ii) caused by an instrumentality of war and incurred in the line of duty during a period of war as defined by sections 101 and 1101 of title 38; (B) his/her service does not include twenty or more years of full-time active service, regardless of when performed but not including periods of active duty for training; or (C) on November 30, 1964, he/she was employed in a position to which this subchapter applies and thereafter he/she continued to be so employed without a break in service of 90 days or more. The definition of “preference eligible” as set forth in 5 U.S.C. § 2108 and section 1.102(o) of these regulations shall apply to waivers of physical requirements in determining an employee’s qualifications for retention under section 1.114 of these regulations.

H&S Regs: (e) Reduction in force is any termination of a covered employee’s employment or the reduction in pay and/or position grade of a covered employee for more than 30 days and that may be required for budgetary or workload reasons, changes resulting from reorganization, or the need to make room for an employee with reemployment or restoration rights. An employee does not encompass a termination or other personnel action: (1) predicated upon performance, conduct or other grounds attributable to an employee, or (2) involving an employee who is employed by the employing office on a temporary or on a change in party leadership or majority party status within the House of Congress where the employee is employed.

SEC. 1.113. CREDITING EXPERIENCE IN REDUCTIONS IN FORCE. In computing length of service in connection with a reduction in force, the employing office shall give no preference to preference eligible covered employees as follows: (a) a preference eligible covered employee who is not a retired member of a uniformed service is entitled to credit for the total length of time in active service in the armed forces; (b) a preference eligible covered employee who is a retired member of a uniformed service is entitled to credit for: (1) the length of time in active service in the armed forces; (2) time in active service in the uniformed service which he/she was included under 5 U.S.C. § 3501(a)(3)(A), (B), or (C); and (c) a preference eligible covered employee is entitled to: (1) service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and AlLOTMENT Act or of an organization or association of producers described in section 10(b) of the Agricultural Adjustment Act; and (2) service rendered as an employee described in 2 U.S.C. § 228(c) if such employee moves or has moved, on or after January 1, 1966, without a break in service of more than 3 days, from a position in a nonappropriated fund instrumentalit of the Department of Defense or the Coast Guard to a position in the Department of Defense or the Coast Guard, respectively, that is not described in 5 U.S.C. § 228.

SEC. 1.114. WAIVER OF PHYSICAL REQUIREMENTS IN REDUCTIONS IN FORCE. (a) If an employing office determines, on the basis of information submitted, that a covered employee is preference eligible, the employing office shall waive, in determining the covered employee’s retention status in a reduction in force, weight, unless the requirement is essential to the performance of the duties of the position; and (2) physical requirements if, in the opinion of the employing office, on the basis of evidence presented, the appointment of an accredited physician submitted by the employee, the preference eligible covered employee is physically able to perform efficiently the duties of the position.

(b) If an employing office determines that a covered employee who is a preference eligible as a disabled veteran as described in 5 U.S.C. § 2108(b)(4) or a preference eligible for a service-connected disability of 30 percent or more is not able to fulfill the physical requirements of the position, the employing office shall notify the preference eligible covered employee of the reasons for the determination and of the right to respond and to submit additional information to the employing office within 15 days of the date of the notification. Should the preference eligible covered employee make a timely response, the highest ranking individual or group of individuals with authority to make employment decisions on behalf of the employing office shall render a final determination of the physical ability of the preference eligible covered employee to perform the duties of the covered position, taking into account the evidence before it, including the response and any additional information provided by the preference eligible. When the employing office has completed its review of the proposed disqualification on the basis of physical disability, it shall send its findings to the preference eligible covered employee.

(c) Nothing in this section shall relieve an employing office of any obligation it may have pursuant to the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.) as applied by section 102(a)(3) of the CAA. 2 U.S.C. § 1302(a)(9).

SEC. 1.115. TRANSFER OF FUNCTIONS. (a) When a function is transferred from one employing office to another employing office, each covered employee in the affected position classifications or job classifications in the function that is to be transferred shall be transferred to the receiving employing office for employment in a covered position for which he/she is qualified before the receiving employing office may make an appointment from another source to that position.

When one employing office, on the basis of information submitted, that a covered employee is preference eligible, the employing office shall notify the preference eligible covered employee of the reasons for the determination and of the right to respond and to submit additional information to the employing office within 15 days of the date of the notification.
more covered employees or that seeks applicants for a covered position shall adopt its written policy specifying how it has integrated the veterans’ preference requirements of the Veterans Employment Opportunities Act of 1998 and these regulations into its employment and retention processes. Upon timely request and the demonstration of good cause, the Director of Personnel or, at her discretion, may grant such an employing office additional time for preparing its policy. Each such employing office will make its policy available to applicants for covered positions and to covered employees in accordance with these regulations. An employing office may amend or replace its veterans’ preference policies as it deems necessary or appropriate, so long as the resulting policies are consistent with the VEOA and these regulations.

SEC. 1.117. PRESERVATION OF RECORDS MADE OR KEPT.
An employing office that employs one or more covered employees or that seeks applicants for a covered position shall maintain any records the employing office uses for the purposes of adopting its veterans’ preference policy or applicants for covered positions and to workforce adjustment decisions affecting covered employees for at least one year from the date of the making of the record or the date of the personnel action involved or, if later, one year from the date on which the applicant or covered employee is notified of the personnel action. Where a claim has been brought under section 401 of the CAA against an employing office under the VEOA, the responding employing office shall preserve all personnel records relevant to the claim until final disposition of the claim. The term “personnel records relevant to the claim”, for example, would include records relating to the veterans’ preference determination regarding the person bringing the claim and records relating to any veterans’ preference determinations regarding other applicants for the covered position the person sought, or records relating to the veterans’ preference determinations regarding other covered employees in the person’s position or job classification. The date of final disposition of the charge or the action means the latest of the date of expiration of the statutory period in which the employing office may file a complaint with the Office or in a U.S. District Court or, where an action is brought against an employing office by the aggrieved person, the date on which such litigation is terminated.

SEC. 1.118. DISSEMINATION OF VETERANS’ PREFERENCE POLICIES TO APPLICANTS FOR COVERED POSITIONS.
(a) An employing office shall state in any announcements and advertisements it makes concerning a covered position that the staffing action is governed by the VEOA.
(b) An employing office shall invite applicants for a covered position to identify themselves as veterans’ preference eligible applicants, provided that in doing so:
(1) the employing office shall state clearly on any written application or questionnaire used for this purpose or make clear orally, if a written application or questionnaire is not used, that the requested information is intended to be used in connection with the employing office’s obligations and efforts to provide veterans’ preference to preference eligible applicants in accordance with the VEOA;
(2) the employing office shall state clearly that disabled veteran status is requested on a voluntary basis, that it will be kept confidential in accordance with the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3); and
(3) the employing office shall state clearly that applicants may request information about the employing office’s veterans’ preference policies as they relate to appointments to covered positions, and shall describe the employing office’s procedures for making such requests.
(c) Upon written request by an applicant for a covered position, an employing office shall provide the following information in writing:
(1) the VEOA definition of veterans’ preference eligible as set forth in 5 U.S.C. §2108 as any person who is honorably discharged from active service in the armed forces of the United States who is not a disabled veteran under the VEOA, and that any information obtained in accordance with this section concerning the medical condition of an individual will not subject the individual to any adverse treatment except the possibility of an adverse determination regarding the individual’s veterans’ preference eligibility; and
(2) the employing office’s veterans’ preference policy or a summary description of the employing office’s veterans’ preference policy as it relates to appointments to covered positions, including any procedures the employing office shall use to identify preference eligible employees; and
(3) the employing office may provide other information regarding its veterans’ preference policies and practices, but is not required to do so by these regulations.
(d) Employing offices are also expected to answer questions from applicants for covered positions that are relevant and non-confidential concerning the employing office’s veterans’ preference policies and practices.

SEC. 1.119. INFORMATION REGARDING VETERANS’ PREFERENCE DETERMINATIONS IN APPOINTMENTS.
Upon written request by an applicant for a covered position, the employing office shall promptly provide a written explanation of the manner in which veterans’ preference was used in the employing office’s appointment decision regarding that applicant. Such explanation shall include at a minimum:
(a) the employing office’s veterans’ preference policy or a summary description of the employing office’s veterans’ preference policy as it relates to appointments to covered positions;
(b) a statement as to whether the applicant is preference eligible and, if not, a brief statement of the reasons for the employing office’s determination that the applicant is not preference eligible.

SEC. 1.120. DISSEMINATION OF VETERANS’ PREFERENCE POLICIES TO COVERED EMPLOYEES.
(a) An employing office that employs one or more covered employees provides any written guidebooks or other written guidance regarding employee rights generally or reductions in force more specifically, such as in a written employee policy, manual or handbook, a description of any appeal or other procedures applicable in identifying employees for release;
(b) The director of the employing office shall take to identify preference eligible employees;
(c) The director of the employing office shall preserve all personnel records relevant to the claim until final disposition of the claim.

The SPEAKER pro tempore. Pursuant to the rule, the gentlefrom American Samoa (Mr. FOLEMOVAEGA) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.
Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks in the Record on this resolution.

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

There was no objection.

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

Mr. Speaker, the Veterans Employment Opportunities Act of 1998, or VEOA, extends veterans’ preference rights to covered applicants and employees, in covered positions, throughout the legislative branch. The act is implemented in the legislative branch through the Congressional Accountability Act of 1995.

Implementation of the VEOA requires the board of directors of the Office of Compliance to issue regulations and the House and Senate to approve them. Without congressionally approved regulations, the VEOA does not apply to Congress and the rest of the legislative branch.

Under the Congressional Accountability Act, congressional approval of these regulations can be accomplished by adopting approval resolutions covering the House and the rest of the legislative branch. The resolution before us now covers the House, and the next resolution on the schedule, Senate Concurrent Resolution 77, will cover the rest of the legislative branch, except the Senate, which has already adopted a resolution covering itself.

This process will complete legislative branch coverage under the VEOA. It has bipartisan and bicameral support.

The regulations we are considering today have been awaiting congressional approval since March 21, 2008. The executive branch has already implemented VEOA hiring preferences. With today’s congressional approval, qualified veterans who apply for covered positions in the legislative branch will be given preference rights among job applicants and remedies to enforce those rights. It is fitting that we move forward on approving these regulations to help our returning veterans, and now is the right time to do it.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1757. As mentioned by the gentleman from American Samoa, it provides for the approval of final regulations issued by the Office of Compliance to implement the Veterans Employment Opportunities Act of 1998 that apply to the House legislative branch, employing offices and their covered employees.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

Resolved by the Senate (the House of Representatives concurring), That the following regulations issued by the Office of Compliance on March 21, 2008, and stated in section 4, with the technical corrections described in section 3 and to the extent applied by section 2, are hereby approved.

Section 2. Application of Regulations.

(a) In General.—For purposes of applying the issued regulations as a body of regulations required by section 304(a)(2)(B)(ii) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), the portions of the issued regulations that are unclassified (as corrected under section 3).

(c) Cross References to Provisions of Law.—A reference in the issued regulations—

(1) to the Veterans Employment Opportunities Act shall be considered to have the meaning given the terms in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), except as limited by the regulations.

(d) Other Corrections.—In the issued regulations—

(1) section 1.109 shall be considered to have an “and” after paragraph (a); and

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.

Providing for the Approval of Final Regulations Issued by the Office of Compliance to Implement the Veterans Employment Opportunities Act of 1998.

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and concur in the concurrent resolution (S. Con. Res. 77) to provide for the approval of final regulations issued by the Office of Compliance to implement the Veterans Employment Opportunities Act of 1998 that apply to the House legislative branch, employing offices and their covered employees.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 1757.

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.

Resolved by the Senate (the House of Representatives concurring). That the following regulations issued by the Office of Compliance on March 21, 2008, and stated in section 4, with the technical corrections described in section 3 and to the extent applied by section 2, are hereby approved.

Section 2. Application of Regulations.

(a) In General.—For purposes of applying the issued regulations as a body of regulations required by section 304(a)(2)(B)(ii) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), the portions of the issued regulations that are unclassified or classified with an “H” designation shall be considered to be a reference to subparagraphs (aa) through (dd) of section 1.102(g) that are designated with an “H” classification.

(c) Cross References to Provisions of Law.—A reference in the issued regulations—

(1) to the Veterans Employment Opportunities Act shall be considered to have the meaning given the terms in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), except as limited by the regulations.

(d) Other Corrections.—In the issued regulations—

(1) section 1.109 shall be considered to have an “and” after paragraph (a); and

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.
(4) a reference in sections 1.118(c)(1) and 1.120(b)(1) to veterans’ preference “eligible” shall be considered to be a reference to “preference eligible”; (5) the term “senior executive service” and 1.120(b)(2) shall be considered to have an “and” after paragraph (1); and (6) section 1.121(b)(6)(B) shall be considered to have an “and” at the end.

SEC. 4. REGULATIONS.

When approved by the House of Representatives for the House of Representatives, these regulations will have the prefix “H.” When approved by the Senate for the Senate, these regulations will have the prefix “S.” When approved by Congress for the other employing offices, these regulations will have the prefix “C.”

In this draft, “H&S Regs” denotes the provisions that would be included in the regulations applicable to Federal employment in the legislative branch. “H Regs” denotes the provisions that would be included in the regulations applicable to Federal employment in the House and Senate, and “C Reg” denotes the provisions that would be included in the regulations applicable to Federal employment in the Legislative Branch.

PART I—Extension of Rights and Protections Relating to Veterans’ Preference Under Title 5, United States Code, to Covered Employees of the Legislative Branch, in accordance with the (c) of the Veterans Employment Opportunities Act of 1998

SUBPART A—Matters of General Applicability to Covered Employees Promulgated Under Section 4 of the VEOA

SEC. 1.101. Purpose and Scope.

(a) Section 4(c)(1) of the VEOA. The veterans Employment Opportunities Act (VEOA) applies the rights and protections of sections 3132(a)(2), 3324, and 3902(b)(I), and chapter 35 of title 5 U.S.C., to certain covered employees within the Legislative branch.

(b) Purpose of regulations. The regulations set forth herein are the substantive regulations that the Board of Directors of the Office of Compliance has promulgated pursuant to section 4(c)(2) of the VEOA. In accordance with the rulemaking procedure set forth in section 304 of the CAA (2 U.S.C. § 1384), the purpose of these regulations is to define veterans’ preference and the administration of veterans’ preference as applicable to Federal employment in the Legislative branch.

(c) Scope of regulations. The definition of “covered employee” in section 4(c)(2) of the VEOA limits the scope of the statute’s applicability within the Legislative branch. The term “covered employee” excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made or directed by a Member of Congress within an employing office, as defined by Sec. 101(9)(A–C) of the CAA, 2 U.S.C. § 1301(9)(A–C); or (3) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; (4) who is appointed pursuant to 2 U.S.C. § 43d(a); or (5) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code), or a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

SEC. 1.102. Definitions.

(a) Accredited physician means a doctor of medicine or surgery (as appropriate) who is licensed to practice medicine or surgery (as appropriate) by the State in which the doctor practices.


(c) Active duty or active military duty means full-time duty with military pay and allowances in the armed forces, except (1) for training or for determining physical fitness and (2) for service in the Reserves or National Guard.

(d) Appointment means an individual’s appointment to employment in a covered position, except that any personnel action that an employing office takes with regard to an existing employee of the employing office.

(e) Armed forces means the United States Army, Navy, Air Force, Marine Corps, and Coast Guard.

(f) Board means the Board of Directors of the Office of Compliance.

H Regs: (g) Covered employee means any employee of (1) the House of Representatives; (2) the Senate; (3) the Capitol Guide Board; (4) the Capitol Police Board; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; and (8) the Office of Compliance, but does not include an employee (aa) whose appointment is made by the President with the advice and consent of the Senate; (bb) whose appointment is made by a Member of Congress; (cc) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (dd) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

H Regs: (g) Covered employee means any employee of (1) the House of Representatives; (2) the Senate; (3) the Capitol Guide Board; (4) the Capitol Police Board; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; and (8) the Office of Compliance, but does not include an employee (aa) whose appointment is made by the President with the advice and consent of the Senate; (bb) whose appointment is made by a Member of Congress; (cc) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (dd) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes a former covered employee and a former covered employee.
(l) Employee of the House of Representa-
tives includes an individual occupying a po-
tion the pay of which is disbursed by the 
Clerk of the House of Representatives, or an-
other employee hired by the House of Repre-
sentatives, or any employment posi-
tion in an entity that is paid with funds de-
ferred from the clerk-hire allowance of the 
House of Representatives but not any such in-
dividual employed by any entity listed in sub-
paragraphs (aa) through (dd) of paragraph (g) 
above.

(m) Employee of the Senate includes any 
individual whose pay is disbursed by the Sec-
retary of the Senate; or (3) any other office headed by a 
person appointed, directed by a Member of Congress to appoint, 
hire, discharge, and set the terms, condi-
tions, or privileges of the employment of an 
employee of the Senate of Representatives or the Sec-
retary.

H Regs: (n) Employing office means: (1) 
the personal office of a Member of the House of 
Representatives; (2) a committee of the House of 
Representatives or a joint 
committee of the House of Representatives and the Senate; or (3) any other office headed by a person 
appointed, directed by a Member of Congress to appoint, 
hire, discharge, and set the terms, condi-
tions, or privileges of the employment of an 
employee of the House of Representatives or the Sen-
ate.

S Regs: (n) Employing office means: (1) 
the personal office of a Senator; (2) a com-
mittee of the Senate or a joint committee of the 
Senate and the House of Representatives; or (3) any other office headed by a person with 
the final authority to appoint, or be di-
rected by a Member of Congress to appoint, 
hire, discharge, and set the terms, condi-
tions, or privileges of the employment of an 
employee of the House of Representatives or the Sen-
ate.

C Regs: (n) Employing office means: the 
Capitol Guide Board, the Capitol Police 
Board, the Congressional Budget Office, the Of-
fice of the Architect of the Capitol, the Of-
fice of the Attending Physician, and the Of-
fice of Compliance. 

(o) Office means the Office of Compliance. 

(p) Preference eligible means veterans, 
surviving spouses or widows or mothers who meet 
the definition of “preference eligible” 

(q) Preference eligible applicant means an 
candidate for a covered position whom an 
employing office deems to satisfy the requisite mini-
mum job-related requirements of the posi-
tion. Where the employing office has 
transferred the formal evaluation for the 
covered position that is numerically scored, the 
term “qualified applicant” shall mean that the 
appellant has received a passing score on the 
examination or evaluation.

(r) Separated under honorable conditions 
means either an honorable or a general dis-
charge from the armed forces. The Depart-
ment of Defense is responsible for admin-
stering and defining military discharges.

(s) Unified services means the armed 
forces of the commissioned corps of the Public 
Health Service, and the commissioned 
corps of the National Oceanic and Atmospheric 
Administration.

(t) VEOA means the Veterans Employment 
Stat. 3182).

(u) Veterans means persons as defined in 5 
U.S.C. §2121(1), or any superseding legisla-
tion.

SEC. 1.105. ADOPTION OF REGULATIONS. 

(a) Adoption of regulations. Section 
4(c)(4)(A) of the VEOA generally authorizes the 
Board to promulgate regulations to implement 
section 4(c). In addition, section 4(c)(4)(B) of the 
VEOA directs the Board to promulgate 
regulations that are “the same as the most 
relevant substantive regulations (applicable with 
respect to the Executive branch) pro-
mulgated to implement the statutory provi-
sions referred to in paragraph (2) of section 
4(c) of the VEOA. Those statutory provisions 
are section 2108, sections 3309 through 3312, 
and subchapter I of chapter 35, of title 5, 
United States Code. Regulations promulgated 
by the Board herein are on all matters for 
which section 4(c)(4)(B) of the VEOA requires a 
regulation to be issued. Specifically, it is 
the Board’s responsibility to promulgate the 
information available to it at the time of 
promulgation of these regulations, that, 
with the exception of the regulations adopt-
ed any substantive regulations (applicable with 
respect to the Executive branch) promulgated 
to implement the statutory provisions re-
ferred to in paragraph (2) of section 4(c) 
of the VEOA that need be adopted. 

(b) Modification of substantive regula-
tions. As a qualification to the statutory ob-
ligation to issue regulations that are “the 
same as the most substantive regulations 
(applicable with respect to the Executive branch)” section 4(c)(4)(B) of the VEOA au-
thorizes the Board to promulgate for good 
cause shown and stated together with the 
regulation, that a modification of such regu-
lations would be more effective for the im-
plementation of the rights and protections 
under” section 4(c) of the VEOA.

(c) Rationale for Departure from the Most 
Recent Executive Branch Regulations. The 
Board promulgates regulations governing the 
Executive branch. OPM’s regulations are designed for the com-
petitive service (defined in 5 U.S.C. 
§3102(a)(2)), which does not exist in the em-
ploying offices subject to this regulation. 
Therefore, to follow the OPM regulations would create detailed and complex rules and 
procedures for a workforce that does not 
exist in the Legislative branch, while pro-
viding no VEOA protections to the covered 
Legislative branch employees. We have 
chosen to promulgate regulations rather than simply to adopt those promul-
gated by OPM, so that we may effectuate 
Congress’ intent in extending the principles of the veterans’ preference to the 
Legislative branch through the VEOA.

SEC. 1.104. COORDINATION WITH SECTION 225 OF 
THE CONGRESSIONAL ACCOUNT-
ABILITY ACT. 

Statutory directive. Section 4(c)(4)(C) of the 
VEOA requires that promulgated regula-
tions must be consistent with section 225 of 
the Congressional Accountability Act of 
2007. The statutory provisions of section 
225 are subsection (f)(1), which pre-
scribes as a rule of construction that defini-
tions and exemptions in the laws made appli-
cable to VA under the CAA, and 
subsection (f)(3), which states that the 
CAA shall not be considered to authorize en-
forcement of the CAA by the Executive 
branch.

SUBPART B—VETERANS’ PREFERENCE— 
GENERAL PROVISIONS

Sec. 1.105 Responsibility for administration of 
benefits. 

1.106 Procedures for bringing claims under 
the VEOA.

SEC. 1.106. PROCEDURES FOR BRINGING CLAIMS 
UNDER THE VEOA. 

Applicants for appointment to a covered 
position and covered employees may contest 
adverse veterans’ preference determinations, 
and any determined preference eligible 
applicant is a qualified applicant, pursuant to sections 401–416 of the CAA, 2 U.S.C. §§1401–1416, and provisions of 5 U.S.C. §5107(a)(1)–(3), and provisions of 
5 U.S.C. §1410l, 1316a(a)(3); and the Office’s Proce-
dural Rules.
points to the earned ratings of those preference eligible applicants who receive passing scores in an entrance examination, in a manner that is proportionately comparable to the points prescribed in 5 U.S.C. § 3309. For example, five preference points shall be granted to preference eligible applicants in a 100-point system, one point shall be granted in a 20-point system, and so on.

(b) In all other situations involving appointment to a covered position, employing offices shall determine preference eligibility as an affirmative factor in the employing office's determination of who will be appointed from among qualified applicants.

SEC. 1.109. CREDITING EXPERIENCE IN APPOINTMENTS TO COVERED POSITIONS.

When considering applicants for covered positions in which experience is an element of qualification, the employing office shall waive preference eligible applicants with credit:

(a) for time spent in the military service of the United States, in the Reserve or National Guard of a State if the time was not more than 30 days during a period of active duty for training or during a period of active duty for military training; or

(b) for all other experience material to the position if the applicant is a disabled veteran as described in 5 U.S.C. § 1302(a)(3).

When an appointment to a particular competitive area may, by providing written notice to the notification. The director of the employing office, within 15 days of the date of notification and of the right to respond and to submit additional information to the employing office, within 15 days of the date of notification. The director of the employing office may, by providing written notice to the preference eligible applicant, shorten the period for submitting a response with respect to the waiver of physical requirements to a particular position, if necessary because of a need to fill the covered position immediately. Should the preference eligible applicant make an application, the highest-rated individual or group of individuals with authority to make employment decisions on behalf of the employing office shall render a final determination of the physical ability of the preference eligible applicant to perform the duties of the position, taking into account the guidance provided by the preference eligible applicant. When the employing office has completed its review of the proposed decision, if the position is one on the basis of physical disabil

SEC. 1.110. WAIVER OF PHYSICAL REQUIREMENTS IN APPOINTMENTS TO COVERED POSITIONS.

(a) Subject to (c) below, in determining qualifications of a preference eligible applicant, an employing office shall waive:

(1) with respect to a preference eligible applicant, requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position;

(2) with respect to a preference eligible applicant to whom it has made a conditional offer of employment, physical requirements if, in the opinion of the employing office, on the basis of all information available, including recommendation of an accredited physician submitted by the preference eligible applicant, the preference eligible applicant is physically able to perform efficiently the duties of the position;

(b) Subject to (c) below, if an employing office determines that a position for which it is accepting applications is to be performed on a temporary basis, including any position for which it is offering the position for which it is providing training, or for which it is providing an extension of time spent in the position.

(c) Position classifications or job classifications are determined by the employing office, and shall refer to all positions in the employing office, in which covered employees compete for retention. A competitive area must be defined solely in terms of the employing office's organizational structure, as determined by the employing office, in which covered employees compete for retention. A position must include all employees within the competitive area so defined. A competitive area may consist of all or part of an employing office. The minimum competitive area is a department or subdivision of the employing office within the local commuting area.

(d) Preference Eligibles. For the purpose of applying veterans' preference in reductions in force, except with respect to the applica

(e) Reduction in force is any term of layoff or service of a covered employee that is required to be considered for reorganization, or the need to make room for an employee with reemployment or restoration rights. The term "reduction in force" does not encompass a termination or other personnel action: (1) predicated upon performance, conduct or other grounds attributable to an employee who is employed by the employing office on a temporary basis, or (3) attributable to a change in the number of employees in the majority status party within the House of Representatives where the employee is employed.

(f) Undue interruption is a degree of interm

Prior to carrying out a reduction in force that will affect covered employees, employing offices shall determine which covered employees within a particular group of competing covered employees are entitled to veterans' preference eligibility status in accordance with these regulations. In determining which covered employees will be retained, employing offices will treat veterans' preference as the controlling factor in retention decisions among such competing covered employees, regardless of length of service or performance, provided that the preference eligible employee's performance has been determined to be unacceptable. Provided, a preference eligible employee who is a "disabled veteran" under section 1.102(h) above who has a compensable service-connected disability of 30 percent or more and whose performance has not been determined to be unacceptable by an employing office is not granted to preference eligible applicants in a 100-point system, one point shall be granted in a 20-point system, and so on.

(b) In all other situations involving appointment to a covered position, employing offices shall determine preference eligibility as an affirmative factor in the employing office's determination of who will be appointed from among qualified applicants.

SEC. 1.109. CREDITING EXPERIENCE IN APPOINTMENTS TO COVERED POSITIONS.

When considering applicants for covered positions in which experience is an element of qualification, the employing office shall waive preference eligible applicants with credit:

(a) for time spent in the military service of the United States, in the Reserve or National Guard of a State if the time was not more than 30 days during a period of active duty for training or during a period of active duty for military training; or

(b) for all other experience material to the position if the applicant is a disabled veteran as described in 5 U.S.C. § 1302(a)(3).

When an appointment to a particular competitive area may, by providing written notice to the notification. The director of the employing office, within 15 days of the date of notification and of the right to respond and to submit additional information to the employing office, within 15 days of the date of notification. The director of the employing office may, by providing written notice to the preference eligible applicant, shorten the period for submitting a response with respect to the waiver of physical requirements to a particular position, if necessary because of a need to fill the covered position immediately. Should the preference eligible applicant make an application, the highest-rated individual or group of individuals with authority to make employment decisions on behalf of the employing office shall render a final determination of the physical ability of the preference eligible applicant to perform the duties of the position, taking into account the guidance provided by the preference eligible applicant. When the employing office has completed its review of the proposed decision, if the position is one on the basis of physical disabil

SEC. 1.110. WAIVER OF PHYSICAL REQUIREMENTS IN APPOINTMENTS TO COVERED POSITIONS.

(a) Subject to (c) below, in determining qualifications of a preference eligible applicant, an employing office shall waive:

(1) with respect to a preference eligible applicant, requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position;

(2) with respect to a preference eligible applicant to whom it has made a conditional offer of employment, physical requirements if, in the opinion of the employing office, on the basis of all information available, including recommendation of an accredited physician submitted by the preference eligible applicant, the preference eligible applicant is physically able to perform efficiently the duties of the position;

(b) Subject to (c) below, if an employing office determines that a position for which it is accepting applications is to be performed on a temporary basis, including any position for which it is offering the position for which it is providing training, or for which it is providing an extension of time spent in the position.

(c) Position classifications or job classifications are determined by the employing office, and shall refer to all positions in the employing office, in which covered employees compete for retention. A competitive area must be defined solely in terms of the employing office's organizational structure, as determined by the employing office, in which covered employees compete for retention. A position must include all employees within the competitive area so defined. A competitive area may consist of all or part of an employing office. The minimum competitive area is a department or subdivision of the employing office within the local commuting area.

(d) Preference Eligibles. For the purpose of applying veterans' preference in reductions in force, except with respect to the applica

(e) Reduction in force is any term of layoff or service of a covered employee that is required to be considered for reorganization, or the need to make room for an employee with reemployment or restoration rights. The term "reduction in force" does not encompass a termination or other personnel action: (1) predicated upon performance, conduct or other grounds attributable to an employee who is employed by the employing office on a temporary basis, or (3) attributable to a change in the number of employees in the majority status party within the House of Representatives where the employee is employed.

(f) Undue interruption is a degree of interm
entitled to be retained in preference to other preference eligible employees. Provided, this section does not relieve an employing office of any greater obligation it may be subject to pursuant to the Worker Adjustment and Retraining Notification Act (29 U.S.C. §2101 et seq.) as applied by section 102(a)(9) of the CAA, 2 U.S.C. §1302(a)(8).

SEC. 1.115. TRANSFER OF FUNCTIONS.

(a) When a function is transferred from one employing office to another employing office, each covered employee in the affected position classifications or job classifications in the function that is to be transferred shall be transferred to the receiving employing office for employment in a covered position for which he/she is qualified before the receiving employing office may make an appointment from another source to that position.

(b) When one employing office is replaced by another employing office, each covered employee in the affected position classifications or job classifications in the function to be transferred shall be transferred to the replacing employing office for employment in a covered position for which he/she is qualified before the replacing employing office may make an appointment from another source to that position.

SUBPART E—ADOPTION OF VETERANS’ PREFERENCE POLICIES, RECORDKEEPING & INFORMATIONAL REQUIREMENTS.

Sec.

1.116. Adoption of veterans’ preference policies.

1.117. Preservation of records made or kept.

1.118. Dissemination of veterans’ preference policies to applicants for covered positions.

1.119. Information regarding veterans’ preference determinations in appointments.

1.120. Dissemination of veterans’ preference policies to covered employees.

1.121. Written notice prior to a reduction in force.

SEC. 1.116. ADOPTION OF VETERANS’ PREFERENCE POLICY.

No later than 120 calendar days following Congressional approval of this regulation, each employing office shall adopt or make available to the covered employee’s retention status in a reduction in force:

(1) a VEOA definition of veterans’ "preference eligibility" as described in 5 U.S.C. §2108(c) and has a compensable service-connected disability of 30 percent or more who is not able to fulfill the physical requirements of the position to which he or she is notified of the charge or the action means the date from which the aggrieved person may file a complaint with the Office or in U.S. District Court. If an aggrieved person is brought against an employing office by the aggrieved person, the date on which such complaint is filed.

1.118. Dissemination of veterans’ preference policies to applicants for covered positions.

(b) When one employing office is replaced by another employing office, each covered employee in the affected position classifications or job classifications in the function to be transferred shall be transferred to the replacing employing office for employment in a covered position for which he/she is qualified before the replacing employing office may make an appointment from another source to that position.

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1.120. Dissemination of veterans’ preference policies to covered employees.

1.121. Written notice prior to a reduction in force.

SEC. 1.117. PRESERVATION OF RECORDS MADE OR KEPT.

1.118. Dissemination of veterans’ preference policies to applicants for covered positions.

(a) An employing office shall state in any announcements or advertisements it makes concerning vacancies in covered positions that the staffing action is governed by the VEOA.

(b) An employing office shall invite applicants for a covered position to identify themselves as veterans eligible applicants, provided that in doing so:

(1) the employing office shall state clearly on any written application or questionnaire used for this purpose or make clear orally, if a written application or questionnaire is not used, that the requested information is intended for use solely in connection with the employing office’s obligations and efforts to provide veterans’ preference to preference eligible applicants in accordance with the VEOA.

(2) the employing office shall state clearly that disabled veteran status is requested on a voluntary basis, that it will be kept confidential in accordance with the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3), that refusal to provide it will not subject the individual to any adverse treatment except the possibility of an adverse determination regarding the individual’s status as a preference eligible applicant as a disabled veteran under the VEOA, and that any information obtained in accordance with this section concerning the medical condition or history of an individual will be maintained in accordance with the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3).

(3) the employing office shall state clearly that applicants may request information about the employing office’s veterans’ preference policies as applicable to covered appointments to covered positions, and shall describe the employing office’s procedures for making such requests.

(c) Upon written request by an applicant for a covered position, an employing office shall provide the following information in writing:

(1) the VEOA definition of veterans’ "preference eligible" as set forth in 5 U.S.C. §2108(b)
or any superseding legislation, providing the actual, current definition in a manner designed to be understood by applicants, along with the statutory citation;

(2) employing office’s veterans’ preference policy or a summary description of the employing office’s veterans’ preference policy as it relates to appointments to covered positions; and

(b) the procedures the employing office shall use to identify preference eligible employees;

(3) the employing office may provide other information its guidance regarding its veterans’ preference policies and practices, but is not required to do so by these regulations.

(d) Employment offices are also expected to answer questions from covered employees, including the procedures the employing office shall use to identify preference eligible employees;

(e) the employing office may provide other information its guidance regarding its veterans’ preference policies and practices, but is not required to do so by these regulations.

(f) Employment offices are also expected to answer questions from covered employees, including the procedures the employing office shall use to identify preference eligible employees;

(g) the employing office may provide other information its guidance regarding its veterans’ preference policies and practices, but is not required to do so by these regulations.

(h) Employment offices are also expected to answer questions from covered employees, including the procedures the employing office shall use to identify preference eligible employees;

(i) the employing office may provide other information its guidance regarding its veterans’ preference policies and practices, but is not required to do so by these regulations.

SEC. 1.120. DISSEMINATION OF VETERANS’ PREFERENCE DETERMINATIONS IN APPOINTMENTS.

Upon written request by an applicant for a covered position, the employing office shall promptly provide a written explanation of the manner in which veterans’ preference was applied in the employing office’s appointment decision regarding that applicant. Such explanation shall include at a minimum:

(a) the employment office’s veterans’ preference policy or a summary description of the employment office’s veterans’ preference policy as it relates to appointments to covered positions; and

(b) a statement as to whether the applicant is preference eligible and, if not, a brief statement of the reasons for the employment office’s determination that the applicant is not preference eligible.

SEC. 1.120. DISSEMINATION OF VETERANS’ PREFERENCE DETERMINATIONS IN APPOINTMENTS.

(a) If an employing office that employs one or more covered employees provides any written guidance to employees concerning employee rights generally or reductions in force more specifically, such as in a written employee policy, manual or handbook, such guidance must include information concerning veterans’ preference under the VEOA, as set forth in subsection (b) of this regulation.

(b) Written guidelines described in subsection (a) above shall include, at a minimum:

(1) the VEOA definition of veterans’ preference eligible as set forth in 5 U.S.C. § 2108 (a) or any superseding legislation, providing the actual, current definition along with the statutory citation;

(2) the employing office’s veterans’ preference policy or a summary description of the employing office’s veterans’ preference policy as it relates to reductions in force, including the procedures the employing office shall use to identify preference eligible employees;

(3) the employing office may provide other information in its guidelines regarding its veterans’ preference policies and practices, but is not required to do so by these regulations.

(c) Employing offices are also expected to answer questions from covered employees that are relevant and non-confidential concerning the employing office’s veterans’ preference policies and practices.

SEC. 1.121. WRITTEN NOTICE PRIOR TO A REDUCTION IN FORCE.

(a) Except as provided under subsection (c), a covered employee may not be released due to a reduction in force, unless the covered employee and the covered employee’s exclusive representative have been notified of the collective-bargaining purposes (if any) are written notice, in accordance with the requirements of paragraph (b), at least 60 days before the covered employee is so released.

(b) Any notice under paragraph (a) shall include:

(1) the personnel action to be taken with respect to the covered employee involved;

(2) the effective date of the action;

(3) a description of the procedures applicable to identifying employees for release;

(4) the covered employee’s competitive area;

(5) the covered employee’s eligibility for veterans’ preference in retention and how that preference eligibility was determined;

(6) the retention status and preference eligibility of the other employees in the affected competitive area, if any will be retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible;

(7) a description of any appeal or other rights which may be available.

(c) The director of the employing office may, in writing, reduce the period of advance notice required under subsection (a), with respect to a particular reduction in force, if necessary because of circumstances not reasonably foreseeable.

(d) No notice period may be shortened to less than 30 days under this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

M. FALEOMAVAEGA. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on Senate Concurrent Resolution 77.

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

There was no objection.

M. FALEOMAVAEGA. I yield myself such time as I may consume.

Mr. Speaker, agreeing to Senate Concurrent Resolution 77 will complete the legislative branch coverage under the VEOA. The Senate has already covered itself. Thus, qualified veterans who apply for covered positions within the legislative branch will be given preference rights among job applicants and remedies to enforce those rights.

This initiative has bipartisan and bicameral support.

I reserve the balance of my time.

M. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

M. Speaker, I rise today in support of Senate Concurrent Resolution 77 which does approve the final regulations implementing the Veterans Employment Opportunities Act of 1998. Almost identical to the legislation we just passed, this bill would extend the regulations to offices that serve both the House and the Senate.

These regulations are long overdue. I thank the chairman and his staff for their diligent work in bringing them forward. I thank the gentleman from American Samoa for bringing this to the floor.

I urge my colleagues to support our veterans by passing Senate Concurrent Resolution 77.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 77.

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

A motion to reconsider was laid on the table.

AUTHORIZING STATUES IN CAPITOL FOR DISTRICT OF COLUMBIA AND TERRITORIES

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5493) to provide for the furnishing of statues by the District of Columbia for display in Statuary Hall in the United States Capital, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5493

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

SECTION 1. FURNISHING OF STATUES FOR STATUTORY HALL BY DISTRICT OF COLUMBIA AND TERRITORIES AND POSSESSIONS.

(a) In General.—The President is authorized to invite each jurisdiction described in section 3 to provide and furnish a statue, in marble or bronze, of a deceased person who has been a member of the jurisdiction, and illustrious for his or her historic renown or for distinguished civic or military services, such as the jurisdiction may deem to be worthy of this national commemoration; and when so furnished, the same shall be placed in Statuary Hall in the United States Capitol.

(b) Limitation.—No statue of any individual may be placed in Statuary Hall pursuant to this Act until after the expiration of the 10-year period which begins on the date of the individual’s death.

SEC. 2. REPLACEMENT OF STATUES.

(a) Request by Jurisdiction.

(A) The request has been approved by a resolution adopted by the legislature of the jurisdiction (or its equivalent) and the request
I rise in strong support of H.R. 5493, as amended, which will invite each of the territories, and especially including the District of Columbia, to provide a statue to be placed with other such statues from the 50 States that are now all over the U.S. Capitol.

First of all, I want to thank the chairman of the Committee on House Administration, the gentleman from Pennsylvania, my good friend, Mr. BRADY, for his support and leadership in bringing this legislation, and also, my good friend from California (Mr. LUNGREN) and Ms. ELEANOR NORTON, for their support and leadership for this bill. With the help of Chairman BRADY and his staff, H.R. 5493 now includes language making it favorable to have this bill brought now before the floor for consideration as it was approved by the committee.

I want to especially thank my good friend and colleague, the distinguished lady from the District of Columbia, Ms. ELEANOR NORTON, for her willingness to work with us on this important bill. And I want to acknowledge the joint efforts that we have made in advocating the importance of this bill for the Congress and learning more about the individuals that each such entity chooses to honor.

Mr. Speaker, I am particularly grateful this evening to Chairman BRADY for working so closely with me on the bill for statues for the District of Columbia, a bill I have introduced for years but that did not move until Mr. BRADY became chair.

However, Ranking Member DAN LUNGREN deserves special thanks for today's bill. When he said he could not support my bill for two statues for the District, he didn't say "no" to everything. He introduced his own bill for one statue for the District and one for each of the territories. The bill before the House this evening is essentially that bill, the Lungren bill.

This bill permits the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands to each display one statue here in the U.S. Capitol.

Mr. Speaker, the District of Columbia and these territories of the United States are important pieces of the larger mosaic that make up our national identity, and I support their right to honor a noteworthy figure of their communities. Statues are funded by the local individual territories. Therefore, this legislation is unusual; it's budget-neutral. In the coming years, I look forward to welcoming these statues to the Congress and learning more about the individuals that each such entity chooses to honor.

So I would urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I gladly yield all of my time to my good friend, the distinguished Delegate from the District of Columbia, Ms. ELEANOR HOLMES NORTON.

Ms. NORTON. I thank my good friend from American Samoa, with whom I work so closely and so often.

Mr. Speaker, I am particularly grateful this evening to Chairman BRADY for working so closely with me on the bill for statues for the District of Columbia, a bill I have introduced for years but that did not move until Mr. BRADY became chair.

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downstairs in this House to watch visitors from their own congressional districts as they view their statues to see the power of the patriotism and pride the statues inspire in their own constituents.

The Lungren bill creates a dilemma for the District of Columbia, however. So great was the desire for the statues generated by my bill that when citizens were asked to indicate who they wanted to represent the city in Statuary Hall, the citizenry who were great Americans had their statues designed and actually built and placed in the District's city hall until such time as this bill, or my original bill, passed the House. And if this bill passes, for now, they will have to decide which one of two great men will represent the city. This will be difficult because it speaks volumes about who we are in the District, that the two men chosen were not only long-time distinguished District of Columbia residents but also are great Americans apart from their District identity.

Frederick Douglass, born a slave, who became the greatest human rights leader of his time but also was U.S. Marshal for the District of Columbia. And District of Columbia recorders of deeds. And, of course, resident of Southeast Washington, whose majestic home is now a National Park Service site with thousands of visitors who come each year. And Pierre L'Enfant, the great patriot of the American Revolutionary War, later appointed by George Washington to design the Nation's Capital.

We have decided it is better to have to decide which one of two great residents of the District of Columbia will represent our city for now than to have no choice at all. I ask this House to support this bill. And again, I thank Mr. LUNGREN for his compromise in introducing it.

Mr. DANIEL E. LUNGREN of California. I yield myself as much time as I may consume. I thank the gentlelady for those nice comments. I understand the importance of having a statue that reflects the people of the District of Columbia and the territories. I remember the pride that we had, as Californians, when we brought the statue of Ronald Reagan here just about a year and a half ago. That is a great example of someone who was not born in California but someone who rose to great prominence in California and someone who loved our State.

So I appreciate very, very much, and I love this spirit of bipartisanship that the city has shown to choose Mr. L'Enfant, who, of course, was a historic figure before we had the Democratic or Republican Parties, and Frederick Douglass, a prominent Republican and a great American.

So I thank you for that great choice. And I know who I'd vote for, but you have a choice of two great Americans representing the District of Columbia. I would urge my colleagues to support this resolution.

I yield back the balance of my time. Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

I want to echo the sentiments expressed earlier by my colleague from the District of Columbia, again, commending and thanking our good friend Chairman Brady and his leadership in bringing this piece of legislation to the floor, and also Chairwoman FaLange and all his efforts and the members of his staff for their hard work in bringing this bill.

Mr. HOYER. Mr. Speaker, the U.S. Capitol features statues from every State in our union—statues that honor some of the most memorable and influential people in America's history. The people of the District of Columbia are part of our union, as well. They pay federal taxes, vote in presidential elections, and share citizenship with us.

But when it comes to seeing the District's most notable citizens honored here in the Capitol, in their own city, the people of Washington, DC have again been left out. That needs to change.

This bill would give the people of the District of Columbia—along with the people of the territories of Puerto Rico, the U.S. Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands—another statue in the Capitol.

I believe, in fact, that the District of Columbia deserves two statues, just like any State; but failing that, I believe that some recognition is better than none.

The people of the District of Columbia have made remarkable contributions to America's history, its culture, and its ongoing work to reassure equal rights to all—and it's time that those contributions are recognized here in the heart of our democracy.

I urge my colleagues to support this bill. Ms. BORDALLO. Mr. Speaker, I rise today in strong support of the bill in the nature of a substitute to H.R. 5493, a bill to provide for the furnishing of a statue by each of the U.S. Territories and the District of Columbia for display in Statuary Hall in the United States Capitol. I would like to thank my colleagues Congresswoman ELEANOR HOLMES NORTON of Washington, DC, and Congressman ENI FALEOMAVAEGA of American Samoa for their work on this legislation. I would also like to thank Congressman ROBERT BRADY, Chairman of the Committee on House Administration and Congressman DANIEL LUNGREN, Ranking Member of the Committee on House Administration for working with the Delegates from the territories and agreeing to amend the bill with a substitute language that authorizes one statue for each of the U.S. territories.

For Americans across the country, one of the key highlights of a visit to the U.S. Capitol is locating and observing the statues representing their home states. It is an opportunity to see the local history is represented and valued in our Nation's Capitol, and a chance to share that history with others from around the country. However, visitors from America's five territories and the District of Columbia are disappointed to find that they have no representation in this time-honored tradition.

H.R. 5493, as amended, would remedy this situation by permitting each of the U.S. territories and the District of Columbia to house one memorial statue in the U.S. Capitol Building. These statues would be placed among the existing 100 state statues and would show the historical ties the U.S. territories and states have shared. Like the 50 states, each territory and the District of Columbia would have its own dedicated space in Statuary Hall.

I yield back the balance of my time.
HONORING NORMAN YOSHIO MINETA

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1377) honoring the accomplishments of Norman Yoshio Mineta, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1377

Whereas, in 1931, Norman Yoshio Mineta was born in San Jose, California, to Japanese immigrant parents, Kunisaku and Kane Mineta;

Whereas, in 1942, during World War II, when President Franklin Delano Roosevelt signed Executive Order 9066, branding individuals of Japanese descent as “enemy aliens” solely on the basis of their ancestry and authorizing the relocation and incarceration of 120,000 individuals of Japanese descent, Norman Yoshio Mineta and his family were forced to leave their home and live in the Santa Anita racetrack paddocks for 3 months before they were sent to their permanent assignment for the following years, the Heart Mountain internment camp near Cody, Wyoming;

Whereas, in 1953, upon graduation from the University of California Berkeley’s School of Business Administration, Norman Yoshio Mineta joined the United States Army and served as an intelligence officer in Japan and Korea;

Whereas, in 1967, Norman Yoshio Mineta was appointed to a vacant seat on San Jose’s city council, making him the first minority and first Asian American city council member in San Jose, and he was subsequently elected to that seat;

Whereas, in 1971, Norman Yoshio Mineta was elected mayor of San Jose, making him the first Asian American mayor of any city in the United States, and during his tenure he provided leadership for all communities of San Jose, including minority communities, strengthening community relations between racial and ethnic minorities and the city, including the San Jose Police Department;

Whereas, from 1975 to 1995, Norman Yoshio Mineta was elected to the House of Representatives to represent California’s 15th District in the heart of Silicon Valley, serving as chairman of the Committee on Public Works and Transportation of the House of Representatives, the Committee’s Aviation Subcommittee, and the Committee’s Surface Transportation Subcommittee, where he was a key leader in promoting Intermodal Surface Transportation Efficiency Act of 1991, taking politics out of funding for transportation and infrastructure by creating a new collaborative approach to planning;

Whereas Silicon Valley is the home of the Norman Y. Mineta San Jose International Airport;

Whereas, in 1977, Norman Yoshio Mineta, along with Frank Horton, then a Republican Member of Congress from New York, introduced into Congress a resolution that established the first 10 days of May, the month when the first Japanese immigrants arrived in the United States in 1843 and when California established the transcontinental railroad in 1869, as Asian Pacific American Heritage Week, which later was made into an annual event;

Whereas, in 1978, the entire month of May was proclaimed to be Asian Pacific American Heritage Month;

Whereas, in 1978, under the leadership of Norman Yoshio Mineta, Congress established the Commission on Wartime Relocation and Internment of Civilians and passed the most important reparations bill of our time, H.R. 442, the Civil Liberties Act of 1988, by which the United States Government officially apologized for sending families of Japanese descent to internment camps and redressed the injustices endured by Japanese-Americans during World War II, including paying available a total of $1,200,000,000, which included the creation of the Civil Liberties Public Education Fund to educate the public about lessons learned from the internment;

Whereas, in 1994, Norman Yoshio Mineta founded and chaired the bicameral and bipartisan Congressional Asian Pacific American Caucus (CAPAC), comprised of Members of Congress who have strong interests in promoting Asian American and Pacific Islander issues and advocating the concerns of Asian Americans and Pacific Islanders;

Whereas CAPAC continues to advance the full participation of the Asian American and Pacific Islander community in our democracy, particularly in the arena of public policy;

Whereas, in 2000, Norman Yoshio Mineta became the first Asian American to hold a post in a Presidential Cabinet as Secretary of Commerce under President William J. Clinton, and, in 2001, he became the first Asian American to serve as Secretary of Transportation under President George W. Bush, again displaying his honor and ability to serve his country in a bipartisan manner;

Whereas CAPAC has fostered, served as a board member of, or been a supporter of many community organizations critical to the infrastructure of the Asian American and Pacific Islander community, including the Japanese American Citizens League Norman Y. Mineta Fellowship Program, the Asian Pacific American Institute for Congressional Studies, the National Council for Asian Pacific Americans, the APIA Vote’s Norman Y. Mineta Leadership Institute, the Asian American Action Fund, the APIA Legislative Support Fund, the National Asian American海峡 Islander Congress, the Asian Pacific Islander Roundtable, Inc., and the Asian Pacific American Federal Credit Union;

Whereas, in 2007, Norman Yoshio Mineta received the Presidential Medal of Freedom, the highest civilian award in the United States, in recognition of his work as the: Grand Cordon, Order of the Rising Sun from the Japanese Government, which was the highest honor bestowed upon an individual of Japanese descent in Japan; and

Whereas after experiencing one of the worst examples of Government-sanctioned racial discrimination in our Nation’s history, Mr. Mineta dedicated the greater part of his working life to the service of his community and his country, and carried out his service with exemplary dignity and integrity; Now, therefore, be it

Resolved. That the House of Representatives:

(1) honors the accomplishments and legacy of a great American hero, Norman Yoshio Mineta, for his groundbreaking contributions to the Asian American and Pacific Islander community and to our Nation through his leadership in strengthening civil rights and liberty for all and for his dedication and service to the United States; and

(2) memorializes the sacrifices and suffering that many Asian Americans, Pacific Islanders, and others like Norman Yoshio Mineta endured so that we may unite with common principles of liberty, justice, and equality for all in the United States and the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

Mr. FALEOMAVAEGA. 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 material on the resolution now under consideration.

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

There was no objection.

Mr. FALEOMAVAEGA. Mr. Speaker, at this time I would like to yield all the time that he may want to consume to the distinguished author of this proposed resolution, the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Speaker, as the chair of the Congressional Asian Pacific American Caucus, I rise in support of House Resolution 1377 and to pay tribute to my dear friend and mentor, Norman Yoshio Mineta.

Throughout his career, Norm, a distinguished former Member of this House, has broken through many glass ceilings, not just for himself, but also for the rest of us.

Norm was the first Asian American mayor of a major city, the first Asian American to hold a Presidential Cabinet position, trusted by both Democratic and Republican administrations.

Norm has dedicated and continues to dedicate much of his energy toward the building of the infrastructure needed for Asian American and Pacific Islander communities to grow and thrive to what they are today.

When I think of Norm’s legacy in our community, Mr. Speaker, I am reminded of the poem, “Footprints in the Sand.” The poem’s last line reads: “During your times of trial and suffering, when you see only one set of footprints, it was then that I carried you.”

Norm was one of the first in our community to see a light at the end of our path, a path cleared by so many greats before him, and to lead us forward. As with many movements, at times we...
stumbled and wanted nothing more than to forget the past and bury our heads in shame. But Norm never let us stop from moving forward on our path to claim our rights as Americans. In good times, Norm marched beside us. When we faltered, Norm helped us find our footing, and, hence, deepened those footprints. These span from policy advocacy coalitions like the National Health Council of Asian Pacific Americans, to voter engagement organizations like APA Vote, to organizations and fellowship programs that develop the future leaders of our community, such as the Asian Pacific American Institute for Congressional Studies, to the National Japanese American Memorial Foundation to Asian American Citizens League, to establishing the Congressional Asian Pacific American Caucus, which I chair today.

Some of the national accomplishments, dear Mr. Speaker, are so connected to our communities. Mr. Speaker, it is easy to forget what a major player Norm has been on a national level.

During his 20 years in Congress, Norm rose to the chairmanship of the House Transportation Committee, where he authored the landmark Intermodal Surface Transportation Efficiency Act of 1991.

And Norm was instrumental in the passage of the Civil Liberties Act of 1988, which provided an official apology for the actions taken against Japanese Americans during World War II, people like Norm, and the late Congressman Bob Matsui, his wife, Deni, his two sons, David and John, and his granddaughter, Jessica.

In 1975, he was elected to the U.S. House of Representatives, representing the 15th District of California. He served in this House until 1995. In Congress, he chaired the Committee on Transportation and Infrastructure, as well as the former Committee on Public Works and Transportation, and was a key author of the landmark Intermodal Surface Transportation Efficiency Act of 1991. He also, as was suggested by the gentleman from California (Mr. Honda), despite this humiliation, Secretary Mineta persevered.

And so with that, Mr. Speaker, I yield back the balance of my time.

Mr. Speaker, I wish to also thank Chairman Brady and the House leadership for bringing this resolution to the floor.

And before I ask my colleagues to support this passage, and before I yield back the balance of my time, I just want to make it clear that this is not a memorial resolution. This is a resolution to recognize a man and his work while he’s still alive and appreciated. And I know that, quite frankly, he’s not prepared to accommodate a memorial.

And so with that, Mr. Speaker, I want to thank my colleagues, the leadership, for this opportunity to be able to recognize and honor an American first, a man who understands that ethnicity is important, nationality is important, but most of all, our allegiance to the Constitution is utmost. For that I thank you.
that commission. I remember with great pride that while the issue was somber and tragic, the pursuit of truth and justice was something we all shared, guided by the leadership of Mr. Norman Mineta.

In 2001, Secretary Mineta became the first Asian American to hold a post in a Presidential cabinet, as he served as Secretary of Commerce under President Clinton, and then, of course, in 2001 became the first Asian American to serve as our Secretary of Transportation.

He was awarded the Presidential Medal of Freedom in 2006, that of course the highest civilian award given in the United States, and granted the Grand Cross of the Order of the Rising Sun, the highest honor bestowed upon an individual of Japanese descent by the Japanese government.

Norm Mineta has lived a great life of service to support this country. This resolution appropriately honors his accomplishments, his legacy, and it also inspires and encourages us to reflect upon and remember the lessons of his distinguished life.

I must say it was a pleasure to serve in the House of Representatives during the 1980s with Norm Mineta. You may have differences of opinion with him, but he never allowed it to rise to a level of being disagreeable. He was someone that you could always speak with. And even though you may have different positions on issues on this floor, I don't think I ever heard a cross word come from Norm Mineta with respect to other Members in this House. I certainly thank Congressman Honda and Congresswoman Chu, both from the great State of California, for offering this resolution, and I am proud to be a cosponsor and urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. Faleomavaega. Mr. Speaker, there seems to be a California conspiracy here in considering this important legislation for our country. It was Secretary Mineta who signed the bill and the passage of the Japanese American reparations bill. Because of him, finally there was an apology and relief to the 120,000 Japanese Americans who lost everything while being interned during World War II just because of their ancestry.

And it was Secretary Mineta who co-founded and cochaired the Congressional Asian Pacific American Caucus. Today, our caucus is 11 members strong, providing a unified voice for issues unique to the Asian American community.

And that was all before he became Secretary. A decade ago, he was appointed by President Clinton as the U.S. Secretary of Commerce, making him the first Asian American to be a Cabinet member, and then he was appointed—the only Democratic Cabinet Secretary under President George Bush—to head the Department of Transportation. And, after 5 years in that position, he served as Transportation Secretary in the Department's history.

I can think of no one more deserving for this body to honor than Secretary Mineta. He is an inspiration to many, including me, and we owe a debt of gratitude for all that he has done to put Asian Americans on the map and to put America on the map. It is because of his leadership that America is a better and stronger Nation today.

I would like to express my gratitude to my colleagues and to the leadership of this Committee for including me in this resolution recognizing the accomplishments of Norm Mineta. It is because of Secretary Mineta, who introduced legislation when he was in Congress, that we designate May as Asian-Pacific American Heritage Month.

Mr. Frank. Mr. Speaker, I rose today to honor one of America's great pioneers. Secretary Norman Mineta is a role model for Americans of every color, background, and creed. His story is one of sacrifice, hardship, dedication, and triumph. His success in the face of adversity is not only important to Asian Americans, but to all Americans. Secretary Mineta was born to Japanese immigrant parents who came to America for a better life, even though they faced harsh conditions, particularly in the halls of Congress. After passage of the Exclusion Act, Japanese immigrants were prohibited from becoming citizens, forced to carry papers with them at all times, and often harassed and detained. If they couldn't produce the proper documents, authorities threw them into prison or even out of the country.

But it didn't end there. When Mineta was a young boy, he and his parents were rounded up, forced out of their home, and shipped off to live in the American concentration camp. They lived surrounded by barbed wire as the war dragged on.

For some, such treatment would make them abandon their country, but not Secretary Mineta. After graduating from business school at Cal Berkeley, he signed up and served the very Nation that imprisoned his family, and he served as an intelligence officer in Japan and Korea.

This dedication to service never left him, and when asked to join the San Jose City Council, he jumped at the chance. With this City Council seat, he became the first minority and first Asian American City Council member in San Jose. It wasn't long before he was elected the first Asian American mayor of a city, and thus began a long line of major accomplishments for a leader who was ahead of his time.

It is because of Secretary Mineta, who introduced legislation when he was in Congress, that we designate May as Asian-Pacific American Heritage Month. Because of that, today all Americans are reminded of the many contributions Asian Americans have made to this country. It was Secretary Mineta who signed the long push and final passage of the Japanese American reparations bill. Because of him, finally there was an apology and relief to the 120,000 Japanese Americans who lost everything while being interned during World War II just because of their ancestry.

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Mr. Coble. Mr. Speaker, I thank my friend from California for having yielded.

As has been mentioned, Mr. Speaker, the distinguished career of Mr. Mineta included service in the House of Representatives, where he represented his district in California. As further more has been noted, he was subsequently appointed as the U.S. Department of Transportation Secretary, having served as George W. Bush's DOT Secretary.

I met Norm Mineta initially in the well of the people's House. It involved one of the first bills that I managed on the floor. In fact, it was my first managed bill. Norm and I were on opposite sides of that bill, and Norm's side prevailed. Norm then came to me across the aisle and expressed his thanks for the manner in which I had managed the bill. I was a fledgling rookie, Mr. Speaker; Norm Mineta, a seasoned, highly-regarded Member of the United States House of Representatives. But this was vintage Mineta, always making others feel special, always elevating others.

Once he became the DOT Secretary, Norm learned that I had previously served in the United States Coast Guard. The Coast Guard at that time was a Department of Transportation service. Norm Mineta then began addressing me simply as 'Coasty.' To this day, I am known by Norm Mineta as 'Coasty.'

So, Norm, your old 'Coasty' pal is honored to have participated in this resolution recognizing the accomplishments of Norm Mineta. Best regards to you, Norm, and to your family.

Mr. Faleomavaega. Mr. Speaker, from California to Massachusetts, I gladly yield 3 minutes to my good friend, the gentleman from Massachusetts, Mr. Frank.

Mr. Frank. Mr. Speaker, I came to the floor to do a Special Order, which I will do subsequently, but I then saw that this was on the agenda and I was moved to speak.

I had the great honor of being the chairman of the Subcommittee on Administrative Law when the Japanese reparations and apology bill was passed. Norm Mineta and the late Bob Matsui approached me when I became chairman, this was several years after the report had come out, and we talked about it.

I had, in college, read the case, which appalled me, when the U.S. Supreme Court struck down Japanese American reparations and apology bill. For some, such treatment would make them abandon their country, but not Secretary Mineta. After graduating from business school at Cal Berkeley, he signed up and served the very Nation that imprisoned his family, and he served as an intelligence officer in Japan and Korea.

This dedication to service never left him, and when asked to join the San Jose City Council, he jumped at the chance. With this City Council seat, he became the first minority and first Asian American City Council member in San Jose. It wasn't long before he was elected the first Asian American mayor of a city, and thus began a long line of major accomplishments for a leader who was ahead of his time.

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Mr. Coble. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from North Carolina (Mr. Coble) to make sure this is not just an all-California event.
able to read on the floor of this House the words from that bill, “On behalf of the Nation, Congress apologizes.” I cannot think of a greater example of the true strength of this Nation than for us to have voted, Yes, we apologize. We did wrong. So I was very pleased to work with Norm Mineta.

But here is the point I wanted to add. I had been the chairman. It was my job to do this, and we got the bill through. Several years after that, at the Japanese American Citizens League, a group of people offered an amendment to support the right of gay men and lesbians, people like myself, to express their love for each other by marrying. That was early in the movement for this, and there was kind of a generational divide, I believe, about what should happen.

Norm Mineta, by then a senior Member of Congress, was involved. Now, he got involved voluntarily. Members here will understand. We have enough controversey on the floor. We don’t generally seek out controversies that don’t involve our formal duties. Indeed, we tend to duck them.

Norm Mineta intervened in that debate, not inappropriately, but in the form of an intervention, and said, in words that move me to this day, that a gay man, myself, had been the chairman of the committee that brought forward this bill, and after that, how could he and how could an organization in which he played a major role deny our basic rights?

Now, obviously that meant a great deal to me, but it meant something of universal appeal. Here was Norm Mineta, having worked hard and led us to deal with the grave injustice to which he had been subjected, making a point that I hope Members will understand: Injustice cannot be divided and fought against Americans, men, women, and children, when others are treated unfairly but turn their backs when others are treated the same.

The SPEAKER pro tempore. The gentleman from California has no other speakers, I yield back the balance of my time.

Mr. FALEOMAVAEGA. I yield the gentleman 1 additional minute.

Mr. FRANK of Massachusetts. Norm Mineta, in a very uncharacteristic act, not for Norm, who was a great, generous man, Norm Mineta, in an act uncharacteristic for a Member of Congress, did not fight for himself, but having fought for themselves, they should not stint from fighting for others.

As I look back at some point on my congressional career, having had the opportunity to work with Norm Mineta on that bill and having watched the way in which he dealt with it, the way in which he turned what could have been a source of anger into a lesson for all of us about the indivisibility of the fight for justice, will be one of the highlights of my career.

I thank all of those involved for bringing this forward.

Mr. DANIEL E. LUNGREN of California. If the gentleman from American Samoa, no, Norm Mineta, no, Norm Mineta, I yield back the balance of my time.

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

Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.

Mr. FALEOMAVAEGA. Mr. Speaker, not wanting to be repetitious, and I think all has been said by our previous speakers, I do want to thank the gentleman from California for his support for this legislation. Chairman BRADY as well and members of the House Administration Committee.

Mr. Speaker, I learned something that I don’t think was ever mentioned in my personal and close association and in my personal and close association with Norm Mineta and my colleague, the late Congressman Bob Matsui. The interesting thing about the history of these two distinguished gentlemen, Mr. Speaker, is that they were both incarcerated in these relocation camps that I call relocation camps, and when they were in their early years, 5, 6, 7 years of age.

One of the distinguished things that I always remember that Norm shared with us, the story about being in those relocation camps when they were in their youth, was the nature of how these machine guns were pointed inward into the compound. The interesting thing is they asked what is the purpose of having these machine guns now. Norman Mineta and I were being interned. They were told these were to protect them from outsiders who may come to do them harm. What is even more ironic about this is the fact that the machine guns were pointed inward into the compound, rather than having any sense of concern to worry about what may happen outside the compound.

Mr. Speaker, as a former member of the 100th Battalion, 442nd Infantry Group in the State of Hawaii, it has been my privilege to serve as a proud member of the 100th Battalion, 442nd Infantry.

Just to give you a little sense of history of what the legacy and what Norm Mineta represents as far as American history is concerned, despite all the height of racism and bigotry that was heaped against Americans who happened to be of Japanese ancestry—they were herded like cattle, over 100,000 American-born and children, put in several of these camps for fear that they might cause problems and whatever they felt was necessary—but despite all of that, despite all of that, some 10,000 Japanese American men volunteered to serve and fight our enemy during World War II, and as a result, the 100th Battalion, 442nd Infantry were organized. And get a load of this, Mr. Speaker, there were 18,000 in on the day that this legislation was passed on the House Floor. I mean, Purple Hearts, some 560 Silver Stars, 52 Distinguished Service Crosses, and only one Medal of Honor. Only one Medal of Honor, Mr. Speaker.

I am so happy that during the Clinton Administration this was corrected. When there was a review process, 19 additional Medals of Honor were awarded to these Japanese American soldiers who fought for our country in World War II, and it so happens that Senator INOUYE was one of those recipients of the Medal of Honor.

So I want to share that little bit of history with my colleagues. Norm Mineta is truly a giant of a man, and among the 15 million Asian Pacific Americans, we are so proud of what he has done, not only as a leader, but providing tremendous service to our Nation.

Injustice cannot be divided and fought against Americans, men, women, and children, when others are treated unfairly but turn their backs when others are treated the same.

As a pioneer, Mr. Mineta is a man of many “firsts.” He was the first Asian-Pacific American mayor of a major U.S. city, serving as mayor of San Jose from 1971–1975. He was also the first Asian American to hold a post in the presidential cabinet, appointed as Secretary of Commerce in 2000 by President Clinton. In 2001, Mineta was appointed to a cabinet post once again as Secretary of Transportation in the Bush Administration, also becoming the first Asian-Pacific American to hold the position, and the first Secretary of Transportation to have previously served in a cabinet position. At the end of his term in 2006, Mineta was the longest-serving Secretary of Transportation since the position’s inception in 1967.

Before his successes in the Clinton and Bush administrations, Mineta represented California’s Silicon Valley area in the U.S. House of Representatives for 20 years. During his years of outstanding leadership, Mineta also chaired the House Public Works and Transportation Committee from 1992 and 1994. Before becoming Committee Chair, he served as Chair for the Committee’s Aviation Subcommittee from 1981 to 1988, and its Surface
Transportation Subcommittee from 1989 to 1991. In my own life, Mr. Mineta has played an influential role, setting the path for future Asian-Pacific Americans who serve in this Chamber. In 1994, Mineta founded the Congressional Asian Pacific American Caucus (CAPAC) and served as its first Chair. Since inception, CAPAC has been a strong advocate for the Asian-Pacific American community on critical issues such as housing, healthcare, immigration, civil rights, economic development, and education, just to name a few. I am honored to serve with my friend and our fellow members in this body of advocates, continuing the groundbreaking path that Norman Mineta helped to pave for the Asian-Pacific American community.

Truly Norman Mineta’s service is remarkable. Yet what makes his story even more remarkable is his example of overcoming hardship while maintaining a heart of service. Born in San Joa to Japanese immigrant parents, a young Mineta, along with thousands of other Japanese immigrants and Japanese Americans, endured the attacks of his parents, a dark time in our Nation’s history when we dealt a difficult hand in being uprooted with his family and forced to live behind barbed wire. Yet what makes his story even more remarkable is the concept of gaman—to endure the seemingly impossible. Mr. Mineta’s father volunteered to teach Japanese to his Japanese immigrant parents who owned a successful insurance company. In 1942, following the attack on Pearl Harbor, Executive Order 9066 declared all persons of Japanese ancestry to be “enemy aliens,” and his family, along with many other Japanese-American families, was forced to relocate to an internment camp. Despite this treatment, Mr. Mineta was a trailblazer for bipartisanship at a time when the Nation was deeply divided. When the planes hit the Pentagon and Twin Towers on 9/11, Norm was the steady hand that the country needed to issue the unprecedented order to ground all civilian aircraft traffic.

As a public official who has served his country for more than 40 years, Norm has been an advocate of equal rights and opportunity for all Americans, has faced and overcome obstacles, and has been devoted to his wife Deni and their blended family.

Norm is a wonderful man and reflects the best in a public servant. As ZOE LOFGREN of California. Mr. Speaker, I rise today in support of H. Res. 1377, honoring the accomplishments of Norman Yoshio Mineta. Norm Mineta has had an extraordinary career as a public servant, making countless contributions both to our nation and to the city of San Jose, which I’ve had the pleasure of representing since 1995.

Norm Mineta was born in San Jose in 1931, to Japanese immigrant parents who owned a successful insurance company. In 1942, following the attack on Pearl Harbor, Executive Order 9066 declared all persons of Japanese ancestry to be “enemy aliens,” and his family, along with many other Japanese-American families, was forced to relocate to an internment camp. Despite this treatment, Mr. Mineta’s father volunteered to teach Japanese to American soldiers, and Mr. Mineta himself ultimately participated in the Reserve Officers Training Program while at the University of California at Berkeley, and after graduating in 1953, served as an Army intelligence officer in Japan and Korea. Following his military service, Mr. Mineta returned to San Jose to join his father at the Mineta Insurance Agency. He was active in the community, serving on the Santa Clara County of Churches, and the city’s Human Relations Commission. In 1967, he was appointed to fill a vacant City Council seat, which he was later elected to, and in 1971, he became the first Asian American mayor of a major U.S. city, when he was elected as mayor of San Jose. From 1975 to 1995, an important period of growth in Silicon Valley, Norm Mineta represented California’s 15th district in the U.S. House of Representatives. Over the course of his 18 years in Congress, his many accomplishments included co-founding the Congressional Asian Pacific American Caucus, securing a formal

Former Congressman Mineta addressed the injustices of being of Japanese ethnicity. But he has created a beautiful life full of accomplishment, the love of friends and family, and the knowledge that he has truly made a difference.

Ms. HARMAN. Mr. Speaker, I rise today to honor the many achievements, years of public service and the tremendous contributions to the Asian American and Pacific Islander community made by my friend and former colleague, Norman Mineta.

Norman’s remarkable life has taken him from a World War II Wyoming internment camp to the Halls of Congress and consecutive cabinet positions under two Presidents—one a Republican, the other Democrat.

He was still in Congress when I was first elected—and a mentor to California newbies like me. When he resigned in 1995 to join Lockheed Martin, he did a considerable amount of good in my district and our friendship grew.

In 2000, he was appointed by President Clinton as the Secretary of Commerce—the first Asian American to hold a Cabinet post. He then became the longest serving Secretary of Transportation in U.S. history, under President Bush.

As the lone Democrat in a Republican Cabinet, Norm was a trailblazer for bipartisanship at a time when the Nation was deeply divided.

Former Congressman Mineta reminded us that the Asian American and Pacific Islander community can produce a greater America. This is evidenced by his founding the Congressional Asian Pacific American Caucus (CAPAC) which continues to use collaborative efforts to promote ideals for the well-being of Asian American and Pacific Islanders, as well as all Americans.

The history of Asian Americans and Pacific Islanders will continue to shape our Nation as their contributions make America a greater nation. This American and Pacific Islander issues must continue to be a part of the great American debate.

Today, we honor Former Congressman Mineta for his accomplishments which have strengthened our entire nation. His legacy continues to remind us of truth, justice, and for all can indeed be a reality for all.

Ms. HIRONO. Mr. Speaker, I rise today in support of H. Res. 1377, which recognizes the accomplishments of a great American and a role model for the entire Asian American and Pacific Islander community—Norman Yoshio Mineta.

Secretary Mineta’s long list of accomplishments have and continue to be a source of great pride to the Asian American community. At a time when few Asian Americans or Pacific Islanders were visible in the public sector, Norm was elected to Congress and rose to become Chairman of the House Transportation and Infrastructure Committee, on which I currently serve. I am always happy to see his face among the many portraits of chairmen lining the walls of the committee room. He was so quick to serve on the issue under President Bill Clinton and Secretary of Transportation under President George W. Bush.

I especially remember Norm’s swearing in as Secretary of Commerce. I met Norm shortly after becoming Hawaii’s Lieutenant Governor. We quickly became friends. I was so thrilled when I learned of his appointment as Secretary of Commerce that I flew up to Washington on very short notice to attend his swearing-in ceremony.

In addition to his more publicly acknowledged accomplishments, Norm is well recognized as a champion for ensuring the full participation of Asian Americans and Pacific Islanders in American life. He is an acknowledged leader in attaining redress for Japanese Americans who were interned during World War II. As a child, his family was relocated to an internment camp so he understood well the injustice, hardship, and humiliation of this shameful episode impacted the Japanese American community. As a member of Congress, he established the Congressional Asian Pacific American Caucus (CAPAC), which remains active today.

We are all proud of Norm and thankful for all he did during his many years of public and private service. But I also want to say something about the man. He is a delight. Norm is a great storyteller; he has great comic timing and a wonderful sense of humor. I feel very lucky to call him friend.

Norman Mineta exemplifies the Japanese concept of gaman—to endure the seemingly unbearable with patience and dignity. He was dealt a difficult hand in being uprooted with his family and forced to live behind the barbed wire bars, yet he was able to be blessed by the sin of being of Japanese ethnicity. But he has created a beautiful life full of accomplishment, the love of friends and family, and the knowledge that he has truly made a difference.

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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.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following members will be recognized for 5 minutes each.

DEFICIT REDUCTION

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

Mr. FRANK of Massachusetts. Mr. Speaker, I have been troubled by what seems to me a mistaken focus in the debate about the deficit. As is well known, I do agree that it is important to reduce the deficit. Indeed, Mr. Speaker, I now believe that I am more focused on reducing the deficit than many of my colleagues, including on the other side of the aisle, who have with great alacrity put deficit reduction aside in favor of a fairly indiscriminate degree of tax reductions.

A couple of weeks ago, we were told that reducing the deficit was the number one priority, but reducing the taxes, particularly on the wealthiest in America, rapidly overtook deficit reduction. I hope we will get back to it. What troubles me is the extent to which people, mainly on the Republican side, but elsewhere as well, have said that what we need to do most to get the deficit down, as we should, is to reduce entitlements. That's a polite way of saying they want to cut Social Security and Medicare and Medicaid, even though Medicaid is not an entitlement. But those are the things that are on the agenda.

In fact, that is neither socially or economically the sensible way to begin with the short-term—near-term deficit reduction we need. We shouldn't say short-term. We do, I believe, need some stimulus. I'm glad we are extending unemployment compensation. I wish we were doing more to help cities and States keep people on the payroll. The private sector has added jobs in these past few months, but reducing the deficit has been held down because the public sector has been forced at the State and local level to fire people. But this focus on Medicare and Social Security is mistaken economically and politically.

Mr. Speaker, let me recall about 45 years ago, I took an economics course in graduate school from a young assistant professor named Henry Aaron. I was impressed with him then, and I've been impressed with him since. In the New York Times recently he had an article on health care he headlined: "All or Nothing Equals Nothing." in which he argued that the focus on reducing the deficit by 2020, which is the time we've set ourselves, which is very important, is an issue that should not encompass a focus on Social Security and Medicare.

He is not saying ignore Social Security and Medicare, only that a rational way to go after the deficit in the near term won't focus on them. And Social Security, as he points out, Social Security is not going to be contributing to the deficit at that point. Indeed, Social Security is an important economic stimulus because we are reducing the revenue that comes into Social Security for 2 years by reducing the payroll tax.

Now I think that's a useful stimulus, but I regret the fact that it was not accompanied by a binding piece of legislation that will return that money from elsewhere in the general fund so that we don't put Social Security further in the hole. But as Henry Aaron points out, yes, we should begin to look at Social Security and the problems of 30 years from now. My own view is that we delay that making the level of income on which the tax is levied, but there is no need to begin doing that right away.

I should have said this earlier, Mr. Speaker. Two of the greatest accomplishments of America in the 20th century, Social Security and Medicare, accomplished an important goal. They made it the case that poverty was no longer going to be the rule for many older people. Prior to Social Security and Medicare, many older people were quite poor. And I have people saying, Well, you don't want to give Warren Buffett $250, Mr. Buffett, to his credit, has objected to a $250,000 grant that he is being offered—more than that—in the tax reduction that is being offered—tax reduction from what current law would be.

But Henry Aaron makes the point that focusing on Social Security is taking up a very controversial issue way more time that it really. And as for Medicare, here is what he said, which is of great social and economic importance: "To slash Medicare and Medicaid spending before reforms to the health care system bear fruit would mean reneging on the Nation's commitment to standard health care for the elderly, the disabled, and the poor. The only realistic way to realize big savings in the two programs is to reform the entire health care delivery system in a way that will slow the growth of all health spending."

I am asking, Mr. Speaker, that Members read this. Henry Aaron is a great
The proposal would also raise by two- to three percent the rate at which Medicare and Medicaid (whose acceptance by Congress is not assured, to say the least) account for only 5 percent of the deficit reduction that could be achieved by 2020. To be sure, they promise to do considerably more in later years. But they are largely extraneous to the immediate goal of deficit reduction and debt-stabilization by 2020. The president’s debt-reduction commission advances even larger changes to Social Security—up to 41.5 percent—a longer list of near-term changes to Medicare and a blanket cap on the longer-term growth of overall health care spending. But approach is similar to that of the Bipartisan Policy Center: in that it relies primarily on cuts in other government spending and on tax increases to reduce the deficit.

Stabilizing the debt must begin as soon as economic recovery is well established and must be accomplished over the next decade in order to prevent the ratio of debt to G.D.P. from becoming totally out of control. Temporal deficit reduction is therefore urgent. Asking Congress simultaneously to reform three of the most important and complicated government programs is the solution of the more immediate problem. The Social Security challenge plays out over the next quarter-century. Early legislation to close the gap between revenues and spending is desirable, because changes will be less onerous if they are phased in. If President Obama believes that a commission could help to restore the balance in Social Security, he should appoint one now, but its work could not do much quickly to help reduce the deficit.

The fiscal challenge posed by Medicare and Medicaid is vastly larger and infinitely more difficult to meet than that posed by Social Security. Some modest savings in Medicare are manageable, along the lines suggested by both commissions, including increased premiums for upper-income beneficiaries and modest increases in Medicare deductibles. As for Medicaid, its benefits are already stringently limited in some states. In others, payments to providers are so low that doctors cannot keep patients alive and will drop out. To reduce Medicaid benefits now, just as the Affordable Care Act will be adding roughly 16 million new beneficiaries, would risk chaos.

To slash Medicare and Medicaid spending before reforms to the health care system bear fruit would mean reneging on the nation’s commitment to provide standard health care for the elderly, the disabled and the poor. The only realistic way to realize big savings in the two programs is to reform the entitlement system in a way that will slow the growth of all health spending. The Affordable Care Act is intended to initiate such systemic reforms. The best way to restrain growth in spending on Medicare and Medicaid is to put the provisions of that law into action, but this will take many years.

The job that should not be delayed, to stop excessive growth in the federal deficit, is challenging but doable: curb tax expenditures (including tax deductions, credits, exclusions and exemptions); end at least some of the tax cuts that were enacted under President George W. Bush; enact many of the cuts that were advocated by both budget commissions; limit, but not eviscerate, other discretionary spending; and gradually increase Medicare premiums for upper-income earners. Congress and President Obama should adopt a three-stage program: start deficit reduction as soon as recovery is securely under way, reform Social Security soon and respectively, carry out the Affordable Care Act so that the growth of Medicare and Medicaid can be slowed. Trying to do everything at once makes it difficult to do anything at all.

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.)

HONORING THE LIFE AND SERVICE OF PETTY OFFICER ZARIAN WOOD

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

Mr. OLSON. Mr. Speaker, I rise today to pay tribute to Petty Officer 3rd Class Zarian Wood of Houston, Texas. Zarian, known as “Z” to his friends, was killed on May 16, 2010, in a bomb blast during a foot patrol in Afghanistan. He was 29 years old.

After serving in combat in Iraq from 2007 to 2008, Zarian volunteered for a second combat tour. This tour sent him to an 8-month stint in Afghanistan, where he was assigned to India Company, 3rd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force.

Z was trained to be a hospital corpsman, the first out of the foxhole to rush to a wounded comrade. Well, in Afghanistan, he was known as “Doc,” serving on the front lines alongside Marine infantrymen from Camp Pendleton, California. The son of a graduate of South Houston High School, where he competed in track and cross-country, Z worked as a youth pastor and tutor for at-risk children on Houston’s northeast side and as a merchandiser for Coca-Cola before enlisting in the Navy in 2006.

Z was known for living life to the fullest. His life embodies the fabric of the exceptional men and women who comprise our U.S. military. He is the embodiment of the honorable, courageous, and patriotic young Americans we are privileged to have defending our country. His selfless heroism, both as a civilian and in the military, created a legacy of courage and patriotism that will not be forgotten by those who knew him.

The liberty we cherish in this Nation has come at a great cost. Zarian and his family have paid the ultimate price for our freedom—but it is not without the tremendous gratitude of this Nation, this Congress, and this Congressmen.

Mr. Speaker, America cannot repay the debt we owe to Zarian and his family. What can we do?
We can say thank you, thank you, thank you to Z for his selfless commitment to serve our Nation and thank you, thank you, thank you to his family for raising such a strong, wonderful and selfless Navy hero.

Zarian Wood is a true patriot, and a grateful Nation says: Semper Fi, fair winds and following seas.

Z, may you find eternal peace in God’s arms.

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

H.R. 2030, SENATOR PAUL SIMON WATER FOR THE WORLD ACT OF 2009  
Mr. CONYERS. Madam Speaker, I submit the following summary of the bill, H.R. 2030.

The Water for the World Act sets a benchmark of providing 100 million of the world’s poorest with first-time access to safe and sustainable drinking water and sanitation by 2015. To achieve this, the Act builds upon the success of the 2005 Water for the Poor Act by: Establishing a Senior Advisor for Water within USAID to implement country-specific water strategies; Creating a Special Coordinator for International Water within the State Department to coordinate the diplomatic policy of the U.S. with respect to global freshwater issues; Establishing programs in countries of greatest need that invest in local capacity, education, and coordination with US efforts; and Emphasizing cross-border and cross-discipline collaboration, as well as the utilization of low-cost technologies, such as hand washing stations and latrines.


IMPORTANT FACTS

The number of children who die every day from diarrheal diseases spread through poor sanitation and hygiene: 4,100.

Every day that Congress delays in addressing this problem, more children unnecessarily die. We have the moral obligation to get this legislation done.

The annual economic benefit to the African continent from time saved, increased productivity and reduced health costs if the Millennium Development Goals on water and sanitation are met by 2015: $22 billion.

The amount national governments in sub-Saharan Africa could save in annual public health expenditures if the Millennium Development Goals on water and sanitation are met by 2015: 12% (http://www.one.org/cus/postcampaign/2789/).

According to the World Health Organization, over 10% of the world’s disease are caused purely by unsanitary water supplies.

One billion people do not have access to clean drinking water, and in the past ten years, everyone who has gained access to clean water in developing countries has lived in China or India, nations that are already rapidly improving their public water and sanitation systems.

2.4 Million deaths are caused annually by poor water conditions (4.2% of all deaths), meaning over 65,000 people die everyday that this bill is not passed.

In developing nations, only 5% of rural populations have access to plumbing and over 1 billion people still do not have access to a bathroom, spreading disease and infections.

Sustainable progress is about much more than water, but never about less.

Water is medicine. Toilets are medicine. The best kind of medicine—the kind that prevents African children from getting sick in the first place. We have known how to provide this medicine—safe water, sanitation, and handwashing, for centuries.

As Martin Luther King, Jr. said: “We will not be satisfied until justice rolls down like waters and righteousness like a mighty stream.”

Supreme Court Justice Kennedy: “This is not my area, but there are 6 billion people on the planet and over 2 billion do not have adequate drinking water. How many hours—and you can’t call it man hours because it’s women’s work—how many hours a year are spent in sub-Saharan Africa bringing water to the family? Answer: 16 billion hours—with a “b”—and that is the lowest estimate. For some people that’s 6–8 hours a day to get water for their family. You take a photo in sub-Saharan Africa of the elegant, stately African woman with the long colored dress and the water jug on her head—that jug weighs more than the luggage allowance at the airport. The temptation of the rule of law is to say well, you have the Magna Carta, you wait 600 years, then you have revolution. What about Martin Luther King, Jr.’s ‘fierce urgency of now!’ These people cannot and will not wait and they should not.”

The water crisis is a global phenomenon. Around the world today, nearly 1 billion people lack access to clean, safe water. More than 2 billion people lack access to basic sanitation. Most of these people live on less than $2 a day.

In Haiti, there are no public sewage treatment or disposal systems. Even in the capital, Port-au-Prince, a city of 2 million people, the drainage canals are choked with garbage. It is no wonder that Haiti has the highest infant and child mortality rate in the Western Hemisphere. One-third of Haiti’s children do not live to see the age of 5. The leading killer? Water-borne diseases like hepatitis, typhoid, and diarrhoea.

In sub-Saharan Africa, a lack of access to clean water enslaves poor women. Women and girls are forced to walk two or three hours, or more, in each direction, every day, to collect water that is often dirty and unsafe. The U.N. estimates that these women spend a total of 40 billion working hours each year collecting water. That is equivalent to all of the hours worked in France in a year.

Water is even central to the fate of the Middle East. In his book, Paul Simon quoted former Israeli Prime Minister Yitzhak Rabin as saying, “If we solve every other problem in the Middle East but do not satisfactorily resolve the water problem, our region will explode. Peace will not be possible.”

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

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

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

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

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

(Mr. Burton of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. Kaptur) is recognized for 5 minutes.

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

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

(Mr. Flake 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 California (Ms. Woolsey) is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Lincoln Diaz-Balart) is recognized for 5 minutes.

(Mr. Lincoln Diaz-Balart of Florida 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 California (Mr. McClintock) is recognized for 5 minutes.
HONORING THE LIFE AND SERVICE OF AMERICA’S PEACEMAKER, AMBASSADOR RICHARD HOLBROOKE

The SPEAKER pro tempore (Mr. SCHAUER). Under the Speaker’s announced policy of January 6, 2009, the gentleman from Texas (Ms. JACKSON LEE) is recognized for 60 minutes as the designee of the majority leader.

Ms. JACKSON LEE of Texas. Thank you very much, Mr. Speaker.

I am saddened by the occasion on which I come to the floor of the House, but it is a privilege to be able to speak about one of the American people. For we do not capture the life and the legacy of great Americans. We find ourselves forgetting. Some would say, if we don’t remember the past, we are doomed to repeat some of those hills and valleys in the future. Tonight, I want to mention his name, Ambassador Richard Holbrooke, whom this Nation lost on Monday evening.

It is important that his story be told for I would like to know him and for this Nation to know him as America’s peacemaker, but many will say that peacemaker had a tough edge.

Before I start, I want to mention his family and express my sympathy to them for their loss—to his wife, his two sons, and his stepchildren—all who loved him so very, very much.

What I would say to you is that this was an action man. He was someone who threw himself into the world of diplomacy. Frankly, there was no challenge of peace too difficult for Ambassador Richard Holbrooke.

One newspaper, USA Today, calls Ambassador Holbrooke, “a larger-than-life figure who through his brilliance, determination and sheer force of will helped bend the curve of history in the direction of progress.”

For nearly 50 years, Richard served the country he loved with honor and distinction. He worked as a young foreign service officer during the Vietnam war, and then supported the Paris Peace Talks, which ended that war.

As a young assistant Secretary of State for East Asian and Pacific Affairs, he helped normalize relations with China. As U.S. ambassador to Germany, he helped Europe emerge from a long Cold War and encouraged NATO to welcome new members. The progress that we have made in Afghanistan and Pakistan is due in no small measure to Richard’s relentless focus on America’s national interests and pursuit of peace and security. He understood in his life, his work, and his interests that they encompass the values that we hold so dear, and as usual, amidst this extraordinary duty andONY, young people who will serve our country for decades to come. One of his friends and admirers once said that if you’re not on the team and you’re in the way, God help you. Like so many Presidents before me, I am grateful that Richard Holbrooke was on my team, as are the American people. President Barack Obama.

I remind you, like so many Presidents before me, I am grateful that he was on my team. The President understood the kind of strength that Ambassador Holbrooke had. This sounds just like him: If you’re not on the team and you’re in his way, God help you. But remember, he was doing it for the good of this Nation and for the good of the world.

Another comment on his great life: In a lifetime of passionate, brilliant service on the front lines of war and peace, freedom and oppression, Richard Holbrooke saved lives, secured peace, and restored hope for countless people around the world. He was central to our efforts to limit ethnic cleansing in Kosovo and paved the way for its independence, and he found a way to break the stalemate in the talks in Cyprus.

Little known to many people, I was proud to nominate him as the United States Ambassador to the United Nations where he helped equip the U.N. to meet the challenges of the 21st century world. Former President Bill Clinton.

Let me just reiterate these words. He helped restore hope for countless people around the world. I remember engaging with Ambassador Holbrooke in the early stages of my congressional career, and I remember him as the United Nations ambassador: resilient, joyful, persistent, determined, ready to tackle the world for peace. He wasn’t bored with his job. He was never bored. He was always ready to do what was right.

Another comment on his life: Richard Holbrooke was a larger-than-life figure who through his brilliance, determination and sheer force of will helped bend the curve of history in the direction of progress.

Other words pouring out for him and toward him: From his early days in Vietnam, to his historic role bringing peace to the Balkans, to his last mission in Afghanistan and Pakistan, Richard helped shape our history, manage our perilous present, and secure our future. I had the privilege to know Richard for many years and to call him a friend, colleague, and confidante. As Secretary of State, I have counted on his advice, relied on his leadership. This is a sad day for me, for the State Department and, yes, for the United States of America. Secretary of State Hillary Clinton.

Some would say that States and democracy, sometimes did not match or mix, but Richard Holbrooke knew how to walk that line. Ambassador Holbrooke was one of the most formidable and consequential public servants of his generation, bringing his uncommon passion, energy, tenacity, and intellect to bear on the most difficult national security interests of our time. Secretary of Defense Robert Gates.

He never lost time fighting for ideals he believed in and fought for. He never lost touch with the problems faced by millions of people he never knew. And he never lost hope that those same people could live in peace, security, and safety. Indeed, he shared their vivid aspirations. The Joint Chiefs of Staff, Mike Mullen.

You can see that he interacted with these leaders of our present government and past government quite frequently. He was a frequent visitor to the White House. Those who worked in this area and those who did not knew Ambassador Richard Holbrooke, and he drew the admiration and respect and sometimes the intimidation of those who watched him work and wondered
what he would say next. Well, I can tell you as someone who has likewise watched his work, he would be talking about peace.

Further words about him: His drive was immense. His desire to do good in the world was commingled, and he pursued all that he set out to do with a determination and tenacity that was second to none. His legacy will be his work, his inspiration to so many around the world. That’s what we should note about Ambassador Holbrooke; how many miles he accumulated in his travels around the world, how many times in his lifetime around the world he went.

More than we probably could calculate because, when this Nation called him, when there was a conflict, a difficult situation, where people were at odds, where others were suffering, he wanted to intervene and to bring peace. He wanted to see the best of Pakistan and Afghanistan. He wanted those people to thrive and to grow. He wanted the opportunity for education for and to mature into citizens of their nation.

He wanted the people of Afghanistan to have freedom and a good government and good governance. He wanted there to be an opportunity for the go to school and women to be respected and held in dignity and to have the same access to opportunities that we cherish here in the United States of America. He cared about our soldiers on the front line, and he knew that they were putting themselves on the line so that he could work his magic and bring resolution.

You know what I would say to my colleagues, I know that the heads of state of both Pakistan and Afghanistan have experienced the similar loss and pain of a giant like Ambassador Holbrooke in losing his life. I know that because both Presidents, Presidents Zardari and Karzai, called the family to express their concern. Presidents called far away from their homes, as one could imagine, because they respected a man who would get in the mix and fight both, if he had to, to draw them together and to iron out or to box out these particular issues that were keeping us from being united around the question of peace.

Further comments about this great man. They noted that Ambassador Holbrooke’s service spanned decades and confronted nearly every difficult issues and global affairs. The members of the council expressed admiration for his contributions as the United States’ permanent representative to the United Nations, as well as for his energetic and unrelenting commitment to promoting peace and strengthening international cooperation of the United Nations.

I will tell you that his work at the United Nations allowed him to touch governments around the world, and I venture to say that any hotspot that would occur today, this giant of a man would be able to go and begin to develop a solution. Remember what I said, any country that he would go to, he would begin to know more than any other about that country and probably more than those who lived there. That’s what made him effective. That’s what made him the ability to talk to heads of state and prime ministers and someone who was engaged in the day-to-day diplomacy of that particular country. It was his understanding of their culture, his understanding of their language, his understanding of how they thought, but most of all, his understanding of his own thoughts, and he knew he wanted peace, and he would do what was necessary.

There were so many that considered him friend, but there were really so many more that respected him for being the bulldozer, giant for peace. I call him America’s peacemaker.

Further comments that I pay tribute to his diplomatic skills, strategic vision, and legendary determination as the special envoy. In the Dayton Agreement, Ambassador Holbrooke played a key role in ending the war in Bosnia, the most terrible tragedy on European soil since World War II. At the end of this long and distinguished career, he traveled tirelessly to Afghanistan and Pakistan in pursuit of peace and stability in the region, and he would not stop. My words.

He knew that history is unpredictable, that we sometimes have to defend our security by facing conflict in distant places and that the transatlantic alliance remains indispensable. Secretary General of NATO.

And so Ambassador Holbrooke knew how to put it together, how to work with the various entities that represented the front lines of defense for this Nation and for Europe and other countries. He knew how to walk the walk and talk the talk. I remember, as a new Member of Congress, coming in during the hostile and the horrible conflict of Bosnia, the ethnic cleansing that occurred in Kosovo, and to realize that one man was the pinnacle, the pivotal point of working on the Dayton peace treaty. I tell you how important that was. As a new Member of Congress, I was able to go on the first delegation into Bosnia, then to meet with heads of states of Bosnia and former Yugoslavia and Croatia. We went to Sarajevo, and we landed where there was no actual peace in place at that time. They were looking to finalize the Dayton peace treaty. We were going in to determine whether or not this peace treaty was going to be welcomed by the people.

As we went into this town that was known for its beautiful Alps and skiing opportunities, I was literally shocked. It drew me back to pictures I saw in history books of World War II when Europe was completely bombed out and desolate. Whole buildings had their tops knocked off. In libraries, doors were opened and books strewn on the ground. People walking aimlessly through the streets. And as we walked to what was left of a public building to meet the various leaders, there were women who had come up to me in the street and asked had I seen their son. In this horrible war, they had lost their son. Where is their son? In Vietnam, in Afghanistan, in Bosnia, and I will say at the United Nations.

Yes, Ambassador Holbrooke, you were engaged in saving lives. And to
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the end of your life, it was your pursuit to save lives. As I indicated, to save the lives of our soldiers in Afghanistan, to save the lives of women and children and families, to save the lives who simply want to go from marketplace to home, the farmers who want to take their goods from Kandahar to Kabul or want to do something else other than poppy crop, he was trying to save their lives in Afghanistan.

As I visited and as I reflect on my visit in Pakistan and seeing what a unique terrain, how difficult, how challenging it is, I just want to say to my colleagues, Ambassador Holbrooke could have sat in an armchair, could have done armchair diplomacy. In the world of technology, he could have made attempts to communicate in ways other than the kind of “roll up your sleeves, get on an airplane, and go into the harshest places” to bring about peace. But he understood that peace was about a people-to-people relation, something that was special, and he had the special touch.

Further words from a friend: Dick Holbrooke was a friend of mine. Just 2 days before he fell ill, I saw him and his devoted wife at a dinner where he proposed to a young girl with generosity, affection, self-deprecation, and the sort of comic timing that made you think he had missed his true profession. I liked him enormously. But for all that he did over nearly 50 years of service to his Nation, his words, his wisdom, I admired him much, much more.

As you begin to reflect on Ambassador Holbrooke’s life, you have to admire him much, much more, and that was from the international editor of Time magazine, Michael Elliott.

I am sure that we could count so many emails and Twitter and blogging that is going on right now, first because of the shock of losing this giant of a man, this man that exuded desires for peace, for peace, for life, for peace. A titanic mission that we are to really develop the kind of world that brings peace to all in the backdrop of Afghanistand and Pakistan and the backdrop of the issues in the Mideast and the backdrop of North and South Korea, it has to be the kind of hand-to-hand diplomacy, the kind of diplomacy, persistent, determined diplomacy, and out-of-the-box diplomacy.

One of the champions of a unique new concept was Pakistani Americans and helping Pakistan, and I was delighted to be able to engage with him on this and the Secretary of State to go to the first inaugural meeting in New York, and that is to develop a Pakistan-American development board that would generate resources and investment by Pakistani Americans and others in Pakistan.

That is a love for the people. He knew that he could start there because he knew that in his interactions, he was not writing to label the entire Pakistan with the frontier area and the unfortunate circumstances that cause Pakistan to be able to be in the way, if you will, of receiving terrorists running from Afghanistan. He knew the circumstances. He knew the harshness of it. But he also knew that there were people every day in Karachi and Lahor, Islamabad, and other places, in Pesha-war that wanted to go to school, to open business, to be able to have a democratic government, a judicial system that worked.

And so he put the burden on the Gov-ernment of Pakistan to say to them, I will work with you if you will work with us. Could he find a way to be a solution, so he was excited about this Pakistan development board, similar to the Irish-American board, and he was the heart and soul behind it. And we had a great celebration in New York, and it exists, and it’s one of his legacies.

And so I will say to Ambassador Holbrooke, to his spirit and to his leg-acy. You’ve left something behind that can help to create peace, that can net-works the ocean between the goodwill of the people of America and Pakistan Americans and those in Pakistan who really want to focus in on building a great nation.

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Maybe in the spirit of their founding father, Dr. Jinnah, who believed in a democratic process, living harmoniously with Bangladesh and India, and Pakistan and that region. And so I want us to support the concept of his legacy. Just let me read some headlines that are reflective of his history.

Strong American voice in diplomacy in crisis, as I can affirm that. Vietnam, Afghanistan, and Pakistan, all resulted out of crisis, but he was a man of diplo-macy.

Statesman who defined a generation. Clearly, 50 years of service, there was no doubt that Ambassador Holbrooke’s presence was a presence in a time of war, a time of peace, of a time when America needed its diplomat, and the United States needed someone who would go to the sites of the harshest places. He was the hands on, get in your face, but what many at home and abroad imagine the hands on, get in your face, but what many at home and abroad imagined. It is that he would go to the sites of the harshest places to bring about peace.

As we listened to reflections about Ambassador Holbrooke, it was noted that he would go to the sites of the chief or the elder statesman or elder warrior or the village or the mountain to be able to draw from that very person who could be part of making peace. You know, as I reflect on this, I would say to you, that’s the kind of diplo-macy we need. We’re going to have to unshackle ourselves.

It’s interesting, as a member of the House Foreign Affairs Committee, Ambassador Holbrooke, appeared before us a number of times and was always so erudite and brilliant and carefully thinking and analyzing as he responded to questions. But one thing that comes out of his life, and one thing I gleaned as I’ve had the pleasure of hearing from the people of Houston in the 18th Congressional Dis-trict, and seeing how the world works on their behalf and trying to be part of the solution and not the problem, people believe America can solve their problems. I know many Americans push back on that and actually say that we can’t nation-build and we can’t solve everyone’s problems. And in the literal sense, they may be right. But if there’s a perception that America has the answer, that our democratic values are so strong that we can reach in times of peace, or with peaceful tactics help guide them toward peace, there’s a perception that is not wrong with that. I believe Ambassador Richard Holbrooke truly believed that, that our values were so strong that we could, by sheer deter-mination, commitment, and dedica-tion, help those people who could not help themselves.

Time Magazine has Richard Holbrooke, an archetype of American diplomacy. And let me just share these few words. But there have been many with Pakistani America, and he have played the most important historical moments of the last half century. And they name a few. These are friends and rivals of Holbrooke’s, who also played key roles and influenced events in ways we still only begin to learn.

What made Holbrooke most memo-rable—and of course the article names a number of individuals—and what lies behind the outpouring of mourning and reminiscence that is sweeping Wash-ington in the wake of his death Mon-day evening was his personification of what many at home and abroad imagine U.S. diplomacy to be. And I imagine what they’re saying is that it was thin hands on, stand in your face, but come with a smile and tell you we can do this together. That’s Ambassador Richard Holbrooke.

Now, he didn’t pull any punches. I re-member sitting in a meeting with him with Pakistani Americans, and he an-swered hard questions and sometimes gave hard answers. But he left the room with friends, and they truly be-lieved he was looking for peace in Af-ghanistan and Pakistan.

Ambassador Holbrooke, this profile goes on to say, was not just a prominent American diplomat who engaged in some of the most consequential international events of this time. In the same way that Shakespeare’s characters still seem to live with us today as the archetype for human nobility, vanity, and ambition, so Holbrooke seemed to be the very human version of American diplomacy itself. Piledriver powerful words, pell-mell persuasive, brash, volcanic and occasionally offensive but tactically brilliant and capable of the finest strategic judgment, cold-eyed and sometimes heartlessly realistic but possessing high principles and real deep conviction.

Friends, I just read that from Time. But as you have heard my tribute, it’s interesting how these words come from all of us. And as I indicated to you, if Ambassador Holbrooke’s legacy is anything, it is, in fact, to leave us with that kind of roadmap. That’s the kind of exciting diplomacy we must be engaged in.
Thank you, Ambassador Holbrooke, for leaving us with a road map and leaving us with your legacy and challenges. Because I don’t know if the Ambassador will be so willingly, where he felt we were going in Afghanistan, but I believe we must make a commitment in light of his spirit and the sacrifice for his family, friends, as he dedicated almost 100 percent of his time, unending, to finding a resolution and bringing people together.

I would simply say that to President Karzai, for the spirit in which you express your sympathy. I know that Ambassador Holbrooke would be so grateful for movement toward resolving this conflict, the peace, the ceasing of those acts of terror that were killing their people. He would welcome the rising up of both governments to go against those acts of terror that were killing their people. He would welcome the resolve of those heads of state to continue fighting for peace and welcome the growth, development, and opportunity for the Pakistani people and the people of Afghanistan. He would welcome that. And I would give this giant of a man that kind of tribute.

Words obviously are nice and nice to be heard. But I would hope that we would be most effective in carrying forth his legacy by actually putting to the test how we can resolve the conflict in Afghanistan without a protracted extension, but also to put the burden, the extra burden of bringing peace, on the Government of Afghanistan and its people working with us, with that aggressive spirit, can do stilly, it that we can solve this and, yes, working with the people of Pakistan.

Let me just relay a story in pictures and show you why this, again, hands-on diplomat was everywhere, meeting now with the President of Pakistan and developing a relationship, a relationship that was tough but good and sincere.

And I pay tribute to the Pakistani Government for the kind words that they have said. And I think the meaningful early the ambassador to the United States, who has expressed, from Pakistan, his deepest sympathy. Here with President Karzai. Often they were together and had frank and to-the-point conversation. You can’t engage in hand-to-hand diplomacy without bringing in place among those leaders are, making them feel comfortable that you’re working on their behalf.

This is his early stages with President Clinton, who appointed him to the United States. You can see that he moved around, and he was eager to be known as a person who, if he got the call, would come.

Let me share some of these live pictures with him that have him and clearly speak to the action that Ambassador Holbrooke was.

This looks to me as the Pakistani flood when he was going into the camps, the most horrific flood over the last couple months that covered some two-thirds of Pakistan. People were moved from the flood—disasters, devastating conditions. Ambassador Holbrooke did not miss an opportunity to go and to check, in this instance, on children and to see what they were doing.

Here, you will find him not sitting in a traditional chair but sitting with the people. And I speculate that this is a meeting in Afghanistan, but here is a man and his child. And Ambassador Holbrooke is not standing. He is not sitting in a chair as we know it, but he is with the people he is engaging. This is the style, the diplomatic style of Ambassador Holbrooke.

Again, this is not in the comfort of the State Department or any office building, but here he is with the military-personnel, our battlefields, and my speculation is that again this is in Afghanistan.

Greeting again the people, letting them know that he cares. And, again, Ambassador Holbrooke on the move, meeting some of the coalition forces or the forces that work along with the Afghan forces. Here he is again in the field shaking hands and indicating his interests.

Here, with women, as he greets them. Another out in the field, hands on, ready to serve. Meeting with our military personnel. And, again, always interacting, and our Ambassador to Afghanistan constantly being engaged.

Involving himself again with the people and in the camps. Here, meeting with others who are in camp and being displaced, always working, always hands on.

We can learn a lot from Ambassador Holbrooke, and we can learn a lot from his never say never attitude and his willingness, if you will, to ensure that the solution is his top priority.

Let me just remind you again of how early Ambassador Holbrooke started his career. He had a tremendous career with the United States State Department, and early the ambassador to Thailand, the ambassador to Vietnam. As I said in my earlier remarks, someone who loved this country and loved the ability to draw disaster and to draw nonbelievers out into the open and to make it right; to help the people in a disaster, and to draw those nonbelievers into the circle of diplomacy to get them working on peace. That is what you were about, Ambassador Holbrooke. I am glad to have been able to call you acquaintance, yes, friend, but most of all an American hero. Such a legacy.

I know that this is a very sad time for so many, and so I rise on the floor this evening to be able again to offer my deepest sympathy. But what I would also say is that we have so much to be thankful for, so much to study and read, so much to emulate, so much to be thankful for, so much to study and read, so much to emulate, so much to be able to go on, so much to use in the continuing effort for peace. We have got a roadmap left to us by Ambassador Richard Holbrooke. And remember, if he asked you to do something, don’t waste your time saying no, because more than likely, with a little pain, you will be there saying yes.

So why don’t we just keep his legacy going, realize that he has asked us to continue to make peace. And as long as we fight against it, it is going to be painful, but if we can gather our thoughts together, if we can continue to work together, to work with this administration, the President, the Secretary of State, and the Congress, we can really realize that the important end game is peace in Afghanistan and an independent peaceful Pakistan and
peaceful region, but with the idea that people of those countries must take on that burden and really desire peace—maybe that is the message that they have gotten in this terrible tragedy, to desire peace and to fight for it—if that is the case, then this hands-on, lively, and tragic moment will be embedded in the next days, hours, minutes, next couple of months when we might see a glimmer of sunshine reflecting the hands-on evidence of a man that never tired of seeking people to find peace.

I hope that, as we mourn the loss of Ambassador Richard Holbrooke, the tribute that we give to him that will be ongoing will be an unceasing quest for peace, and I hope that we will find it in his name.

On behalf of the fallen men and women who have given their lives for peace in the United States military, on behalf of the people of the United States of America, we are indeed grateful for the service of Ambassador Richard Holbrooke, and we tell his family and his children, David, Anthony, Christopher and Elizabeth, and his wife Kati Marton, his brother, Andrew, and his three sons, that what for us will be just the beginning of a new chapter in the Holbrooke family is, for them, the end of their loss and the beginning of their heritage.

I submit for inclusion in the Record additional materials.

With that, Mr. Chairman, I yield back my time in the name of peace and respect for Ambassador Richard Holbrooke.

On Monday, I was extremely saddened to hear about the death of Ambassador Richard Holbrooke. He was a great leader and a dedicated representative of American diplomacy to governments and people throughout the world. I extend my deepest condolences to Ambassador Holbrooke’s family, his wife Kati Marton, his brother, Andrew, and his children, David, Anthony, Christopher and Elizabeth.

Ambassador Holbrooke has had a tremendous career with the United States State Department, which began with a response to President Kennedy’s call to service for government work in the early 1960s. Ambassador Holbrooke was undoubtedly a public servant ever since his graduation from Brown University in 1962, when he joined the Foreign Service and was sent to Vietnam. At the young age of 24, Richard Holbrooke, an expert on Vietnam issues, was appointed to a team of Vietnam experts, the Phoenix Program, under President Lyndon B. Johnson. Ambassador Holbrooke has always been a champion of peace and democracy, and this began at a young age with a profound dedication to the United States’ international diplomacy efforts.

Since beginning his career in foreign policy at such a young age, Ambassador Holbrooke was always at the forefront of international political issues, whether it was as a public servant at the 1968 Paris Peace Talks, Director of the Peace Corps in Morocco, or as the editor of Foreign Policy magazine. Ambassador Holbrooke will always be an archetypal model of United States diplomacy, and his remarkable record only serves to demonstrate how he has been consequential to diplomacy in some of our generation’s most tumultuous events.

Ambassador Holbrooke never relented in his efforts to expand his efforts to pursue U.S. interests in the United States domestically and internationally. In 1977, under President Carter, Richard Holbrooke was Assistant Secretary of State for East Asian and Pacific Affairs. As the youngest person to have been appointed to that position, Ambassador Holbrooke oversaw the normalization of relations with China in 1978, and the warming of the Cold War during his tenure. His diplomatic achievements do not culminate with the establishment of diplomatic relations with China—instead they continued, and arguably exceeded anyone’s expectations.

When President Clinton took office in 1993, Mr. Holbrooke returned to work for the United States Government with the State Department. His first appointment was as the U.S. Ambassador to Canada, where he participated in the founding of the American Academy in Berlin as a cultural exchange center.

In 1994, he returned to Washington after being appointed by President Clinton to be the Assistant Secretary of State for European and Canadian Affairs, where he was the lead negotiator in the Balkan Wars. He was strategic in establishing a lasting peace at the Dayton talks that undoubtedly saved thousands of lives. The 1995 Dayton peace accords ended the war in Bosnia—but it required an agreed-upon cease-fire between the Serbs, the Croats, and the Bosnian Muslims. Holbrooke’s role in this is lasting; he ended the three-year war, and helped develop the framework for a dividing Bosnia into two entities, one of the Bosnian Serbs and another of the people of Bosnia and Herzegovina.

Ambassador Holbrooke is a hero of U.S. diplomacy, and undoubtedly had a tremendous importance in facilitating peace, in whatever form, in Bosnia. After playing a key role in the Dayton Peace Talks, President Bill Clinton named Mr. Holbrooke the next Permanent Representative of the United States to the United Nations. Ambassador Holbrooke demonstrated his drive to securing international peace, and his dedication to diplomatic efforts.

His work never ceased, and it continued with President Obama. Under the Obama administration, Ambassador Holbrooke was appointed Special Envoy to Pakistan and to Afghanistan—a region that contains the United States’ greatest national security concerns. Just as his responsibilities unfolded in the Balkans, Ambassadors Holbrooke and Richard Holbrooke posed a major challenge that would not have an easy solution. As we all know, the problems in Afghanistan and Pakistan are multidimensional and are problems that could not be solved overnight. Ambassador Holbrooke knew this, yet he commendably took on the role, and worked courageously and diplomatically in a densely complicated region.

Ambassador Holbrooke was the intermediary between Afghanistan, Pakistan and the United States. Ambassador Holbrooke was fighting, diplomatically, to stabilize the often unpredictable and always fluctuating region. The fight continues to be multifaceted, and Ambassador Holbrooke dealt with fragile economies, containing corruption within governments and elections, destabilizing the Taliban resurgence, a rampant narcotics trade, the presence of Al Qaeda, and maintaining peace and security, all while promoting United States diplomatic efforts. Representing the United States, Ambassador Holbrooke worked to promote economic development in Pakistan through the Pakistan Economic Rescue and Development Act, and worked with the Afghan Government and administration to reduce U.S. combat troops and to forge a lasting peace in the region.

He is an example to us all, his life was foreign policy, his dedication was to the United States, and his motivation was diplomacy. Ambassador Holbrooke will always be regarded as a true American diplomat, one who strived for international peace throughout his entire career, of nearly fifty years, as a public servant.

[From the USA Today, Dec. 14, 2010]

BULLDOZER. ‘GIANT’ OF DIPLOMACY HOLBROOKE DIES—AMONG CREDITS: ’95 BOSNIAN PEACE PLAN’

WASHINGTON—Richard Holbrooke, a bril- liant and feisty U.S. diplomat who wrote part of the Pentagon Papers, was the archi- tect of the 1995 Bosnia peace plan and served as President Obama’s special envoy to Paki- stan and Afghanistan, died Monday, the State Department said. He was 69.

Obama praised Holbrooke for making the country safer, calling him “a true giant of American foreign policy.”

Holbrooke, whose forceful style earned him nicknames such as “The Bulldozer” and “Raging Bull,” was admitted to the hospital on Friday after becoming ill in the State Department. The former U.S. ambassador to the United Nations had surgery Saturday to repair a tear in his aorta.

Secretary of State Hillary Clinton called him one of the nation’s “fiercest champions and most dedicated public servants.”

Holbrooke served under every Democratic president from John F. Kennedy to Obama in a career that began with a foreign service posting in Vietnam in 1962, and included serving as a member of the U.S. delegation to the Paris Peace Talks on Vietnam.

His sizable ego, tenacity and willingness to push hard for diplomatic results won him the admiration and affection of former Secretary of State Henry Kissinger once said. “If you say no, you’ll eventually get to yes, but the jour- ney will be very painful.”

He learned to become extremely informed about whatever country he was in. He would push for an exit strategy for the United States or ways to get those who live in a country to take responsibility for their own security.

Holbrooke said in 1999 that he has no qualms about “negotiating with people who do immoral things.”

“If you can prevent the deaths of people still alive, you’re not doing a disservice to those already killed by trying to do so,” he said.

With his decades of service and long list of accomplishments, Holbrooke missed out on a tour as secretary of State, a job he was known to covet. As U.N. ambassador, he was a member of the Clinton Cabinet but his sometimes-brash and combative style convinced that of Secretary of State Madeleine Albright.

Born in New York City on April 24, 1941, Holbrooke had an interest in public service early on.

At the Johnson White House, he wrote one volume of the Pentagon Papers, an internal government study of U.S. involvement in Vietnam that was completed in 1967. The study, leaked in 1971 by a former Defense Department aide, had many damaging revelations, including a memo that stated the reason for fighting in Vietnam was based far more on preserving U.S. prestige than preventing communism.

One of his signature achievements was being the Dayton Peace Envoy that ended the war in Bosnia. He detailed the experience in his 1998 memoir, To End a War.
The SPEAKER pro tempore (Mr. SCHAUER), Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, it is a pleasure to join you and my colleagues this evening on a subject that has been of great concern and attention to Americans now for a number of years, unfortunately, and that is the subject of the economy and jobs. This ongoing discussion and debate is taking new turns here the last few weeks, and I think it is helpful and perhaps informative to try to put that into perspective somewhat.

The thing that I think that perhaps we have to understand from the beginning is that the whole question of the economy and jobs is owned right now by the Democrats, because that party has been driving the train for the last couple of years.

The distinction between the parties has ever been more sharp over the past 2 years because of the fact that you have had almost entirely party-line voting on major piece of legislation after major piece of legislation. When it came particularly to the stimulus, it was called the stimulus bill, some people called it the ‘‘porculous’’ bill of a couple of years ago. That was a black and white kind of party-line vote, along with quite a number of other items on the agenda.

So what we have right now is essentially the Democrats have been running things for a couple of years, and we have got a recession going. And the question is, what are we going to do about the economy and about jobs?

Some solutions to the problem. The ones that the Democrats have proposed over the last couple of years have been a very, very high level of Federal spending, and what they consider to be stimulus, which is more Federal spending, which they think will somehow fix the economy.

For a couple of years I have been here on the floor on Wednesday evenings saying, with all due respect, I don’t think that solution will work. I am not saying that it won’t work just because I think that it won’t, which I don’t, but also because prominent Democrats have also said that it won’t work.

I have quoted Henry Morgenthau, FDR’s Secretary of the Treasury. They tried a whole lot of Federal spending. It was the time that ‘‘Little Island Keynes’’ had come along and it was all the rage. If you get in trouble economically, spend a lot of money, and that will get the economy ‘‘stimulated’’ and you will pull right out of the recession. That is the theory. It is not worked. It has never worked. And after about 8 years, Henry Morgenthau, a Democrat, came before the House Ways and Means Committee and said, it won’t work. He said, we have tried spending, and unemployment is as bad as it ever was, and we have a huge deficit to boot. Well, it didn’t work then. It still hasn’t worked for the last couple of years.

I think the Republicans move forward into this discussion about what are we going to do with the expiring tax cuts left over from the Bush administration, I think it is important to understand where we are in context, and that is we have come to a point where the Democrats in these blue states have been calling and they have been driving this equation and the economy and jobs has not turned around.

We were told at the time of the stimulus bill that if we did not pass the bill, that we could have as much as 8 percent unemployment. Supposedly, if we did pass the bill, unemployment would be lower.

We did pass the bill. Unemployment jumped to about 10 percent. And there are very few people who would be pretty authoritarian, because people who have been looking for a job for over a certain number of months are no longer counted as unemployed. So in fact the unemployment number is probably higher, by the way many people do calculate it. So, that is what has gone on.

Now, this is not complicated economics, if we are really serious about creating jobs. But there really are two different policy solutions: One is more bureaucracy and food stamps; the other is more jobs and paychecks. That is America’s choice, and America chose in the November election to move toward the more jobs and paychecks and less bureaucrats and food stamps. But this is some of the spending we are talking about in the last couple of years. You just can’t do this and have it not affect jobs.

We had the Wall Street bailout, which some of it was supported by Bush but also by the Obama administration. Then you have got this supposed stimulus bill, $787 billion, which was a total disaster, and other miscellaneous items here. Then, of course, health care reform, which is the biggest of all, ObamaCare, at about $1 trillion. So you have a tremendous record of Federal spending.

Let’s step back a little bit and go back to the things that we know work. You can go to anybody who you know that starts a small business, people that run businesses; you can go to Main Street anywhere in America and you can ask the people who run businesses, what does it take to make jobs? It is not very complicated. But you will never be able to do this. Democrats try to do, separate the employer from the employee. If you want jobs, you can’t destroy the employer. If you destroy companies, you will have less jobs. It is that simple.

So, let’s say that you ask people on Main Street, well, what are the things that you have to worry about in terms of destroying jobs? The thing they are going to tell you probably first out of their mouth is going to be excessive taxes. When you have too much taxes on business, what happens is they use their money to pay the taxes and they don’t use their money to invest in new equipment, new processes and new technology, or when they invest they create more jobs.

So the first thing that is an enemy to job creation is, first of all, excessive taxation. So what we have coming along now, and everybody has known it for a couple of years, is these tax cuts coming along, they are going to expire and it is going to be a massive tax increase.

In fact, we have what in a way is a tax increase train wreck. You could think of it as the train is steaming along and everybody knows the bridge is out. The bridge is out on January 1st, 2011, the tax cuts expire, and what happens then, America receives the largest tax increase in the history of the Nation. Now, that is very bad medicine for an already diseased economy. So that is the situation we are facing.

So there is no surprise about this. Everybody has known these tax cuts are going to expire and there will be the whopping big tax increase, and somebody has to do something about it. So now we are waiting to the last couple of weeks of December to try to deal with this problem. That is not particularly responsible, I suppose.

So what is it when you go to Main Street and you ask businesses, what is it that kills jobs? Well, the first thing is major heavy taxes on businesses and on entrepreneurs and on the people that run businesses. The first killer of jobs. Now, we are doing that in spades. We are doing a lot of that. And if these massive tax increases come along, it simply makes it a whole lot worse.

What is the next thing that businesses would talk about that would kill jobs? Well, it is something else that eats into their profits, and that is a whole lot of red tape and government paperwork. So how are we doing in that department?

Well, one of the big bills that the Obama administration, the Democrats, wanted to push was cap-and-tax. That was the tax and tremendous amount of new red tape and bureaucracy to prevent global warming.

Now, if you believe in the theory of global warming, one of the things it says is it is really bad to create CO2. An honest attempt to stop global warming would say that we really need to stop burning as much carbon in any form and move to some other source of energy generation, which suggests nuclear. If you were to take the number of nuclear power plants in America and double them, you would not be able to create all the CO2 that we have in effect get rid of the same amount, if you did that, of all the CO2 produced by every passenger car in America.

The bill didn’t do that. The bill created instead more taxes, which, again, kill jobs; and, second of all, a tremendous amount of red tape.

Now, that bill didn’t pass because of the fact that even some of the liberals
thought this didn’t really make a whole lot of sense. Instead, the Obama administration has said, well, what we are going to do is we are just going to implement it through rules and regulations.

What does “rules and regulations” mean? Well, in street language, that means a whole lot of red tape. What does that mean to businesses? It means less jobs. It means it either prevents jobs from being created or kills jobs that are there, because the red tape again costs them overhead to have to deal with it, and the increasing volume of red tape makes Americans less competitive, which then, of course, shifts jobs overseas.

So the second thing, after a whole lot of taxes that makes it hard on jobs, is too much red tape. Unfortunately, we are doing that as well.

So then you have got a whole series of other things too that are all contributing to this excessive loss of jobs, and that is going to be uncertainty. Now, one of the things the way businesses operate is if you don’t know what the future is going to be, you are going to be very careful about taking any risks or making any investment in new equipment or new processes or new technology which is going to create jobs. So uncertainty is the third big enemy of job creation. How are we doing in uncertainty?

Well, what is being talked about as a way of stopping this massive tax increase is simply kicking the can down the road somewhere between a year to two years. And so does that help in terms of uncertainty? Well, people argue is the glass half full or is it half empty? It seems to avert the train of what are you going to be doing if you don’t have these taxes that are expiring? We have had a number of years to think about these taxes that are expiring? We have had a number of years to think about the death tax, to know that the thing is going to be extended with additional coverage up to $5 million and cover a 35 percent tax rate, but you know that’s something that is going to be uncertainty. Now, the death tax, to know that the thing that is going to be extended with additional coverage up to $5 million and cover a 35 percent tax rate, but you know that’s going to be uncertainty.

The next one is liquidity, which we, again, have not done a good job with. Liquidity is the business owner may want to go to a bank and get a loan. Typically, those loans are negotiated on about a 5-year basis. They pay a pretty good interest rate because the banker is taking some risk. So the banker, if things go well, does well with it. On the other hand, if the small businesses struggle, then the banker gets caught, too. So there’s the question of liquidity, do the small businesses have the liquidity they need to move forward.

With the new banking regulations you have Federal bureaucrats all over the bank saying, I don’t think that’s a good loan you’ve made to Joe Blow over there. And so the Federal Government is second-guessing what the banks do and requiring the banks to have much higher interest rates but what makes liquidity more difficult. That makes job creation more difficult.

And the last thing of the five things that you will hear when you go to Main Street and ask a business owner what are the things that make it hard to create jobs, they’re going to say Federal spending. Federal spending just absorbs money out of the economy. It looks like it creates it, but make sure you don’t take all the dollars, because to and said, Hey, that’s terrible. We’re going to change these elections around. It is quite clear that there is this sharp contrast between what we’re going to do now. Now the contrast becomes more blurred with the proposal of trying to do something at the last minute with the Bush tax cuts. So we’re going to do a look at that in a minute and what is the nature of those tax cuts and what was the effect when the tax cuts went into effect.

So, moving along, we continue to see the deficit under the Democrat budgets. Now there was a lot of talk that the Republicans under Bush overspent. And it’s true that the Republicans did overspend. You can take a look at some of these. 2002, you had a $400 billion deficit. It went down, until we get to 2008. This was under Speaker Pelosi’s Congress, but you had $459 billion when Bush was President of deficit, and that a lot of people objected to and said, Hey, that’s terrible. We’re going to change these elections around. It is quite clear that there is this sharp contrast between what we’re going to do now. Now the contrast becomes more blurred with the proposal of trying to do something at the last minute with the Bush tax cuts. So we’re going to do a look at that in a minute and what is the nature of those tax cuts and what was the effect when the tax cuts went into effect.

Now I have been critical of the Democrat policies because historically and economically they’re going to create unemployment. They have done that. And so the question is, Do you want bureaucrats making a good loans, or do you want jobs and paychecks? That’s what America has to answer. Now what is the solution to this? One of the proposals is to not let these tax cuts expire. Then the question becomes, Well, then doesn’t that add to the deficit? Well, part of it does and part of it doesn’t. That’s kind of the interesting thing that goes on here. If you continue to pay people for not working, which is extending unemployment, and certainly because there is a high level of uncertainty that’s going on, the job creation process, that’s not appealing. But the trouble is the unemployment is created by those terrible policies of too much taxes, too much
Federal spending, the uncertainty, and liquidity, and those other component parts.

So here's the solution to some degree, and that is when you cut taxes, in fact what happens is you don't build a deficit on the spending side of the deficit, well, how can that be? If you cut taxes, it means the government gets less money, doesn't it? If the government gets less money and keeps spending at the same rate, doesn't that mean you have more and more deficits? The answer is no.

Because of a very interesting effect that was made public I suppose by an economist by the name of Laffer, quite a cheerful fellow. He was here in the Capitol no more than a few weeks ago. He was an economist under the days of Ronald Reagan. And what he has shown is this red line is the rate of the total Federal tax. The blue lines are the total Federal tax receipts in dollars. And this is the top marginal income tax rate here for all the years since 1980. You can see that for 90 percent, dropping way down. And it's the top marginal rate that is the rate on all of these supposedly rich people who, by the way, the rich people are the ones, a lot of them, own those businesses that create the jobs. So if you tax them into the dirt, what is going to happen to the jobs? You won't have the jobs. You broke the code. If you want jobs, you're going to have to allow people to keep their wealth and invest in businesses.

So what Laffer is saying here is we dropped historically. As we drop this top tax rate, take a look at what happens to the total tax receipts of the Federal Government. The tax receipts are going up. Doesn't that seem counterintuitive? Doesn't that seem as though you're making water run uphill? The answer is no, it is not. And here's, I think, a simple way to try and understand it and it helps cast light on the decisions going into the new year. And it's also interesting to see what the real priorities are.

So what does this say? Well, for instance, let's say that you are made king for a day or king for a year and your job is to try to raise as much revenue for your kingdom as you can so you can run your government.

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\text{Revenue} = \text{Price} \times \text{Quantity}.
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You're allowed to do one thing. You can tax a loaf of bread.

Now you start thinking and contemplating, and you say to yourself, Well, if I were to charge a one-penny tax on every loaf of bread—and there are millions of loaves that are sold—why, we'd raise a lot of money.

Then you'd say, hey, instead of a penny, what happens if I charge $10 for a loaf of bread? Why then, certainly, that would make a difference. If you charged $10, you'd get much more.

Then you think, Well, wait a minute. Nobody would buy any bread if you put a $10 tax on it. So you start thinking to yourself, there is probably some optimum somewhere between a penny and $10 where I would get the most revenue on the bread. If I were to raise the tax, I'd actually lose revenue because more and more people wouldn't buy any bread, and so I'd actually have my tax revenue go down not just raised my taxes. On the other hand, if I were to lower the tax too much, then I wouldn't get as much revenue as I could.

So there is an optimum point, and that's what Laffer is really pointing out here, that the taxes are so high that, when you actually drop the tax, the Federal Government makes more money. You can see it. This is one graphical display. This is just talking about the top marginal income tax rate. We're going to see it even on the larger scale as we take a look specifically at the Bush tax cuts in 2001, particularly the Bush tax cut of May 2003.

So how did it all go back in 2003? I have some charts I think you will find very interesting.

These charts are all laid out in essentially the same way. I have three charts that appear right here on all three charts for May 2003. These are the years across here. This is 2001 March. There were a bunch of tax cuts here. You can see that the job creation isn't looking too solid in here. Some of the tax cuts we did were politically feel good kinds of things giving people some more money to spend and a few things like that—but there was another tax cut, which was part of this whole series in May of 2003.

What we're going to focus on is this tax cut. This was capital gains, dividends, and the death tax. Now, those are not popular tax cuts because it seems like they're tax cuts for people who have money again, the people who have more money are also the ones who are driving a lot of those businesses that have the jobs.

So let's take a look at what happens. This is in May 2003. We introduced the tax cuts to cut the capital gains, to cut the death tax and the interest, the dividend rate. So let's take a look. This is pretax relief. This is job creation. Every line that goes down indicates that we have been losing jobs out of the economy. That's what we've been doing now for a number years. We've been losing jobs out of the economy. This isn't good. We don't want to lose jobs.

Why do we lose jobs? Because we are violating the basic principles of economics. Now, we were losing jobs during these early years. We did some tax cuts, but the tax cuts didn't seem to turn this around, which suggests that not all tax cuts are necessarily going to create jobs.

Here we go May 2003. Take a look at what happens now to job creation. All the lines going up are creating jobs. You can see there is a pretty good difference between here, which is before the tax cut, and after the tax cut. So we see the immediate reflection in terms of jobs.

Are jobs the only things created by this tax cut? That's kind of interesting.

This is what we've been saying all the way along for a couple of years now. My Republican colleagues and I have repeatedly stood on the floor and have said we love the Democrats, but they're doing everything wrong to the economy. They're going to create unemployment. They're going to create distress in the economy. They're going to make it hard for businesses, and they're going to ship jobs overseas. We've been saying that. We're saying this is not going to work. You're not going to be able to reduce the deficit. You're going to increase the deficit, and you're going to break the back of the economy. We're going to do this on purpose. We've been saying this over and over again from this floor. Now the numbers, after the last few years, indicate that that's exactly what's happening.

The fact of the matter is we don't have to not learn from history. We can learn something from history here, which is that this tax cut particularly seems to have done an awful lot to change the job picture. Now, of course, you could always make the case. You could say, Well, maybe it wasn't the tax cut that produced this effect. Maybe something else was going on here that would explain this.

The only other thing that is happening in the economy here is that Greenspan has got the interest rate close to zero, and that of course was driving the big real estate bubble, we now know. That's what happens when the Fed drops their interest rate very low. You have all of this easy money looking for someplace to invest. In this case, they landed on real estate, and created a big problem. So you could say that the interest rate being low could contribute to this, but it's interesting that you get this very stark and immediate contrast when this tax cut goes into place.

Let's continue this because it's kind of a little bit of history that is going to inform us as to where we need to be in these decisions going into this year.

Here is the same tax cut here. This is again the beginning of 2003, but this is the gross domestic product. Of course, that's a measure of the overall productivity or of the efficiency of the U.S. economy. This is pretax relief. The average GDP was 1.1 percent. You can see it was not only 1.1 percent, which wasn't great for GDP, but it also was kind of spotty. You had this one where it was actually going down in gross domestic product, and these numbers were not very high.

Then you go to the tax cut—capital gains, dividends, and the death tax. This is March 2003.
Now this is only carrying the thing over to 2006. These are older charts, but they’re interesting charts. You can see the effect after—afterwards—at least it appears to be an effect—if going from 1.1 to 3.5, depending on which year, but the difference is that it is a marked difference.

The scary question then to suggest is: If there is a causal relationship between this tax cut which allowed businesses to make more investment in American businesses, what happens if you turn the economies upside down and do it in reverse? What happens if that tax cut goes away? What does that mean relative to job creation if, all of a sudden, this thing, this event which created more jobs—what happens if you do it upside down?

Isn’t it logical that if these tax cuts expired that it will have the reverse effect? That it will do the very thing opposite of what it did when it went the other way?

That’s a very scary thought because, if all of a sudden we have now 9 or 10 percent unemployment and we do something to make that worse, that’s not a good idea. That’s why even moderates and even the President were starting to say, I’m not so sure we want to burden America with the biggest tax increase in the history of the country. Isn’t it logical that if these tax cuts expire that it will have the reverse effect? That it will do the very thing opposite of what it did when it went the other way?

There are some people who are optimistic. They think, Oh, we pulled out of the other recession that at the time when it’s not at all clear that we’re even out of the last recession.

Now, let’s just say that the Congress votes in the next couple of days, as I think, being a Member of Congress, I suspect we might well do this. We’ll vote and we will pass this supposed tax cut deal. Does that solve the problem of excessive taxes? Well, it gets rid of a problem of the biggest tax increase in the history of the country coming, so it’s averting damage. But if you take a look at where we are right now, we are still overtaxing and we’ve got the unemployment problem. So it’s good to avert the evil, but does it really fix where we are? It doesn’t.

And does that then change the red tape picture? No, the red tape picture is still bad. Does it change the liquidity picture of the banks? No, it doesn’t change that. Does it change the high level of spending? No, it makes it worse, because we’re spending some money which is not tax cut money, but we are spending money on extending unemployment, which is a legitimate form of Federal spending which does affect the deficit and it doesn’t help the deficit in that way.

And certainly the question of uncertainty is one of those things. Is the glass half full or half empty? Right now, we have certainty there’s going to be a train wreck, there’s going to be an economic disaster on January 1 because we have not dealt with the massive, massive tax increases coming. There is some certainty in that. It also means there is a big problem coming.

On the other hand, is kicking those taxes back in for 2 years, does that create more certainty? Well, the answer is no. It’s maybe a little more certain, but it still doesn’t give you a basis for planning, for estate planning or for capital gains dividends, those kinds of things for the businessman, no. Their loan cycle is typically a 5-year cycle to the banks, and so having a capital gains dividends policy that’s extended out a couple of years, it doesn’t do the job.

So there is more or less certainty? Well, you can argue back and forth.

So the Republicans are caught sort of in a weird situation. We think, well, certainly you shouldn’t nail America with the biggest tax increase in the history of the country, doesn’t make sense, but even if you avert that disaster, does that mean these other elements are taken care of? And the answer is clearly no.

Do you think that the things that are burdening our economy, that’s holding down job creation, that makes it very difficult on families, do you think those conditions have been mitigated?

No, No, we’re still taxing too much. We still have too much uncertainty, too much Federal spending, and the liquidity problem with the banks is still not taken care of.

So here we are. We’ve got before us a bill, Republicans are kind of scratching their heads on it because it has some bad parts and some good parts, and we understand what we have to do. This bill is not really going to solve the problem of unemployment. It’s not going to solve the problem of over taxation. It just prevents an evil from happening.

But it is interesting to note what level of risk there is ahead for America if this issue of these taxes is not dealt with, and we’re not in a position to be able to do that. That’s something that has to happen with the Senate and it has to happen with the President, and they’re going to have to get serious about reducing spending and also reducing taxes. And over the next number of months, I have not the slightest doubt that a Republican-run House is going to choose, they’re going to choose jobs and paychecks over bureaucracy and unemployment. Not bureaucracy and food stamps. That’s not our choice.

Our choice on the American Dream is to allow people to take risks, to invest their own money, and to get jobs and to receive paychecks. We think that’s the best form of security. Economically, it is a good paycheck. It’s the best thing for a healthy Nation.

And so we will be making proposals to cut taxes, to cut red tape, to create certainty, and to reduce Federal spending, all of those things. We’ll be making those proposals, but we won’t be able to pass them. We can pass them out of the House, but it’s got to get through the Senate. And if it gets through to the Senate, it has to be approved by the President. So everybody will be able to pass them.

Now, in the past when I was here, 2001, 2002, 2003, we passed a number of things through the House that were
very good policy that no one paid any attention to. They were killed by Democrats in the Senate because we never had 60 votes in the Senate. A couple of those are kind of interesting.

One of them is an energy bill, because I didn't want to pay attention to the fact that we are dependent on foreign countries, particularly the Middle Eastern foreign countries, for our oil supply. We are too dependent on foreign oil, and so we put a number of energy bills together, killed in the Senate by Democrats.

We also recognized that there was a problem with health care, that there were some things that were out of balance. We said there's some things that have to be done. We've got to do some tort reform. We've got to do some associated health plans. We've got to make some changes in health care. All of those proposals were killed in the Senate by Democrats. 20/20 hindsight, just like energy, fixing health care was an impossible process.

And then we also passed a bill particularly to try to rein in the excessive practices of Freddie and Fannie. President Bush on September 11, 2003, in The New York Times, not exactly a conservative oracle, said he wanted authority from the House and from the Senate to allow him to regulate Freddie and Fannie because their financial practices were out of control and were really going to become a liability. We passed legislation to do that. It went to the Senate. It was killed by the Democrats in the Senate.

In each of those cases, a Republican House passed legislation that historically, you look back and say, policywise, you're right, nobody noticed it. The media didn't cover it but it occurred, and you can check it. It's part of the RECORD. And the same thing could happen in this next year, but I don't think it will. I don't think it will, because I believe that Americans have been paying more attention to what's going on in government.

I believe that Americans are fed up. I believe that Americans are at the point where they're saying that government is no longer the servant of the people, that government is becoming a master. It's an out-of-control government, it's time to start putting the genie back in the bottle, and they're going to do that one way or the other. The question of the oracle says that some degree, what has led me personally and quite a number of other Republicans to understanding that as we approach this next year, that there is a new area that we have to go to. And that is, we have to take a good look at this wonderful Chamber: we have to take a good look at the U.S. House and say, Have we really run this place the way it should be run? Or have we allowed a series of fiefdoms over the years to build and develop where we have created a structure that is so unmanageable, so crusty, so interconnected, and from a systems point of view, so unmanageable that even if you put good people in it, you get bad results?

I believe that the results of the election voting particularly Government indicates that there is a need for a redesign of the House entirely. We need to take a good look at the budget process. There is a lot of confusion over earmarks and what should or shouldn't be in the job of the Congress to appropriate money constitutionally. We need to take a good look at—you can see that we have started that process by the new schedule that's being published already. It says, we are going to tell people ahead of time, we're going to be in, serving in Congress, on these particular days. There won't be votes before noon time, so committees can actually do their work without telling people that have the country to testify that they have to wait 45 minutes while we name another post office after somebody. And we are going to know for sure that on the day we get out that there won't be votes after 3 o'clock so people can schedule their flights and be doing work back in their districts.

So what we're trying to do is to redesign the entire system so we can deal with these kinds of problems. But we're not going to do it with a quick shot that says, Hey, let's just postpone this problem for a year or postpone another problem for another year and a half and have the thing still hanging out there. There has to be specific tax policy. It has to be a tax policy that is connected to American jobs and allows us to be competitive.

It gives me no satisfaction to see us create a set of rules which are guaranteed to have the international corporations in America say, Hey, you're making the rules so that we don't have any American jobs in this country. We'll still make a profit. We'll still create jobs. The jobs will be in a foreign country. What good is that to us? It may make some business people or investors a little bit better off, but the American system should be going with Federal policy. Our policy should be, America can be competitive, but let's not create a system where we basically are destroying ourselves. And that's what's going on with excessive taxation and with excessive red tape and all. So that's where we are.

What we're seeing again is this rush in the last week or two of this year to do things that show a priority that is a builder. Today I was on the floor a little earlier, and I commented on the fact that a long, long time ago, there was a chance to see a total solar eclipse. Now if you've never had a chance to see something like that, they don't happen very often. But I was out on the edge of Massachusetts, on Cape Cod, and it was an area of the U.S. where there would be a total shadow; that is, the Moon totally comes in the way of the Sun. And right in the middle of the day, the Sun just darkens up slowly. And light doesn't totally disappear, but it is an eerie and strange feeling. That doesn't happen very often that you can observe an eclipse.

What happened today was also a kind of eclipse, what's happening at the end of this year. This is the first time in I believe it's 48 years that the House has not had a defense budget. That is weird. That's an eclipse of reason that we have no defense budget. And so today when the House has no defense budget, what's the -- what's the vote on? Well, we vote on getting rid of the Don't Ask, Don't Tell, so we're going to deal with gay policies in the military.
We don't even have a military budget, and we're pushing some social agenda here in the last couple of days for fear that the new people that come in won't really want to do this thing. So at the last minute, we're going to hurry up and do something which you've got three or four times as general of the Army of America, a general of the Air Force of America, a general of the Marine Corps all are saying it's a bad policy. We have got two wars going on. And what are we doing? Are we doing our business? Are we passing a defense budget?

No. No, instead, we're tampering around with social policy to try to make some constituency happy. Why do we want to burden the military with social policy anyway? Why not allow them just to defend us and keep the discussion on social policy as an American and a local kind of question. Let the States deal with it. No, we're not going to pass a military budget. We're going to do that. It is a question of priorities here.

And this effect that we're seeing says there is big trouble next year if we don't do something about what happens. Because if these numbers go in reverse, they're going to go down. What you are going to see in reverse is, if you do the reverse of this change here on GDP, you'll see GDP going from—which is too soon to say it's going to go worse. We can't afford that. We don't want that to happen. And particularly—and this is cruel and harsh to Americans—there are going to see jobs vaporizing and disappearing.

That's not where we need to be going with this Congress. Even in the last couple of days, in the last week or two, depending on if they decide to call us in for Christmas and New Year's, I'm not sure about that. We're not calling the shots on that. But we are not creating the policies which support a good stable economy.

And the policies are available. It's not just Republican policies. I might mention that the person that understood this effect was JFK. He had a recession; and what he did was, he treated it with a good dose of solid, sound tax policy by cutting taxes. And JFK saw this same kind of turnaround while he was the President. He saw this kind of turnaround while he was President. He had inherited a lousy economy, just as Bush II had done, and he had cut taxes aggressively. People made fun of it. They called it Reaganeconomics and trick-le-down economics and things like that. That's the question is. Are we going to learn from history? Or are we going to take a recession and turn it into a Great Depression? I'll tell you, there are some areas where we have serious problems in this country that are not all clear, and it gets into some very esoteric areas in the area of real estate, both commercial and residential real estate.

And we have not fixed Freddie and Fannie as a result of this last big housing bubble which has affected people's savings terribly in '08. Many people lost a great deal of savings in '08, and it was caused by a series of things in the housing industry that were not done properly. It's courtesy of the U.S. Congress. It was the fault of the U.S. Congress and the Senate and our policies, relative to loan policies. And we haven't fixed any of those things.

So not only have we not fixed tax increases, not only have we not fixed red tape, not only have we not fixed the problem of liquidity, not only have we maintained an air of uncertainty which is problematic, not only are we excessively spending at the Federal level, we've got some other problems in real estate that are still out there.

So all of these things lead us to understand that there has to be a fundamental change in the way things are done here in Washington, D.C., and it says that we cannot afford the level of Federal spending and the excessive taxation that have burdened our economy the way it has.

It's a treat to be able to join everybody this evening, and it's a treat to be able to talk about these things because this is current and relevant. It's quite possible tomorrow that the vote will come up on something here. And I think what you'll see, as I said, is kind of a mixed pattern from Republicans.

There's bad stuff in the bill because it's going to increase the deficit. Good stuff in the sense we're preventing a terrible tax increase, but yet, overall, it's not fixing the problem. And the so- terrible tax increase, but yet, overall, it's not fixing the problem. And the so-

One of the things we'll do will be to take the death taxes and say, Let's make a decision. What are we going to do on this? This thing has been running along since May of 2003. Everybody knows you need to make a decision on that. And it's going to be something that we'll do one piece at a time. We're going to send it over to the Senate, and we're going to give them an opportunity.

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and we don’t get this thing resolved, taking away half of what he’d earned in his lifetime, he would have not had that dream. He’s unlikely to have even come to the United States. But he’s really unlikely to have bought those nine quarter sections of land, because he would have known that before he could hand it off to the next generation, the tax man would come in and swallow up half of it.

And so here’s the scenario. I mean, unfortunately, this great-grandfather, he lost all of that land when the stock market crashed in 1929. He didn’t lament that. He’d engaged in free enterprise, capitalism, and commerce, and it didn’t work out for him. The timing was wrong, and he lived the rest of his life in Pierson, Iowa, a lonely man in a tiny little house. But he had the dream. He had the chance to access the dream. And it didn’t work out for him, but his children received the vision of his dream and they went to work and they raised their children with the same dream that brought him to the United States.

And so I think today, even though it hasn’t worked out for my family in the way that it’s supposed to, there isn’t wealth on either side of my family that counts as taxable in the estate tax configuration, no matter what it is, it inspired them nonetheless. They worked nonetheless. They invested capital anyway, and they went to work. And so—

Mr. AKIN. You know, just stopping your story for a minute there, it strikes me that the policies that killed your grandfather’s dream in the Great Depression were the same policies that we’ve been following for the last 2 or 3 years. There’s nothing new about it. It was excessive Federal spending, excessive Federal taxation all packaged up as Keynesian economics. And Henry Morgenthau, in fact, he killed that dream, came to this Congress and said, Guys, it didn’t work.

And we’re not listening to it, and here we go again doing the same thing. I just feel like we have got to learn something from history. And your grandfather is such an inspiration. And certainly what he passed on was the vision of the fact you can make it in this country. You can go from being poor to being well-to-do if you work hard and you try hard and you live that dream that’s in your heart. And that’s what America’s supposed to be about.

I yield.

Mr. KING of Iowa. Well, in the succeeding generations, the dream was passed on even though the equity was not, because they didn’t build the equity but the dream was there. The obligation and the duty and the appreciation for America embracing my ancestors coming here was passed on to me, and it said stand for this United States and work on the free enterprise dream. And today, the families that it’s worked out for, those who have made that investment, that hung on to that land, that spent two or three generations or more building a family farm—and let’s say now, today, it’s not 160 acres that it takes to sustain a family but 1,000 or 1,500 acres that it takes to sustain a family. And that’s more accurate.

Let’s just say that that unit that was put together, two sections of land now, 640 acres a section, 1,280 acres altogether.

KILLING THE AMERICAN DREAM

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

Mr. AKIN, Mr. Chairman, I thank my colleagues for joining us in this discussion here about really the future of America.

Mr. KING of Iowa. Mr. Speaker, and I would ask the gentleman from Missouri if he would mind sticking around here for a seamless transition into this dialogue. And I appreciate being recognized to address you here on the floor of the House. It is always my privilege.

And I would pick this narrative up where it was left off in the transition component of it, and where I was, with 1,288 acres now required to sustain a unit of operation, that would be these acres and a home place built with grain storage and transfer equipment and livestock facilities and those things that make it a system and a unit. Maybe some rented land out there, some rented pasture, some hay ground, some rented crop ground that keeps this system that is a viable and effective unit. And now, let’s imagine that.

Mr. AKIN. A couple tractors, combine, some equipment worth a lot of money.

Mr. KING of Iowa. And let’s say five kids. That is a good number. Five kids, and they are raised on this farm.

Now, two sections of land, paid for, and the 90-year-old patriarch of this family has reached the end of his life and he is watching how his life’s work that is the legacy of his predecessors, the life’s work of almost a century of his memory adding all up to this point where he passes away in the first minute of next year, the taxman hovers over the death bed and reaches in and pulls out, aside from the $1 million exemption, 55 percent of the asset value. That means that half of the land that has been accumulated goes to pay the taxman. The other half of that land, the five children that would inherit the balance of what is left, would have a 20 percent equity share in the land that is left, 20 percent equity share in 45 percent of those children then, on that basis, have enough equity to hold that system, that unit, in place.
And so they look at this and they would think, do I want to be in debt the rest of my life trying to retire this debt, trying to borrow the money to buy the section of land that it takes to pay the taxman and buy the 80 percent that somebody else has, and then you can't have any equity in, that goes to their siblings, and you are able to turn the cash flow to retire it to serve the interest and principal on those two sections of land? And the answer that they will come away with, and the banker will tell them: You can't hold this land. I am sorry, but you have got to put it before the auction, sell this land off, pay the taxman, and then distribute the rest of the proceeds amongst your siblings and you get your 20 percent that is left over after taxes.

That means that a century of work, three generations or more that have compiled these assets, is gone, taken away, because of the class envy that comes from the leftists in this Congress, that thinks that the American dream isn't about building equity and that you shouldn't be able to transfer wealth from generation to generation, and that somehow, because someone else worked and created the capital in this Nation that you should be punished in the transfer of that wealth into the next generation. The gentleman from Missouri knows this, I know this in the Midwest. They should know this all across America.

Mr. AKIN. I appreciate your yielding for a moment, because what you are talking about, I guess economists would say, there is sort of an economic lot size. If you have a farm worth 2,000 acres, that may be viable; but if you have to sell off 55 percent of your land, 55 percent of your tractors or your combines or your equipment, and then you divide it across several siblings, it won't work anymore.

So what you have done is not only have you taken away something that was part of the dream that somebody saved all their life to pass on to their kids; we are saying we are going to punish people who want to pass things on to their kids. That is not the American dream. That is killing the American dream.

Now, you raised another thing, and I would like to talk about this. I have heard people, talk show hosts and others, talking about this, and I feel like they are not approaching it from the right way. You are talking about class envy, and it is always the upper class and the middle class and the lower class, and, “I am for the middle class.” And it is all this class, class, class stuff. And I feel like saying: Stop. Wait just a minute. I thought America was a classless society. I thought America was a place where you could come here dirt poor, end up as a millionaire, and nobody really make a whole bunch of stuff. They didn't talk about it with, you can't go to dinner at somebody's house because you are not the right class. That is the way it is in Europe, but that is not the way it is in America. The America I know is classless. And I don't look down my nose at somebody doing a hard job, because the guy working hard is probably going to be the guy who is going to be the millionaire, he is probably going to be hiring my kid to mow his lawn.

So why do we talk about classes? Why don't we talk about jobs and the American dream? That is what I don't understand.

Mr. KING of Iowa. The gentleman is completely correct on this. I would add to this point. Let’s just say that an entrepreneur has a bright idea, and let’s say 10 kids. That is a good start on a family, I tell them. And this bright idea from the entrepreneur starts a business, and they build their equity base because of the creativity and the energy and the conviction and the productivity and the competition that they put into the marketplace. This individual reaches that age of 45 or 50, and says, you know, and I've said: I can check out of this. I can sell out my business and I can make the rest of this on really solid, stable investments, and I don’t have to worry about the rest of my life. And, furthermore, if I take the money I make to take risk, continue to produce and expand the capital base of America, everything that I work for, for the rest of my life, is going to go off to the taxman to be redistributed among people across America, and I can't even give it to my children.

What does a rational person do in a case like that? And I will submit to the gentleman from Missouri and the Speaker that a rational person would come to the conclusion that it didn’t pay to continue to produce once you reach the level that you could take care of yourself for the rest of your life, because you couldn’t pass it along to the next generation. That destroys the American dream, and it blows the entire thing up.

I see my friend, the Judge and the gentleman from Texas, who concluded that legislating from the bench was the wrong thing, and coming to Congress to legislate from here is the right thing. And I yield to the gentleman from Texas.

Mr. GOHMERT. I appreciate my friend from Iowa yielding. In fact, exactly what you are talking about was a real-life case in my extended family. There was a great aunt, predeceased by her husband. They had 2,500 acres in south Texas. It had been built up over a number of generations, over 100 years. They have done exactly what you are talking about. They worked, and by the sweat of their brow and all the sweat equity, scraping together money, they kept accumulating land and would pass that on.

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Mr. GOHMERT. Exactly. Anyway, my great aunt’s husband predeceased her. When she died, she had left a will that set aside one section of land to be sold to pay off the estate tax. Unfortunately, this was 1986, and that also happened to be a time when FDIC and the SLIC, later the RTC, they started accumulating and they started dumping land around that area.

Land had been valued around $2,000 at the time of her death in 1986, but within a year or so when the estate was being settled, because of the land being dumped in the area, it fell to $600, $700 an acre. The IRS took every acre of the estate, because at the time the land fell to $600 or $700. The IRS did allow a year or two extension hoping the land value would come back so they would get to save an acre or two. But out of 2,500 acres, it was around a $5 million estate at 2,000 acres, and there were some comparable sales at that when she died to show it was that value. But when it fell to $600, $700, the IRS said, “It is all ours, because it will take every acre of land to pay your 55 percent estate tax even after the exemption.”

They forced the sale of every acre of land, and her home, where she had designated specific bequests: I want you to have my china; I want you to have my crystal; I want you to have these beautiful pieces of furniture, you to have the table.

Well, we got a cry from her immediate family, “Please come, because the public is coming to this auction. The IRS is auctioning every single item from her home.”

I was one of a number of family members, and we had an agreement between ourselves: If the individuals that she had specifically bequests to were able to bid, we let them bid on those things and stayed back.

But it was heartbreaking to see item that Aunt Lilly loved after item she loved being bought by the general public who had come with lots of money to take aunt Lilly’s things, all because a greedy Congress couldn’t care less that they took every acre of her land and her homeplace, and her heir that was willed the home to buy her home. That is the IRS, and, of course, the IRS is nothing more than the designee of this Congress to go steal things from people and make it all legal by what we pass here.

Morally, it is not right what we do in taking people’s property, in prying their wallet from the dead carcass of someone we can, because we have that power. It is not right.

I can tell you, in my immediate family I will never be affected by the estate tax. Not in my immediate family
I won’t be. But I know as a moral factor, it is wrong. It is just wrong. It is incentive killing.

And speaking of Congress and the things we do, you know, we may be voting as early as tomorrow on this so-called tax extenders bill. Leave it to this Congress to figure out where we are when people across America have said, hey, people across America didn’t get a pay raise. Social Security, they didn’t get a pay raise. They got noCOLA. You guys don’t get any COLA, you don’t get a pay raise. And this Congress, the Democratic majority said, you are right, we are not going to get a pay raise. We hear you. We are not going to get a pay raise.

But, you know what? In this tax extender bill we are going to cut 2 percent off the Social Security tax. In other words, we are going to give ourselves well over a $2,000 raise next year if this thing passes. I mean, how ingenuous was it for this Congress to come up with a tax bill that means when we promised people we weren’t going to do that this year?

Mr. KING of Iowa. Well, I thank the gentleman from Texas.

Reclaiming my time, I look at the confusion in this proposal that is coming to the floor tomorrow and I am troubled by it. There are some good things in it.

To ensure that the current tax brackets can run for 2 years, that is a good thing. It is just as good as it needs to be. It mitigates the damage of the increase that is impending in the death tax, but it doesn’t address and fix the problem. It just makes it less egregious. So those are the good things about it.

I am one who supports the credits for ethanol and biodiesel. I could make that argument, and it is not a bumper sticker argument. But the Federal Government has said we want you to invest in a private sector capital in producing renewable fuels, and if you will do that, we will make sure there is enough there to get you started.

Well, they invested, at least in my district, 3 years in a row over $1 billion in renewable energy, and now we are looking at that rug being jerked out from underneath the people that trusted the Federal Government. We may or may not agree on that policy here, but I think the government needs to be consistent.

But in any case, here is what we are really looking at: We need to make the current tax structures permanent. We need to eliminate and abolish the death tax, because it is an immoral tax.

And in this bargain, what do we get? We get an across the board in the death tax that goes from zero on up to a $1 million exemption with a 35 percent tax, and that as that is hanging over the head instead is a $1 million exemption and 55 percent.

The current tax is zero. George Steinbrenner’s heirs paid zero in death tax, and those who pass away in this year pay zero, no matter what the amount of their equity. Actually, these are the goods things about this proposal.

But the bad things are this: That the unemployment extensions that are there take it out to 99 weeks. We have gotten into a generation of individual extensions with 26 weeks of unemployment. We know that that bridges people over a seasonal job, it gives them half a year to find a job. And when you look at the time that people are on unemployment spend to look for a job, it is about 26 weeks. A day in the first 26 weeks of their unemployment, and as that unemployment winds down into the 26th week, it is about 70 minutes a day that they spend looking for a job. They are far more likely to find a job the first week after their unemployment runs out than they are to find a job in the first week that their unemployment starts.

So there is a huge transfer of wealth that takes place there, paid for out of borrowed money that comes from the Chinese, the interest and principal that is dumped on our children, and that is about $56.5 billion that accumulated there.

Then we have about $30 billion with the transfer payments. These transfer payments come in the form of refundable tax credits. Refundable tax credits is money that goes off budget, 100 percent of it is borrowed, and a lot of it from the Chinese, that pays people that are do not have a tax liability for the child care tax credit that is there and about two other credits that transfer wealth.

You add this up, that is about $40 billion in that category, and $56.5 billion in the other category. So we are in the area of $101 billion or $102 billion in transfer of wealth, before you get to the pay control component this, which troubles me.

They lower the payroll tax by 2 percent on the employee side, but not on the employer side, which distorts the equation of a dollar out of the employer, a dollar out of the employer. And most of us see this as that all money that is earned by the employee. As an employer, I will make that case. But when you distort the equation, then you are presuming that the employer is making money and the employee is not, and the favor goes to the employee side of this. It will take awhile for economics to balance that one out.

But in the end, we have a 2-year extension of current tax structure for personal income tax, which if you think about it from a business perspective, if you have a business plan and a business model and you are going to invest capital in order to try to get a return on that capital, which means make some money, and in the process of doing that you create jobs, if you have a business model that has 2-year ROI, if you have got that kind of a business model, you have already invested that as fast as you could come up with the idea and come up with the capital to invest it. But most of this on the other side, most capital investments are 10 or 15-year returns on investment.

So if you have got a 2-year extension and a tax increase on the other side of this, we are going to have to distort the equation such a way that it is going to create the jobs. So we don’t get anywhere near the kick out of this for our economy that some of the economists say that we do. And the day will come at the end of these 2 years, we are in the middle of a recession, the congresional races, House and the Senate, and the debate then engages again, do we do President Obama’s Keynesian economics on steroids, do we continue and add to the $3 trillion in wasteful spending that has come from that? And they are going to say, well, we gave you your tax model for 2 years and it didn’t work. Therefore, we need to go back to spending money like Morgenthau admitted was wrong. Not going to get reelected from Missouri, I see we have 3 minutes left.

Mr. AKIN. I appreciate your yielding.

Certainly I think the point that you have said eloquently I tried to make earlier tonight, and that is what you are looking at here is the Republican solution. It is not a good economic solution. It is not a good moral solution. It is something that is a Christmas-New Year’s solution on something that people have seen for 3 or 4 years coming along, plenty of time, if we really wanted to deal with it.

The other thing is that all of the discussion that I hear is so amazingly oblique to what we should be thinking. It is all about, well, does the middle-class guy get more? Does the rich guy get more? Does the poor guy get more? It is not about that. It is about America. It is about the fact that we have got an economic recession going. It is about the people that we want the American dream to have some fresh life breathed into it and economic policies that don’t rip people off. It is about the fact that socialism is theft. It is not a legitimate function under the Constitution or the government. It is about the fact that we want the government to be the servant and not the master.

It is the time now for us to blow the whistle and say, enough already. It is time to get back to the system that was designed by our forefathers, and that is the endless class warfare gibberish which misses the fact that we are USA Americans.

Mr. KING of Iowa. Reclaiming my time, we have the 87 freshmen Republicans and however many Democrats are coming here who are the cavalry coming over the hill, and we ask them to bring the freshness of their convictions here and weigh in. I believe they need an opportunity to weigh in on this tax policy.

I yield to the gentleman from Texas.

Mr. GOHMER. One of the things about this 13 months of unemployment insurance is that if people haven’t
found a job already, rather than pay them not to work for over a year, train them to do a different job where there are jobs. That is the more caring thing to do.

And one more comment about the tax policy that took all of my great aunt’s land. I bought at the auction her music box that was a church that played Amazing Grace. At the end of the auction, most everybody had left, and the observation I had is there was nothing amazing or graceful about that policy.

Mr. KING of Iowa. I thank the gentleman from Texas and the Speaker for his indulgence.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today.

Ms. WOOLSEY (at the request of Mr. HOYER) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FRANK of Massachusetts) to revise and extend their remarks and include extraneous material:)

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. CONVETS, 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. 4005. An act to amend title 28, United States Code, to prevent the proceeds or instrumentalities of foreign crime located in the United States from being shielded from foreign forfeiture proceedings; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the

The Speaker announced her signature to enrolled bills of the Senate of the following titles, which were thereupon signed by the Speaker:

H.R. 1061. An act to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes.

H.R. 6278. An act to amend the National Children’s Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Thursday, December 16, 2010, at 10 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111–139, Mr. SPRATTS hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 6517, the Omnibus Trade Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 1275. An act to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President’s Council on Physical Fitness and Sports.

S. 1448. An act to amend the Act of August 9, 1955, to authorize the Coquille Indian Tribe, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw, the Klamath Tribes, and the Burns Paiute Tribe to obtain 99-year lease authority for trust land.

S. 1609. An act to authorize a single fisheries cooperative for the Bering Sea Aleutian Islands longline catcher processor subsector, and for other purposes.

S. 2596. An act to amend the Act of August 9, 1955, to modify a provision relating to leases involving certain Indian tribes.

S. 3794. An act to amend chapter 5 of title 40, United States Code, to include organizations whose membership comprises substantially veterans as recipient organizations for the donation of Federal surplus personal property through State Agencies.

S. 3984. An act to amend and extend the Museum and Library Services Act, and for other purposes.

EXECUTIVE COMMUNICATIONS.

ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker’s table and referred as follows:

10896. A letter from the Secretary, Department of Defense, transmitting a letter of notification that the Department of the Navy intends to expend funds to design the OHIO Replacement SSBN with the flexibility to accommodate female crew; to the Committee on Armed Services.

10899. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department’s final rule — Community Reinvestment Act Regulations [Docket ID: OTS-2010-0023] (RIN: 1500-AC58) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10900. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Indonesia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

10901. A letter from the Secretary, Department of Health and Human Services, transmitting first quarterly report on Progress Toward Promulgating Final Regulations for the Menu and Vending Machine Labeling Provisions of the Patient Protection and Affordable Care Act of 2010, pursuant to Public Law 111-148, section 4205; to the Committee on Energy and Commerce.

10902. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — Approval and Promulgation of Implementation Plans: Georgia; Stage II Vapor Recovery [EPA-R04-OAR-2007-0113-201016(a); FRL-9234-4] received November 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10903. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — Approval and Promulgation of Implementation Plans; Extension of attainment Date for the Atlanta, Georgia 1997 8-Hour氧化ative for the Bering Sea Aleutian Area [EPA-R04-OAR-2010-0614-20105]; FRL-9234-2] received November 30, 2010, pursuant
to 5 U.S.C. 801(a)(1); to the Committee on Energy and Commerce.


10906. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Custer and Onokama, Michigan) [MB Docket No.: 08-86] received November 29, 2010, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Energy and Commerce.


10908. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-72, pursuant to the Periodic Reports of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10909. A letter from the Special Assistant to the President and Director, Office of Administration, transmitting the personnel report for personnel employed in the White House Office, the Executive Residence at the White House, the Office of the Vice President, the Office of Policy Development, and the Office of Administration for FY 2010, pursuant to 3 U.S.C. 113; to the Committee on Oversight and Government Reform.


10911. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board’s Performance and Accountability Report for FY 2010, as required by the Government Performance and Results Act and the Government Management Reform Act of 2002; to the Committee on Oversight and Government Reform.

10912. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department’s final rule — Defense Federal Acquisition Regulation Supplement; Contractor Insurance/Pension Review (DFARS Case 2009-D025) (RIN: 0705-AG77) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Oversight and Government Reform.

10913. A letter from the Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10914. A letter from the Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10915. A letter from the Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10916. A letter from the Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10917. A letter from the Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10918. A letter from the Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10919. A letter from the Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10920. A letter from the Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10921. A letter from the Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10922. A letter from the Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10923. A letter from the Acting Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10924. A letter from the Acting Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10925. A letter from the Acting Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10926. A letter from the Acting Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10927. A letter from the Acting Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10928. A letter from the Acting Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10929. A letter from the Chairman, Federal Labor Relations Authority, transmitting the Authority’s Performance and Accountability Report for Fiscal Year 2010; to the Committee on Oversight and Government Reform.

10930. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board’s final rule — Certification of Administrative Procedure Act Code 6706-01-P) received November 29, 2010, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Oversight and Government Reform.

10931. A letter from the Acting General Counsel, National Labor Relations Board, transmitting the Board’s semiannual report for the period ending September 30, 2010, pursuant to Section 5(b) of the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

10932. A letter from the Director, Office of Personnel, Executive Office of the President, submitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10933. A letter from the Commissioner, Social Security Administration, transmitting the Administration’s report for fiscal year 2010; to the Committee on Oversight and Government Reform.

10934. A letter from the Acting Principal Deputy Assistant Secretary, Indian Affairs, Department of the Interior, transmitting notice that the Department proposes to restore funds to the Absentee-Shawnee Tribe of Oklahoma; to the Committee on Natural Resources.

10935. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: Eurocopter France (Eurocopter) Model AS332C, L. L., and L2 Helicopters (Docket No.: FAA-2010-0967; Director Identifier 2010-SW-044-AD; Amendment 39-16495; Docket No.: FAA-2010-0002) (RIN: 2120-AA34) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transportation and Infrastructure.

10936. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: PIAGGIO PI.180 Airplanes (Docket No.: FAA-2010-0778; Director Identifier 2010-SW-044-AD; Amendment 39-16495; AD 2010-23-01) (RIN: 2120-AA34) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transportation and Infrastructure.

10937. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: Austro Engine GmbH Model E4 Piston Engines (Docket No.: FAA-2010-1055; Director Identifier 2010-NF35-AD; Amendment 39-16490; AD 2010-23-09) (RIN: 2120-AA34) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transportation and Infrastructure.

10938. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: Airbus Model A318, A319, A320, and A321 Series Airplanes (Docket No.: FAA-2010-0967; Director Identifier 2010-SW-044-AD; Amendment 39-16496; AD 2010-23-07) (RIN: 2120-AA34) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transportation and Infrastructure.

10939. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: Oklahoma; to the Committee on Natural Resources.
the Department’s final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes (Docket No.: FAA-2010-1941; Directorate Identifier 2010-NM-198-AD; Amendment 39-16500; AD 2010-23-15) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1094. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; EADS CASA (Type Certificate Expiration Date: 2003-02-28) (Regional Jet Series 700, 701, & 702), CL-600-2C10 (Regional Jet Series 700, 701, & 702), Model CL-600-2D15 (Regional Jet Series 700), and Model CL-600-2D24 (Regional Jet Series 900) Airplanes (Docket No.: FAA-2010-1106; Directive Identifier 2010-NM-237-AD; Amendment 39-16506; AD 2010-23-19) (RIN: 2120-AA64) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1095. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701, & 702), Model CL-600-2D15 (Regional Jet Series 700, 701, & 702), CL-600-2D24 (Regional Jet Series 900) Airplanes (Docket No.: FAA-2010-1106; Directive Identifier 2010-NM-237-AD; Amendment 39-16506; AD 2010-23-19) (RIN: 2120-AA64) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1096. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; The Boeing Company Model 757 Airplanes (Docket No.: FAA-2010-0675; Directive Identifier 2010-NM-061-AD; Amendment 39-16501; AD 2010-23-12) (RIN: 2120-AA64) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1097. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; McDonnell Douglas Corporation Model DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes (Docket No.: FAA-2010-0705; Directive Identifier 2010-NM-206-AD; Amendment 39-16499; AD 2010-23-05) (RIN: 2120-AA64) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.


1099. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Pipeline Safety: Updates to the Liquid Natural Gas Reporting Requirements [Docket No.: PHMSA-2008-0291; Amdt. Nos. 191-21; 192-115: 193-23; and 195-95] (RIN: 2137-AE33) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1100. A letter from the Deputy Assistant General Counsel for Regulation, Department of Transportation, transmitting the Department’s final rule — Relocation of Standard Time Zone Boundary in the State of North Dakota: Mercer County (OST Docket No.: OST-2010-0027; Amendment 39-16507; AD 2010-23-18) (RIN: 2120-AA64) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1101. A letter from the Assistant Chief Counsel for General Law, Department of Transportation, transmitting the Department’s final rule — Pipeline Safety: Updates to Pipeline and Liquified Natural Gas Reporting Requirements [Docket No.: PHMSA-2008-0291; Amdt. Nos. 191-21; 192-115; 193-23; and 195-95] (RIN: 2137-AE33) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1102. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department’s final rule — Aging Airplane Program: Widespread Fatigue Damage [Docket No.: FAA-2006-24281; Amendment Nos. 25-122, 28-3, 121-3, 311-7, 123-18, 129-18] (RIN: 2120-AT05) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1103. A letter from the Chief, Publications Branch, Internal Revenue Service, transmitting the Senate amendment to the House amendment to the Senate amendment to the Committee amendment and the Small Business Technology Transfer Program, for other purposes (Rept. 111-681). Referred to the House Calendar.
By Mr. POSEY (for himself, Mr. OLSON, Mr. BRADY of Texas, Ms. FOXX, and Mr. PAUL):

H. Res. 6326. A bill to prohibit the payment of death gratuities to the surviving heirs of deceased Members of Congress; to the Committee on House Administration.

By Mr. WEINER:

H. J. Res. 194. A joint resolution disapproving the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Saudi Arabia; to the Committee on Foreign Affairs.

By Mr. GARY G. MILLER of California:

H. Con. Res. 334. Concurrent resolution expressing the sense of the Congress that the current Federal income tax deduction for interest paid on debt secured by a first or second home should not be further restricted; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN:

H. Res. 1763. A resolution directing the Secretary of State to transmit to the House of Representatives copies of all classified Department of State documents assessed by the Committee on Ways and Means; to the Committee on Foreign Affairs.

By Mr. GARY G. MILLER of California:

H. Con. Res. 334. Concurrent resolution expressing the sense of the Congress that the current Federal income tax deduction for interest paid on debt secured by a first or second home should not be further restricted; to the Committee on Ways and Means.

By Mr. BERNAN (for himself, Mr. POE of Texas, Ms. BERKLEY, Ms. ROS-LEHTINEN, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. DEUTCH, Mr. PENCE, Mr. CROWLEY, Mrs. MCDERMOTT, Mr. RODGERS, Mr. McMAHON, Mr. GARRETT of New Jersey, Mr. WAXMAN, Mr. TIM MURPHY of Pennsylvania, Mr. NADLER of New York, Mr. SHEPARD, Mr. SCHIFF, Mr. ENGLE, Mr. ISRAEL, Mr. LAMBORN, Mr. CAMPBELL, Mr. BILIRAKIS, Ms. FOXX, Mrs. BLACKBURN, Mr. GENE GREEN of Texas, Mr. LOBONDO, Ms. GRANGER, Mr. MACK, Mr. KING of New York, Mr. BUCHANAN, Ms. SCHAUKOWSKY, Mrs. LOWEY, Mr. COSTA, Mr. KLEIN of Florida, Mr. SURES, Mr. ROTHSCHILD of New Jersey, Mr. Schauber, Mr. WEINER, Mr. MCCOTTER, Mr. ROGERS of Alabama, Mrs. CAPPOTO, Mr. MCCLINTOCK, Mr. KING of Iowa, Mr. WOLF, Mr. HENSAELING, Mr. QUILLEY, Mr. ROE of Tennessee, Mr. SCALISE, Mr. LANCE, Mr. TIBERI, Mr. CULBERSON, Mrs. SCHMITT, Mr. ROSKAM, and Mr. ALBERT):

H. Res. 1765. A resolution supporting a negotiated solution to the Israeli-Palestinian conflict and condemning unilateral measures to declare or recognize a Palestinian state, and for other purposes; to the Committee on Foreign Affairs; considered and agreed to.

By Ms. BALDWIN (for herself, Mr. KIND, Mr. PETRI, Mr. KAGEN, Ms. MOORE of Wisconsin, Mr. OBEY, Mr. SENSENIBRENNER, and Mr. RYAN of Wisconsin):

H. Res. 1767. A resolution commending the Wisconsin Badger football team for an outstanding season and 2011 Rose Bowl bid; to the Committee on Education and Labor.

By Mr. HASTINGS of Florida (for himself, Ms. EDWARDS of Maryland, Ms. BORDEALLO, Mr. McGOVERN, Mr. JOHNSTON of Georgia, Mr. LEWIS of Georgia, Mr. VAN HOLLEN, Mr. HOLT, Mr. CROWLEY, Mr. KING of New York, Mr. PITTS, Mr. HALL of New York, Mr. CAO, Mr. SCHOCK, Mr. MORA of Virginia, Mr. OLIVER, and Mr. WOLF):

H. Res. 1768. A resolution welcoming the release of Burmese democracy leader and Nobel Peace Prize Laureate Aung San Suu Kyi on November 13, 2010, and calling for a continued focus on securing the release of all political prisoners and prisoners of conscience in Burma; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER (for himself and Mr. KING of Iowa):

H. Res. 1769. A resolution expressing the sense of the House of Representatives that in order to undermine the Taliban and their terrorist allies, the policy of the United States should support the recognition of Afghanistan’s ethnic diversity, promoting mutual respect between various communities and regions of the country and bringing democracy closer to the people of Afghanistan by supporting constitutional change that recognizes and enables a democratic, decentralized, federal structure to replace the present failed centralized system of government, providing a political structure that reflects the diversity of the country and that builds trust and goodwill among Afghanistan’s many communities; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H. R. 1616: Mr. HEINRICH.
H. R. 2112: Mr. CHANDLER.
H. R. 3652: Mr. CROWLEY.
H. R. 4278: Mr. McCarthy of California, Ms. CORRINE BROWN of Florida, and Mr. LIPINSKI.
H. R. 4666: Mr. LIPINSKI and Mr. FORBES.
H. R. 4959: Mr. LIPINSKI.
H. R. 5028: Ms. KILPATRICK of Michigan.
H. R. 5434: Mr. TONKO.
H. R. 5516: Mr. TOWNS, Ms. WOOLSEY, Ms. CORRINE BROWN of Florida, and Mr. JACKSON of Illinois.
H. R. 5533: Mr. BRADY of Texas.
H. R. 5597: Mr. LIPINSKI.
H. R. 6045: Ms. PUGH.
H. R. 6072: Mrs. CAPITO.
H. R. 6199: Mr. FATTAL, Ms. NOETZ, and Ms. CLARKE.
H. R. 6458: Mr. Murphy of Connecticut.
H. R. 6485: Mr. WALDEN.
H. R. 6494: Ms. BALDWIN and Mr. CONAWAY.
H. R. 6520: Ms. WASSERMAN SCHULTZ, Mr. NADLER of New York, Ms. BALDWIN, Mr. GARAMENDI, Mrs. CAPPS, Mr. FATTAL, Mr. LEVIN, Mr. CHU, Mr. QUILLEY, Mr. LARSEN of Washington, Mr. POLIS, Mrs. DAVIS of California, Mr. DINGELL, Mr. FRANZ of Massachusetts, Mr. HASTINGS of Florida, Mr. SESTAK, Mr. ANDREWS, Mr. HOLT, Mr. JOHNSON of Georgia, Mr. DOYLE, Ms. WOOLSEY, Mr. MEEKS of New York, Ms. PINDERS of Maine, Ms. LEE of California, Mr. NORTON, Mr. ELLISON, Mr. PALLONE, Mr. HARMAN, Mr. LANGEVIN, Mr. ACKERMAN, Mr. PRICE of North Carolina, Mr. GEORGE MILLER of California, Ms. SCHWARTZ, Mr. McGOVERN, Mr. ISRAEL, Mr. SMITH of Washington, Mr. ROY-BAL-ALLAED, Ms. LINDA T. SANCHEZ of California, Mr. WU, Mr. KLEIN of Florida, Mr. TOWNS, Mr. GRIJALVA, Mr. BLUMENAUER, Mr. STARK, Mr. CROWLEY, Mr. BERKLEY, Mr. HALL of New York, Mr. HINCHY, Mr. WELCH, Ms. SCHAUKOWSKY, Mr. VELAZQUEZ, Mr. FILNER, Mr. MILBRAY, Mr. CAPUANO, Mr. SHIRMAN, Ms. SUTTON, Ms. SLAUGHTER, Mr. WAXMAN, Mr. SCHIFF, Mr. LOEBSACK, Mr. PETERS, Mr. ESHOO, Mr. ENGEL, Mr. HONDA, Mr. COURTSKY, Ms. SHEA-PORTEER, Mr. WEINER, Mr. LEWIS of Georgia, Ms. ZOE LOPCHEN of California, Mr. COHEN, Mrs. LOWEY, Mr. HIRONO, Mr. BISHOP of New York, Mr. REYES, Mr. CLYBURN, Ms. JACKSON LEE of Texas, and Ms. LORETTA SANCHEZ of California.
H. R. 6531: Mrs. BIGGERT.
H. J. Res. 97: Mrs. BACHMANN.
H. Res. 764: Mr. PETERS and Mr. TSONGAS.
H. Res. 1355: Ms. ZOE LOPCHEN of California.
H. Res. 1377: Mr. WAXMAN, Ms. WOOLSEY, Mr. COSTA, Ms. SPEIER, Mr. SCHIFF, Ms. LINDA T. SANCHEZ of California, Mr. MCNERNY, and Mr. HARMAN.
H. Res. 1461: Mr. OLVER, Ms. MATSU, Mr. POSHY, Mr. LAMBORN, Mr. CARDOZA, Ms. SPEIER, and Mr. NEAL.
H. Res. 1716: Mr. WOLF, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. LAMBORN.
H. Res. 1725: Mr. TANNER.
H. Res. 1762: Mr. MORAN of Virginia and Mr. LEVIN.
The Senate met at 9:30 a.m. and was called to order by the Honorable Tom Udall, a Senator from the State of New Mexico.

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:
Let us pray:

It is good to be able to talk to You, mighty God, whenever we desire. Your power astounds us. You heal the broken-hearted and bring comfort to those who are bruised. You decide the number of stars, calling each one by name. You raise the humble, spread clouds over the sky, and provide rain for the Earth. Great and marvelous are Your works; just and true are Your ways.

Today, bless our Senators as they seek to do Your will. Give them strength and encouragement by infusing them with Your peace that surpasses all understanding. We pray in Your Holy Name. Amen.

NOTICE
If the 111th Congress, 2d Session, adjourns sine die on or before December 23, 2010, a final issue of the Congressional Record for the 111th Congress, 2d Session, will be published on Wednesday, December 29, 2010, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–59 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m., through Wednesday, December 29. The final issue will be dated Wednesday, December 29, 2010, and will be delivered on Thursday, December 30, 2010.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators’ statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at “Record@Sec.Senate.gov”.

Members of the House of Representatives’ statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerk.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–59.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, Chairman.
Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following the remarks of Senator MCCONNELL and myself, we will be in a period of morning business until 11 a.m. with Senators permitted to speak for up to 10 minutes each. At 10 o'clock this morning, Senator BAYH will deliver his farewell remarks to the Senate, and at 10:30 a.m. Senator VOINOVICH will deliver his. I spoke yesterday about Senator BAYH and what an outstanding person he is and how much we will miss him. I will have something to say in a few minutes about Senator VOINOVICH.

At 11 a.m. today, the Senate will resume consideration of the House message with respect to H.R. 4833, the vehicle for the tax compromise. There will be 1 hour for debate prior to a series of up to four rolcall votes. There will be votes on three motions to suspend rule XXII, and the last vote will be on the motion to concur with the Reid-McConnell amendment.

Following this series of votes, the Senate will resume morning business until 2:15. At that time, we intend to move to executive session for the purpose of considering the START treaty. Senators should expect a rolcall vote to proceed to executive session, and for the information of all Senators that is simply a majority vote.

Following the vote to proceed to executive session, Senator LINCOLN will be recognized to deliver her farewell speech to the Senate. Upon conclusion, the Senate will resume executive session.

We have Christmas, which is a week from Saturday. We have a lot of things to do. I have talked about that before, but let me just briefly say again what we have to do.

We are going to finish this tax bill within the next couple of hours. It is a tremendous accomplishment. Whether you agree with all of the contents of the bill or not, everyone should understand this is one of the major accomplishments of any Congress where two parties, ideologically divided, have agreed on a major issue for the American people. It will go directly to the House of Representatives. They will take it up quickly.

We are going to move to the START treaty. I hope we can have a good, fair debate. No one needs to be jammed on it. There is lots of time for people to do what needs to be done. If people want to offer amendments, they can do that. This treaty has been around since April or May. Even a slow reader could finish every word of that many different times. I would hope no one will require us to read the treaty. What a colossal waste of time. So I hope that is not going to be necessary.

We then are going to move to the spending bill, which is so important to get done for the country. We will move to that as quickly as we can. We will see how things go with this treaty. But it is clear, I have spoken on many occasions with the Republican leader, we are going to be in session this Sunday. There is work to do. We hope we can complete it all in a day or two after Saturday. We want to complete the things I have just mentioned. We are going to have to have a vote on the DREAM Act. We have the 9/11 issue. We are working on nominations to complete the work we need to do for this Congress.

Unless the House sends us something I am not aware of at this stage, I think I have pretty well lined out what we need to do. On nominations, the Republican leader is very concerned about having somebody at the Attorney General’s Office. We need somebody to be second in command. The Deputy there has been going a long time. There has been one Senator holding that up, and we hope that matter can be resolved. The lands bill, we are trying to work it out, and we hope we can get that done. It is a bipartisan bill. That is certainly possible.

So we have a lot to do, and we need everyone’s cooperation to get it done so we can get out of here as quickly as we can.

TRIBUTES TO RETIRING SENATORS

GEORGE VOINOVICH

Mr. REID. Mr. President, I wish to say a brief word about GEORGE VOINOVICH. I have watched him for many years. He has an outstanding record. He is a Senator from the State of Ohio who came to Washington with as many credentials as anyone could have: a member of the State legislature, the Lieutenant Governor of the State of Ohio, mayor of the city of Cleveland, and now a U.S. Senator. He has a wonderful family.

The thing GEORGE VOINOVICH brought to Washington a lot of people don’t recognize because of his quiet manner is his work ethic. He gets up very early every morning and works on what is necessary in the Senate. He studies the bills. He is aware of the issues that are before the Senate on any given occasion. Nothing gets past him. He always is up to date on everything we are doing.

I haven’t agreed with Senator VOINOVICH on lots of different issues, but he has a quality that we all need to have: You never have to guess where he stands on an issue. He will always tell you how he feels. That has been a tremendous help to me. There have been occasions when his vote has been so very important for, I believe, the Senate, the State of Ohio, and certainly the country. He always tells you how he feels, what he is going to do, and once he makes up his mind that is what he is going to do. I admire him very much.

I have had such good feelings about people coming from Ohio. I had the good fortune to serve here when John Glenn, a man we all know, one of America’s all-time great leaders. Ohio produces very good people, at least from my experience, the Senate—Senator Metzenbaum, and now SHERROD BROWN with us. I will not run through a list of everyone.

I certainly want the RECORD to reflect, prior to Senator VOINOVICH’s final speech today, how much I respect him as a legislator and as a person. I appreciate his friendship and hope in the years to come we can still work together on issues for the country.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

OMNIBUS APPROPRIATIONS

Mr. McCONNELL. Mr. President, yesterday Democratic leaders unveiled an omnibus spending bill that some have described as one last spending binge for a Congress that will long be remembered for doing just that. The Senate should reject it.

It appeared to some of us we were making good progress on the economy when lawmakers in both parties agreed Monday to let taxpayers keep more of their own money. But yesterday Democrats unveiled a 2,000-page spending bill that repeats all of the mistakes voters demanded that we put an end to on election day.

Americans told Democrats last month to stay what is in the omnibus—bigger government, 2,000-page bills jammed through on Christmas Eve, wasteful spending. This bill is a monument to all three. It includes more than $1 billion to fund the Democratic health care bill. For those of us who have vowed to repeal it, this alone is reason to oppose the omnibus. It is being dropped on us with just a few days to go before the Christmas break, ensuring that no one in Congress has a chance to examine it thoroughly before they vote, and ensuring Americans don’t have a chance to see what is in it either. This, too, is reason enough to oppose it.

For 2 years Republicans have railed against the Democrats for rushing legislation through Congress, but this is, without a doubt, one of the worst abuses of the process yet.

The voters made an unambiguous statement last month. They don’t like the wasteful spending, they don’t want big government, and they don’t want lawmakers rushing staggeringly complex, staggeringly expensive bills through Congress without
any time for people to study what is buried in the details.

This bill is a legislative slap in the face to all the voters who rejected these things.

For the first time in the modern era— for the first time in the modern era—Congress hasn’t passed a single appropriations bill—not one, not one single appropriations bill. Democrats have been too focused on their own leftwing wish list to take care of the very basic work of government.

Now, at the end of the session, they want to roll all of these bills together, along with anything else they haven’t gotten over the past 2 years, and rush it past the American people just the way they jammed the health care bill through Congress last Christmas. We all remember being here every single day throughout the month of December last year for a 2,700-page health care bill passed on Christmas Eve. This is eerily reminiscent of the experience last December, and I predict the American people have the same reaction to this bill as they did to the health care bill a year ago.

A more appropriate approach is available to us. We could pass a sensible, short-term continuing resolution that gets us into next year when the new Congress will have the opportunity to make a determination on how best to spend the taxpayers’ money. The government runs out of money, by the way, this Saturday. Congress should pass that at the 11th hour. Immediately. We need to pass this tax legislation we voted on earlier this week. And we should accomplish the most basic function of government. We can at least vote to keep the lights on around here. I mean, the deadline for funding the basics of government was last October, and here we are on December 15 proposing treaties—treaties. We ought to pass the tax legislation and keep the lights on. Everything else can wait. 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 be a period of morning business until 11 a.m. with Senators permitted to speak for up to 10 minutes each. The Senator from Florida.

TAX CUTS AND UNEMPLOYMENT BENEFITS

Mr. NELSON of Florida. Mr. President, we are soon going to vote on the bipartisan compromise on extending the expiring tax cuts and unemployment benefits. Although, as I described yesterday, it is a bitter pill to swallow because of the extended funding that will cause the deficit to rise, I doubt there is anybody in this Chamber who wants the alternative; that is, inaction or a political stalemate which is certainly not an option.

Job growth remains anemic. For many Americans who are struggling to make ends meet in the midst of this jobless economic recovery, unemployment benefits have already expired. Without action, on January 1, those fortunate enough to have a job would see a significant drop in their paychecks as middle-class tax cuts enacted 10 years ago also expire, with the effect that the taxes would be going up all across the income spectrum.

So out of this stark reality facing us on January 1, this is when people of good will have come together—people of good will who have different opinions, and who, as I said, have to swallow hard on some of the parts of this package. It is my intention, as we vote in just a few hours, to vote for this package. It does provide relief that is critical for middle-class families.

For example, for a family making $63,000 a year, if we didn’t pass this bill, and the existing tax law expired, then that income family earning $63,000—their taxes would go up by $2,000. This bill prevents that. These middle-class tax cuts are extended in this legislation for a period of 2 years, and that includes the 10-percent income tax brackets, the 5 percent for married couples. The bill rewards work by continuing provisions in the 2009 Recovery Act that expanded the earned-income tax credit and the refundable tax credit.

The bill also continues the tax credit that allows taxpayers to claim a $2,500 tax credit for all 4 years of their higher education. In my State of Florida, 600,000 Florida taxpayers benefited from that tax credit.

It also has significant consequences for everybody across the board. For example, without an extension of the unemployment benefits through this coming year, 7 million unemployed workers would lose one of the last lifelines available to them. This bill is going to breathe life into the private sector through a payroll tax reduction of 2 percent. That does put more money into people’s pockets, which they will then go out and spend. That spending will turn over in the economy and that will produce jobs.

The bill includes provisions of particular importance to my State. Our State is one of six that does not have an income tax. As you know, when you calculate your Federal income tax, you can deduct your State income tax. For those six States, we finally got a provision in 6 years ago whereas we don’t have a State sales tax. We put that in, and that is a deductible item, comparable to other States that have an income tax—to deduct that in the calculation of the Federal income tax. I am pleased that this agreement extends that deduction.

The bill also has an extension of section 1603, which is the Treasury grant program for renewable energy projects, that allows the production of renewable electricity into an upfront investment tax credit, and to receive a grant in lieu of the investment tax credit. Certainly, as we are trying to move to renewable energy, that keeps that alive. It is badly needed. But what it illustrates is that there were some 20 to 25 Senators out here on the floor yesterday who were talking about our commitment to roll up our sleeves going into the next year, to try to do something about the reduction of spending and, therefore, reduction of the deficit, at the same time reforming a Tax Code that has gotten so complicated and so fraught with special interest provisions that it is crying out for reform. One way or another, we are going to have to make it happen. I believe that what we are going to vote on this afternoon is the first step of a badly needed effort toward restoring trust and confidence and starting to get our economy moving again.

I yield the floor.

The acting President pro tempore. The Senator from Oklahoma is recognized.

ORDER OF PROCEDURE

Mr. COBURN. Mr. President, our plan on our side was for me to have 15 minutes. I ask unanimous consent that I may share some of that time with Senator Chambliss.

The acting President pro tempore. Without objection, it is so ordered.

TAX EXTENDERS

Mr. COBURN. Mr. President, as we look at the bill we are going to be voting on today, it is an interesting perspective if you are outside of America looking at it. Here is what people are saying. You are going to stimulate the economy with a 2-percent reduction in payroll taxes. You are not going to raise income tax rates. Then you are going to spend another $136 billion. But for all this you are going to borrow the money.

We spent 8 months on a deficit commission addressing the very real problems that are about to become acute for our country. I have no disregard for those who bring this bill to the floor. But we who are outside of America are looking at it. And I ask unanimous consent that I may reserve the balance of my time.
enabling to happen—to not offer and have the opportunity to offer a way to not charge that to our children and grandchildren denies the reality of everybody else in the world that is looking at our country.

The Senate this morning, I will be offering an amendment that will suspend the rule, including any requirements for germaneness, and we will have a vote. We are going to have an amendment that cuts $136 billion from the Federal Government to pay for the $46 billion that is actually going to go out the door in the next 11 or 12 months. It is not an easy vote. But the world is going to be looking to see if we get it.

Not only are the people in this country disgusted with our actions, that we continue to borrow and steal and beg from future generations, but the world financial markets are going to see this. You said and exceeded Federal Exports. Bowles and Alan Simpson, who worked for 8 months trying to drive an issue to get us back on course and create a future for us that will allow us to control our destiny rather than someone else doing it.

This is just a drop in the bucket—this amendment—to the waste, duplication, and the fraud. We are going to run trillion dollar deficits as far as the eye can see right now, with no grownups in the room to say we are going to quit doing that. We are going to continue to do that.

What are some of the things in this amendment? A congressional pay freeze, a cut in the executive branch and congressional budget of 15 percent; a freeze on the salaries and the size of the Federal Government; limiting what the government can spend on planning, travel, and new vehicles; selling unneeded and excess Federal property; stopping unemployment benefits to people who are millionaires—by the way, we are sending unemployment benefits to people who are unemployed and have assets in excess of $1 million; collecting unpaid taxes currently in excess of $4 billion owed by Federal employees and Members of Congress; force consolidation of duplicative programs; preventing fraud, taking some of the $100 billion that is defrauded from Medicare and Medicaid every year, and preventing that from happening by the FAST Act; streamlining defense spending and reducing foreign aid, including voluntary excess contributions to the United Nations.

The people of the world are astounded that we would spend another $136 billion and make no attempt to get rid of the excesses, waste, and duplication in our Federal Government. Because the Senate is allowed under this particular order to offer amendments—and I understand the purpose for that—this amendment will require 67 votes.

The American people are going to be looking, and they are going to say: Does the Senate get it? Do they understand the severity and the urgency of the problems that face our fiscal future?

When the Joint Chiefs of Staff of our entire military say that the greatest problem facing America is not our military challenges but our debt, it should give us all pause to consider the reality and impact of our excess. I yield to the President.

The ACTING PRESIDENT pro tempore, The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I rise to support the amendment offered by my colleague from Oklahoma. America is today at a crossroads—a crossroads where we have the opportunity as policymakers to go in the direction that the people of America said we should go in on November 2 or to have the opportunity to go down the road of continuing to spend money by this body and the body across the Capitol, without paying for the money we are spending.

These amendments are pretty simple and straightforward. What they say is that we have an obligation to listen to the people who sent us here, listen to the people who said, by golly, we don’t like the way you are running the financial resources that we send to Washington. And here we are, the majority leader, Senator McConnell just sat down from saying and talking about an omnibus bill that goes in the wrong direction—a direction that is totally opposite of what the people of America said they wanted on November 2.

Now we are going to have a vote today on the tax package that, in my opinion, is a good package. Only in Washington is a package which says that if you continue to tax people at the rate they are being taxed today, it adds to the deficit. There is another part to that. There are additions to that tax package that do provide for additional spending—spending that can be paid for, without any feeling on the part of the people who are going to be affected by the offsets, as Senator Coburn has proposed.

These amendments make common sense, they make business sense, and they certainly make the kind of sense that the people in America want us to start reacting to and providing for.

Mr. President, America’s finances are on an unsustainable path, and we cannot ignore this fact by continuing to pass legislation that we have not paid for.

The amendments offered by my colleague from Oklahoma, Senator Coburn, are an opportunity for this body to act responsibly so that America’s future prosperity is not stifled by insurmountable debt.

All of us in this Chamber believe some portion of this bill should be paid for. Here is a chance to show we mean just that. These amendments provide billions of dollars of savings by eliminating wasteful spending, and by consolidating duplicative programs.

Moreover, these proposals are bipartisan, having been recommended by the President’s Commission on Fiscal Responsibility and Reform. In addition, the amendments include ideas put forth by Presidents George W. Bush and Barack Obama to terminate certain Federal programs.

We are all aware of the tepid, seemingly unstoppable economic recovery from the financial crisis of the past few years. Raising taxes in the face of high unemployment and volatile economic times would injure what slow growth our economy has, in fact, achieved.

But the world is going to be looking to see what the Congress does. If we cannot figure out a way to pay for something that nearly everyone in this body supports, how will we ever truly address our current spending and debt levels? When will we turn and face the unavoidable hard choices?

There is no better time than now. These amendments provide $46 billion in savings this year, and $156 billion 5 years.

Much of the savings can be accomplished by cleaning up our own house. Specifically, this amendment proposes a congressional pay freeze and a 15-percent reduction in Congress’s budget; a freeze on how much can be spent on the salaries for Federal employees and a reduction in the number of government bureaucrats; limiting the amount that the government can spend on printing, travel and new vehicles; selling unneeded and excess Federal property.

In the interests of strengthening America’s financial future, we have to make tough choices. These amendments do just that.

We must show the American people that we have the good faith, the courage, and the will to confront the challenges before us by working toward sound fiscal decisionmaking, by managing our debts and paying our bills just as millions of American families have to do month after month.

Mr. President, I yield the floor.

Mr. COBURN. Mr. President, I will close with the following comment. The Gallup organization came out today with the latest approval rating on Congress. Do you know what it is? It is 13 percent. Thirteen percent of the people in this country have confidence that what we are doing and 87 percent do not.

I side with the 87 percent. I think they have it right. If we continue with this omnibus package, and we continue to have our earmarks, and we continue to pass expenditures by not reducing expenditures elsewhere, it is going to sink even lower.

What does that really mean, that only 13 percent of this country have confidence in us? What it really means is that the legitimacy of our positions and our power is in question. Everybody recognizes the problems in front of us. The question is, Will you make the hard choices and do what is necessary to solve the problems we have? We can no longer borrow money we don’t have to spend on things we don’t need.
With that, I yield the floor and welcome the comments of the Senator from Indiana.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

FAREWELL TO THE SENATE

Mr. BAYH. Mr. President, if I could be permitted a few moments of personal privilege before I begin my formal remarks, there are so many people I need to express my heartfelt gratitude to today, starting with, of course, my wonderful wife Susan. I know we are not supposed to recognize people in the gallery, but I am going to break the rules for one of the first times here to thank my wife. We have been married for 25 wonderful years, and frankly, Mr. President, I wouldn’t have been elected dog catcher without Susan’s love and support.

I often remember a story during my first speech as a U.S. Senator. It was the first campaign where I met an elderly woman who took my hand, looked up into my eyes, and said: Young man, I am going to vote for you.

She was a wonderful first lady, is a phenomenal mother, and is the partner for my life.

Next, I would like to express my gratitude to my parents. Even though they were very busy, I never doubted for a moment that I was the most important thing in their lives. There is no question that my devotion to public service stems from their commitment—something, Mr. President, I think you can relate to as well. I have always admired my father’s selfless commitment to helping our State and Nation. I am proud to follow in his footsteps here in the Senate to share his name. My mother taught me that even from the depths of adversity we can hope. She was diagnosed with cancer at age 38, passed from us at age 46—an age I now recognize to be much, much too young. I miss her, but I suspect, as so often in my life, she is watching from on high today.

Next, to my wonderful sons, Nick and Beau. They came into our lives when I was still Governor and were barely 3 when I was sworn in to the Senate. They are the joys of my life. I hope that one day they will draw inspiration, as I did, from their upbringing in public service and will choose to devote themselves in some way to making our country and State better places. I am so proud of you, my sons.

Next, to my devoted staff and to the staff who serves us here in the Senate. My personal staff has had the thankless task for 12 years of making me look better than I deserve, and in that, they have performed heroic service. They have never let me down. To the extent I have accomplished anything on behalf of the public, it is thanks to their tireless effort and devotion. Each could have worked fewer hours and made more money doing something else, but they chose public service.

It has been an honor to work with you. I will miss each of you and can only hope we will remain in touch throughout the years. You have always been unfailingly courteous and professional. The public is fortunate to have the benefits of your devotion. And on behalf of a grateful nation and a thankful Senator, let me express my appreciation.

Next, to my colleagues. More about each of us later, but let me simply say it has been my privilege, the privilege of my lifetime, to get to know each of you. There is not one of you who is not devoted to America and about whom I do not have a fond recollection. Each of you occupies a special place in my heart.

I am especially fortunate to have served my career in the Senate with Senate Majority Leader Harry Reid. We have often thought Congress would function better if all Members could have the kind of relationship we have been blessed to enjoy. He has been unfailingly thoughtful and supportive. Even though we occasionally have differed on specific issues, we have never differed on our commitment to the people of our State or to the strength of our friendship.

Dick, thanks to you and Char for so much. You are the definition of a statesman.

Finally, to the wonderful people of Indiana, for whom I have been privileged to work almost an entire adult life. Hoosiers are hard working, patriotic, devout, and full of common sense. We are Middle America and embrace middle-class values. The more of Indiana we can have in Washington, frankly, the better Washington will be.

To my fellow Hoosiers, let me say that while my time in the Senate is drawing to a close, my love for you and devotion to our State will remain everlasting.

As I begin my final formal remarks on this floor, my mind goes back to my first speech as a U.S. Senator. It was an unusual beginning. I was the 94th Senator to deliver remarks in the first impeachment trial of a President since 1868. The session was closed to the public; emotions ran high; partisan divisions were deep. It was a constitutional crisis, and the eyes of the Nation and the world looked to the Senate to deliver the verdict. My first day as Senator, I was sworn in as a juror in that trial. There were no rules. All 100 of us gathered in the Old Senate Chamber. The debate was hot, but we listened to each other. We all knew that the fate of the Nation and the judgment of history—things far more important than party loyalty or ideological purity—were in our hands.

Consensus was elusive. Finally, we appointed Ted Kennedy—John Kerry’s esteemed colleague—a liberal Democrat, and Phil Gramm, a conservative Republican, to hammer out a compromise. And they did. Their proposal was debated until ungodly hours.

The trial of our chief magistrate, even in the midst of a political crisis, was conducted in accordance with the highest principles of due process and the rule of law. The constitutional balance of powers was preserved and the Presidency saved. The Senate rose above the passions of the moment and did its duty.

Three years later, the Senate was once more summoned to respond in a moment of crisis. The country had been attacked and thousands killed in an act of suicidal terror. This building had been targeted for destruction and death, and that would have occurred but for the uncommon heroism of ordinary citizens. It had to be stopped, and the country had to continue. Our men and women of the Uniformed Services answered the call to defend our nation and to bring to justice the perpetrators of that horrible crime. The feeling of unity and common purpose was palpable.

Fast-forward another 7 years. In October 2008, I was summoned, along with others, late at night to a meeting just off this floor. The crisis that had been gathering force for several months had attained critical mass.

The Secretary of the Treasury, Henry Paulson, spoke first. He turned to the new head of the Federal Reserve, Ben Bernanke, and said: Ben, give the Senators a status report.

Bernanke, in his low-key, professorial manner, said: The global economy is in a free fall. Within 48 to 72 hours, we will experience an economic collapse that could rival the Great Depression. It will take millions of jobs and thousands of businesses with it. Companies with which all of you are familiar will fail. Trillions of dollars in savings will be wiped out.

There was silence. We looked at each other. Democrats and Republicans, and asked only one question: What can be done?

The actions that emanated from that evening helped to avoid an economic catastrophe. The jobs of millions and millions of people were saved, businesses endured. But the measures required were unpopular. My calls were running 15,000 to 20,000 opposed and
only about 100 to 200 in favor of acting. The House initially voted down the measures. The economy teetered on the edge of the precipice, but Senators did our duty. Some sacrificed their careers that evening. The economy was saved. I recognized the moments of my tenure to remind us what this body is capable of at its best. When the chips are down and the stakes are high, Senators, regardless of party, regardless of ideology, regardless of personal cost, doing their duty and selflessly serving the Nation we love are capable of great things.

On my office wall hangs a famous print—the Senate in 1850. There is Henry Clay; there is Daniel Webster; Thomas Hart Benton; John C. Calhoun; William Seward; Stephen Douglas; Thomas Hart Benton; John C. Calhoun; Jefferson and Jackson to no antecedents. That is why we find our time, they may truly say of us: Here were Americans and Senators worthy of the name.

I thank you. I yield the floor.

(Applause, Senators rising.)

Ms. LANDRIEU. Mr. President, I understand we are in morning business. The ACTING PRESIDENT pro tempore. That is correct.

Ms. LANDRIEU. Mr. President, this Senate is not going to be the same place without the Senator from Indiana. In fact, it will be a lesser place because he has been such an outstanding Senator. I wish to let him know he will be very much missed. He contributed enormously, in his very quiet and dignified but powerful way, to many important issues, both domestic and international. We look forward to hearing a lot more from Governor Bayh and Senator Bayh in the years to come.

LOW INCOME HOUSING FIX

Ms. LANDRIEU. Mr. President, I think the leadership on both sides for giving me an opportunity, in just a few minutes, to have a portion of the time when it comes to the discussion of the bill we are going to be voting on at noon. But I thought before I got to that time I had been allotted in the unanimous consent agreement—and I am very grateful to the leadership on both sides for giving me that opportunity— I would take a minute to give a preview while there was no one on the floor asking for time now. This massive tax bill has been negotiated by many people of good will. I see the Senator from Montana, the Finance Committee chair, who has been at the table in these negotiations, and Senator McConnell and Senator Kyl and Senator Reid—men who have truly worked very hard. There were representatives from the White House in these negotiations. I know in their minds they did their very best. I have had some serious issues with portions of the package. I have expressed those issues to the President on behalf of the constituents I represent. I think I have made my points. I think they have been very clear. I appreciate the
opportunity, as a Senator, to be able to voice those complaints.

I am not on the floor right now to talk about the major pieces of that tax package with which I strongly disagree. I intend to vote for it. I signaled that a few days ago. I am happy with many pieces of it, but that is not why I am here to speak today. I am here to ask the Members of this Senate to consider, when I ask unanimous consent later this morning, to grant 78 unanimous consent to fix a mistake. I am going to ask, in just a few minutes, for the Senate to fix a mistake that was made in the negotiations. I am going to need all 100 Senators to say yes in order to fix this mistake.

Senator VITTER, Senator SHELBY, Senator SESSIONS, Senator COCHRAN, and Senator WICKER—all the Senators from both parties in all the Gulf Coast States that are affected by this amendment—join me in this request. There is not a single opinion among those of us who represent these States. Only these States are affected by this amendment. It is very narrowly crafted. It has to do with a placed-in-service date for low-income housing; that is all.

We lost, as many people will recall, 6 years ago, over 250,000—not 5,000, not 25,000, not 50,000 but 250,000—homes in the aftermath of Katrina, Rita, and the great flood that ensued. It is only 6 years ago. It happened so, of course, we are still trying to build housing, private, stand-alone, single-family housing, multifamily housing, housing for seniors. It is a huge work. In fact, it may be the largest single residential building program going on in this century, maybe not after World War II—I don’t have the figures—but it has been a huge residential rebuilding program.

This GO Zone package was crafted with the help of almost every Senator in the aftermath, and we are grateful. It had basically three main components, what I call bonds for big infrastructure project development, bonds for historic credits, because many of these neighborhoods—particularly Waveland, New Orleans, some of these historic places along the gulf coast—were destroyed. We wanted to preserve, when we rebuilt, the historic nature, so we asked the Senate and were granted the economic and political freedoms we have. My dad used to say the reason we have the world’s bounty is because we get more out of our people because of our free enterprise and educational systems. Mr. Gudikuntz, my social studies teacher, said: A democracy is where everyone has an equal opportunity to become unequal.

So during my final days in the Senate, I think of the people in my life who have gotten me up the steps to this hallowed Chamber: My wife of 48 years, Janet is God’s blessing to me. She has never pulled or pushed me, but she has always been at my side; my three children on Earth, George, Betsy and Peter, and my angel in Heaven, Molly, and my eight grandchildren, my siblings and their extended families. I am going to ask for your unanimous consent. I hope I can get it.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

Mr. BAUCUS. I know there is an order from the Senator from Ohio to speak. I would ask for the Senator’s indulgence for maybe 15 or 30 seconds.

Mr. VOINOVICH. Sure.

Mr. BAUCUS. Mr. President, I have discussed this matter with the Senator from Louisiana. She is right. These projects cannot be built fast enough. There is just not enough time. The placed-in-service date should be extended an extra year. It is not expensive at all. I hope we can find some way to accommodate this need.

The people in Louisiana and the whole gulf coast need this extended service date because, otherwise, these homes will not be built. I hope we can find some way to pass what the Senator from Ohio has requested.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

FAREWELL TO THE SENATE

Mr. VOINOVICH. Mr. President, I rise today to say farewell to the Senate after 12 years. I would like to take time to convey my heartfelt thanks to all of those who have helped me during my time in the Senate. I reflect briefly on the work we were able to get done, work that I think made a difference for the people of my State and our Nation.

I also will share a few observations with my colleagues, both those who are staying as the 112th, as well as Senators yet to come. At this stage in my life, I look back on my 44 years in public service and I cannot help but think God has bestowed upon me. Each time I walk the steps of the Senate, I look up at the Statue of Freedom on the top of our Capitol dome, and I think of my grandparents who came to America with nothing but the clothes on their back. They could not read or write and spoke only a few words of English.

I have to pinch myself as a reminder that this has not been just a wonderful dream. The grandson of Serbian and Slovenian immigrants who grew up on the east side of Cleveland is a U.S. Senator. Only in America.

Truly none of us should take for granted the economic and political freedoms we have. My dad used to say the reason we have the world’s bounty is because we get more out of our people because of our free enterprise and educational systems. Mr. Gudikuntz, my social studies teacher, said: A democracy is where everyone has an equal opportunity to become unequal.

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week. He honored me by inviting me to a codel to Africa this year. There is no one in this Senate who has done more for public diplomacy for the United States in Africa than Jim Inhofe.

I have learned in my life that you cannot expect happy working relationships in Washington. Of course, I think of my colleagues in the Senate whom I have learned to know and respect. I have been blessed to call them friends. The American people have made it clear that they are not happy with bipartisanship in Washington. But the fact is, there are some great partnerships here, and those partnerships and relationships result in action.

I do not think many people outside Washington understand that a lot gets done here on a bipartisan basis. Many Americans think the only action in the Senate is on the floor of the Senate. But much of the action in the Senate is in the committees and meetings with other Members off the floor, as well as through unanimous consent. Once a bill gets through committee, perhaps one or two people might have a problem with it, but we work it out, call them, go see them, it gets done. But it is never reported in the paper about working together on so many pieces of legislation.

I am proud of the contribution I have made to the country in the area of human capital and government management. The fact is, though, without my brother, DAN AKAKA—and he is my brother—the changes never would have occurred. There is nobody who has done more to reform the way we treat foreign relations and homeland security will continue. I must also acknowledge Senator Jeanne Shaheen for her keen interest in southeast Europe. We traveled together to the region in February of this year. I am convinced that she has picked up the mantle on our mission to ensure the door of NATO and European Union membership remains open to all states in the Western Balkans, which is key, I believe, to our national security.

I have also championed the cause of monitoring and combatting anti-Semitism, making it a priority within the Organization for Security and Cooperation in Europe and our State Department. Senator Lugar worked for years with his brother—I believe Senator Ben Cardin, Congressman Chris Smith, and the late Congressman Tom Lantos. One of the highlights of my career was the passage of the Global Anti-Semitism bill, which created a special envoy at the State Department to monitor and combat global anti-Semitism. These are just a few examples of great bipartisan work going on in the Senate. The bottom line is that the time this is blurred because of the media’s addiction to conflict.

Even though I do not agree with the bipartisan resolution on extending the Bush tax cuts, I compliment the President and leaders in Congress for sitting down and working together to find a compromise.

One of my frustrations after working so hard to find common ground on significant issues over the past 12 years is that it does not happen often enough. The American people know that even when members of a family get along, it is difficult to get things done. So they most certainly know that we are laser focused on fighting partisanship and messaging, their concerns and what they are forgotten, and nothing controversial gets done.

There is a growing frustration that Congress is oblivious to their problems, anxieties, and fears. Frankly, I think one action leaders should take at the beginning of each Congress is to assess the issues at hand. What are the items that Republicans and Democrats agree should get done to make our Nation more competitive and make a difference in people’s lives, and set a common agenda. By setting collective goals, by an agreement from leadership, I believe that will set the environment for committee chairmen and ranking members for the year.

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Needless to say, folks, I was dismayed when I learned this year that President Obama had held only a single one-on-one meeting with Mitch McConnell. One meeting. When I was Governor, I met with Vern Riffe and Stan Arama they have presided of the senate every 2 weeks, developing good interpersonal relationships and a trust which allowed us to move Ohio forward, from the Rust Belt to the Jobs Belt.

I am hoping we have entered a new era in the relationship between the President and leadership in Congress. Our situation today is more critical—more critical—than at any time in my 44 years in government. How we work together will determine the future of our country. We must also recognize that if we diminish the President in the eyes of the world, it is to the detriment of our Nation's international influence and will impact our national security. We are on thin ice, and we need the help of our allies. They need our help as well.

For example, the START treaty. Although I have had some reservations about it, it has been satisfactorily concluded. NATO expanded, and we encroached on a farewell dinner hosted by Mitch McConnell. One meeting. When I was Governor, I was impressed with the recommendations on the National Commission on Fiscal Responsibility and Reform supported the recommendations of the chairmen, including Tom Coburn, Mike Enzi, Kent Conrad, and Dick Durbin. As far as I am concerned, they are true patriots.

As our colleague Tom Coburn said just before the commission vote:

"The time for action is now. We can't afford to wait until the next election to begin this process. Long before the skyrocketing cost of entitlements cause our national debt to triple and tax rates to double, our economy may collapse under the weight of this burden. We are already near a precipice. In the near future, we could experience a collapse in the value of our dollar, hyperinflation or other consequences that would force Congress to face a set of choices far more painful than those proposed in this plan.

Here we are, in a situation where we are on an unfailingly course caused by explosive and unchecked growth in spending and entitlement obligations without funding. We have an outdated Tax Code that does not sufficiently encourage savings and economic growth, and growing national debt that puts our credit rating in serious jeopardy and should give all of us great pause."

For Fareed Zakaria posed questions that should haunt all of us in Monday's Washington Post:

"So when will we get serious about our fiscal mess? In 2020 or 2030, when the needed spending cuts and tax hikes get much larger? Or cannot inflict a little pain now, who will impose a lot of pain later? Does anyone believe that Washington will one day develop the political courage it now lacks? And what if, while we are getting around to doing something, countries get nervous about lending us money and our interest rates rise?"

I believe the American people get it. They recognize that our fiscal situation is in the intensive care unit on life support.

As I walk down the steps of the U.S. Capitol for the last time, I pray the Holy Spirit will inspire my colleagues to make the right decision for our country's future and work together to tackle our fiscal crisis. You have the future of our nation and the future of our children and grandchildren in your hands.

I have already spoken too long. If my wife Janet were here, she would be scratching her head. That is the signal she always gives me. I got your signal, dear.

But I would like to finish with a reading from "One Quiet Moment," a book of daily readings from the former Senate Chaplain Lloyd Ogilvie which I read every day for inspiration and proper perspective. Perhaps some of my colleagues are familiar with his writings. This was his election day admonition:

"... May the immense responsibilities they assume, and the stress when sworn into office, bring them to their knees with profound humility and unprecedented openness to You. Save them from the seduction of power, the addiction of popularity, and the aggrandizement of pride. Lord, keep their priorities straight: You and their families first; the good of the Nation second; consensus around truth third; party loyalties fourth; and personal success last of all. May they never forget they have been elected to serve and not to be served."

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Mr. President, as Ohio's junior Senator, I wish to add my remarks, as well as I am able, to the comments of Senator Voinovich. He didn't talk much about himself and his career, and I will do that for a moment.

In his almost 50 years of public service, he always has been his own man, whether as a State legislator, county auditor, a county commissioner of Cuyahoga County, as Mayor and Governor and Senator. He always has been his own man. He was rewarded in some sense when, as a 1958 graduate of Ohio University, the University presented the Voinovich School of Leadership in Public Affairs. It is not often that a State university or any public entity names something after someone still in office, particularly something as prestigious as the Voinovich School of Leadership. I have visited it many times. There are always stimulating discussions that are uplifting to the public discourse. I thank Senator Voinovich for that.

In matters of how high George Voinovich rose, he always lived with his wife Janet and his children and grandchildren nearby in Collinwood, OH, in the same house, the same neighborhood in Cleveland, never forgetting where he came from. That tells me a lot about him as a public official.

He likes to say, reflecting on our State's tremendous potential, "the rust is off the belt," as people used to say of Cleveland a few decades back but now see it as much more. It is going to be the first place in the Nation with a field of wind turbines on the fresh water of Lake Erie. Clearly, this city has turned around. This is, in some significant measure, due to the efforts of Mayor and Governor and Senator George Voinovich.

There are four things I particularly think of when I think of George Voinovich. One is Janet. Janet often travels back and forth with George, and I see both of them on our flight from Cleveland to Washington. Janet has always been at his side, whether as first lady or as his loving life's partner. The relationship they have is inspiring to me and many others. We thank you most importantly for that, George.

When I think about the career of George Voinovich, I think of what he brought to this body—the perspective of an executive of a Governor and a mayor. That is something many of us look to—Governor Shaheen, now Senator Shaheen, and soon-to-be Governor..."
Brownback. It helps in our deliberations that someone has had the experience as a big city mayor in challenging times, and Governor of Ohio and, perhaps a less challenging time but a challenging time nonetheless, from the perspective that GEORGE VOINOVICH has brought as a chief executive coming to the Senate, sharing those thoughts and ideas with legislators.

The second thing I think of is Lake Erie. I have been a northern Ohio on the right places in Wisconsin and Minnesota and Michigan and Indiana and Illinois and New York and Pennsylvania; you think about the great lake you live near. In northern Ohio there is an old story. I grew up about 75 miles from the lake, and GEORGE grew up much closer. There is something about people who have grown up within 10 miles of Lake Erie. You can ask them wherever they are, which way is north, and they always seem to know.

From what he has done with Asian carp and his belief in the importance of our greatest national resource, the five Great Lakes, his commitment is always toward the pristine quality of that lake in terms of recreation, in terms of drinking water, in terms of industry, in terms of all the things that the Great Lakes, especially Lake Erie, do for Cleveland and everything in between. GEORGE VOINOVICH gets much credit for that.

I think about GEORGE VOINOVICH in that he is always elevating the discussion about the quality of the Federal workforce. The term “public servant,” unfortunately, doesn’t mean much to the public’s mind what it used to; partly deserved, perhaps, because of some people’s missteps or worse, but mostly because people run campaigns against the government, whatever the reasons there. The term “public servant” is so important to GEORGE VOINOVICH, and he has done more than just mouth the public’s mind what it wanted to; partly deserved, perhaps, because of some people’s missteps or worse, but mostly because people run campaigns against the government. I think that the public servant quality that he is always elevating the discussion about.

Living publicly the right way and living privately the right way are both beautiful attributes and difficult things to be able to get done, and it is great to be able to see it happen. For that, I give great tribute to a wonderful American, GEORGE VOINOVICH. I yield the floor.

The PRESIDING OFFICER (Mr. BOND). The time allotted for morning business has expired. Mr. CARPER. Mr. President, I ask unanimous consent to speak out of order for perhaps 2 minutes. The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

Mr. CARPER. Mr. President, thank you very much. Mr. President, GEORGE VOINOVICH and I served as Governors together for 6 years. He chaired the National Governors Association, and he was good enough to let me be his vice chairman. In fact, I got here, I got to chair a national drop-out prevention program called Jobs for America’s Graduates. I was his vice chairman. I got here, and he chaired a subcommittee on the Environment and Public Works Committee. I was his vice chairman. So I am used to being his second banana. But I love the guy, and I have learned an enormous amount from him. He is one of those people who really, every day, try to say: What is the right thing to do—not the easy thing to do, not the expedient thing to do, but what is the right thing to do? And he tries to do it. He is the kind of person where we go to the Bible study group that meets about every Thursday with the Chaplain and some of our colleagues, and we are always reminded by Barry Black that the Golden Rule is treat other people the way we want to be treated. It is the cliff notes of the New Testament, and GEORGE really personifies that. He treats everybody the way he would want to be treated.

He is a person who focuses on excellence in everything he has done— as mayor, as Governor, and here in the U.S. Senate—and he is always looking for ways to do better what he does and calls on the rest of us to do the same.

Finally, this guy is tenacious. He does not give up. If he thinks he is right and he knows he is right, just get out of the way, and you know he is going to prevail.

He has wonderful folks on his staff who are here with him today, and we salute all of you. He knows how to pick—you are—good people and turn them loose and really to inspire them and us.

I do not think Janet is here today. Maybe she is watching on television. I hope so. But to her and their family, thanks very, very much for sharing with us an extraordinary human being. We love you, GEORGE.

Mr. President, I yield back.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 4833, which the clerk will report. The legislative clerk read as follows:

Motion to concur in the House amendment to the Senate amendment with an amendment to H.R. 4833, an act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate to H.R. 4833, with Finance amendment No. 4753 (to the House amendment to the Senate amendment), in the nature of a substitute.

Reid amendment No. 4754 (to amendment No. 4753), to change the enactment date.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I understand that under the previous order, I have 10 minutes.

The PRESIDING OFFICER. That is correct.

Mr. COBURN. I will attempt not to use that complete time.

MOTION TO SUSPEND

We have an amendment No. 4765, which is a motion to suspend the rules
and consider the amendment, and I will make that motion in a moment.

We have before us a bill. We are going to spend $136 billion more than what we planned to spend before this agreement was made. We have no opportunity in order to offset that with less priority, less important items. So we have an amendment for the Senate to vote on. It is not pain free. It is painful. But it cuts $150 billion in Federal expenditures to pay for the additional Federal expenditures that will go out the door as a result of this bill.

I actually believe every one of my colleagues in the Senate understands the jam we are in. Where I am confused is that when we bring cuts to the floor, not only do they not vote for the cuts, they do not offer alternative cuts. And you really cannot have it both ways. You cannot say you recognize the significance we continue to do this? As a matter of fact, the largest monthly budget deficit ever reported was October—$291 billion.

The time to act is now. If you do not like what I have put up, then put something else. If there’s have a different about it. Let’s have an honest discussion about the problem and the possible solutions. That is what the deficit commission was trying to do. That is what a group of us, including the President pro tempore, are trying to do on a bipartisan basis.

There is no longer a debate on whether we are going to cut spending in our country. Almost everybody agrees on that. The question is, when will we start? I will tell you, if this amendment passes, we will send a notice to the world that we get it. The international financial community will start seeing us acting as adults and no longer dig our hole at which will start chipping and stop digging. We have a hole so deep we may not climb out of it now. The last thing we want to do is make that hole deeper.

So, Mr. President, I move to suspend rule XXII, including any germaneness requirements, for the purposes of proposing and considering amendment No. 4765, and I ask for the yeas and nays.

The PRESIDING OFFICER. The motion is pending. Is there a sufficient second? At the moment, there is not a sufficient second.

Mr. COBURN. I will reoffer. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Thank you, Mr. President. I would like to ask unanimous consent that it be in order to call up the estate, gift, and so-called generation-skipping transfer taxes the top three-tenths of 1 percent of the population?

While we don’t have an estimate of the savings to the Treasury from this amendment, we do know it would save our Treasury tens of billions of dollars, which we need to help continue unemployment insurance, Social Security, and other critical programs.

Whether one agrees with this amendment or not, this is an amendment which should be debated. The Senate should have an opportunity to debate this issue. Unless we get unanimous consent, the way this is currently structured, the Senate will be denied this opportunity. Whether people support it, oppose this estate tax change or don’t know, the way the Senate ought to operate is we should have a chance to vote on this amendment.

UNANIMOUS CONSENT REQUEST

So I now ask unanimous consent that it be in order to call up my amendment No. 4787 to the motion to concur in the House amendment.

The PRESIDING OFFICER. Is there objection?

The Senator from Wyoming.

Mr. BARRASSO. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. SANDERS. Mr. President, I would appreciate it if at the end of 90 minutes you could alert me, please.

The PRESIDING OFFICER. The Chair will do so.

Mr. SANDERS. Mr. President, let me begin by adding Senators WHITEHOUSE and BEGICH as cosponsors of this amendment No. 4809.

As I think many people know, I have been extremely critical of the agreement struck between the President and the Republican leadership, I have spoken out against it and I voted against it just yesterday. The one thing to be critical of a proposal: it is another thing to come up with a better alternative, and I think I have done that today.

I believe the amendment I am offering is a significant improvement over the agreement struck between the President and the Republican leadership, and I hope very much we can get strong bipartisan support for it. Let me very briefly tell my colleagues what it does.

First, as I think most Americans appreciate, at a time of a recordbreaking deficit and a $13.7 trillion national debt, it makes very little sense to be
providing huge tax breaks to the wealthiest people in our country. It drives up the national debt and forces our kids to pay higher taxes in the future to pay off that national debt. This amendment ends—it ends—all the Bush tax breaks for the wealthiest 2 percent of Americans beginning on January 1 of this year.

What does it do with the savings? That is perhaps the most important point to make. Over the long term, this amendment would devote half the revenue raised by this provision—by eliminating the tax breaks for the top 2 percent—to reduce the deficit. Half that money goes to deficit reduction. We should stop putting money away from the payroll tax cut. And it doesn’t run the risk of undermining Social Security’s financing and the economic security of working Americans. So it addresses that issue as well.

Third, this amendment addresses another issue. I know a lot of people in this country have concern about; that is, the estate tax giveaway in the underlying bill in its place the 2009 estate tax rate for 2 years. Let’s be clear. The estate tax only applies to the top three-tenths of 1 percent. What we are doing now is not lowering estate tax and raising exemptions which only benefit the very wealthiest people in this country; what we are doing now is bringing us back to the 2009 estate tax rates for 2 years.

Further, this amendment addresses an issue that, to me, is very important. And I know many others here, because we had a lot of support for it when I brought up this amendment last week. As the Presiding Officer well knows, our seniors who are on Social Security and disabled vets have not received a COLA for over 57 million Americans. We have to do everything we can to create decent-paying jobs and put those people back to work.

What the other half of the savings does is invests in our infrastructure. I don’t have to tell anybody here our infrastructure is crumbling. So it will go to repairing our roads, our bridges, schools, dams, culverts, housing, and transforming our Nation’s energy sector. We need to put billions of dollars into building a 21st century rail system. When we do that, we not only create jobs now—and this is the fastest way I know to create jobs—we make our country more productive and internationally competitive in the future. If we do not build our infrastructure, if it continues to crumble—and the engineers out there tell us we need trillions of dollars of investment—we are going to lose our place in the global economy. So we have to invest in infrastructure. Half the savings just that.

In addition, this amendment replaces the payroll tax holiday with a 1-year extension of the Making Work Pay credit. In other words, we are giving targeted tax breaks to the middle class, not reducing payroll taxes for millionaires and Members of Congress. This proposal would not endanger Social Security and, in fact, it would go to the people who most need it. It would be a lot fairer because lower income people would do better. Upper income people would not get it.

It also addresses a concern I think many people have, that is, diverting money away from the payroll tax endangers the long-term solvency of Social Security. As Eric Kingson, the cochair of the Strengthen Social Security campaign, an organization representing tens of millions of senior citizens and workers, recently said:

Extending and expanding the Making Work Pay tax credit is far superior to the payroll tax cut for most Americans. The Making Work Pay tax credit is more stimulative, fairer in distribution, imposes no new administrative costs to employers and includes over 6 million public sector employees who will receive nothing from the payroll tax cut. And it doesn’t run the risk of undermining Social Security’s financing and the economic security of working Americans.

Lastly, this amendment would provide a $250 COLA for over 57 million American senior citizens and disabled veterans and people with disabilities. It also includes an extension of the middle-class tax cuts for 98 percent of Americans, an extension of unemployment insurance for 13 months, an extension of the child tax credit, the earned income tax credit, and the college tax credit expansion.

This is the alternative many Americans wish to see. It brings forth a far better proposal than the agreement struck between the Republicans and the richest people in this country and not threatening Social Security’s financing and the economic security of working Americans. This is the alternative many Americans wish to see. It brings forth a far better proposal than the agreement struck between the Republicans and the richest people in this country and not threatening Social Security’s financing and the economic security of working Americans.

Further, of course, this amendment would keep all of what I consider to be the positive aspects of the President’s agreement with the Republicans. Obviously, it would extend middle-class tax cuts for 98 percent of Americans. It would extend unemployment insurance for 13 months. It would extend the child tax credit, the earned-income tax credit, and the COLA expansions included in the Recovery Act.

So I think what we are doing is bringing forth a far better proposal than the agreement struck between the Republicans and the President.

Let me summarize. It ends tax breaks for the rich, uses half that money for deficit reduction and half that money to create millions of jobs rebuilding our crumbling infrastructure. It would end the payroll tax holiday, which many people have concerns about; diverting money away from Social Security with a 1-year extension of the Making Work Pay credit—much more targeted to low- and moderate-income people, not to Members of Congress and the richest people in this country and not threatening Social Security.

This amendment would strike the estate tax proposal in the underlying bill, and insert the 2009 estate tax rates for 2 years. It is a better proposal than giving even more tax breaks for the very wealthiest people in this country.

With that, I move to suspend rule XXII for the purposes of proposing and considering amendment No. 4809 to the House message to accompany H.R. 4853, and I ask for the yeas and nays.

The PRESIDING OFFICER. The motion is pending. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered.

Mr. SANDERS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I yield myself 4 minutes under the leader’s time.

The Senate is about to pass a bill that should significantly bolster our economic recovery. The bill we are about to pass will cut rates for families. It will reauthorize unemployment insurance. It will extend the child tax credit and the college tuition tax deduction. It will extend the research and development tax credit and accelerate depreciation for businesses. It will cut payroll taxes for workers.

These are important provisions. But the bipartisan leadership did not include several other important items which I think deserve special attention.

I worked hard to include these provisions in the bill we just passed. But some on the other side of the aisle worked to prevent their inclusion. These are commonsense provisions and, frankly, I cannot imagine how any Senator could oppose them.

One provision I want to highlight this morning is the provision to repeal the 1099 reporting requirements. Small businesses across America were disappointed that this provision was not included in the bill. I am talking about the repeal of the recently expanded form 1099 information reporting requirements. Surprisingly, some on the other side of the aisle blocked inclusion of a provision to repeal these requirements.

I included a repeal of these requirements because the tax alternative the Senate voted on earlier this month. Senator SCHUMER included repeal of this provision in his alternative, as well.

Several measures to repeal the new rules have received bipartisan support. Frankly, repeal of the reporting requirement ought to be a no-brainer.

The new rules take effect at the beginning of 2012. That means many
small businesses will soon begin spending money to gear up for them. Small businesses in Montana and across this Nation should not need to spend their time and money to fill out more government paperwork. Instead, we should let them focus on staying in business, growing their business, and creating jobs.

Many small business owners have contacted me about this provision. Many are puzzled that some Republicans now appear to oppose repeal in private, after having advocated repeal in public. I can understand why small businesses are puzzled and, frankly, I don’t see how any Senator can oppose repeal. I intend to keep working on behalf of America’s small businesses to see that this unrealistic reporting requirement is repealed.

UNANIMOUS CONSENT REQUEST—H.R. 499

Mr. President, I ask unanimous consent that the Finance Committee be discharged of H.R. 499, that the Senate proceed to its immediate consideration, and that an amendment agree to the Baucus amendment to repeal the form 1099 reporting requirements, which is at the desk; that the bill, as amended, be read the third time and passed; that the motions to reconsider be laid upon the table, and that this all occur without intervening action or debate.

The PRESIDING OFFICER. Is there an objection?

Mr. BARRASSO. Mr. President, reserving the right to object, as the Chairman knows, Senator JOHANNES of Nebraska has proposed a Republican alternative on this issue. Would the Senator amend his request to substitute the Johanns language?

Mr. BAUCUS. Mr. President, I thank my good friend from Wyoming. I cannot agree to amend my request in that way because of the excessive cuts in appropriate spending in the Johanns amendment. It is way beyond repeal of the 1099 requirements. It is a totally different animal. Therefore, I cannot agree.

Mr. BARRASSO. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Ms. LANDRIEU. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I see Senator DE MINT here. I know he has time allocated to him. I also have 8½ minutes, and I want to make sure I will be able to retain my 8½ minutes.

The PRESIDING OFFICER. The Senator from Louisiana has 7 minutes remaining.

Ms. LANDRIEU. I wish to retain that 7 minutes after Senator DeMint speaks.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DE MINT. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The motion is pending.

Mr. DE MINT. Mr. President, in a moment, I will move to suspend the rules for the purpose of offering my motion to permanently extend the current individual income tax rates, finally repeal the death tax once and for all, and permanently patch the alternative minimum tax.

I hope much of the work has gone into this tax compromise. I appreciate the fact that both sides have worked so hard to strike a deal. While I appreciate the efforts that have been made, I am concerned that the bill currently under consideration does not permanently extend the 2001 and 2003 individual income tax rates, permanently repeal the estate tax, and permanently patch the alternative minimum tax. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DE MINT. Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Seven minutes.

Ms. LANDRIEU. I will take two of them now and then reserve the remainder of my time. We only have, under the agreement arrived at between Leader Reid and Leader MCCONNELL, 15 minutes to correct this mistake. At 12 o’clock, we are going to have to vote on several issues. This is not one of them because this is not an amendment; this is a mistake. I only have 15 minutes to correct it. I will try to explain again how important it is.

There are $890 billion worth of amendments and projects in the bill we are about to vote on. Within that, there is a package of $800 million in GO Zones, which was put together by me and my colleagues from the Gulf Coast. We fashioned it and created it. We are proud of it. It was supposed to be part of this much larger package. Lo and behold, all of it found its way in—except for $42 billion for low-income housing. That was the only thing left out of the GO Zones. Senator VITTER, myself, Senator SHELBY, Senator SESSIONS, Senator WICKER, and Senator COCHRAN have cosponsored a one-line provision. This isn’t an amendment to the bill; it is a provision to fix a mistake that has been acknowledged by the Finance Committee, and actually by the Republican negotiators. They meant to include it, but they didn’t because in order to include it, the low-income housing tax credits to build these units have to go to 2012. Everything else in the bill is 2011, but they knew if they didn’t extend it to 2012 that we can’t build these projects, and these projects and their financing will be in jeopardy.

There are 77 projects across the gold coast for seniors, for the disabled, and for the working poor. These projects are transforming the city of New Orleans, the gulf coast, Waveland, and Biloxi, not just for the people living there.
but for the neighborhoods surrounding them.

Finally, Mr. President, Tim Geithner supports this as does Secretary Dono-
vyan support it.

Mr. President, I will reserve my time in hopes that before my time is up we can get this done.

The PRESIDING OFFICER. Who yields time?

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Ms. LANDRIEU. I thank the Chair.

Mr. President, I see the Senator from Montana, the Finance Committee chair on the Senate floor, along with Mr. KYL, the Senator from Arizona, who has been one of the chief negotiators on the package, and the Senator from Louisiana, Mr. VITTER. Before we get to the time allotted for voting, I would like to say again how important it is to try to pass this legislation and the under-
lying bill corrected. It is a technical correction that we are asking for to allow a placed-in-service date to be extended from January 1, 2012, to January 1, 2013—a 1-year extension to finish the extension that we are asking for to make sure important recovery projects get done. The White House and Congress need to make sure the extension to 2012 is approved.

From the New York Times, Mar. 2, 2010

AN ESSENTIAL FIX

The recession dealt a devastating blow to the post-Katrina rebuilding effort in the Gulf states, where tax credits for affordable housing projects have been placed in jeopardy. Congress can revive the rebuilding effort by extending the deadline for a tax credit program that is supposed to encourage developers and investors to take on these desperately needed projects.

Nearly all affordable rental housing in this country is built with federal tax credits. After Hurricanes Katrina and Rita, Congress allotted Louisiana, Mississippi and Alabama more than double the housing tax credits, slightly more than two-thirds of which has been used. At first, these credits and projects, were hotly sought after. During the recession, however, many corporate profits fell and businesses had smaller and smaller tax liabilities.

As the economy has improved, interest in the tax credits has fallen in many places—but not in the Gulf. That’s partly because of a provision in the Gulf Opportunity Zone law that requires projects in the region to be ready for occupancy by the end of this year. That leaves just 10 months—instead of the 18 months that investors like to see—for the deals to be sealed and the housing built, according to Ms. LANDRIEU. Delays or construction problems, would lose the tax credit.

Senator MARY LANDRIEU, a Democrat of Louisiana, has introduced an amendment that would extend the occupancy date by two years. Unless Congress moves quickly to pass it, the Gulf states could potentially lose financing for more than 70 housing projects and 6,000 units of affordable housing. The loss would be devastating, especially for New Orleans, which is desperately short of housing for the low-income workers who are es-

sential to the city’s service economy. The more Congress delays, the more likely it becomes that tax credit investors will look outside the Gulf states for places to put their money. This is an easy fix—and a critical one.

Susan Donovan, Secretary of Housing and Urban Development.

Ms. LANDRIEU. Mr. President, I would like to ask at this time if Senator BAUCUS and then Senator KYL and then Senator VITTER might comment—I see them on the Senate floor—about the importance of getting this fixed and the likelihood of us doing it today and what might happen as we move for-
ward.

Senator BAUCUS.

Mr. BAUCUS. I thank the Chair, and I certainly join my colleague from Louisiana in stressing the importance of this second year of a GO Zone extension. I look forward to working with all of these folks in getting that done absolutely as soon as possible in 2011.
I emphasize one major point, which is that this is not a new benefit to fund new projects which were never envisioned when the GO Zone was initially created. This is simply an extension to fund those crucial projects which were at the center of this provision from the very beginning and that have taken longer than was initially forecast because of labor and other shortages after Hurricane Katrina. So this is simply a time extension to get the very same crucial projects done, not to add on to them.

These projects are extremely important, including the wholesale renovation and reconstruction of four major housing projects in New Orleans post-Katrina that are being done using a dramatically different and better model—mixed income, lower density—not the old-style housing projects from the 1940s and 1950s which were, in my opinion, a horrible social experiment.

So I certainly join this effort, and I have been working with folks to try to get this second year extension in this tax bill. Unfortunately, we weren’t able to do that because of a general decision that was apparently made that none of the extenders would go before December. But working with these folks, and particularly Senator KYL, we came to an agreement that we would absolutely work to include this in the first possible technical corrections or other measure that would be key in early 2011.

I think particularly my Republican colleague, JOHN KYL, for that willingness and that commitment, and I look forward to getting that done at the earliest possible moment.

Ms. LANDRIEU. Mr. President, I would like that time charged to the other side.

Senator BAUCUS. The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, both the Senators from Louisiana have stated the case very well and, frankly, this is not a typical extender. This is just a very important proposal where the placed-in-service date has to be changed because projects beyond the year could not be put in place the second year. So it is not a traditional extension where we extend for 1 or 2 years some other provision. This is more in the nature of what was started in the first year gets accomplished in the second year and that is why this 1-year add-on is so important. I will work with the Senators and the Finance Committee, when we bring up legislation next year, to do our very best to make sure this provision is included so we can help these people who are desperately in need of housing in Louisiana.

Ms. LANDRIEU. Does the Senator have any idea about the time? I would like to see if Senator KYL can say a word to this because his views are very important.

Mr. BAUCUS. I will add that my view would be at the earliest possible opportunity. I don’t know when that is exactly, but it is something that should be placed high up, near the very top.

Ms. LANDRIEU. Sometime in January or February?

Mr. BAUCUS. Well, I hope. The Senator knows how this place operates, but it is certainly very, very, very early.

Ms. LANDRIEU. Senator KYL?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I thank my colleagues for bringing this issue to the attention of the Senate. Senator VITTER brought this matter to my attention as the bill was being worked upon, as a matter of fact, and I told him at that time that while we could not provide an extension longer than the one in the tax bill, I would work with him early in 2011 to help these projects obtain the necessary extension. I say the very same thing to the senior Senator from Louisiana today.

I also share the confidence of the chairman of the Finance Committee that we will find an appropriate tax bill early in 2011 to include this change, which I agree we all view as a technical change, that will allow this special financing to be used as Congress intended it.

Ms. LANDRIEU. Mr. President, I have a question for Senator KYL.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Is it his understanding now, having had several conversations with Senator VITTER and myself, that this technical correction is perceived only to be limited to the 77 low-income housing, mixed-income projects through the gulf coast? Is that his understanding?

Mr. KYL. Mr. President, I would say to the Senator from Louisiana that I don’t know technically whether it is 77 or 42 or whatever, but we have all discussed the fact that it is limited to those projects that are started but couldn’t be completed within the 1-year extension and, therefore, would require the second extension, and it is limited to this area, yes.

Ms. LANDRIEU. And is it the Senator’s intention to push for a tax bill? He was so successful in pushing this tax bill forward. Is it his intention to do that in early January, mid-January, early February?

Mr. KYL. I would say to my colleague that I asked the chairman of the Finance Committee: How quickly do you think we could do this? He gave me the same answer he just gave you: Yes, as soon as we can, but it is hard to make a commitment about a tax bill coming to the floor.

As I also told the senior Senator from Louisiana, there are some other reasons we have to act quickly next year in dealing with some technical fixes to other aspects of the tax bill. So there are other reasons to act quickly as well as this particular situation.

Ms. LANDRIEU. Well, I would just say—with about 30 seconds left—that I am encouraged. Mr. President, from what I have heard from the Senate Finance Committee chair and the chief negotiator on tax issues on the Republican side that they recognize this is a technical correction. They recognize it is limited to low-income housing. They recognize the importance of these projects, and they have committed to working on fixing this as early as possible in the next Congress. I think that gives it a glimmer of hope.

We would not get unanimous consent today because there are some objections on the other side of the aisle, but I think we can move forward with confidence knowing Senator KYL is good on his word and Senator BAUCUS is good on his word and they will try to fix this at the earliest possible date.

I thank the Senator from Arizona and the Senator from Montana.

The PRESIDING OFFICER. The Senator’s time has expired.

Senator from Oklahoma.

The Senator from Oklahoma.

The PRESIDING OFFICER. The Senator’s motion is pending. Is there a sufficient second? There appears to be a sufficient second.

Mr. BAUCUS. Mr. President, I ask unanimous consent that all subsequent votes after the first vote be 10 minutes in duration; further, that prior to the vote on the motion to concur there be 2 minutes for debate equally divided and controlled between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, this amendment is based on the absurd premise that the unemployment insurance benefits piece alone must be paid for, lest we contribute to the deficit. Never mind that this entire package contributes $359 billion to the deficit, of which only $51 billion is accounted for by the UI extension provision. It is clear that this amendment is not about deficit reduction; rather, it is about attacking programs that make a real difference to the everyday lives of our constituents. Meanwhile, this amendment leaves the tax benefits to the wealthiest Americans, those who need the least assistance, completely intact.

Let me be clear. There are a few ideas proposed in this amendment that make some sense. However, as part of the Appropriations Committee’s annual and ongoing oversight responsibilities, the committee has already rescinded unobligated balances from those programs or reduced their funding for fiscal year 2011 as part of the Senate’s fiscal year 2011. And the Senate will consider this week. Every recommendation in the omnibus was made in collaboration with Republican
members of the Appropriations Committee, based on a detailed analysis. These decisions were not made rashly, nor because they might sound good in a press release. Too often when the Senate debates cuts to the federal workforce, the proponents want to ignore the consequences of their recommendations and focus on broad generalizations. But in reality these cuts can cause serious problems. Accordingly, let me highlight the impact of a few of the programmatic cuts proposed by the Senator from Oklahoma.

For example, this amendment would require each Department to cut its workforce by 10 percent over 10 years, without considering the impact of the cuts. It seems as though Federal workers have become the newest punching bag for a few of our colleagues. FDA staff, necessary to ensure that the food we eat and the drugs we take are safe and effective, would be cut by nearly 1,000 staff. The Food Safety and Inspection Service would be cut by an additional 1,000. These cuts are irresponsible and would put the American public at unnecessary risk at a time of breakthrough medical research when important programs are being reduced and must be monitored. When more of our food supply is coming from around the world, preventing contamination is more important than ever.

More than 95 percent of the 280,000 employees of the Department of Veterans Affairs either work for the Veterans Health Administration or the Veterans Benefits Administration. To reduce the VA’s overall employees by 28,000 over 10 years would mean that doctors, dentists, hospital administrators, and benefits claims processors would have to be reduced. As more and more of our veterans are returning home from Iraq and Afghanistan, this is not the time to be cutting their service providers.

This amendment would require a reduction of 600 to 800 Government Accountability Office staff, as well as a reduction in travel that is necessary for the GAO to conduct audits and evaluations. Travel is critical to GAO’s ability to meet the requirements of Congress.

Recessing funds from the FBI, DEA, ATF, and U.S. Marshals will not prevent waste, fraud, and abuse. Instead, cutting these programs means cutting agents who are serving on the front lines keeping our Nation safe from terrorist threats and cyber attacks, reducing the flow of drugs, and combating gun-related violence along the southwest border, strengthening visa and immigration enforcement, and keeping children safe from sexual predators. That is the real impact of this proposal.

The 15-percent budget cut to the Executive Office, the President’s might sound reasonable, but it would cut key staff of the Council of Economic Advisers, the National Security Council, and the Homeland Security Council. This would severely hamper the President’s ability to coordinate critical economic security and national security programs across the entire Federal Government. It would be particularly devasting considering that the rest of the Federal agencies would also be shedding a significant number of staff under the Coburn amendment, leaving agencies currently managing the economic crisis and our national and homeland security programs not only short-staffed but also in chaos due to minimized leadership.

The Coburn amendment also would eliminate the State grant for the Safe and Drug-Free Schools Program. The Congressional Budget Office has previously recommended this action. However, this suggestion comes a year too late. The Committee on Appropriations removed $295 million in funding for the State formula grant funding from the 2010 appropriations bill. There is no funding for the State grants program in the Senate’s 2010 appropriations Committee has already made this cut.

The Coburn amendment would also rescind $4 billion in fiscal year 2011 for U.S. development and humanitarian programs in the world’s poorest countries, further strangling development and humanitarian aid. This would cut funding for programs for refugees and victims of natural disasters from Darfur to Pakistan; it would affect global health programs including HIV/AIDS prevention and treatment that mean life or death for millions of people; and it would weaken programs to support food security and nutrition, clean water, sanitation, and basic education, and to combat human trafficking, in countries where 95 percent of new births are occurring and over 2 billion people barely survive on less than $2 per day. The short-term effects of such a reduction in funding would be severe, the long-term effects would be devastating, and ultimately it would exacerbate global problems that directly affect U.S. security.

The amendment proposes to rescind funds focused on returning contaminated sites to productive use. The Brownfields Program has a track record of successfully restoring damaged properties—often in physically and economically distressed neighborhoods—to sources of economic growth, creating jobs for lower income people in the process. Many of our cities are among these sites that were hit by the economic recession. Now is not the time to stall the cleanup of brownfields.

This amendment authorizes the Secretary of the Army in consultation with other Federal agencies to determine the definition of “low priority” Army Corps projects. This appears to be code for those projects not requested in the President’s budget. Since when has the administration been the only source of wisdom for determining funding decisions? If funding decisions funding available, we should ask the Corps to identify those funds and propose them for rescission. However, it would become quickly apparent that this strategy is penny wise and pound foolish. These are all ongoing projects, previously funded by this or prior Congresses. It would not make economic sense to stop these projects. Demobilization costs and costs to make these construction sites safe for the public could end up costing more than continuing the projects.

These are just a few examples of the dozens that would do serious damage to many necessary government programs. Unobligated does not mean excess or unnecessary. I urge all my colleagues to reject the Coburn amendment.

Mrs. HUTCHISON. Mr. President, I am voting for the Coburn motion to suspend the rules to allow the Senate to consider his amendment to offset extension of unemployment insurance benefits with no offset. I would certainly hope that they will stand by their agreement.

Mr. President, this amendment would do serious damage to many necessary government programs. Unobligated does not mean excess or unnecessary. I urge all my colleagues to reject the Coburn amendment.

The Coburn amendment provides a fiscally responsible way to extend unemployment insurance for out-of-work Americans and to pay for other costs contained in the tax bill.

With the underlying agreement in the tax bill to extend current tax rates for 2 years, individuals and businesses will have more certainty. This is needed to spur economic growth and job creation. Senator Coburn’s amendment takes the next important step to begin reducing spending to deal with the deficit. The Senate deserves an opportunity to debate and vote on the Coburn amendment so that we can begin this process.

I spoke with Senator Coburn about an item in his amendment that would rescind NASA funding for Constellation systems. I supported this provision, which would significantly disrupt the authorization law we passed in September. NASA is expressly continuing some elements of the Constellation program such as the new deep space rocket. The next step is to shorten the time for building the new launch vehicle that will propel human space exploration beyond Earth orbit. Terminating those contracts before they can be transitioned to support the new direction Congress has mandated would force NASA to start over, delaying development of the new launch vehicle, greatly increasing its costs to
the American tax payer. It could also jeopardize the full use of the space station for scientific research. Senator COBURN has agreed to revisit this provision in the future, in an effort to assure scientific integrity.

All time has expired. The legislative clerk called the roll.

Under the previous order, the question now is on agreeing to the Coburn motion to suspend with respect to amendment No. 4765. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll. Mr. DURBIN, I announce that the Senator from Alaska (Mr. BEGICH) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 52, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS—47

Alexander  DeMint  Lugar
Baucus  Ensign  McCain
Bennet  Graham  McConnell
Bond  Grassley  Murkowski
Brown (MA)  Greg  Risch
Brownback  Hagan  Roberts
Bunning  Hatch  Sessions
Burr  Huttoison  Shelby
Coburn  Isaksen  Tester
Coons  Johnson  Thune
Collins  Johnson  Vitter
Corker  Kyl  Voinovich
Curray  LeMieux  Whitehouse
Crapo  Lincoln  Wicker

NAYS—52

Akaka  Gillibrand  Nelson (FL)
Baucus  Harkin  Pryor
Bennet  Inouye  Reid
Bingaman  Johnson  Reid
Boxer  Klobuchar  Rockefeller
Brown (OH)  Kyl  Schumer
Cantwell  Kohl  Shalhea
Cardin  Landrieu  Shlate
Casey  Leahy  Specter
Conrad  Levin  Stabenow
Coons  Lieberman  Udall (CO)
Dodd  Manchin  Udall (NM)
Durbin  Menendez  Warner
Duncan  Merkley  Webb
Feinstein  Mikulski  Whitehouse
Feinstein  Murray  Wyden
Franken  Nelson (NE)  NOT VOTING—1

Begich

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 52.

Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

Under the previous order, the question is on agreeing to the DeMint motion to suspend with respect to amendment No. 4804. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 37, nays 63, as follows:

[Rollcall Vote No. 274 Leg.]

YEAS—37

Alexander  Chambliss  Ensign
Baucus  Coburn  Enzi
Bennet  Cochran  Graham
Bond  Corker  Grassley
Brownback  Cornyn  Gregg
Bunning  Crapo  Hatcher
Burr  DeMint  Hutchison

NAYS—63

Akaka  Franken  Hagan
Baucus  Graham  Harkin
Bayh  Grassley  Harkin
Bennet  Inouye  Harkin
Bingaman  Johnson  Harkin
Boxer  Klobuchar  Johnson
Brown (MA)  Kyl  Kyl
Brown (OH)  Klobuchar  Klobuchar
Cantwell  Landrieu  Landrieu
Cardin  Lautenberg  Lautenberg
Casey  Leahy  Lautenberg
Collins  Levin  Lieberman
Coons  Lincoln  Lieberman
Conrad  Lieberman  Lieberman
Dodd  Manchin  Manchin
Dorgan  McCaskill  Manchin
Durbin  Merkley  Menendez
Feinstein  Mikulski  Menendez
Feinstein  Murray  Menendez
Franken  McCain  NAY

The PRESIDING OFFICER (Mrs. HAGAN). On this vote, the yeas are 37, the nays are 63.

Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

Under the previous order, the question is on agreeing to the Sanders motion to suspend with respect to amendment No. 4809. 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 43, nays 57, as follows:

[Rollcall Vote No. 275 Leg.]

YEAS—43

Alexander  DeMint  Lugar
Baucus  Ensign  McCain
Bennet  Graham  McConnell
Bond  Grassley  Murdoch
Brownback  Hagan  Roberts
Bunning  Hatch  Sessions
Burr  Huttoison  Shelby
Coburn  Isaksen  Tester
Coons  Johnson  Thune
Collins  Johnson  Vitter
Corker  Kyl  Voinovich
Curray  LeMieux  Whitehouse
Crapo  Lincoln  Wicker

NAYS—57

Akaka  Franken  Hagan
Baucus  Graham  Harkin
Bayh  Grassley  Harkin
Bennet  Inouye  Harkin
Bingaman  Johnson  Harkin
Boxer  Klobuchar  Johnson
Brown (MA)  Kyl  Kyl
Brown (OH)  Klobuchar  Klobuchar
Cantwell  Landrieu  Landrieu
Cardin  Lautenberg  Lautenberg
Casey  Leahy  Lautenberg
Collins  Levin  Lieberman
Coons  Lincoln  Lieberman
Conrad  Lieberman  Lieberman
Dodd  Manchin  Manchin
Dorgan  McCaskill  Manchin
Durbin  Merkley  Menendez
Feinstein  Mikulski  Menendez
Feinstein  Murray  Menendez
Franken  McCain  NOT VOTING—1

Alexander  DeMint  Lugar
Baucus  Ensign  McCain
Bayh  Grassley  Harkin
Bennet  Inouye  Harkin
Bond  Grassley  Hagan
Brownback  Hagan  Roberts
Bunting  Hatch  Sessions
Burr  DeMint  Hutchison

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 57.

Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

Under the previous order, amendment No. 4754 is withdrawn.

VOTE EXPLANATION

Mr. MERKLEY. Madam President, I rise today to provide a brief explanation of my absence during the vote on the motion to proceed to the Reid-McConnell Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 on December 13.

I was not in the Senate Chamber for the vote because I was traveling back from Oregon, where I had a previous commitment earlier in the day to participate in a major summit of the leading businesses and political leadership of Oregon looking at ways to revive the Oregon economy.

As I stated publicly prior to the vote, had I been present I would have voted against moving forward on the tax cut proposal under the circumstances. The package that was brought to the floor will add nearly $1 trillion to the national debt and includes major components that would be useful to create jobs and help families and small businesses. But I cannot support a bill that forces these same working families and small businesses to shoulder responsibility for billions more in debt while continuing to maintain too many of the policies that drove our Nation into record deficits and caused financial distress for millions of working families.

Mr. HATCH. Madam President, I have always pledged to the people of Utah that I would fight any tax increase that gives Washington more of their hard-earned money to spend. Allowing middle-class families, small businesses, and investors to keep more of what they earn, while maintaining this government hundreds of billions in new tax revenue to spend, is the right thing to do.

Opposing this bill is tantamount to supporting massive tax increases that threaten our economic future. If this tax relief expires, Utah would lose an average of 6,200 jobs each year and household disposable income would drop by $2,200. Over 150,000 Utah families would be hit with this while continuing minimum tax. Small businesses would see their marginal tax rates go up by as much as 24 percent and our GDP would take almost a 2 percent hit.

I say to my colleagues in the House who want to change this proposal to impose more taxes on American families, you act not only at your own peril, but that of the American people.

You had 4 years to stop these tax hikes, but that of the American people.

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Some argue, why not wait until after January when Republicans control the House to get a better deal. I appreciate that position, but that is a gamble I am not willing to take. Democrats will retain control of the White House and the Senate and simply drag their feet while blaming conservatives. The collateral damage of inaction will be hard-working families who will see lower paychecks starting on January 1.

Experts point to the damage to the economy, but I am concerned about the damage to the budgets of Utah families. In this case, tax relief denied to all those families, if delayed indefinitely, could be tax relief denied. I also want to mention the death tax—an insidious tax that disproportionately hits small businesses and family farms. This year it was fully phased out. From my viewpoint, that is the right policy. But, if we don’t act, on January 1, it will go back up. And that reality was in 2000—a $1 million threshold and a top rate of 55 percent. The proposal before us today includes the bipartisan Lincoln-Kyl compromise.

That bipartisan proposal puts in place a $5 million threshold—$10 million per family—and a top rate of 35 percent. When Republicans were in control in 2006, we couldn’t even get this proposal through Congress. So this is a good deal and to my friend from Arizona, Senator KYL, I applaud his efforts. If Congress fails to act, on January 1, 10 times the number of estates will be hit, including 13 times as many farm-heavy estates.

If all the income tax rates would be made permanent—that is the kind of certainty our economy and job creators need. Furthermore, I would never extend some of the so-called temporary tax provisions that look like tax relief, but in reality are little different than welfare through the Tax Code. Far too much new spending is mislabeled as tax relief. Thank you, Senator KYL, I applaud his efforts. If Congress fails to act, on January 1, 10 times the number of estates will be hit, including 13 times as many farm-heavy estates.

It is estimated that 1603 is responsible for saving 55,000 American jobs in the wind industry. It is estimated that 1603 is responsible for producing as many as 2,400 megawatts of wind power—a quarter of all wind power installed in 2009. This includes projects such as the Glacier Wind Energy project in Hamilton, MT.

Before 1603, producers had to rely on Wall Street investors to fund their renewable energy projects through tax equity financing. Through tax equity financing, Wall Street firms would invest in renewable power projects in exchange for tax credits. When Wall Street collapsed in 2008, this system of financing collapsed along with it, threatening the future of American renewable power.

So we created 1603 grants in the Recovery Act to bypass Wall Street and provide cash directly to renewable power developers. As a result, most experts have credited the 1603 program with saving the wind industry—and the good-paying American jobs that go along with it.

The tax equity financing market has begun to recover. But tax equity financing is still much more expensive than permanent 1603 tax credits. In 2009, 1603 also provides a greater bang for our taxpayer buck. By cutting out expensive Wall Street middlemen, 1603 provides grants directly to energy developers to support energy projects and jobs. And 1603 supports smaller projects that wouldn’t have otherwise been financed by Wall Street.

Industry experts predict that extending the 1603 grant program will result in 45,000 new American jobs in 2011 in the wind and solar industries alone and many more in the geothermal and bio-mass.

Supporting renewable power also helps put America back in control and puts the United States on a path toward energy independence. And supporting renewable power projects today supports even more jobs manufacturing wind turbines and solar panels tomorrow. That is why I am working hard with my colleagues in Montana to bolster long-term growth in the wind sector by bringing wind manufacturing jobs to Montana. Today, Montana is poised to begin a significant expansion of the generation capacity of our wind resources rank in the top 5 in the United States, but our State is ranked No. 18 in installed capacity. The extension of the 1603 grant program will make Montana’s wind-generation expansion possible and help build a wind energy industry in Montana, and across America, that will be a cornerstone of our Nation’s energy independence.

Mr. LEVIN. Madam President, when the Senate invoked cloture on this bill yesterday evening, and adopted the procedure used after cloture, those of us who opposed portions of this bill lost any opportunity to address the problems we see and seek to repair them. I voted against the motion to invoke cloture because I hoped that, if the cloture motion failed, the Senate would have a chance to consider a better bill, and to improve it through the traditional method of debate and amendment.

That did not happen. As I have spoken, as have others, about the defects of this proposal. Its tax cuts are unwisely skewed toward the wealthy, including an estate tax provision that would benefit a few thousand of our most fortunate taxpayers at the expense of any opportunities for the wealthiest among us will not, despite the claims of our Republican colleagues, help our economic recovery. Nearly everyone says that jobs must be our No. 1 priority. And so we must pass this bill because I hoped that, if the cloture motion failed, the Senate would have a chance to consider a better bill, and to improve it through the traditional method of debate and amendment.

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troubling. It is that in pursuit of their goal, they are holding hostage progress for the American people, not just on tax cuts, but on a range of other crucial issues. They tell us they will not support tax provisions that help working families and they also put the huge giveaways for the wealthy. They tell us we cannot continue emergency unemployment benefits unless we also give several times the cost of those benefits to the wealthiest 2 percent of Americans. If we allow us we cannot provide tax relief to help businesses grow and add workers unless we also give away more borrowed money to the wealthy.

And there is more. Republicans have filibustered the defense authorization bill, crucial legislation for the good of our troops and their families, because we have not yet passed tax cuts for the wealthy. They blocked consideration of the New START treaty, a treaty that will make our Nation and the entire globe safer and more secure. In an extraordinary letter, all 42 Senate Republicans vowed they will not allow the Senate to consider any legislation, no matter how important, until we give billions in borrowed money to the wealthy in the form of tax cuts.

Despite the flaws in this bill and the process by which it comes before us, it has a number of strengths. Greatest among them is the extension of emergency unemployment benefits. In my State and others, thousands of Americans work through the result of their own, and they and their families are depending on us to give them the support they need. These benefits are not just critical to those families, but they also have a highly stimulative impact across the Board.

Nor is the UI program the right thing to do. We need to do it, and we can do it yet this year, if we stay here and continue working, as we should, right through to the new year.

But even some of the positives in this legislation have significant drawbacks. The 2 percent payroll tax cut would welcome by working families, and could help the economy grow. But it would also cost the Treasury more than $100 billion in borrowed money next year. While some argue that might still be an acceptable price for boosting economic growth, I believe it is very unlikely that Congress will have the will to let that tax cut expire next year. Already, some of our Republican colleagues are talking about making the cut permanent. That money, otherwise lost to the Social Security trust fund, must come from somewhere, and I am concerned that it will come from Social Security or other essential programs.

We can support middle-class families, job-producing businesses and the unemployed without unleashing the damage this legislation would do to our budget and to economic justice.

I cannot accept the price Republicans want to extract from us. We need not accept it if we have the will to debate and amend this legislation and are willing to stay through the end of this year to do it. The damage to our fiscal situation and to Social Security, and the damage done by continued inequality these tax cuts would perpetuate, is too high a price. I believe it would be a mistake to allow Republicans to succeed in their irresponsible brinkmanship, blocking aid to working families and the important other business before the Senate in order to secure benefits for the wealthiest Americans.

I fully expect that my Republican colleagues will soon be urging this body to rein in the debt. Already, we have seen proposals that would seek to remedy our Nation’s fiscal crisis by dramatically cutting crucial programs, including Social Security. It is not a stretch to suggest that the cost of this bill alone will lead some to argue that Congress must enact more and deeper cuts to benefits, including Social Security—all so that we can give away money the government does not have to the wealthiest few.

We must stand up and fight against an approach that would sacrifice aid to the vast majority of Americans on the altar of unaffordable tax cuts for the wealthiest among us. I believe that time should be today. And so I will vote against this legislation.

Ms. COLLINS. Madam President, on Monday, the Senate took an important step toward extending critical tax relief for all Americans by approving closure on the Reid-McConnell amendment, by an overwhelming vote. This bipartisan vote is encouraging and demonstrates that Members of this body can work together, with the President, to do what is reasonable and right to address the economic challenges our Nation continues to face.

As with any compromise, however, the bill is not perfect. I would like to note for the record several—although not all—of the items I believe should have been handled differently.

First, I am concerned about the failure to include an extension of the production tax credit for existing open-loop biomass facilities. This credit is critical for preserving renewable energy, forestry and forestry jobs in Maine across the United States, and an extension of this credit was included in President Obama’s proposal to the American Biomass Power Association and the Biomass Power Association, since the start of 2008, at least 35 paper mills have permanently closed and more than 75 other facilities have experienced market-related downtime. In the biomass sector this year, six facilities have closed, three in Maine and three in California, and more are under the threat of closure.

The bill would be improved by extending the tax credit period for existing open-loop biomass facilities, as called for by Senator BILL NELSON’s amendment, which I have cosponsored. This amendment would allow these facilities to remain competitive with other forms of renewable energy, saving jobs that are seriously at risk.

Second, I am concerned that the decision by the drafters to strike language added to the Tax Code by the American Recovery and Reinvestment Act could lead to confusion regarding certain wood stoves.

For example, the bill strikes language that I sought in ARRA to clarify how the thermal efficiency of residential wood and wood-pellet stoves should be measured for purposes of the tax credit. That tax credit was created by the Emergency Economic Stabilization Act of 2008, which did not specify a methodology for determining thermal efficiency. The IRS has issued guidance directing that the ‘‘lower heating value’’ methodology should be used, which is consistent with industry practices and with our intent to ensure that the credit is available for efficient and clean-burning wood and wood-pellet stoves.

Removing the reference to the ‘‘lower heating value’’ formula from the tax code serves little purpose. Certainly, however, it does not mean that this commonsense methodology is precluded, nor does it require the IRS to revisit its methodology. I hope that my comments today will help avoid confusion about the use of the ‘‘lower heating value’’ methodology with respect to this tax credit.

Finally, I am disappointed that the bill does not hold the line on a tax credit for corn-based ethanol and some other special interest provisions. The corn-based ethanol tax break is extraordinarily expensive, costing some $6 billion in subsidies from taxpayers annually according to the Congressional Budget Office. Over recent years we have also seen food and feed prices rise and Europe has invested in first generation biofuel production. In addition, corn-based ethanol mandates present an environmental concern as they could result in energy efficiency losses and increased emissions of air pollutants, because mechanical failures can jeopardize the effectiveness of emission control devices and systems installed on engines.

Of course, a bill without these flaws would have been preferable, but with the economy still weak, and with unemployment persisting at nearly 10 percent nationally, now is not the time to be raising taxes, and this bill averts one of the largest tax increases in history. America needs jobs—not higher taxes.

In September, I first urged my colleagues and the administration to come together around this 2-year compromise that will get us through the recession and send a strong signal to the business community to invest and create jobs. I am pleased that the Senate acted to show some confidence and business owners some certainty.

I encourage my colleagues in the Congress and the President to use this
Second-year period to undertake comprehensive tax reform to make our system fairer, simpler, and more pro-growth.

Mr. MENENDEZ. Madam President, I rise to support the tax cut package before us today to help middle-class families and workers hit hardest by this economic recession—exactly what this bill will do. It will ensure that middle-class taxes don’t go up January 1, that laid-off workers can provide for their families while they continue to look for work, that an average household in my home State will receive $1,400 in payroll tax relief, and it will protect 1.6 million middle class New Jerseyans from a surprise alternative minimum tax hike of up to $5,600.

This is an important moment for the middle class in America.

This is a time to come together, like the Senate did last night, to ensure this bill passes and our economic recovery continues. Many families are sitting around the kitchen table at night wondering how they can afford to feed and clothe their children, much less buy gifts for them during this holiday season.

Middle class families are wondering how they are going to pay the mortgage or make any sacrifices to put tuition for their college-bound children next semester.

I will vote for this package, not because I agree with every provision, particularly those that give bonus tax breaks to the wealthiest and most able to sacrifice during this economic recession, but because it will help families in my State and across this country who really do need our help.

I will vote for this package because, at its core, it is a middle-class tax relief package.

I will vote for it because it extends tax relief of more than $3,000 for a typical working family and doubles the child tax credit from $500 to $1,000.

I will vote for it because it eliminates the $120 billion payroll tax cut is an effective way to create jobs and increase the consumer demand sorely needed by our nation’s businesses.

I will vote for it because it includes a 2-year extension of the alternative minimum tax relief legislation, which I sponsored, so 1.6 million New Jerseyans will not face an additional tax bill of up to $3,600.

I will vote for this package because it provides benefit to New Jersey commuters. This provision, which was not included in the original deal, but I worked hard to restore, will allow commuters to receive up to $230 in transit benefits tax free.

It extends the income-based child tax credit and earned-income tax credit to ensure that a working family with three children could continue to receive a tax cut of more than $2,000.

It helps students and their parents by extending the partially refundable American Opportunity tax credit, worth up to $2,500, that helps 8 million students and their families cover the cost of tuition.

It helps save and create green jobs by extending what’s known as the 1993 Treasury grant program, widely credited with maintaining strong growth in the renewable energy sector in 2009 and 2010, despite the severe economic downturn, and has saved tens of thousands of jobs in the wind and solar industries.

I worked hard to restore this particular provision because it has provided more than $66 million in grants to fund 155 solar projects in New Jersey alone.

And most importantly, for those who are unemployed, it includes a long-overdue 13-month extension of Federal support for 99 weeks of unemployment insurance for workers who have lost their jobs during this economic downturn, something our Republican colleagues fought against all year, a helping hand they refused to extend unless the rich got even more in tax cuts, even though extending unemployment benefits is a policy that most economists agree is one of the most effective measures to create jobs.

It helps small business owners by creating the largest temporary investment incentive in American history by allowing businesses to expense all of their investments attributable to salaries and credit with 70 percent or more of the credit attributable to salaries and wages.

And it helps small business owners by extending for 2 years a provision that allows them to write off their costs much faster than they could otherwise, 15 years as opposed to 39 years.

And it helps small business owners by extending for 2 years the research and development tax credit which incentivizes companies to create jobs in America by giving them a tax credit for qualified research spending.

The R&D credit is truly a jobs credit with 70 percent or more of the credit attributable to salaries and wages of U.S. workers performing research in the United States. I have sponsored legislation to make this credit permanent, and I hope we will.

Unfortunately, our friends on the other side of the aisle decided that if we are going to stand up for the middle class and protect them from the tax increase that is looming 2 weeks from now, we should also provide a tax cut for those who have shamelessly stood for putting more money in the pockets of millionaires and billionaires regardless of the cost, regardless of the fact that doing so has failed to create jobs, will not come back a year ago and have the audacity to blame this administration or members on this side of the aisle for fiscal irresponsibility, that we will never again be lectured about deficits by those who demand billions of dollars in deficit spending for the heir of estates worth more than $5 million.

That is what a Republican world looks like. It is a world of blue smoke and mirrors in which they tell us we can see castles, kingdoms, an economy that is not real and jobs that are not there.

The negotiations to get to this point revealed much about the priorities of each party, and frankly the tactics employed by my Republican colleagues do not sit well with me and many of my fellow Democrats.

The bottom line is that this package meets our priority on this side of the aisle, of making a real difference in the lives of middle class families affected by layoffs, families struggling to make ends meet, and, in the process, help get our economy back on track, rather than allow it to slide back into recession.

If we can achieve that, then this compromise is well worth it.

I hope that those on the other side who have shamelessly stood for putting more money in the pockets of millionaires and billionaires regardless of the cost, regardless of the fact that doing so has failed to create jobs, will not come back a year ago and have the audacity to blame this administration or members on this side of the aisle for fiscal irresponsibility, that we will never again be lectured about deficits by those who demand billions of dollars in deficit spending for the heir of estates worth more than $5 million.

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The negotiations to get to this point revealed much about the priorities of each party, and frankly the tactics employed by my Republican colleagues do not sit well with me and many of my fellow Democrats.

The bottom line is that most of my colleagues recognize, as I do, that this package will make a real difference in the lives of middle class families struggling in difficult economic circumstances.

Furthermore, it will have strong support, that it will benefit millions of average Americans who simply want us to do what is right for them.
December 15, 2010

CONGRESSIONAL RECORD — SENATE

S10255

It is my hope that this package is the last time we will be forced to cut a deal for the wealthy just to protect middle-class families.

I listened with great interest to the words of the President when he spoke about tax reform recently. We have an opportunity to reform the Tax Code, to simplify what has become a nightmare for millions of Americans, to get rid of so much preferential treatment for special interests currently in the code, and to lower income tax rates for everybody.

We should have a Tax Code that reflects the general interests of the American people, not one that forces the less politically connected to pay more in taxes than those with powerful allies.

And I expect that the next time this issue comes up, we will not be discussing whether or not to extend the failed tax policies of the Bush administration, but how to best simplify the Tax Code so tax rates for everybody can be reduced permanently and responsibly.

Mr. REID. Madam President, in times like these, we cannot afford to play games with the economic security of middle-class families in Nevada, and across America.

This bill is not perfect, but it gives those families the boost they so desperately need. It will create 2 million jobs, according to an estimate by the Center for American Progress. For Nevadans, the energy tax cut provisions will create as many as 2,500 jobs in Nevada alone, at a time when jobs are so badly needed.

This bill will cut taxes for middle-class families and small businesses. It contains a $120 billion payroll tax reduction, which will give the average middle-class family a tax cut of $1,200. It extends the college tax credit to help more Americans get the education and skills they need to compete. And it will ensure that Americans who are still looking for work will continue to have the safety net they rely on to make ends meet.

It is unfortunate that my Republican colleagues drew this process out so long. While we ultimately were able to reach a compromise, there was one point that Republicans refused to compromise on: they were dead set on delivering huge tax breaks to people who do not need them and do not matter what. Warren Buffett recently came forward and said, I don’t need a tax cut. Give it to the person who’s serving lunch. This is just common sense. In tough times, we should concentrate our efforts on helping the people who need it most. Not only will it help them more, but they are more likely to spend the money and help grow our economy.

Unfortunately, this debate also revealed that my Republican colleagues would rather talk about the deficit than actually do anything to bring it down. The giveaways to millionaires that they fought for will add $700 billion to our deficit. My Republican friends love to talk about the deficit, but when it came time for them to make a decision, cutting the deficit took a back seat to giving tax breaks to people who do not need them. In this bill, our Republican colleagues will match their actions to their rhetoric, and start working with us to bring down the deficit.

Clearly, we Democrats disagree with our Republican colleagues about where we should be focusing our efforts in this tough economy. We think we should be focusing on the middle class, they think we should be giving more benefits to the wealthiest among us, even if those benefits add to the deficit.

But despite our disagreements, we were able to reach a compromise. Because that is what the American people want us to do: find common ground, and reach solutions that will benefit our middle class.

The framework agreed upon by President Obama and Senate Republicans might not be the approach I would have taken. But with millions of American families still struggling to make ends meet, it is our responsibility not to let the perfect be the enemy of the good. I know our counterparts in the House will pass this bill quickly so that we can get it to the President’s desk as soon as possible, and give middle-class Americans a little more peace of mind this holiday season.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided and controlled between the two leaders or their designees.

The Senator from Michigan.

Ms. STABENOW. Madam President, as we proceed to this important final vote, there are two provisions I strongly believe ought to be in this bill. They are bipartisan provisions. I came to the floor yesterday to offer a unanimous consent on both of those. Unfortunately, our Republican colleagues were not on the Senate floor, so out of a courtesy I did not proceed. But I will now at this point.

The advanced energy manufacturing tax credit, 48C—a strong bipartisan effort to make sure we are making things in America, creating over 17,000 jobs in 43 States across the country, leveraging $7.7 billion in private investment—should be included in this bill so when we talk about energy and new innovation, we are making it in America.

Therefore, I ask unanimous consent to set aside the second-degree amendment to the Reid-McConnell substitute to offer amendment No. 4773, an amendment to extend the 48C advanced energy manufacturing tax credit.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. I object.

The PRESIDING OFFICER. The PRESIDING OFFICER. The Senator’s time has expired.

Ms. STABENOW. I ask unanimous consent for another 10 seconds to offer a unanimous consent request in order to set aside the second-degree amendment to the Reid-McConnell substitute to offer an amendment No. 4773 that would repeal the 1099 reporting requirement for small business.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. I object.

The PRESIDING OFFICER. The PRESIDING OFFICER. Objection is heard.

The motion to lay on the table was agreed to.

Mr. DURBIN. Madam President, I move to reconsider the vote.

Mrs. LINCOLN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. AKAKA. Madam President, with our vote today on the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, we have passed legislation that will have profound short- and long-term consequences for our nation. I supported
this measure once it became the only available option to provide much-needed help to American families. I, however, have deep concerns with other aspects of this bill, and I extend my support for it with strong reservations.

Our economy has not yet recovered from the downturn that began over 2 years ago. Hawaii's foreclosure rate in October of this year was the 12th highest in the Nation. In November, Hawaii saw a 49-percent increase in consumer bankruptcies, filings compared to the same month in 2009, the second largest increase in the country. These are strong indications that people in Hawaii cannot sustain an increase in their tax obligations. We cannot allow taxes to rise on the workingclass when so many homeowners are already unable to afford their mortgages and consumers are unable to meet their outstanding debt obligations.

One major cause of these problems is unemployment, and I would not have been able to support this legislation had it not included a 13-month extension of unemployment benefits. Families and individuals across Hawaii and the Nation need these benefits to help pay their rents and mortgages while they search for a job, and parents need this assistance to put food on the table and provide for their children. I refuse to abandon these people. That is why I supported this bill.

I regret that we were unable to provide permanent tax relief for working-class Americans, families, and small businesses because their financial well-being has been haplessly tied to tax cuts for millionaires and billionaires since the beginning of this tax debate. Earlier this month, we considered two fair and reasonable tax proposals—one to permanently extend the expiring tax cuts for families earning under $250,000, followed by a compromise that included Americans earning up to $1 million. These were good-faith efforts to provide help where it is most needed—to families and small businesses that, unlike the millionaires and billionaires out there, do not have the financial security to weather the recession. Unfortunately, both were defeated by a minority of my colleagues and instead we have been forced to maintain fiscally irresponsible Bush-era tax policies through the legislation that we have just passed.

When these cuts were enacted at the beginning of this decade, I called it “irresponsible fiscal policy.” I correctly predicted that the upper income tax breaks would lead to an explosion of the deficit and leave a mountain of debt for future generations. At the time, I lobbied for targeted tax cuts that would stimulate economic growth and employment while preserving fiscal discipline.

The national debt now stands above $13.8 trillion. Our budget surpluses have long since turned into deficits. Difficult budget choices are now before us. We will have the opportunity to reexamine these tax cuts for the richest Americans that we have just imprudently extended, as well as the temporary estate tax and payroll tax holiday provisions in the bill. Fiscal discipline must be maintained. I am prepared to make hard choices to restore and preserve our country's long-term economic growth. I am pleased that we were able to help the unemployed and working-class through this extension of expiring tax provisions and unemployment benefits, and that is why I supported this bill.

REMEMBERING RICHARD HOLBROOKE

Mr. LEAHY. Madam President, it is with deep sadness that I speak in memory of a dear friend, Ambassador Richard Holbrooke, who died Monday at the far-too-early age of 69.

I first met Dick years and years ago, long before he held his most recent post of Special Envoy for Afghanistan and Pakistan. We had so many conversations, meetings, and trips over the years, as his career progressed, particularly during the war in the former Yugoslavia.

Dick’s skillful diplomacy that ended the siege of Sarajevo and finally ended that war is legendary. Nobody else could have done what he did. He was motivated above all by compassion, intent on stopping the suffering of innocent people who were being terrorized for no other reason than their ethnicity.

He combined the force of his convictions with the force of his personality, along with his boundless energy, to do what others had been unable to do. Ambassador Holbrooke did not accept no for an answer. I remember meeting Dick in 1999. We had planned a meeting. I was in Macedonia, and he was in Kosovo. It was a very foggy, rainy day. We could not travel by helicopter, as we planned, so we met on a slippery, narrow road, with a several-hundred-foot cliff on one side. We sat together on the hood of a car and he described what he had observed. He told me what he believed needed to be done. It was fascinating because Dick put everything into perspective as only he could.

It is fair to say we took advantage of that unlikely meeting to reminisce and laugh about other times and places, some of which were unlikely. This was one of those rare conversations that makes an unforgettable impression on you—most of all because it was Dick Holbrooke. He was so passionate, so animated, yet with a determinism and a sense of humor that made the challenge of solving the thorniest of problems hard to resist. It was in his latest position that I heard most often from Dick, when he would call to keep me apprised of his efforts to try to get the most out of our aid dollars and to help the Afghans.

It was not an easy task. He called me on weekends at my home in Vermont, and we would talk about it.
WAR IN AFGHANISTAN

Mr. UDALL of New Mexico. Madam President, I rise to discuss the President's review that is taking place on the war in Afghanistan.

We are approaching another signpost in the conflict that has kept our military men and women in harm's way longer than any other in our history—100 months and counting. That is longer than the wars in Vietnam or Iraq. It is even longer than the Soviet occupation of Afghanistan in the 1980s.

The time has come to speak of is what President Obama posted when he ordered the troop increase in Afghanistan last December.

In his orders, he also called for a review of our war strategy to be conducted 1 year later. That review was to include:

- The security situation and other conditions, including improvement in Afghan governance, development of Afghan National Security Forces, Pakistani actions and international support.

That review is due this month.

I commend our President for his foresight in calling for this review. But in recent months, I have read troubling statements from administration and military leaders. These statements lead me to believe this review is seen as nothing more than a check in the box.

In a Washington Post article, an Under Secretary of Defense said as much when he stated that the review will not go into much more detail than what is already provided to the President during his monthly status updates.

General Petraeus was also quoted in the same article as saying: “I would not want to overplay the significance of this review.”

I think this approach to this review would be another tragic mistake in what I fear is an ongoing series of them.

After 9 years and $455 billion, the unfortunate reality is, we are still not anywhere near where we want to be or should have been in Afghanistan. Anything less than a thorough and unfailing review is unacceptable. It is unacceptable to me, and it is unacceptable to the American people.

A famed military author, Carl von Clausewitz, wrote a book titled “On War,” which is required reading for any military professional. In that book, he wrote:

The first, the supreme, the most far-reaching act of judgment that the statesman and commander have to make is to establish . . . the kind of war on which they are embarking: neither mistaking it for, nor trying to turn it into, something that is alien to its nature. This is the first of all strategic questions and the most comprehensive.

Today, our struggles in Afghanistan necessitate that we again follow von Clausewitz’s advice. We must answer the big questions about the kind of war we set out to fight and the kind of war we are fighting.

Everyone knows the big question: Why is it the big question: Is our prolonged involvement in Afghanistan worth the costs we as a nation are paying for it? Is it worth the human cost? Thousands of Americans have been maimed or killed in this war so far, and thousands more stand in harm’s way as we speak. What is the ultimate cost? Our wars in the last decade have left us with huge deficits. And for the last decade, wars in both Afghanistan and Iraq went unpaid for. Instead of rallying the Nation during a time of war, asking for the sacrifices from the American people, the two Presidents chose to pass this massive debt on to future generations—the first time we have done so in modern times.

The real issue is not what we are spending to protect our Nation but whether that spending is making us safer, which leads to the question: Is our continued involvement in Afghanistan worth the cost to our larger national security priorities? Our commitment in Afghanistan is pulling time, energy, and funds from other equally important national security priorities, priorities such as energy independence, counterproliferation, and countering terrorist activities in Yemen, Somalia, and many other places around the world.

That is why this review is so critical. We have to decide as a Nation if our prolonged involvement in Afghanistan is worth it, and we must decide on an exit strategy. We have a responsibility to answer that big question with a thoroughness and honesty that honors the sacrifices of our military men and women.

I believe we answer that question by using this signpost—by using this review—to address four key issues that will ultimately mean the difference between our success and our failure in Afghanistan. To me, those four issues are: our timeline for an exit strategy, an accelerated transition to an Afghan-led security operation, corruption in the Karzai government, and safe havens in Pakistan.

Let me take them one at a time. First, our timeline for an exit strategy. This review should provide an honest assessment of what we are in but the timeline that President Obama laid out last year. In his speech at West Point last December, President Obama rightly dropped the open-ended guarantee of U.S. and NATO involvement. Here is what he said:

The absence of a time frame for transition would deny us any sense of urgency in working with the Afghan government. It must be clear that Afghans will have to take responsibility for their security and that America has no interest in fighting an endless war in Afghanistan.

His order last year for the military mission was clear and included a timeline based on a “accelerated transition.” In that order—quoting from the order—:

Increasing the size of the ANSF and leveraging the potential for local security forces so we can transition responsibly for security to the Afghan government on a time line that will permit us to begin to decrease our troop presence by July 2011.

July 2011 is that a little more than 6 months from now. The American people have to know if July 2011 is still a realistic time frame to begin our exit from Afghanistan; and, if not, what has happened to cause a delay and how long will that delay be? What will be the additional costs, both human and budgetary?

The bottom line is this: Without an aggressive timeline for reducing U.S. military support in the region—a timeline that the Afghans believe is rock solid—there is no incentive for them to defend their villages and cities. With the U.S. and NATO as guarantors of security, the people of Afghanistan could rely on our forces to provide security indefinitely.

Chairman LEVIN, our Armed Services chairman here in the Senate, has given careful thought to the issue of a timeline. In a recent speech to the Council on Foreign Relations, he said:

Open-ended commitments encourage drift and permit inaction. Firm time lines demand attention and force action.

Without an aggressive timeline, there is no exit strategy.

Issue No. 2, and directly related to No. 1, the accelerated transition to the Afghan people. This must be an Afghan-led security effort. This month’s report should update the American people on our progress or lack thereof in turning over security duties to the Afghan National Army, the Afghan National Security Forces, and the Afghan National Police.

The famed British officer T. E. Lawrence, known to many as Lawrence of Arabia, once said, with regard to the Arab insurgency against the Ottoman Empire:

Do not try to do too much with your own hands. Better the Arabs do it tolerably than they do it perfectly. It is their war, and you are there to help them.

This quote is also mentioned in the Army Field Manual on counterinsurgency. In Afghanistan, I believe the same approach can be applied.

The Afghan security forces are not doing their job perfectly, nor should we expect the Afghan forces to match the might of the U.S. military. But to echo T. E. Lawrence, they are beginning to do it tolerably, and it is better that the Afghans continue to build on their new success.

Combined, an aggressive timeline and an accelerated transition to the Afghans will help us achieve two equally important goals: first, the timely handover of security helps prove to the international community that the American people do not have imperial ambitions in Afghanistan. As President Obama said at West Point:

We have no interest in occupying your country.

And second, a timely handover allows the United States and its allies to bring our heroes home, and it allows us
to begin the important work of reducing our deficits, investing in our Nation and our people so we can remain strong and build a more prosperous Nation.

This brings me to issue No. 3: Corruption in the Karzai government. There is no doubt that the Armed Forces have the ability to conduct the difficult counterinsurgency work of clearing and holding. The question is whether the Afghan Government has the ability to build their nation and to be ready for a time of transition. That is why in his order to the military President Obama was clear when he said:

Given the profound problems of legitimacy and effectiveness with the Karzai government, we must focus on what is realistic. Our plan for the way forward in dealing with the Karzai government has four elements: Working with the Karzai government when we can, working around him when we must; enhancing sub-national governance; strengthening corruption reduction efforts; and implementing a post-election compact.

There is no doubt that corruption is rampant throughout Afghanistan and, in particular, within the Karzai administration. For years, independent daily press reports from Afghanistan, as well as official U.S. Government reports, confirm corruption at all levels of Afghan society. A recent leak of diplomatic cables reveals the severity of the problem.

First, let me stress I do not condone these recent leaks. They have needlessly put our military and diplomatic corps at risk. But these documents pull back the curtain on the scale of the corruption in Afghanistan.

One example in particular illustrated the tremendous difficulty we face in our search for an honest, reliable partner. That was the account in the New York Times of former Afghanistan Vice President Zia Massoud. Massoud was detained after he brought $52 million in unexplained cash into the United Arab Emirates. He was allowed to keep the $52 million.

Let me say that again: $52 million. That is a lot of money, especially when you consider that his government salary was a few hundred dollars a month.

Not only is corruption rampant in Afghanistan—With the reports of Karzai’s own brother involved in drug trafficking, there are efforts to manage his own government.

In Kandahar, our military has made this former Taliban stronghold a much more secure city. But these documents pull back the curtain on the scale of the corruption in Afghanistan.

In particular, the military leadership. It is their job that is in question—it is ours, the Congress, the President, his administration, the military leadership. It is up to us to find the answers, to ensure we have a clear, achievable mission for our soldiers to carry out.

Today I am not sure that is the case. I am looking forward to hearing the conclusions of the review the President called for 1 year ago. I also look forward to hearing the President reaffirm his July 2011 deadline for an accelerated transition to the Afghans.

We all must be prepared to ask the hard questions and demand honest answers, regardless of the political consequences.

Mr. DURBIN. Madam President, I ask consent to speak for 15 minutes in morning business.

The PRESIDENT. Without objection, it is so ordered.

Mr. DURBIN. Madam President, first let me commend my colleague from New Mexico, Senator Thomas Udall, for a thoughtful presentation on a challenge we face as Americans regardless of political affiliation. It is
thoughtful in that he reflected not only on our mission and our responsibility but thoughtful in that he reflected on the cost, the cost in human lives and the cost in dollars and the challenge we face in Congress to make sure those years are well spent and no American life is wasted. I thank my colleague for that thoughtful presentation.

THE DREAM ACT

Mr. DURBIN. Madam President, last night I was on a conference call. It was an unusual one. There were 8,000 people on this conference call. I have never been on a conference call like that. They were from all across the United States of America. We spoke for a few minutes and then took questions.

A young woman came on. She didn’t give her name but she said, I want to tell you who I am. I am a person who is about to graduate from a major university in California with a degree in pharmacy and I have nowhere to go.

You see, she is a Hispanic who came to the United States at an early age, brought here by her parents. She defied the odds to finish high school; half of the Hispanic students do not. She did. Then she defied the odds even more by going to college. Only one in twenty in her status actually attends college. Then she stuck around for 5 years-plus to get her degree in pharmacy.

We know for a fact we need pharmacists desperately across America, everywhere, in North Carolina and New Mexico and Illinois—we need pharmacists. Why aren’t we using the talent of this ambitious, energetic, successful young woman? Because she has no status, no country. She is in America but she is not an American. She has no status. She is in America but she is not an American. She has no status.

The DREAM Act, which I introduced 10 years ago, addresses this challenge across America. Children, brought to America without a vote in the process, children who came here and made their lives here, grew up in America, as Senator MENENDEZ has said on the floor, standing up and proudly pleading allegiance to that flag, standing up and singing the Star Spangled Banner at baseball and football games—but they know and we know that they are not Americans. They feel like Americans. Many of them have never seen and don’t know the country they came from. This is their country. But because they were brought here not in legal status, undocumented, they have nowhere to turn.

The first time I heard about this issue was when a Korean woman called me in Chicago. She was a single mom with three kids. She ran a dry cleaners and her older daughter was a musical prodigy, in fact so good she had been accepted at the Juilliard School of Music in New York. Before she went to school, the application form came and to a box which said “nationality/citizenship.” She turned to her mom and she said: U.S. nationality, right? Her mom said: No, we brought you here at the age of 2 and we never filed any papers. Her daughter said: What are we going to do? Her mom said: We are going to call DURBIN. So they called my office and we called the Immigration Service and then the conversation ended it was very clear. Our government said to that young girl: You have one choice—leave. Go back to Korea.

After 16 years of living successfully in the United States and making a great young life, our laws told her to leave because she was illegal. That is a basic injustice. It makes no sense to hold children responsible for any wrongdoing by their parents. Children, at the age of 2 who are now going to be penalized the rest of their natural life because their mother did not file a paper? Penalized because we have no process for her to have an opportunity to be part of the United States?

So I introduced the DREAM Act. The DREAM Act says if you have been here for at least 5 years and came below the age of 15 and completed high school, no serious criminal record, a person in good moral standing, you need to be interviewed, speaking English, paying all the taxes and fines and fees that are thrown your way, then if you are willing to do one of two things we will give you a chance to be legal in the United States. No. 1, enlist in the military. If you are willing to risk your life and die for America, I think you are deserving of an opportunity for citizenship. Second, if you complete 2 years of college, then here is what the bill says: We will put you in a 10-year conditional immigrant status.

Let me translate. For 10 years you have no legal rights to any government programs in America—not Medicaid if you get sick, not Pell grants if you go further in college, no student loans—nothing. You are here legally but you cannot draw one penny from this government during 10 years after you have finished high school and qualify under this act; 10 years. Along the way we are going to keep an eye on you. If you stumble and fall—criminal record—you are gone. No exceptions; for felons, they are gone.

Basically, we will continue to ask hard questions of you as to how you are doing.

In the version of the bill we are going to vote on, you are going to pay a fee, $500 at the outset and more later. Under that House provision, those students struggling to get by with no legal rights, many of whom have a chance by our bill will have to spend 10 years in this country. If they make it—2 years in the military or 2 years of college and they finish their 10 years—then they get in line and wait 3 to 5 years more before they can ever have a chance to be citizens.

It is a long, hard process that not many Americans today could survive. Some of these kids will because they have made it thus far. They are determined, they are idealistic, they are energetic. They are just what America needs.

Do you know what Michael Bloomberg, the mayor of New York, said about this?

They are just the kind of immigrants we need to help solve our unemployment problem. Some of them will go on to create new small businesses and hire people. It is sensible to chase out the home-grown talent that has the potential to contribute so significantly to our society.

Will these DREAM Act students be a drag, then, once they are part of America? Not according to the Congressional Budget Office. They concluded that the DREAM Act would produce $2.2 billion in net revenues over 10 years. How can that be? Because these DREAM Act students would contribute to our economy by working and paying taxes. These are students who are destined to be successful.

Who believes they will be successful? Start at the Pentagon. Secretary of Defense Gates has asked for us to pass the DREAM Act. He has said that these young people will be great in service to America. He knows that many of them come from cultural traditions of service to their country and he wants that talent in the U.S. military and he wants that diversity in our military. Fifteen percent of America today is Hispanic. The number is growing. Almost 10 percent of the people who vote in America are Hispanic and we want to make certain our military is as strong as it can be and reflects America as it is and what we want it to be.
of people protected here. You have to have been in the United States for 5 years in order to qualify here so any newcomers to the United States are not going to be eligible anyway. But let’s get to the point. I support border security. We need a strong border. We need to make sure those who are illegal, undocumented, do not come across that border. I have voted for the money, I voted for the fences, I voted for the walls, I voted for everything they called for, and we have dramatically increased the border security in America and I will vote for more. I will vote for more. I give my word to my colleagues I will.

I have said to Senators from those border States: Count on me to be with you. But don’t hold these children hostage to that demand. Don’t hold them hostage to that demand because border security in and of itself has nothing to do with justice for them.

Others have argued we want to make sure that the day they can never become legal citizens of the United States. Never? After living their lives in this country, never? I would say: Go to the back of the line. And they should. Wait in line patiently, even if it takes 15 years. That is only fair. But never.

Others have said we should give them the military option. If they join the military, then we will let them become citizens. I don’t think that is right and I don’t believe the military would support that either because many would be applying for the military who are not inspired to serve in the military but are only doing it for the purpose of this law. Let’s let those who are not going in the military have their own avenue, their own path to legalization, their own route to citizenship.

This is a debacle that could have been avoided. This country is day by day of this year. There are only 16 days until the end of the year. There are only 10 days until one of the most sacred Christian holidays—Christmas. Yet the majority waited until just now to unveil our appropriations bill that will be considered on the Senate floor in the entire year.

The fiscal year began on October 1 of this year. Yet we have waited over 2 months to even consider a fiscal year 2011 spending bill. How could anybody claim this is responsible management of our citizens’ tax dollars? There is no way to sugarcoat it. Congress has been derelict in its duty to produce any of the 12 annual appropriations bills for the fiscal year.

We did not even bother to debate or pass a budget resolution this year at least create the notion that Congress wanted to constrain spending. While Americans across this country are taking a hard look at their finances, prioritizing their spending, their government continues to max the taxpayer credit card. This one is a doozy: 1,924 pages, $1.27 trillion in spending, $9 billion on next year’s unacceptable spending levels, over 6,000 earmarks that were funded more on geography than necessity. It is time for us to actually address the national debt.

While we are facing numerous challenges, none is greater than tackling this growing spending in our national debt. In fact, a bipartisan group of 29 Senators came to the floor yesterday—and I was part of that group—to pledge our commitment to address the national debt.

How ironic that this massive spending bill is being discussed the very next day. Maybe actions speak louder than words. It is time for us to actually back up the rhetoric on controlling spending. A look at the last appropriations bills just since I arrived a couple of years ago shows spending is growing by 9 percent. That is that there is no economy—no economy—that can grow the revenues fast enough to keep up with the spending appetites of Washington, DC.

In fact, in a few years we will be spending more on finance charges than the entire defense budget. It is like a family running up the credit card and then looking for more credit cards. But, unfortunately, it is now commonplace to pass bills that spend $1 trillion when our citizens are saying: Please stop. Unfortunately, the spending has not stopped.

I will oppose this bill, and I will do all I can to advocate that my colleagues do the same. Government spends too much. We need to keep more at home with the people.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.
FINISHING THE SENATE’S WORK

Mr. REID. Madam President, as a Christian, no one has to remind me of the importance of Christmas for all of the Christian faith, all of their families all across America.

I do not think any of us, and I do not need to hear the sanctimonious lectures of Senators KYL and DEMINT to remind me of what Christmas means.

My question is, Where were their concerns about Christmas when they led filibuster after filibuster on major pieces of legislation during this entire Congress—not once but 87 times, taking days and days of the people’s time in the Senate on wasteful delay?

Senate Republicans need look no further to realize themselves in casting blame for the predicament we are in right now. In this Congress, I repeat, Republicans have waged 87 filibusters. They have used every procedural trick in the book to delay legislation that is important to American people.

We have been able to work through most of that and have what, in the mind of Norm Ornstein, the most successful Congress watcher in decades says is the most successful, productive Congress in the history of the country. We have done that in spite of all of the roadblocks that have been thrown in our way.

In just a few minutes, we are going to proceed to the START treaty. I am told the Republicans are going to make us read the entire treaty in an effort to stall us from passing it. Isn’t that wonderful. That treaty has been here since April or May of this year—plenty of time to read it.

The path to finishing this year lies in the hands of Senators such as Senators KYL and DEMINT and any other Senate Republican who is trying to run out the clock or run out the door without finishing the American people’s business. If they decide to work with us, we can all have a happy holiday. If they do not, we will continue until we finish the people’s business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The path to finishing this year lies in the hands of Senators such as Senators KYL and DEMINT and any other Senate Republican who is trying to run out the clock or run out the door without finishing the American people’s business. If they decide to work with us, we can all have a happy holiday. If they do not, we will continue until we finish the people’s business.

TREATY WITH RUSSIA ON MEASURES FOR FURTHER REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS—MOTION TO PROCEED

Mr. REID. Madam President, I move to proceed to executive session to Calendar No. 7, the START treaty. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 66, nays 32, as follows:

[Rollcall Vote No. 277 Ex.]

TREATY WITH RUSSIA ON MEASURES FOR FURTHER REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS

Mr. KYL. The following Senator is not present for the vote:

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Senate in the Chamber desiring to vote?

The result was announced—yeas 66, nays 32, as follows:

[Rollcall Vote No. 277 Ex.]

EXECUTIVE SESSION

TREATY WITH RUSSIA ON MEASURES FOR FURTHER REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS

The ACTING PRESIDENT pro tempore. The Senate will proceed to executive session to consider the treaty.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will return to legislative session for the remarks by the Senator from Arkansas.

The majority leader is recognized.

Mr. REID. Mr. President, could we have the attention of everyone in the Senate.

The ACTING PRESIDENT pro tempore. The Senate will come to order.

MORNING BUSINESS

Mr. REID. Mr. President, I have had a number of conversations in the recent minutes with the Republican leader. I think we would be well advised—and we are going to proceed along this avenue unless someone has an objection—that for the rest of the day and the evening, however long people want to visit, we will be in a period of morning business. As soon as Senator LINCOLN finishes her remarks, we will be in a period of morning business, and Senators will be allowed to speak for up to 15 minutes. I put that in the form of a consent request.

We have a number of Senators over here and on the Republican side who want to speak on the START treaty, but people are not going to be restricted to that. They can speak about anything they wish. Then tomorrow morning we will return to the START treaty.

So this afternoon, I again ask unanimous consent that we be in a period of morning business and that Senators be allowed to speak for up to 15 minutes each during this period of morning business, with the understanding that tomorrow morning, at a reasonable hour, we will return to the START treaty and begin debate directly on that.

The ACTING PRESIDENT pro tempore. Is there objection?

The majority leader is recognized.

Mr. REID. And part of that agreement is that today will be for debate only.

The ACTING PRESIDENT pro tempore. Is there objection?

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, reserving the right to object, and I am certainly not going to object, I want to thank the majority leader. I think it is a great way to start the day. There was some suggestion that some on this side of the aisle wanted to read the treaty. Our view is that that is not essential.
The Senate from Arkansas is recognized.

Mrs. LINCOLN. Thank you, Mr. President. Well, I hope there is not too much order because it will make me feel a little bit out of place.

Mr. DUDLEY, Mr. President, the Senate is not in order.

The ACTING PRESIDENT pro tempore. The Senate will please come to order. Take conversations off the floor.

Mrs. LINCOLN. Thank you, Mr. President. As I said, I hope there is not too much order. I do not want this place to change too much.

FAREWELL TO THE SENATE

Mrs. LINCOLN. Mr. President, I am glad to be here with my colleagues to express my gratitude for the incredible, blessed life's journey I have experienced thus far and the wonderful contributions this place has made to that. I have been enormously blessed by the people of Arkansas to have represented them in the U.S. Congress, first as a Member of the House of Representatives and finally now as a U.S. Senator. Today, I rise as the daughter of two amazing parents and the late Jordan Lambert, the proud daughter of a seventh-generation Arkansas family, dirt farmers—not to be confused, we didn't farm dirt, but we were hardworking farmers who were not afraid to get dirty. I had to get our hands into the Earth and do what it was we have done for generations in Arkansas. I am also the proud wife of Dr. Steve Lincoln and the very proud mother of two incredible young men, Reece and Bennett—great boys. You all have watched them grow up. It is the many unique life experiences each of us brings to this place and to this job that really and truly contribute to the mark we leave on this institution.

When I came to the Senate, my boys were 2 and 4 and we wanted to celebrate their third birthday. We didn't have any friends up here, so I looked around the Senate to see who had children, who could bring their kids to our birthday party, and there were a few. We kind of had to rent out some kids to come to the Moonbounce to have a great party and it was fun. I realized how important that experience was for me to bring to this body, to share with people. PATTY MURRAY knows—she has been particularly AMY KLOBUCHAR, and so many others who have had their children here in the Senate. What a difference that makes in your perspective on what you are doing here. It makes a big difference.

Birthdays were a big deal when we first got here. In my household, you are allowed to celebrate your birthday for an entire week, and it is always a great time. My first birthday I celebrated in the Senate was unusual. We had just moved. My husband had moved his practice. The boys were here. They had just turned 3. It was hectic. It was a new Congress. We had all just come through an impeachment trial. There were many things going on. When my birthday came around, it kind of came and went. My husband noticed that. So we had gone to a spouse dinner shortly after my first birthday in the Senate. My good friend, Joe Biden, was the senator, because he had to become Vice President, and his wife Jill had reached out to us to make us feel comfortable. We were young parents. We had small children. We were both working very hard.

The first spouses' dinner we went to, we were sitting with Joe and Jill, and Jill produced a lovely birthday gift. It was a monogrammed box, obviously something that was thought about. It wasn't something she picked up and re-gifted from her closet at home. It meant so much to my husband and to me, that we were a part of a family who realized what we were going through—not just what they were going through but what we were going through. I looked at Jill and told her: You couldn't have made us or my husband feel more happy than to make me or my husband more happy than to think of something that was important in our lives, and they did that. I have been a part of this family, and it has been a great time.

I glance back to my time here, I do so with great pride, knowing that each of my votes and actions were taken with the best interests of the people of Arkansas in mind. I have always attempted to conduct myself in a manner that would be proud to make me or my husband more happy than to think of something that was important in our lives, and they did that. I have been a part of this family, and it has been a great time.

As a farmer's daughter, I am honored to have helped craft three farm bills that were crucial to the economy of Arkansas. I was able to persuade my colleagues to understand the regional differences in production agriculture in our country but, most of all, I am proud I was able to impress upon my colleagues to understand the regional differences in production agriculture in our country but, most of all, I am proud I was able to impress upon my colleagues and others, hopefully, across this great Nation of ours the enormous blessing our Nation receives from farm and ranch families, what they bestow upon us, what they allow us and all the rest of the world to do each and every day; that is, to eat, to sustain ourselves, and to be able to grow.

In my remaining time, I am particularly honored to have become the first woman and the first Arkansas to serve as the chairman of the Senate Committee on Agriculture, Nutrition and Forestry. It has been a wonderful year I have had, and I will always be proud of what we have accomplished in that committee this year and certainly in years past.

We passed historic child nutrition legislation. As a result, each meal served in schools will meet nutritional standards our children and future generations deserve, putting them on a path to wellness instead of obesity. As a result, we will see an increase in the reimbursement rate for schools for the
first time since 1973—since I was in junior high, younger than my own chil-
dren today—and we did so by not add-
ing one penny to the national debt as
well as doing it in a bipartisan way.

We produced historic Wall Street re-
form legislation. When I became chair-
man of the committee, our economy was
on the brink of collapse. Our legisla-
tion targeted the least transparent
parts of the financial system and will
bring them not only within the plain
view of regulators but also in the view of
democrats who want to know what is going
on in our economy and in the marketplace.

Throughout my time in the Senate, I
have fought hard on behalf of rural
communities and families. In the
House, sitting next to Ed Markey on
the Energy and Commerce Committee,
he always called me BLANCHE “Rural"
LAMBERT. He said: BLANCHE, every
time your mouth opens, it says rural. I said:
That is where I grew up, that is whom I
represent and why I always feel
me speaking on behalf of the families
in rural America.

I wrote the legislation establishing
the Delta Regional Authority, the only
Federal agency designed to channel re-
sources, aid, and technical assistance
for economic development in the rural
and impoverished Mississippi Delta re-
gion.

I fought for tax relief for hard-
working low- and middle-income Ar-
kansas families, and I am most proud of
the refundable child tax credit I
worked on with Senator OLYMPIA
SOWE. I have also fought for the cer-
tainty for farmers and ranchers and
small businesses in Arkansas with fair
tax reforms with Senator Jon
KYL.

I am proud of my work on behalf
of Arkansas and our Nation’s seniors,
including my work on the prescription
drug program for seniors, working with
Senator Blunt and others on the Fin-
ance Committee; the Elder Justice
Act that is now law, the first Federal
law ever enacted to address elder abuse
in a comprehensive manner. I was hon-
ored to be joined in that effort by Sen-
ators ORIN HATCH and HERB KOHL, and
the hard work we put toward that.

Growing up in a family of infantry-
men, I am proud to have fought for Ar-
kansas servicemembers, veterans, and
their families, specifically fighting for
funding increases for the VA and the
creation of the VA Office of Rural Health,
as well as better access to qual-
ity mental health care for all our vet-
 erans.

I came to Congress to fight on behalf
of our Nation’s children, families, vet-
erans, small businesses, and farmers,
and I am honored and humbled that in
each of these areas, I was able to
achieve legislative success on their be-
half.

But as my mother would say, stra-
ighen up and pay attention to
what this is about. This speech is not
about today, and it is not about
today. What I would like for people to
remember about this speech is that it
was about our Nation’s future and what
we can achieve together. We have great
work to do, great work. I may be leav-
ing this body, but that doesn’t mean I
give up on my country. You all have
much work to do.

Colleagues, we have approached a
fork in the road. This is not the first,
nor do I suspect it will be the last, but
we have within ourselves the ability in
this Nation to choose a positive and
uplifting path. And if that path eludes me
all then... Do you smile at every-
thing? You know what. There is a lot
to smile about. We have great opportu-
nities ahead of us in this country, but
they are not going to happen by them-
se. We have the opportunity to
choose a path that respects differences
of opinion. We have the opportunity to
choose a path that sets aside short-
term political gains, a path that main-
tains this body’s historic rules that
protect the views of the minority but
also sets aside the obstruction.

Again, I grew up in a family of four
kids, and I am the youngest. You all
wonder why I am so tough. I have been
beat up on all my life. But my dad al-
ways said: It is results that count. It is
really not convenient to accom-
plish. It is not these little battles we
fight; it is the war we are going to win,
and it is not a war we are going to win
without the Republicans or without
the administration or without our con-
stituents. It is a war on behalf of our
Nation, and it has to be done together.

Many of my colleagues have had the
wonderful opportunity of meeting my
husband. My husband doesn’t like
crowds a lot. I love crowds because I
love being together. I love being a part
of things. I love being a part of a team.
My team is here, my Lincoln team. It
is a great team. They have been a won-
derful group to work with. You are
right there with me. You are my family
in this committee. We are an example
for our country by working together to
move our Nation forward. We must start practicing
greater civility toward one another,
both privately and publicly. I can’t for-
get when I first came to the House of
Representatives, I called my colleague
and neighbor, Bill Emerson from south-
ern Missouri. I told him, I said: Bill,
you know when you move into a new
place, where I come from you bring
somebody a cake or a pie, a batch of
rolls or something. I said: I am not a
thousand miles away but I don’t have
time on my hands. I want to visit with you.
You are a Republican, I am a Demo-
crat, but you are my neighbor, and I
am willing to bet you we agree on far
more than we disagree on. As we vis-
ited for 45 minutes in that very first in-
troduction, we came to the conclusion
that we agreed far more on the same
things than we disagreed. We decided
to start the civility caucus. It lasted 3
months.

The point is, there is much work to be
done there, and we can do it.

Taking advantage of political gusts of
wind is not what our constituents
expect of us nor is it what they deserve. I urge you to have the courage to work across party lines. There is simply no other way to accomplish our Nation’s objectives, nor should there be. Although you run the risk of being the center of attention for both political and a far greater consequence to put personal or political success ahead of our country, and I know firsthand.

We must have the courage to come out of our foxholes— the foxholes we dig into the middle, where the heart of America is and discuss our collective path forward. I am counting on each of you to do so in a way that respects the temporary position we have all been granted here and respect this institution of ours that we have been blessed to inherit. It is an amazing place. Each of you has seen it in your own right and you know it.

To the young people of America, I think this is so important. I came here as the first woman in the history of our country to ever be elected to the Senate. I did so because I believed so strongly in the difference I could make. I still do. That is what this country is about. It is about making a difference for yourself but for others. I continue that journey now, as I leave this place, knowing there are still so many ways I will make a difference. But to those young people out there in this country, do not think this place is reserved just for age or experience. It is here that you could make a difference, whether you are elected or whether you are one of the incredible and phenomenal staff that helps to run this place, or whether you just simply choose to be out there and engaged in what is going on. There are many contributions to be made to this Nation by the young people of this country.

I leave this body with no regrets and with many incredible friendships. You know the old adage, “If you want a friend in life, get a dog.” You all know I have a very large dog. But I also have some wonderful friends, and I am very grateful for those friendships.

When I first arrived, my friend MARY LANDRIEU had been in the hospital. I showed up at her house with a chicken spaghetti casserole, a bag of salad, and a bottle of wine.

She said: What are you doing here?
I said: You know, where I come from, when your neighbor or friend is sick, you bring them dinner.

She said: BLANCHE, we don’t do that up here.
I said: Let me tell you, if we forget where we come from, there is a big problem.

I am grateful. I will not attempt to go one by one through each of you, but know that every one of you all have a special place in my heart. You have taught me something. You have enriched my life in such a way, it is amazing. It is the personal— that I follow in some very large footsteps, between so many Arkansans, most recent being McClellan and Fulbright, David Pryor, and Dale Bumpers, who is my immediate predecessor. I thank Dale for the incredible mentor he has been to me and for the wonderful things he has done for our State.

I leave you with an unbelievable Senator, and that is my good friend MARK Pryor. He is a statesman. He follows in the footsteps of all of those giants from Arkansas. I am enormously grateful for him for his friendship and, more importantly, for his great service to the people of this State. I know good hands, without a doubt, with my good friend, Senator MARK Pryor.

I have been surrounded, both in the past and currently, by an unbelievably dedicated, loyal, and hard-working staff. In my personal Senate office both in Arkansas and Washington, and certainly in the Agriculture Committee. To my staff, they know how much I love them. Our State and this institution are better because of their hard work and labor. Everywhere I would go, they are smart and they are a great group of people. I am so blessed to not only know them but to have worked with them.

I have always been blessed with a loving and supportive family who have been my inspiration and bedrock all my life, and they continue to be. Finally, let me once again, say thanks to the people of Arkansas. My roots have been and always will be in Arkansas. That will never change. When Steve and the boys and I left after Thanksgiving to come back for the lame duck session—of course, as you all know, traveling with your family and just getting back in time— we left at 5 in the morning. We drove to Memphis because it was faster. We were halfway between. We had been at the cabin duck hunting and celebrating Thanksgiving with family. We were headed to the Memphis Airport, and the Sun was rising over the Arkansas delta.

Now, I am sure many of you all have never seen that, but it is a magnificent view. It reminded me of all of the great things I came here to do. It made me feel blessed with all of the things I was able to accomplish. But to know that I could go back to that same home and see that sunrise, it is unbelievable.

I will always treasure the experiences of this chapter in my life and the thousands of Arkansans I have come to know. They are a great group of people. I thank you again from the bottom of my heart.

To the people of Arkansas and this body, my good friends, I yield the floor. (Applause.)

The PRESIDENT pro tempore. The Senator from Arkansas, Mr. Pryor, is recognized.

Mr. Pryor. Mr. President, let me mention a very abbreviated list of BLANCHE LINCOLN’s accomplishments: chair of the Senate Agriculture Committee; first woman to chair the Finance Subcommittee on Social Security Pensions and Family Policy— in fact, the first woman to ever chair a Finance subcommittee—chair of the rural outreach for the Senate Democratic caucus; chair of the Senate hunger caucus; cofounder and cochair of the Third Way; creator of the Delta Regional Authority; author of the 2010 farm bill; author of the refundable child tax credit.

Mr. President, I could go on and on, but most of her accomplishments and contributions cannot be measured. As Senator Pryor said on the Committee, the Finance Committee, the Aging Committee, and the Energy Committee, on a countless number of occasions, on amendments and bills, she became the Senator who was the key to passage or defeat. A couple of years ago, I watched a bill that was making its way through the Senate Finance Committee, and there were a lot of people outside of this Chamber who had a vital interest in the outcome of that legislation. Everywhere I would go, I would be stopped and asked: Is this bill going to pass? Will it come out of the committee? Will it get through the floor?

What I told the folks who asked that but then turned out to be true: As BLANCHE goes, so goes the Finance Committee, because she was that way on all of her committees. She was the swing vote, the key vote to getting things done in the Senate.

BLANCHE is a role model for many people, especially young women who are interested in government. I remember sitting down with one of my good friends earlier this year and his teenage daughter. We talked about the Senate and politics, history, and Arkansas. As we were winding up the conversation, my friend asked his teenage daughter: Who is your favorite politician? Of course, I sat there and straightened my tie because I thought I knew what the answer would be.

Then she said: BLANCHE LINCOLN. And I know why. It is because BLANCHE represents the best in Arkansas. She represents the best in Arkansas in politics and in government. She is a workhorse, not a showhorse.

BLANCHE gets things done. The other night, with my teenage daughter, I watched some of “The Wizard of Oz.” As I was watching it, I was struck that the scarecrow, the tin man, and the lion were looking for three things that BLANCHE has, and what every Senator needs in large quantities: a brain, a heart, and courage.

One of Senator LINCOLN’s role models she refers to often is Hattie Caraway. Hattie Caraway is not exactly a household name in American politics, but her portrait hangs just outside this Chamber, in the corner, opposite the Ohio Clock. Hattie Caraway of Arkansas was the first woman ever elected to the Senate. There is much to admire about Hattie Caraway, Senator and as a person, but the one thing that BLANCHE inherited from Hattie is the pioneer spirit.
Even in the first decade of the 21st century, BLANCHE is the owner of many "firsts." Even though we don’t like to admit it, and we are reluctant to talk about it, there is a double standard in politics for women. There just is. I am proud to serve with the largest number of women this Senate has ever seen, and that goes double for my 8 years with Senator BLANCHE LINCOLN.

Let me say a brief word about her family. Her husband Steve is an old friend of mine, a proud Arkansan. We trace our roots back to Little Rock Central High School and the University of Arkansas. The Lord has blessed BLANCHE and Steve with two bright, energetic, athletic, and even some well-behaved sons—and they are great—who are currently freshmen at Yorktown High School in Arlington. They bring their parents much joy. They are also extremely proud of their mother. I have seen firsthand what a wonderful mother she has been and is. I stand in awe.

In fact, BLANCHE is not only a good Senator and a good mother and a good wife—she is much more. She is a good daughter, a good sister. In Arkansas, which has given her strength and kept her grounded in good times and in bad. She follows the Golden Rule and puts her faith into action. Members of the Congress. That is what one of her attributes that makes her so special.

She has drawn to her a very talented and hard-working staff in Washington, DC, and in Arkansas. I know they will always be proud to tell people they worked for Senator BLANCHE LINCOLN.

Before I get carried away, there is one minor matter that I believe I need to address. On occasion—rarely, but every so often—BLANCHE runs a little late. I know many of you are shocked to hear this. This is something which has given her strength and kept her grounded in good times and in bad. She follows the Golden Rule and puts her faith into action every single day. Simply put, she is a good person.

Lacey, BLANCHE is a good boss. She has drawn to her a very talented and hard-working staff in Washington, DC, and in Arkansas. I know they will always be proud to tell people they worked for Senator BLANCHE LINCOLN.

With that said, there is one word that one must use to describe Senator LINCOLN—kind, smart, fearless, persistent, knowledgeable, no nonsense, and I could go on. But the one word that comes to mind is friend. There are 99 Senators today who consider her a friend. They like her, they like working with her, and they respect her. I have had many Republicans and Democrats say how much they love to see her leave because she makes this place better.

There is a passage in the Bible that says: "Well done, thou good and faithful servant." This applies to BLANCHE, but not only to the job that she has done here in Senate. It applies to her as a person. There is a lot more to BLANCHE than just being a Senator. In January, she starts a new chapter. And as much as she will be missed around here, we all have confidence that there are many more great things to come.

I thank the Chair, and I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. BENVENET). Under the previous order, there will be a period of morning business with Senators permitted to speak for up to 15 minutes each.

The Senator from Indiana.

NEW START TREATY

Mr. LUGAR. Mr. President. I rise to speak in support of the new START treaty. We undertake this debate at a time when almost 100,000 American military personnel are fighting a difficult war in Afghanistan. More than 1,900 of our troops have been killed in Afghanistan, with almost 10,000 wounded.

Meanwhile, we are in our seventh year in Iraq—a deployment that has cost more than 4,400 American lives and wounded roughly 32,000 persons. We still have more than 47,000 troops deployed in that country. Tensions on the Korean peninsula are extremely high, with no resolution to the problems in North Korea’s nuclear program. We continue to pursue international support for steps that could prevent Iran’s nuclear program from producing a nuclear weapon. We remain concerned about stability in Pakistan and the security of that country’s nuclear arsenal. We are attempting to control terrorist threats emanating from Afghanistan, Pakistan, Yemen, Iran, Iraq, Pakistan, and many other locations. We are concerned about terrorist cells in allied countries, and even in the United States. We remain highly vulnerable to disruptions in oil supplies due to natural disasters, terrorist attacks, political instability, or manipulation of the markets by unfriendly oil-producing nations.

Even as we attempt to respond to these and other national security imperatives, we are facing severe resource constraints. Since September 11, 2001, we have spent almost $1.1 trillion in Iraq and Afghanistan. We are spending roughly twice as many dollars on defense today as we were before 9/11. These heavy defense burdens have occurred in the context of a financial and budgetary crisis that has raised the U.S. Government’s total debt to almost $14 trillion. The fiscal year 2010 budget deficit registered about $1.3 trillion, or 9 percent of GDP.

All Senators here are familiar with the challenges I have just enumerated. But as we begin this debate, we should keep this larger national security context firmly in mind. As we contend with the enormous security challenges of the 21st century, the last thing we need to do is reject a process that has mitigated the threat posed by Russia’s nuclear arsenal.

For 15 years, the START treaty has helped us to keep a lid on the U.S.-Russian nuclear rivalry. It established a working relationship on nuclear arms with a country that was our mortal enemy for 4½ decades. START’s transparent features assured both countries about the nuclear capabilities of the other. For us, that meant having American experts on the ground in Russia conducting inspections of nuclear weaponry.

Because START expired on December 5, 2009, we have had no American inspectors in Russia for more than a year. New START will enable American teams to return to Russia to collect data on the Russian arsenal and verify Russian compliance. These inspections greatly reduce the likelihood that we will be surprised by Russian nuclear deployments or advancements.

Before we even get to the text of the new START treaty and the resolution of ratification, Members should recognize that a rejection of new START would mean for our broader national security. Failure of the Senate to approve the treaty would result in an expansion of arms competition with Russia. It would guarantee a reduction in our nuclear warheads and improve our ability to make them comply with their legal obligations. Rogue nations fear any nuclear cooperation between the United States and Russia because they know it limits their options. They want to call into question our own nonproliferation credentials and they want Russia to resist tough economic measures against them.

If we reject this treaty, it will be harder to get Russia’s cooperation in our nuclear security mission. It would create obstacles on some issues in the United Nations Security Council, where Russia has a veto. It might also reduce incentives for Russia to cooperate in providing supply routes for our troops in Afghanistan. It would give us less leverage to reduce incentives for Russia’s cooperation in nuclear arms control and verification.

It is hard to find just one word to describe Senator LINCOLN—kind, smart, fearless, persistent, knowledgeable, no nonsense, and I could go on. But the one word that comes to mind is friend. There are 99 Senators today who consider her a friend. They like her, they like working with her, and they respect her. I have had many Republicans and Democrats say how much they love to see her leave because she makes this place better.

There is a passage in the Bible that says: “Well done, thou good and faithful servant.” This applies to BLANCHE, but not only to the job that she has done here in Senate. It applies to her as a person. There is a lot more to BLANCHE than just being a Senator. In January, she starts a new chapter. And as much as she will be missed around here, we all have confidence that there are many more great things to come.

I thank the Chair, and I yield the floor.
treaty that our own military wants ratified? Our military commanders are anxious to avoid the added burden and uncertainties of an intensified arms competition with Russia. They know such competition would detract from other national security priorities and missions. They are sure of one reason they are telling us unequivocally to ratify this agreement. They also have asserted that the modest reductions in warheads and delivery systems embodied in the treaty no way threaten our nuclear deterrent.

Defense Secretary Robert Gates and Chairman of the Joint Chiefs of Staff ADM Mike Mullen have testified that they have no doubts the new START treaty should be ratified. GEN Kevin Chilton, who is in charge of our strategic nuclear forces, has said the treaty “will enhance the security of the United States.” GEN Patrick O’Reilly, who is in charge of our missile defenses, endorsed the treaty saying flatly this agreement will not impact our ability to execute the United States missile defense program.”

Moreover, seven former commanders of Strategic Command—the military command in charge of our strategic nuclear forces—have backed the new START treaty. Members of the Senate—Republicans and Democrats alike—have taken pride in supporting the military and respecting military views about steps necessary to protect our Nation.

Rejecting an unequivocal military opinion on a treaty involving nuclear deterrence would be an extraordinary position for the Senate to take. The military is supported in this view by the top national security officials from past administrations. To date, every Secretary of State and Secretary of Defense who has expressed a public opinion about the new START treaty has counseled in favor of ratification. This has included 10 Republicans and 5 Democrats. All five living Americans who served Ronald Reagan as Defense Secretary, Secretary of State, or White House Chief of Staff have endorsed the new START treaty. The list of endorsers includes: President George H. W. Bush, George Shultz, Jim Baker, Jim Schlesinger, Henry Kissinger, Brent Scowcroft, Colin Powell, Condoleezza Rice, Steven Hadley, Howard Baker, Lawrence Eagleburger, and Frank Carlucci. Many of these officials served at a time when the stakes related to Russian nuclear weapons, materiel, and technology still have the capability to obliterate American cities. That is a core national security problem that commands the attention of our government and this body.

I relate these thoughts about where we have been in part because most Senators entered national public service only after the Cold War ended, and even fewer were serving in this body when we were called upon to make decisions on arms treaties.

Only 21 current Members were here in 1988 to debate the INF Treaty. Only 15 current Members were serving in the Senate during the Geneva Summit between President Ronald Reagan and Mikhail Gorbachev in 1985. Only 11 Members were here in March 1983 when President Reagan delivered his so-called “tear down this wall” speech. Indeed only 7 of us were here when the Soviets invaded Afghanistan in 1979. In a few weeks, these numbers will decline even further.

The fundamental question remains as to how we manage our relationship with a former enemy and current rival that still possesses enormous capacity for nuclear destruction. What the START process has done, since it was initiated by President Reagan, is manage an adversarial relationship that has revolved between cloaked in volatility uncertainty and accompanied by enormous financial costs to our own society.

One can take the view, I suppose, that unrestrained competition with Russia is the best way to ensure our security in relation to that country. But that has not been the view of the American people and there is no indication that this is what Americans were voting for in November.

It certainly was not Ronald Reagan’s view. It was President Reagan who began the START process. His team coined the term “Strategic Arms Reduction Talks,” to reflect President Reagan’s intent to shift the goal of nuclear arms control from limiting weapons build-ups to making substantial, verifiable cuts in existing arsenals. On May 8, 1982, President Reagan made the first START proposal during a speech at Eureka College in Illinois, calling for a one-third reduction in nuclear warheads. For the rest of his Presidency, he engaged the United States arms control and arms control proposals that reduced weaponry an established tough verification measures to prevent cheating. He personally conducted five summits with Russian leaders, which were focused on arms control. He produced the INF treaty, signed in 1988, which greatly reduced nuclear weapons in Europe. His efforts also led to the original START Treaty which was signed during the first President Bush’s term in 1991.

The cornerstone of President Reagan’s arms control agenda was verification. His interest in verification is frequently summed up by his oft-quoted line “trust but verify.” But what the United States and Russia have done through the START process is far more than just verification. START has provided the structure and transparency upon which unprecedented arms control and non-proliferation initiatives have been built, most notably, the Nunn-Lugar program. The stability that came with a long-term agreement and the commitment implicitly embodied by both the Russians and American legislatures, has been indispensable to the success of Nunn-Lugar and other non-proliferation endeavors with Russia.

Over the course of almost two decades, the Nunn-Lugar program has joined Americans and Russians in a sustained effort to safeguard and ultimately destroy weapons and materials of mass destruction in the former Soviet Union and beyond. The destruction of thousands of warheads and fundamental achievement for our countries, but the process surrounding this joint effort is as important as the numbers of weapons eliminated. The U.S.-Russian relationship has been through monumental highs and painful lows, but it is built on respect. This has not prevented highly contentious disagreements with Moscow, but it has meant that we have not
had to wonder about the make-up and disposition of Russian nuclear forces during periods of tension. It also has reduced, though not eliminated, the proliferation threat posed by the nuclear arsenal of the former Soviet Union.

This process must continue if we are to answer the existential threat posed by the proliferation of weapons of mass destruction. Every missile destroyed, every warhead deactivated, and every inspection implemented makes us safer. The United States must have the choice whether or not to continue this effort, and that choice is embedded in the New START Treaty before us.

The Senate Foreign Relations and Armed Services Committees held 18 hearings on the treaty with national security leaders who have served in the Nixon, Ford, Carter, Reagan, George H.W. Bush, Clinton, George W. Bush, and Obama administrations. These hearings were supplemented by dozens of staff and Member briefings, as well as nearly 1,000 questions for the record.

We know, however, that bilateral treaties are not neat instruments, because they involve merging the will of two nations with distinctly different interests and conflicting interests. Treaties come with inherent imperfections and questions. As Secretary Gates testified in May, even successful agreements routinely are accompanied by differences of opinion.

The ratification process, therefore, is intended to produce a Resolution of Ratification for consideration by the whole Senate. The resolution should clarify the meaning and effect of treaty provisions for the United States and resolve areas of concern or ambiguity.

On September 16, 2010, the Foreign Relations Committee approved a Resolution of Ratification for the New START treaty by a vote of 14–4 with important contributions from both Democratic and Republican members. This resolution incorporates the concerns and criticisms expressed over the last several months by committee witnesses, members of the committee, and other Senators. It will be further strengthened through our debate in the coming days.

With this in mind, I would turn to specific concerns addressed in the Resolution of Ratification.

First, there is the single-silo defense.

Some critics of the New START treaty have argued that it impedes U.S. missile defense plans. But nothing in the treaty changes the bottom line that we control our own missile defense, not Russia. Defense Secretary Gates, Admiral Mullen, and GEN Patrick O'Reilly, who is in charge of our missile defense programs, have all testified that the treaty does nothing to impede our missile defense plans. The Resolution of Ratification has explicitly emphasized this in multiple ways.

Some commentators have expressed concern that the treaty's preamble notes the interrelationship between strategic offense and strategic defense. But preamble language does not permit rights nor impose obligations, and it cannot be used to create an obligation under the treaty. The text in question will implement a legal standard meaning that an interrelationship exists between strategic offense and strategic defense.

Critics have also worried that the treaty's prohibition on converting ICBM and SLBM launchers to defensive conversion of missile silos reduces our missile defense options. But General O'Reilly has stated flatly that it would not be in our own interest to pursue such conversions because converting a single silo costs an estimated $19 million more than building a modern, tailor-made missile defense interceptor silo. The Bush administration, converted five ICBM test silos at Vandenberg Air Force Base for missile defense interceptors, and these have been grandfathered under the New START treaty. Every single program advocated during the Bush and Obama administrations has involved construction of new silos dedicated to defense on land—exactly what the New START treaty permits. General O'Reilly said a U.S. embrace of silo conversions would be a "major setback" for our missile defense program.

Addressing whether there would be utility in converting any existing SLBM launch-tubes to launchers of the New START system, GEN Kevin P. Chilton, Commander of U.S. Strategic Command, stated "[T]he missile tubes that we have are valuable, in the sense that they provide the strategic deterrent. I would not want to trade [an SLBM] and how powerful it is and its ability to deter, for a single missile defense interceptor." Essentially, our military commanders are saying that converting silos to missile defense purposes would never make sense for our efforts to build the best missile defense possible.

A third argument concerning missile defense centers on Russia's unilateral statement upon signature of New START, which expressed its right to withdraw from the treaty if there is an expansion of U.S. missile defense programs. Unilateral statements are routine to arms control treaties and do not alter the legal rights and obligations of the parties to the treaty. In the Resolution of Ratification concerning the START I treaty, implying that its obligations were conditioned upon U.S. compliance with the ABM Treaty. Yet, Russia did not in fact withdraw from START I when the United States withdrew from the ABM Treaty in 2002. Nor did it withdraw when we subsequently deployed missile defense interceptors in California and Alaska. Nor did it withdraw when we announced plans for missile defenses in Poland and the Czech Republic.

Russia's statement does nothing to contribute to its right to withdraw from the treaty. That right, which we also possess, is standard in all recent arms control treaties and most treaties considered throughout U.S. history.

The Resolution of Ratification approved by the Foreign Relations Committee reaffirms that the New START treaty will not impose limitations on missile defense. It contains an understanding that the New START treaty imposes no limitations on the deployment of U.S. missile defenses other than the requirement to refrain from converting offensive missile ICBM and SLBM launchers.

It also states that Russia's April 2010 unilateral statement on missile defense does not impose any legal obligations on the United States and that any further limitations would require treaty amendment subject to the Senate's advice and consent. Consistent with the Missile Defense Act of 1999, it also declares that it is U.S. policy to deploy an effective national missile defense system as soon as technologically possible and that it is the paramount obligation of the United States to defend its people, armed forces, and allies against nuclear attack to the best of its ability.

In a revealing moment during Senate Foreign Relations Committee hearings on the Treaty, Secretary Gates testified:

The Russians have hated missile defense ever since the strategic arms talks began, in 1970, because we can afford it and they can't. And we're going to be able to build a good one . . . and they probably aren't. And they don't want to devote the resources to it, so they try and stop us. This treaty doesn't accomplish that for them. There are no limits on us.

I would paraphrase the Secretary's blunt comments by saying simply, that our negotiators won on missile defense. If, indeed, a Russian objective in this treaty was to limit U.S. missile defense, they failed, as the Defense Secretary asserts. Does anyone really believe that Russian negotiating ambitions were fulfilled by nonbinding language in the President's bilateral Russian statement with no legal force? Or by a prohibition on converting silos, which costs more than building new ones? These are toothless, figleaf provisions that do nothing to constrain us.

Moreover, as outlined, our resolution of ratification states explicitly in multiple ways that we have no intention of being constrained. Our government is investing heavily in missile defense. Same bipartisan majorities in Congress favor pursuing current missile defense plans.

What the Russians are left with on missile defense is unrealized ambitions. At the end of any treaty negotiation between any two countries, there are always unrealized ambitions left in the table by both sides.

This has been true throughout diplomatic history. The Russians might want all sorts of things from us, but that does not mean they are going to get them. If we constrain ourselves from signing a treaty that is in our own interest on the basis
of unrealized Russian ambitions, we are showing no confidence in the ability of our own democracy to make critical decisions. We would be saying that we have to live with the end of START verification regime and the inherent survivability and flexibility of the planned U.S. strategic force structure. We should not expect that New START will allow for greater transparency in computing the number of warheads, missiles, and nuclear forces. New START's verification regime will allow for greater transparency in computing the number of warheads, missiles, and nuclear forces.

Under START I, the United States and Russia each will deploy no more than 1,550 warheads for strategic deterrence. Seven years from its entry into force, the Russian Federation is likely to have only about 350 deployed missiles. This smaller number of strategic warheads will be allowed at fewer bases. It is likely that Russia will close down even more bases over the life of the treaty.

Both sides agreed at the outset that each would be free to structure its forces as it sees fit, a view consistent with that of the Bush administration. As a practical economic matter, conditions in Russia preclude a massive restructuring of its strategic forces.

The treaty, protocol, and annexes contain a set of rules and procedures for verification of the New START treaty, many of them drawn from START I. The inspection regime contained in New START is designed to provide each party confidence that the other is upholding its obligations, while also being simpler and safer for the inspectors to implement, less operationally disruptive for our strategic forces, and less costly than START's regime.

Secretary Gates recently wrote to Congress that "The Chairman of the Joint Chiefs of Staff, the Joint Chiefs, the Commander, U.S. Strategic Command, and I assess that Russia will not be able to achieve militarily significant cheating or breakout under New START, due to both the New START verification regime and the inherent survivability and flexibility of the planned U.S. strategic force structure. New START is a conditionality treaty, in that the treaty will provide for a means to deal with such differences constructively, as under START I."

The Resolution of Ratification approved by the Foreign Relations Committee requires further assurances by conditioning ratification on Presidential certification, prior to the treaty's entry into force, of our ability to monitor Russian compliance and on immediate consultations should a Russian breakout from the treaty be detected. For the first time in any strategic arms control treaty, a condition requires a plan for New START monitoring.

Some have asserted that there are too few inspections in New START. The treaty does provide for fewer inspections compared to START I. But this is because fewer facilities will require inspection under New START. START I covered 70 facilities in four Soviet successor states, whereas New START only applies to Russia and its 35 remaining facilities. Therefore we need fewer inspections to achieve a comparable level of oversight. New START also maintains the same number of on-site inspections as START I, 10 per year. Baseline inspections that were phased out in New START are no longer needed because we have 15 years of START I Treaty implementation and data on which to rely. Of course, if New START is not ratified for a lengthy period, the efficacy of our baseline data would eventually deteriorate.

New START includes the innovation that unique identifiers or "UIDs" be fixed in existing missiles and warheads, which reflects the modern fact that neither party maintains bombers that would be able to achieve militarily significant cheating or breakout under New START. This rule is not an invention of New START. It is consistent with President Reagan's negotiation that each side proffered that bombers not be counted at all because they are not first-strike weapons and, thus, not destabilizing. It was a concession to Moscow to include heavy bombers as strategic offensive weapons and, thus, not destabilizing. It was during the Cold War.

With regard to warhead counting, New START improves on the rules used in both START I and the Moscow Treaty. Under START I, each deployed missile or bomber was attributed a maximum number of weapons, for which it always counted. Each launcher of a missile or weapon also counted regardless of whether it still performed nuclear missions or contained missiles. This resulted in inaccurate counts of nuclear missiles and bombers.

Under the Moscow Treaty, there was never agreement on what constituted an operationally deployed strategic nuclear warhead. Consequently, the parties determined their own way for counting which warheads fell under the Treaty's limits. Under New START, one common set of counting rules will be used by both parties regarding deployed and non-deployed ICBMs, SLBMs, and bombers. New START's verification regime will allow for greater transparency in computing the number of warheads, missiles, and nuclear forces. Under START I, the United States and Russia each will deploy no more than 1,550 warheads for strategic deterrence. Seven years from its entry into force, the Russian Federation is likely to have only about 350 deployed missiles. This smaller number of strategic warheads will be allowed at fewer bases. It is likely that Russia will close down even more bases over the life of the treaty.

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Under START I and the INF Treaty, the United States maintained a continuous, on-site presence of up to 30 technicians at Votkinsk, Russia to conduct monitoring of final assembly of Russian strategic systems using solid rockers. START's monitoring is not continued under New START, the decision to phase out this arrangement was made by the Bush administration in anticipation of START I's expiration. With vastly lower rates of Russian missile production, continuous monitoring is not crucial, as it was during the Cold War.

For the United States, the New START treaty will allow for flexible modernization and operation of U.S. strategic forces, while facilitating transparency regarding the development and deployment of Russian strategic forces.

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Some opponents of New START also contend that the treaty should not be ratified because tactical nuclear weapons are not covered. But rejection of this treaty would make future limitations on Russian tactical nuclear arms far less likely.

Some critics have overvalued the utility of Russia’s tactical nuclear weapons and undervalued our deterrent to them. Only a fraction of these weapons could be delivered significantly beyond their borders. Pursuant to the INF Treaty, the United States and Soviet Union long ago destroyed intermediate range and shorter range nuclear-armed ballistic missiles and ground-launched cruise missiles, which have a range between 500 and 5,500 kilometers. In fact, most of Russia’s tactical nuclear weapons have very short ranges, are used for homeland air defense, are devoted to the Chinese border, or are in storage. A Russian nuclear attack on NATO countries is effectively ended by NATO’s conventional superiority, our own tactical nuclear forces, French and British nuclear arsenals, and U.S. strategic forces. In short, Russian tactical nuclear weapons do not threaten our strategic forces or our NATO allies, and the threat from Russia in Eastern and Northern Europe understand this and have strongly endorsed the New START treaty.

It is important to recognize that the size differential between Russian and American tactical nuclear arsenals did not come to pass because of American inattention to this point. During the first Bush administration, our national command authority, with full participation by the military, deliberately made a decision to reduce the number of tactical nuclear weapons we deployed. They did this irrespective of Russian actions, because the threat of massive ground invasion in Europe had largely disappeared due to the breakup of the former Soviet Union. In addition, our conventional capabilities had improved to the extent that battlefield nuclear weapons were no longer needed to defend Western Europe. In this atmosphere, maintaining large arsenals of nuclear artillery shells, landmines, and short range missile warheads was a bad bargain for us in terms of cost, safety, alliance cohesion, and proliferation risks.

In my judgment Russia should make a similar decision. The risks to Russia of maintaining their tactical nuclear arsenal in its current form are greater than the potential security benefits that those weapons might provide. They have not done this, in part because of their threat perceptions about their borders, particularly their border with China.

An agreement with Russia that reduced, accounted for, and improved security around tactical nuclear arsenals is in the interest of both nations. Rejection of New START makes it unlikely that a subsequent agreement concerning tactical nuclear weapons will ever be reached. The Resolution of Ratification encourages the President to engage the Russian Federation on establishing measures to improve mutual confidence regarding the accounting and security of Russian nonstrategic nuclear weapons.

Finally, it is time to turn to the nuclear modernization issue. The New START treaty will not directly affect the modernization or the missions of our nuclear weapons laboratories. The treaty explicitly states that “modernization and replacement of strategic offensive arms may be carried out.” Yet Senate consideration of New START has intensified a debate on modernization and the stockpile stewardship programs.

Near the end of the Bush administration, a consensus developed that our nuclear weapons complex was at risk due to years of underfunding. In 2010, the Senate approved an amendment to the Defense Authorization bill requiring a report to Congress, known as the 1251 report, for a plan to modernize our nuclear weapons stockpile. The 1251 report submitted by the administration committed to an investment of approximately $80 billion over a 10-year period to modernize the United States nuclear weapons complex, which according to Secretary Gates, was a “credible” program for stockpile modernization. Pursuant to this report, the administration submitted a fiscal year 2011 request for $7 billion, a nearly 10 percent increase over fiscal year 2010 levels. The 1251 plan was recently augmented by an additional $5 billion in funding. The directors of our National Laboratories wrote on December 1 that they were “very pleased” with the updated plan, which provides “adequate support to sustain the safety, security, reliability, and effectiveness of America’s nuclear deterrent” under New START’s central limits.

The resolution of ratification passed by the Foreign Relations Committee declares a commitment to ensure the safety, reliability, and performance of our nuclear forces through a robust modernization and replacement program. The resolution includes a requirement for the President to submit to Congress a plan for overcoming any future resource shortfall associated with his 10-year 1251 modernization plan. The resolution also declares a commitment to modernizing and replacing nuclear weapons delivery vehicles.

In closing, it is imperative that we vote to provide our advice and consent to the New START treaty.

Most of the basic strategic concerns that motivated Republican and Democratic administrations to pursue nuclear arms control with Moscow during the last several decades still exist today. We are seeking mutual reductions in nuclear warheads and delivery vehicles that contribute to stability and reduce the costs of maintaining the weapons. We are pursuing transparency of our nuclear arsenals, backed up by strong verification measures and formal consultation methods. We are attempting to maximize the safety of our nuclear arsenals and encourage global cooperation toward non-proliferation goals. And we are hoping to solidify U.S.-Russian cooperation on non-proliferation, disarmament, and maintaining our knowledge of Russian nuclear capabilities and intentions.

Rejecting New START would permanently inhibit our understanding of Russian nuclear forces, weaken our non-proliferation diplomacy worldwide, and potentially reignite expensive arms competition that would further strain our national budget.

Bipartisan support for arms control treaties has been reflected in overwhelming votes in favor of the INF Treaty, START I, START II, and the Moscow Treaty. I believe the merits of New START should command similar bipartisan support.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. (Mr. MANCHIN.) The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERRY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed in morning business for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. I ask unanimous consent that the Senator from California, Mrs. FEINSTEIN, be recognized at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. And that at such time that the other side has had an opportunity to speak, Senator FEINSTEIN be recognized for 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Mr. KERRY. Mr. President, this afternoon, the Senate takes up an issue that is critical to our Nation’s security, and we have an opportunity, in doing so, to reduce the danger from nuclear weapons in very real and very measurable terms. We have an opportunity to fulfill our constitutional obligation that requires the Senate to provide a two-thirds vote of the Members present who must vote in favor of a treaty.

The Constitution, by doing that, insists on bipartisanship. It insists on a breadth of support that is critical to our foreign policy and to the security...
“Statesmen,” that is the word we need to focus on in these next days. Too often in recent months—the American people signaled that in the last election—the Senate has been unable to lift America to meet its challenges. Too often in recent months one of those challenges has been avoiding compromising, saw blockade after backdate and an inability to be able to address a number of issues.

As Senator Dodd said: What determines whether the Senate is able to provide leadership to the American people. Let me make one thing at the outset of this discussion. We have enough time to do this treaty. To anybody who wants to come out here and claim: Oh, we do not have time; we cannot do it. It is right before Christmas, and so forth, let me just remind people the original START agreement, which was passed back in 1992, was a far more dramatic treaty than the New START.

The Senate was designed to be different, not simply for the sake of variety but because the Framers believed the Senate could and should have a role in which statesmanship would lift America up to meet its unique challenges.

So we have the time to do this treaty. If we approach it seriously, if we do not have delay amendments and delay amendments, I believe we have an opportunity to embrace the fact that this New START treaty is a commonsense agreement in the next step to reduce danger. It stabilizes the strategic stability between two countries that together between them possess some 90 percent of the world’s nuclear weapons.

It will limit Russia over the next 10 years to those 1,550 Trident dollars, 700 deployed delivery vehicles, and 800 launchers. It will give us flexibility in deploying our own arsenal. We have huge flexibility in deciding what we put on land, what we put in the air, and what we put at sea. At the same time, it will allow us to eliminate surplus weapons that have no place in today’s strategic environment. New START’s verification provisions are going to deepen our understanding of Russia’s nuclear forces.

For the past 40 years, the United States, often at the instigation of Republican Presidents, has used arms control with Russia to increase the transparency and the predictability of both our nuclear arsenals, and this has been true in the past between treaties. It has reduced the chances of an accident. It stabilized our relationship during times of crisis. It has provided for greater communication and greater understanding and, as everybody knows, in making military strategic decisions, one’s understanding of the legitimacy of a particular threat and the immediacy of that threat and knowing what the intentions and actions of a potential adversary might be is critical to being able to make wise judgments about what action might best be entertained.

Frankly, that trust is exactly why President George H.W. Bush signed the START I and the START II treaties. That is why those treaties passed the Senate with overwhelming bipartisan support.

New START simply stands on the shoulders of those two START agreements. It is not new. There are a few new components of it, a few twists in terms of the verification, other things, but they are not fundamentally new. They also stand on the trust and the fact of the legitimate enforcement of that treaty over all the years that START has been in effect. So we are not beginning from scratch. We have a 1992 until today record of cooperation and of knowledge and increased security that has come to us because of the prior agreements. That is, frankly, why I was so pleased President Bush—George, in fact—Walk-er Bush—last week, issued a statement urging the Senate to ratify this treaty.

In addition to stabilizing the United States-Russia nuclear relationship, New START has a profound impact on our ability to be able to take steps to stop the spread of nuclear weapons in states such as Iran. I might point out that in the 7 months since President
Obama signed this agreement, Russia has already exhibited a greater cooperative attitude in working with the United States on a number of things, not the least of which is in supporting harsher sanctions against Iran, and they have suspended the sale of the S-300 air defense system to Tehran. That is critical.

We were struggling a couple years ago to try to strengthen the sanctions against Iran, and it is not a Member of this body who did not articulate at one point or another, the need to move to the Iran Sanctions Act. We finally did that, but we did not have a partnership. Neither China nor Russia, who are permanent members of the Security Council, were joining in that effort, so we could not get the United Nations even to move.

Now we have, and there is nobody who has watched the evolution of this restart with Russia who does not understand that cooperation has been enhanced by our signing of this treaty. To not ratify it now would be a very serious blow to that cooperative effort and, according to many experts, could ignite an opposite reaction that would move us back into the kinds of arms race we have struggled so long to get out from under. So the fact is, we need to understand that relationship.

I might add, I think Steve Forbes, in Forbes magazine, wrote an article just the other day urging the Senate to ratify START because he said it does not just have an implication in terms of the safety and security of it, the nuclear side, it has a very strong economic component. He is arguing for greater economic engagement between Russia and the United States and Russia and the West. He said the restart relationship is critical to that increased commerce, to that increased economic strengthening between our countries. I hope my colleagues will look carefully at a strong conservative voice such as his that urges the ratification of this treaty.

In addition to the Russian component of the relationship, New START will help us keep nuclear weapons out of the hands of terrorists. One of the greatest fears of our security community is that terrorists may not necessarily get what we strictly call a nuclear bomb, but they may be able to get nuclear material through back channels and through the black market because it has not been adequately guarded and because we have not reduced the numbers of missiles and the amount of material and so they could get a hold of some of that material and make what is called a dirty bomb; that is, a bomb that does not go off in a nuclear reaction but which, because of the nuclear material that explodes with it, has a very broad toxic impact on a very large community. That is a legitimate concern and one of the reasons why we have worked hard to reduce the nuclear actors in the world.

The original START agreement was, frankly, the foundation of the Nunn-Lugar Cooperative Threat Reduction Program. That is, simply put, the most successful nonproliferation effort of the past 20 years. As James Baker, former Secretary of the Treasury and Secretary of State, said:

I really don't think Nunn-Lugar would have been possible if the Russians had lacked the legally binding assurance of parallel U.S. reductions through the START treaty.

The START treaty was the very last opportunity to strengthen our ability to continue to secure loose nuclear materials, and without New START, absolutely, to a certainty, that ability to contain those materials will be weakened.

In short, New START is going to help us address the lingering dangers of the old nuclear age while giving us important tools to be able to combat the threats of the new nuclear age, and the sooner we approve it the safer we will become.

That is why there is such an outpouring of support for this treaty. Every single living former Secretary of State, Republican and Democrat, supports this treaty. So do five former Secretaries of Defense and the Chair and the Vice Chair of the Joint Chiefs of Staff. Do so even former commanders of our nuclear forces and the entirety of our uniformed military, including Admiral Mullen and the service chiefs, and our current nuclear commander.

All support this treaty as well. It is difficult to imagine an agreement with that kind of backing from so many individuals who contributed so much to our nation's security, almost all of whom know a lot more about each of these arguments than any Senator—myself, everybody here. They have been in the middle of this, and over the last weeks every single one of them has spoken out in favor of this treaty.

Some have suggested we shouldn't rush to do this, but I have to tell my colleagues, 2 days ago, a year and a half ago, really, we started working on this treaty a year and a half ago. Senators have had unbelievable opportunity to be able to do this. I think the question is not why would we not try to do it now, it is why would we not try to do it now. For what reason within the four corners of the actual treaty—not talking about modernization; that is not in the four corners of the treaty—notwithstanding that, the administration has delayed and delayed after delay after delay in order to help work with Senator Kyl and provide adequate increases in modernization, so much so that the modernization is way above what it was under President Bush or any prior administration. That is not in the four corners of the treaty. That is something you do because you want to maintain America's nuclear force, and we all want to do that, which is why we have worked hard to be able to provide that funding.

I believe the importance of New START and its verification provisions expired. It has been more than 1 year since we had inspectors on the ground in Russia without access to their nuclear facilities. Every day for the past year our knowledge of their arsenal or whatever they are doing begins to diminish, one step, one small amount at a time, cumulative. Indeed, by the end of the year our entire national intelligence community has come out and said this treaty, in fact, will advance America's security and assist us to be able to know what Russia is doing.

Let me point out 2 weeks ago James Clapper, the Director of National Intelligence, urged us to ratify the New START and he said: "I think the earlier, the sooner, the better." That is our National Intelligence Director.

Others have tried to suggest again that this is a squeeze in the last days here, but let me say respectfully I have already given the timeframe. START took 5 days; START II, 2 days; Moscow, 2 days. So if we work diligently, there is nothing to stop us from finishing this in the time we have. We just have to stay true to that, and we are going to stay here, and the President wants us to, and HARRY REID has said we will, until we get this done. The fact is that starting in June of 2009, over a year ago—a year and a half ago—the Foreign Relations Committee was briefed at least five times during the talks with the Russians. We met downstairs in the secure facilities with the negotiators while they were negotiating. We met with them before they negotiated. We gave them parameters we thought they needed to embrace in order to facilitate passage through the Senate. We met with them while they were negotiating at least five times—Senators from the Armed Services Committee, Senators from the Intelligence Committee, the Senate's National Security Working Group, which I cochair along with Senator Kyl. Whenever Senator Kyl wanted to meet with that group, we called a meeting with that group. We met and called in Rose Gottemoeller and others and we sat and talked. The Senate Committee on Intelligence did its work. In the end, if you count them, more than 60 Senators were able to follow the negotiations in detail over a 1-year period. Senators also had additional opportunities to meet with the negotiating team and a delegation of Senators even traveled to Geneva, which the administration helped to make happen in order to meet with the negotiators while the negotiations were going on.

So even though the New START was formally submitted to the Senate in May, the fact is Congress knew a lot about this treaty before it was even signed. The President made certain we were continually being briefed and that the input of the Senate was taken into consideration as the negotiations. No other Senate—not next year's Senate—could come back here and replicate what this Senate has
gone through in preparing for this treaty. We can't replicate those negotiations. They are over. They can't go back and give advice to the negotiators at the beginning. That is done. We did that. It is our responsibility to stand up to the task on our own because we have put a year and a half's work into it. We have done the preparation. We have the knowledge. It is our responsibility.

The fact is over the last 7 months, this hearing and even become more immersed in the treaty. We have had briefings. Documents have been submitted. Nearly 1,000 formal questions were submitted to the administration and they have been answered. We have volumes of these questions, all of which were asked by Senators, completely within their rights, totally appropriate in the ratification process. We welcome it. I think it has produced a better record and a stronger product.

The Foreign Relations Committee conducted 12 open and classified hearings. We heard from more than 20 witnesses. The Armed Services Committee and the Intelligence Committee held more than eight hearings and classified briefings. We heard from Robert Gates, the Secretary of Defense; from ADM Mike Mullen, the Chairman of the Joint Chiefs of Staff; GEN Kevin Chilton, the Commander of the Strategic Command; LTG Patrick O'Reilly, the Director of the Missile Defense Agency, who incidentally repeated what every single person involved in this, from Secretary Gates all the way through the strategic command, has said:

This treaty does nothing to negatively impact America's ability, or to even impact it in a way that prevents us from doing exactly what we want with respect to missile defense.

We also heard from the directors of the Nation's nuclear laboratories, the intelligence officials who are charged with monitoring the threats to the United States, and we heard, as I mentioned several times from the negotiators of the agreement. We heard from officials who served in the Nixon administration, Ford, Carter, Reagan, Bush, Bush 41, Clinton, Bush 43. We heard from officials in every one of those administrations, and you know what. Overwhelmingly, they told us we should ratify the New START.

As I said, some of the strongest support for this treaty comes from the military. I chaired a hearing on the U.S. nuclear posture, modernization of our nuclear weapons complex and our missile defense plans. General Chilton, Commander of the U.S. Strategic Command, who is responsible for overseeing our nuclear deterrent, said why the military supports the New START. He said:

If we don't get the treaty, A, the Russians are not constrained in their development of force structure; and B, we have no insight into what they are doing. So it is the worst of both possible worlds.

That is the head of our Strategic Command telling us if you don't ratify this treaty, it is the worst of both possible worlds.

This treaty may have been negotiated by a Democratic President, but some of the strongest support for this treaty comes from Republicans. Two weeks ago on the Senate floor, the Secretaries of State—five—Henry Kissinger, George Shultz, James Baker, Lawrence Eagleburger, and Colin Powell—wrote an article saying they support ratification of New START because of the principles such as strong verification. Last week, Condoleezza Rice published an op-ed which said that the New START treaty deserves bipartisan support when the Senate decides to vote on it.

As Secretary Rice wrote, approving this treaty is part of our effort to “stop the world’s most dangerous weapons from going to the world’s most dangerous regimes.”

So if we haven’t somehow considered this treaty carefully, I encourage them to revisit the voluminous record that has been produced over the last year and a half, and I look forward to reviewing it here as we debate New START in the Senate.

In the end, I am confident we are going to approve this treaty just as the Senate approved the original START treaty in 1992. At that time there were also Senators who insisted on delay. There were some who suggested that serious questions remained unanswered. That is their privilege. There were Senators who drafted dozens and dozens of amendments. But in the end, within 5 days, the Senate came together to approve the treaty 93 to 6.

So what is important that we pay attention to as we look at the big picture here and to the national imperative, the security imperative behind this treaty and what our military leaders and civilian leaders are urging us to think about, both past and present? Well, if you pay attention to the facts, you can come to only one conclusion, and that is we have to ratify this treaty.

Some of our colleagues have said they could support the treaty if we addressed certain issues in a resolution of ratification. Well, again, I hope they are listening. We have addressed the issues they raised in the resolution of ratification. I think many people may not even be aware of how much we have put into the resolution of ratification and how much we have done over the last 7 months to respond to the concerns raised during the consideration of the treaty.

The draft resolution is 28 pages long. It contains 13 conditions, 3 understandings, 10 declarations, and the concept proposed by the executive branch. The understandings are formally communicated to the Russians, and the declarations express clear language of what we in the Senate expect to happen in the next years. That is the distinction between each of those categories.

This resolution currently addresses every serious topic we have addressed over the course of the last 7 months. For example, on the issue of missile defense, our military has repeatedly and unequivocally assured us that the New START does nothing to constrain our missile defense plans. The Secretary of Defense says it does nothing to constrain our missile defense plans. The Chairman of the Joint Chiefs of Staff says it does nothing to constrain our missile defense plans. The commander of our nuclear forces says it does nothing to constrain our defense plans. In addition, many more about these plans in the greatest detail—much more than any Senator—LTG O'Reilly, the head of the Missile Defense Agency, testified that in many ways, the treaty reduces constraints on our missile defense testing. Get that.

The head of missile defense says this treaty reduces the constraints on our missile defense testing.

He also testified that the Russians signed the treaty full knowing that we committed to a phased adaptive approach in Europe. He said:

I have briefed the Russians personally in Moscow on every aspect of our missile defense development. I believe they understand what we are doing and that the development are not limited by this treaty.

Now, if the head of our missile defense sees no problem with this treaty, I don't understand the concerns being expressed. But if a Senator is still worried about the New START missile defense treaty, notwithstanding his comments, then they ought to read condition 5, understanding 1, and declarations 1 and 2, all of which speak directly to that issue.

We have also addressed the issue of what resources are needed in order to sustain our nuclear deterrence and modernize our nuclear weapons infrastructure. This is not an issue that falls within the four corners of the treaty, as I mentioned. But as a matter of good faith, in an informed manner, we accelerated the ability of people to support this treaty, every step of the way the administration, in good faith, has worked to provide Senator KYL and others with the full knowledge of how that program is going to go forward from their point of view.

Obviously, the administration doesn't control what a Republican House is going to do next year. I don't know. But Senator INOUYE has given her assurances. Senator KYL has given her assurances. We have shown a good-faith effort to guarantee that there is knowledge of the funding going forward—the 1251 program, which lays out the spending going forward and has been made available ahead of schedule, in a good-faith effort to try to make certain every base is covered.

The Obama administration proposed spending $80 billion over the next 10 years. That is a 15-percent increase over the baseline budget, even after accounting for inflation. It would have been much more an amount than was spent during the Bush administration. Notwithstanding that commitment,
still last month some Senators expressed further concerns. So guess what. The administration responded even further and put up an additional $5 billion over the next 10 years. In response, the directors of our three nuclear weapons laboratories sent me a letter saying they were very pleased with the new plan," and they said:

We believe that the proposed budgets provide adequate support to sustain the safety, security, reliability, and effectiveness of America’s nuclear deterrent within the limit of the 1,550 deployed strategic warheads distinguished by the new START Treaty with adequate confidence and acceptable risk.

Last week, the person responsible for running our nuclear weapons complex, who was originally appointed by George W. Bush, told the Wall Street Journal:

I can say with certainty that our nuclear infrastructure has never received the level of support we have today.

That is a ringing endorsement, Mr. President, one that is completely persuasive—or ought to be—to any reasonable mind with respect to this issue. If Senators are still concerned, then I suggest they go see condition 9 of the resolution. It says if the one-third of this funding doesn’t materialize in the coming years, the President is required to report to Congress as to how he or she will respond to that shortfall.

Every other issue that has been raised is also addressed in the resolution as well. If you are worried about modernizing our strategic delivery vehicles, declaration 13 gets at that concern. Conventional prompt global strike capabilities—look at conditions 6 and 7, understanding 3, and declaration 3.

Tactical nuclear weapons are likewise covered in the resolution. Verifying Russian compliance is also covered. Even the concern raised about rail mobile missiles has been addressed in that resolution.

Obviously, there is room for someone else to come in and say you need to do this or that; not everything has been covered. We completely remain open to any reasonable and legitimate efforts to improve on or guarantee some safeguard that somehow is not included in a way that it can be without obviously trying to scuttle the treaty itself.

I have reached out to colleagues. We have had terrific conversations. I thank our colleagues on the other side of the aisle who have sat with us in a lot of efforts and inquired and helped us to navigate this process. But make no mistake, we are not going to amend the treaty itself. We are willing to accept resolutions that don’t kill the treaty, but we are not going to get into some process after all that has been said and done by all of the different bipartisan voices that have inspected this treaty and found it one that we should support.

Mr. President, I have been through all the folks who signed and endorsed it, et cetera. I simply say I hope in the next hours we will have a healthy debate. I hope we can also work out—everybody knows the holiday is upon us—I hope we can work out reasonable time periods on amendments. We are certainly not going to prolong debate. I think most Senators have a sense of where they feel on most of these issues. We look forward to working with our colleagues in a very constructive way to try to expedite the process for our colleagues. We have other business before the Senate, as well, and we are cognizant of that.

This is truly the moment where we can increase America’s hand in several of the greatest challenges we face on the planet. First and foremost, obviously, if we are truly committed to a non-nuclear Iran, if the United States can turn away from reducing weapons with Russia in a way that sends a message to them about our bona fides and clean hands in this effort, it would be a tragedy if we didn’t take this opportunity in order to strengthen the President’s and the West’s hand in trying to deal with this increasingly threatening issue.

I hope our colleagues will warmly rise to that challenge in the Senate.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

BOEMRE PAPUA, NEW GUINEA VISIT

Mr. VITTER. Mr. President, I rise to discuss an issue that is very important to Louisianians and folks along the gulf coast and very important to the entire country, which is continuing the turn away from reducing weapons—the "permatorium" is what many folks have called it—in terms of drilling, energy production in the Gulf of Mexico.

There is one particular headline I want to point out in this context that is very frustrating and baffling. It is an example, as I would be comical. Over the last several months, Louisianians have grown increasingly frustrated with the Interior Department in particular—and in particular, what used to be called MMS but is now the Bureau of Ocean Energy Management, Regulation, and Enforcement or BOEMRE. Louisianians have come to pronounce that "bummer." That is because that agency hasn’t been doing its work to issue permits to get Americans back to work to produce American energy.

Related to that, earlier this week I publicly announced a hold on Dr. Scott Doney to be chief scientist at NOAA until Interior and BOEMRE show that it is capable of responding to a letter I had sent it about this "permatorium," the sad state of affairs, and until they are willing to explain to Congress findings in an IG report I had requested back in June.

Since June of this year, not a single offshore exploration plan or deepwater permit to drill has been approved by these bureaus—not a single one—idling billions of dollars of assets and forcing companies to cut their 2011 investment in the gulf to one-third of what it was a year ago.

Time and again we have heard from BOEMRE and Interior Secretary Salazar that they don’t have enough people to issue permits. They need more money to fund the workshops. They need more money and they need to focus on this permitting program. I have also been told that Interior needs more money—specifically $100 million additional.

This is truly ironic, given that all of these requests—more people and more money—and in light of the enormous frustration we feel in Louisiana and in the gulf, I want to get to this little newspaper headline I referenced a few minutes ago. It came out yesterday, and it reads: "BOEMRE Team Returns from Papua, New Guinea Visit After Sharing Technical Expertise with Officials."

It reads:

Experts from the Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE) recently completed a technical assistance workshop on offshore oil and gas regulatory programs for the Government of Papua, New Guinea. The workshop was sponsored by the U.S. Department of State’s Energy Governance and Capacity Initiative.

This is the same Interior Department that can’t get a single exploration plan, not a single deepwater permit to get out the door; the same Interior Department and BOEMRE that claims they need more money to hire more staff to get this job done.

Apparently, they have plenty latitude and staff and money for a 3-day workshop in Papua, New Guinea, to discuss offshore permitting, which they can’t get done in the United States.

I think we need to take a little time to explain to the Government of Papua, New Guinea, that the last thing in the world they want to do, assuming they are interested in creating jobs at home through a workable permitting process, is to talk to these folks. These are the same folks who can’t get a single deepwater permit or a single exploration plan out the door.

As I said, this would be comical except it is not because it is dead serious, and it is losing American jobs and it is exporting economic activity from our country overseas.

The Interior Department is crushing domestic energy production that is destroying good-paying jobs, losing revenue for the Treasury, and making America more energy insecure. If I can give one simple recommendation to BOEMRE this holiday season in regard to expediting the permitting process, maybe they should keep their staff planted in their seats at home. Maybe they should pass on the next trip to Papua, New Guinea, to discuss offshore permitting, which they can’t get done in the United States.
producing American energy before more of these outrageous trips and expenses.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

OMNIBUS APPROPRIATIONS

Mr. CORKER. Mr. President, I know the START treaty is going to be before us soon. I realize we had a motion to proceed to that treaty today. I think I have indicated a willingness to support the treaty if all the t’s are crossed and the i’s are dotted on modernization. I know there are a number of commitments that are forthcoming from the White House and other places regarding modernization.

My hope is the same on missile defense. I am very concerned we are doing this in the middle of an omnibus, which is a 1,924-page omnibus. I am very concerned about a treaty of this substance, this seriousness, dealing with nuclear arms, being taken up in such a disconcerted way.

I voted against the motion to proceed. I do hope, as the leaders indicated to those who wish to offer amendments—and I know there will be a number of serious and thoughtful amendments that matter—will be heard. I am still skeptical that it can be done in an appropriate way.

Again, I think this treaty, with the t’s crossed and the i’s dotted, with the appropriate time allotted, whether it is now or it ends up being in February, and if the resolution is not weakened in any way, is still something I will plan to support. But I am very skeptical we can do that appropriately during this lameduck session, with this omnibus before us.

Let me turn to the omnibus because that is what the American people are most focused on today. I cannot tell you hard evidence I am that an appropriations bill of this size—one that has an increase in spending and over 6,000 earmarks—as a matter of fact, I know the Chair is aware of this because we had a great conversation this morning about spending. We had a large number of people on the Senate floor yesterday talking about our concern for fiscal issues. But the bill is 1,924 pages long. These are just the earmarks. These are just the earmarks, not the bill itself I am holding in my hand.

I am stunned that, after the message that was sent during this last election, Congress will basically say—or many Members—to the American people: We understand you are very upset and that some of these concerns that are true concerns about the country’s fiscal condition. Yet we don’t really care.

Mr. President, it is my hope that what will happen is that saner heads will prevail and that what we will do is pass a short-term Continuing Resolution for those who may be listening in and don’t know what that is. That would give us the ability to operate the government through February or March so that people such as the President, who was just elected, and myself and others who care so deeply about the fiscal issues of our country would have the ability to put spending constraints in place.

I think every American faces—and these are not rhetorical issues—a crisis as it relates to these issues. The world markets are watching us. I think we have seen our interest rates on our bonds rise pretty dramatically even since the tax bill came out. And that was a tough vote for me because, again, in order to create certainty and to ensure that the economic prosperity of this country resumed and that we continue on the pace we are on today, I felt it was important to go ahead and get that behind us.

But I always thought and I hoped—and still do—that what we would move to very quickly is really driving down spending in relation to our country’s gross domestic output. I have offered an amendment to do just that, as I did that on the tax bill. I plan to offer the same on this particular discussion we are having now. But I am unbelievably disappointed that we would even consider punting the spending issue for a year. That is what we would be doing.

In essence, if this omnibus bill were to pass, we would be passing a huge spending bill.

Again, let me go back. Typically, appropriations have one bill at a time. There are typically appropriations bills. What happens when we do that is we are able to pick out wasteful programs here on the floor and maybe defund those, and we are able to really scrutinize all of the programs of government, which is what the American people want us to do. Instead of that—especially in a climate where the American people almost revoluted at the polls, and I know you know this very well—instead of carefully considering when we are being asked to do is to vote on 1 bill that has all 12 of those appropriations bills packed into it, again with 6,000 earmarks, and we are asked to vote on that here in the next few days. I think it is reprehensible, and I say that respectfully.

I know people on our Appropriations Committee have worked together in a very serious way over the last year. I know they have. And I know the Appropriations Committee has probably has the most bipartisan spirit of any committee in the Senate. So I can understand their desire to want to finish their work. But it is being done inappropriately. This is not the way serious people conduct their business. They take up these bills one at a time. Sometimes there are two or three, when they are very small appropriations bills, that are banded together. That is called a “minibus,” if you will. But when this bill once flies in the face of everything we know to be good government. All of us know this is not the right way to fund government.

A much better way for us would be to pass a short-term continuing resolution bill, as I just mentioned, to kick this down to February or March and allow us to look at something like the amendment I have offered where we take spending that is at an alltime high of 22 percent of the gross domestic product today and over the next 10 years take it down to our 40-year average of 20.6 percent. CLAIRE MCCASKILL and I are cosponsoring, in a bipartisan way, a bill or an amendment—depend on how it is worded—but that is just that, and there may be other things.

We know the deficit reduction commission just spent a tremendous amount of time—and I know the President has talked personally to leaders multiple times—they spent a tremendous amount of time this year looking at what we as a government need to do to be responsible; to make sure people around the world view our credit as something in which they are willing to invest; to really make sure that, for these pages who sit in front of me and who work so hard here, we are not, in essence, living a life and layering debt upon debt on top of the balance sheet they will have to deal with.

I cannot believe that, in the atmosphere of just having that report come forward, having us look at how Draconian the problem is and some of the tough decisions a courageous Congress would need to make to put our country back on the right path, we would even consider passing this massive piece of legislation that, in essence, would kick the can down the road for a year and basically let the wind out of this moment that has been building for us to actually do the right thing. I can’t imagine we would do that.

I know the Chair knows our debt ceiling vote is going to be coming up soon. It is going to happen sometime in May. I am not sure how long we will drag this out or as long as the first week in June. That is a vote where we vote to raise the amount of debt this country can enter into. I know a lot of people say it is irresponsible not to vote for a debt ceiling increase because we have already spent the money. It would be like going out and running up a credit card bill and then not paying it. But I think it is irresponsible not to act responsibly prior to taking that vote.

So I am so disappointed that a vote on this omnibus bill before us probably prevents us from going ahead and doing some things this spring that we know are responsible and will really drive down the cost of government to an appropriate level.

So I know there is a lot of pressure, probably, in the caucuses—maybe the caucus on the other side of the aisle that meets at lunch; I know there is a meeting again tomorrow—I know there is a lot of pressure to get this out of the way. But I know with every cell of my body that passing this omnibus right now is absolutely the wrong thing to do for the country from the
standpoint of good government, and I absolutely know it is the wrong thing to do to all of those citizens across this country who became involved in this.

I know there are people on both sides of the aisle who care deeply about the future of this country, and I know there are people on both sides of the aisle who have some commonality as to what the path forward is in making sure this country lives up to its obligations to the American citizens, that we don’t just live for today. That is what, by the way, we would be doing by passing this—living for today and passing on those obligations to the future.

I hope that by the time we take the vote on this bill, it will be defeated and that people who deeply care about the future of this country will come together, pass a short-term continuing resolution—which I think most of us in this body know is the responsible thing to do—and that we will begin to work after the first of next year, when this lame-duck session ends, doing the things this country needs most, and that is all of us having the courage to make those cuts and do what is necessary to get our country back on a sound footing.

Mr. President, I yield the floor, and I thank the Chair for the time.

The PRESIDING OFFICER. The Senator from California.

NEW START TREATY

Mrs. FEINSTEIN. Mr. President, as chairman of the Permanent Select Committee on Intelligence, I would like to address the Strategic Arms Reduction Treaty—called New START—that is now before the Senate for ratification.

This treaty has been carefully vetted. I am confident the Senate will come to the conclusion that this treaty is in our national interest and will cast the necessary vote for ratification. I strongly support ratification.

Before speaking about intelligence issues related to this treaty, it is important to remind ourselves about the extraordinary, lethal nature of these nuclear weapons.

I was 12 years old when atomic bombs flattened both Hiroshima and Nagasaki. The Hiroshima bomb, estimated to have been 21 kilotons, killed 70,000 people outright. You can see from this chart what a devastating effect this bomb caused in Hiroshima. The Nagasaki bomb, at 15 kilotons—somewhat less—killed at least 40,000 people immediately. This is Nagasaki. Another 100,000 or so who survived the initial blast died of injuries and radiation sickness. By the end of 1945, an estimated 220,000 people had lost their lives because of these two bombs.

The horrible images of disfigured bodies and devastating ruins have stayed with me all my life. I was part of the generation of youngsters being raised who hid under our desks in drills about atomic bombs and atomic weapons being unleashed.

So here is Nagasaki before the bomb, and here is Nagasaki after the bomb. It gives you a very good look at what it was like.

Today, we live in a world with far more nuclear weapons and even more powerful destructive capabilities. In May of this year, the Pentagon made a rare public announcement of the current U.S. nuclear stockpile—5,113 nuclear warheads, including deployed and nondeployed and not including warheads awaiting dismantlement. According to the Federation of American Scientists, Russia’s stockpile includes 4,650 deployed warheads—deployed warheads—both strategic and tactical. Including nondeployed warheads, the estimate of Russia’s arsenal is 9,000 warheads, plus thousands more waiting to be dismantled.

Many—and here is the key—many of these weapons are far in excess of 100 kilotons or more than five times the size of the bombs dropped on Hiroshima and Nagasaki. Some are far, far larger. Many of these weapons are on high alert, ready to be launched at a moment’s notice, and their use would result in unimaginable devastation.

So I ask my colleagues during this debate to reflect carefully on the extraordinary, lethal nature of these weapons as we consider this treaty.

This treaty is actually a modest step forward, not a giant one. It calls for cutting deployed strategic nuclear warheads below the levels established under the 2002 Moscow Treaty to 1,550 each. It cuts launch vehicles, such as missile silos and submarine tubes, to 800 for each country. Deployed launch vehicles are capped at 700—more than 50 percent below the original START treaty.

According to the unanimous views of our Nation’s military and civilian defense officials, this will not erode America’s nuclear capability, our strategic deterrent, or our national defense.

The United States will still maintain a robust nuclear triad, able to protect our country and our national security interests.

As GEN James Cartwright, the Vice Chairman of the Joint Chiefs of Staff and former head of the United States Strategic Command, stated:

I think we have more than enough capacity and capability for any threat that we see today or what might emerge in the foreseeable future.

Additionally, these reductions in this New START treaty won’t have to be completed until the treaty’s seventh year, so there is plenty of time for a prudent drawdown. But while its terms are modest, its impacts are broad, and I wish now to describe some of the benefits of ratification.

I begin with the ways in which this treaty enhances our Nation’s intelligence capabilities. This has been the work of the Senate Select Committee on Intelligence and I believe the arguments are strongly positive and persuasive.

There are three main points to make, and I will take them in turn.

They are, No. 1, the intelligence community can carry out its responsibility to monitor Russian activities under the treaty effectively. No. 2, this treaty, if it enters into force, will benefit intelligence collection and analysis. And No. 3, intelligence analysis indicates that failing to ratify the New START treaty will create negative consequences for the United States.

Without New START, we would rapidly lose insight into Russian nuclear strategic force developments and activities, and our force modernization planning and hedging strategy would be more complex and more costly. Without such a regime, we would unfortunatetly be left to use worst-case analyses regarding our own force requirements.

That is what a “no” vote on this treaty means.

Russian Prime Minister Vladimir Putin made the same point earlier this month. He said that if the United States doesn’t ratify the treaty, Russia will have to respond, including augmentation of its stockpile. That is what voting “no” on this treaty means.

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Without New START, we would rapidly lose insight into Russian nuclear strategic force developments and activities, and our force modernization planning and hedging strategy would be more complex and more costly. Without such a regime, we would unfortunatetly be left to use worst-case analyses regarding our own force requirements.
In fact, we have not had any inspections or other monitoring tools for over a year, since the original START treaty expired, so we have less insight into any new Russian weapons and delivery systems that might be entering their forces. The United States has essentially gone black on any monitoring, inspection, data exchanges, telemetry, and notification allowed by the former START treaty.

Last November, Senator Kyl and I traveled to Switzerland with United States and Russian negotiating teams. We met at some length with Rose Gottemoeller, the Assistant Secretary of State for Arms Control, Verification, and Compliance, who led the U.S. negotiating team. We also met with the senior members of her team, including her deputy, Ambassador Marcie Ries, Ted Warner, Mike Elliot, Kurt Siemon, and Dick Trout, who led the drafting efforts and represented the Departments of Defense and Energy and the Joint Chiefs of Staff.

These officials and many of the other members of the U.S. team were very impressive in their professionalism and experience. Several had participated in the negotiation of the original START treaty, the INF treaty, and the Joint Chiefs of Staff.

Several of the other members of the Delegation were inspectors who had conducted on-the-ground inspections in Russia under START and INF, or were weapons system operators who had been responsible for housing Russian inspectors at U.S. bases.

This team was not composed of the uninstructed or of neophytes. They had both background and skill. They were acutely aware of the lessons learned over the past decades of arms control and negotiated this treaty with an understanding of what monitoring and compliance verification mean.

Senator Kyl and I also met two or three times during our trip to Geneva with the Russian delegation led by Russian Ambassador Anatoly Antonov, who is an experienced diplomat and negotiator. His delegation included representatives from the Ministry of Foreign Affairs and Defense, the General Staff, and key agencies such as RosAtom and RosKosmos. Like the U.S. delegations, the Russian delegation had among its members inspectors and weapons systems operators, including those from the Strategic Rocket Forces, the Navy, and the Air Force.

The treaty was still being negotiated at that time, but the rough outlines were very much coming into focus. I mentioned to the U.S. and Russian delegations that it would be difficult to get 67 votes in the Senate for a resolution saying the sky is blue. In order to get an arms treaty through the Senate, it would have to have strong monitoring provisions.

In a lengthy conversation over lunch with Russian Ambassador Antonov, he said to me, as chair of the Senate Intelligence Committee, I have to walk onto this very floor and assure my colleagues that the provisions in this treaty are sufficient for the U.S. intelligence community to perform its monitoring role. I believe that Ambassador Antonov clearly understood that, and 1 year later I am able to say on this floor that the Intelligence Community has reviewed the question of monitoring the New START treaty at length. It is adequate.

After the treaty was submitted to the Senate on May 13, 2010, 7 months ago, the committee began its review of its provisions and annex. We reviewed past intelligence analyses on monitoring previous treaties and the tools available to monitor Russian behavior under this New START.

The intelligence community completed drafting its NIE on its ability to monitor the treaty’s limits in June, 6 months ago. We received a copy on June 30, allowing members to review it before and after the Fourth of July recess. The committee held a hearing on the NIE with senior intelligence officials, facilitated by one of them questioning the validity of the judgments of the estimates.

Following the hearing, the committee submitted more than 70 questions for the record and received detailed responses from the intelligence community. Those are obviously classified, but they can be seen.

In addition, the committee undertook its own independent review of the NIE and the treaty’s implications for the intelligence community. The committee staff participated in more than a dozen meetings and briefings on a range of issues concerning the treaty, focusing on intelligence monitoring and collection aspects.

Based on the committee’s review, after reading the NIE and other assessments, and having spoken to Directors of National Intelligence Dennis Blair, David Gompert, and Jim Clapper, it is clear to me that the intelligence community will be able to effectively monitor Russian activities under this treaty.

For the record, I wish to describe the monitoring provisions in this treaty, many of which are similar to the original START treaty’s provisions.

No. 1, the treaty commits the United States and Russia “not to interfere with the national technical means of verification of the other Party.” That means not to interfere with our satellites and “not to use concealment measures that impede verification.”

This means that Russia, as I said, agrees not to block our satellite observations of their launchers or their testing. Without this treaty, Russia could take steps to deny or block our ability to collect information on their forces.

Let me make clear, they could try, and perhaps block our satellites.

Like START, New START requires Russia to provide the United States with regular data notifications. This includes information on the production of any and all new strategic missiles, the loading of warheads onto missiles, and the location to which strategic forces are deployed. Under START, these notifications were vital to our understanding. In fact, the notification provisions under New START are stronger than those in the old START, including a requirement that Russia inform the United States when a missile or warhead moves into or out of deployed status.

Let me repeat that. There is an obligation for Russia to inform us when a missile or a warhead moves into or out of deployed status.

Third, New START restores our ability to conduct on-the-ground inspections. There are none of them going on, none have been going on, for over a year. New START allows a so-called type one on-site inspections of Russian ICBMs, SLBMs, and bomber bases a year. The protocols for these type one inspections were written by U.S. negotiators with years of experience for inspection, as well the original START treaty. Here is how they work.

First, U.S. inspectors choose what base they wish to inspect. Russia is restricted from moving missiles, launchers, and bombers away from that base. Now, when the inspectors arrive they will be given a full briefing from the Russians, to include the numbers of deployed and nondeployed missile launchers or bombers at the base, the number of warheads loaded on each bomber—this is important—and the number of reentry vehicles on each ICBM or SLBM.

Third, the inspectors choose what they want to inspect. At an ICBM’s base, the inspector chooses a deployed ICBM for inspection, one they want to inspect. At a submarine base they choose an SLBM. If there are any non-deployed launchers, ones not carrying missiles, the inspectors can pick one of those for inspection.

At air bases, the inspectors can choose up to three bombers for inspection.

Fourth, the actual inspection occurs, with the U.S. personnel verifying the number of warheads on the missiles or on the bombers chosen. As I mentioned earlier, each missile and bomber is coded with a specific code, both numerically and alphabetically, so that you know what you have chosen, and they cannot be changed.

Under this framework, our inspectors are provided comprehensive information from the Russian briefers. They are able to choose themselves how they want to verify that this information is accurate.

The treaty also provides for an additional eight inspections a year of non-deployed warheads and facilities where Russia converts or eliminates nuclear warheads.

Some people have commented that the number of inspections under New START, that is, the total of 18 I have just gone through, is smaller than the 28 under the previous START treaty. This is true. But it is also true that there are half as many Russian facilities to inspect as there were in 1991 when START was signed.
In addition, inspections under New START are designed to cover more topics than inspections under the prior START agreement. In testimony from the Director of the Defense Threat Reduction Agency, or DTRA, Kenneth Myers, the agency doing these inspections, said:

Type One inspections will be more demanding on both DTRA and site personnel, as it combines the main parts of what were formerly two separate inspections under START into a single, longer inspection.

That is important. The inspections are going to be better. So while the absolute number of inspections is down from 28 to 18, the ability to monitor and understand Russian forces is not lessened. I am confident we can achieve our monitoring objectives with 18 inspections a year. I also urge my colleagues to review the New START National Intelligence Estimate which addresses these issues in detail.

Let me talk about two of monitoring provisions that were included in the expired START treaty but are not in the treaty we are now considering.

First, under START, the U.S. officials had a permanent presence at the Russian missile production facility at Votkinsk. I will hear about Votkinsk.

Inspectors could watch as missiles left the plant and were shipped to various parts of the country. New START does not include this provision. In fact, the defense establishment had in mind this provision off the table in its negotiations with the Russians prior to leaving office.

New START does, however, require Russia to mark all missiles, as I have been saying, with unique identifiers so we can track their location and deployment status over the lifetime of the treaty, so it is not necessarily to have a permanent monitoring presence at Votkinsk.

The treaty also requires Russia to notify us at least 48 hours before any missile leaves a plant. So we will still have information about missile production without the permanent presence. Our inspectors and other nuclear experts have testified that these provisions are, in fact, sufficient.

Secondly, START required the United States and Russia to exchange technical data from missile tests—that is known as telemetry—to each other but not to other countries. That telemetry allows each side to calculate things such as how many warheads a missile could carry. This was important as the START treaty attributed warheads to missiles. If a Russian missile could carry 10 reentry vehicles, the treaty counted it as having 10 warheads. Information obtained through telemetry was, therefore, important to determine the capabilities of each delivery system.

New START, however, does away with these attribution rules and counts the actual number of warheads deployed on missiles; no more guessing whether a Russian missile is carrying one or eight warheads. With this change, we do not need precise calculations of the capabilities of Russian missiles in order to tell whether Russia is complying with the treaty’s terms. So telemetry is not necessary to monitor compliance with New START.

In fact, it has been pointed out that if the treaty included a broader requirement to exchange telemetry, the United States might have to share information on interceptors for missile defense, which the Department of Defense has not agreed to do.

Third, there has been a concern raised about Russian “breakout” capability, a fear that Russia may one day decide to secretly deploy more warheads than the treaty would allow, or to secretly build a vast stockpile that could quickly put into its deployed force. I do not see this as a credible concern.

According to public figures, Russian strategic forces are already or close to the limits prescribed by New START, and are decreasing over the past decade, not just now but over the past decade.

So the concern about a breakout is a concern that Russia would suddenly decide to reverse what has been a 10-year trend and deploy more weapons than it currently believes are needed for its security. They would also have to decide to do this secretly, with the significant risk of being caught. Because of the monitoring provisions, the inspections, our national technical means and other ways we have to track Russian nuclear activities, Moscow would have a serious disincentive to do that.

Moreover, instead of developing a breakout capability, Russia could decide instead to simply withdraw from the treaty just as the United States did when President Bush withdrew from the antiballistic treaty.

Finally, even in the event that Russia did violate the treaty and pursue a breakout capability, I am confident that our nuclear capabilities are more than sufficient to continue to deter Russia and to provide assurances to our allies. The bottom line is that the New START treaty effectively allows us to monitor this treaty. If you vote “no” on this treaty, there will be no monitoring.

As I noted earlier, a second question relevant to New START is whether ratifying the treaty actually enhances our intelligence collection and analysis. This is above and beyond the question of whether the intelligence community will be able to fulfill its responsibility to monitor Russian compliance with the treaty’s terms.

While I am familiar into the specifics, the clear answer to this question is, yes. The ability to conduct inspections, receive notifications, enter into continuing discussions with the Russians over the lifetime of the treaty, will provide us with information and understanding of Russian strategic forces that we simply will not have without the treaty. If you vote “no,” we will not have it.

The intelligence community will need to collect information about Russian nuclear weapons and intentions with or without a New START treaty, just as it has since the beginning of the Cold War. But absent the inspector’s boots on the ground, the intelligence community will need to rely on other methods.

A November 18 article in the Washington Times noted that:

In the absence of a U.S.-Russian arms control treaty, the U.S. intelligence community is telling Congress it will need to focus more on spies over Russia that could be used to peer on other sites, such as Iraq and Afghanistan, to support the military.

Put even more simply, the Nation’s top intelligence official, Director of National Intelligence James Clapper, was recently asked about ratification of the New START treaty. He responded:

I think the earlier, the sooner, the better. You know my thing is: From an intelligence perspective only, are we better off with it or without it? We’re better off with it.

So Members should realize that if they vote “no” to ratify this treaty it will lose out on its monitoring provisions, that means we are going to have to spend much more, and it is going to be much more difficult if not impossible to get certain information about Russian forces.

The final intelligence-related question on the New START treaty is, what impact ratification—or failure to ratify—will have on our other foreign policy objectives. I think this is important. We live in a different world today where there are nonstate actors, where there are two nuclear nations, moving to develop a nuclear weapon, and it is very important to be able to achieve a working relationship with the large powers that give confidence to other nations to stand with us.

This question can be addressed largely through open source intelligence. There have been numerous news reports and press conferences in the recent weeks about the broader effects of ratifying New START. Many supporters of the New START treaty have noted that ratification is a key achievement and symbol of the “reset” in Russian relations that Presidents Obama and Medvedev have sought.

But beyond generalities of an improved relationship, the monitoring provision of New START would not only underpin our understanding of Russia’s strategic forces, it could derail or disrupt a host of other U.S. policies objectives.

As Russia today, there is a heated debate over whether Moscow is better served by domestic reforms and engagements with the West, or by hardline behavior that rejects cooperation.
with the West. Russians view New START as a signature product of the reforms. This is the signature product of Russian reform and the new Russian President. They view the fate of New START in this Senate as a crucial test of the reformists’ claim that Russia and America can work together. If we, the Senate, reject this treaty, we can confirm what Russian hard-liners have been saying all along, the United States is not a viable partner.

Here are a few real-world examples. Russians recall that as the United States and other members of the International Security Assistance Force in Afghanistan to transport material into Afghanistan over Russian territory. This has assisted our war efforts, especially in light of recent attacks against convoys crossing through Pakistan.

Russia has withheld delivery of the S-300 advanced air defense system to Iran and supported the United Nations Security Council sanctions against Tehran. Tehran wanted to buy the sophisticated air defense missile defense system. Russia was going to sell it to them. Russia has withheld that sale.

That is a major achievement. Also, Russia and NATO partners agreed at the Prague summit in Lisbon to its new missile defense system in Europe. This is an agreement for a missile defense system which Russia has fought violently over the past decade.

At this same summit, Foreign Ministers from Armenia, Lithuania, Latvia, Bulgaria, and Hungary spoke out in support of the New START treaty. As neighbors to Russia and the former Soviet Union, they praised New START as necessary for the security of Europe but also as an entrance to engage in tactical nuclear weapons treaties which pose an even greater threat from state or nonstate use.

There is no quid pro quo here. Russia has not agreed to support initiatives of the United States around the world if only the Senate would ratify the New START treaty. But as every Senator knows, when we are trying to get things done, relationships matter.

The relationship between the United States and Russia has been critical since we fought together in World War II and it will continue to be so. This is an unparalleled opportunity to enhance that relationship and to say, by signature, by ratification of this treaty, that, yes, the United States of America wants to work with Russia; yes, the United States and Russia have mutual goals; and, yes, with respect to Iran and other trouble spots, the United States and Russia can, in fact, stand together.

Let me move on to the nonproliferation reasons to ratify this treaty. New START demonstrates to the world that the two nations possessing more than 90 percent of the planet’s nuclear weapons are capable of working together on arms reduction and nonproliferation. A “no” vote says we are not capable of doing that.

I believe this will pave the way for more multilateral efforts to stop the spread of nuclear weapons as well as restrictions on tactical nuclear warheads that could fall into the hands of terrorist organizations.

Let us return to the centerpiece of our nuclear nonproliferation regime, the Nuclear Nonproliferation Treaty. It is based on a clear bargain. Those with nuclear weapons agree to eventually eliminate them, and those without nuclear weapons agree to never acquire them. With the signing of the New START treaty, the Presidents of the United States and Russia are showing the other parties to the NPT that we are living up to our end of the bargain. Without New START, with a “no” vote on New START, we do not do this.

This will strengthen the resolve of other nations to maintain their commitments and uphold the credibility of the nuclear nonproliferation regime, to hold violators accountable and subject to sanction.

In fact, we are already seeing the benefits of commitments made in the New START treaty. As neighbors to Russia and the former Soviet Union, they spoke out in support of the New START treaty. The latest review conference of the NPT in May of this year ended with 189 parties recommitting themselves to the NPT after the 2005 conference collapsed. On June 9, the United Nations Security Council passed a fourth sanctions resolution on Iran for its violations of its commitments under the treaty with the support of China and Russia.

Ratification of New START also opens the door to further arms control agreements, both to further arms reductions and to address tactical nuclear warheads—the smaller yield devices that are in some ways more dangerous than the strategic weapons with which we are dealing now.

Ratification moves us down the path to a world without nuclear weapons as envisioned by Presidents Obama and Reagan. For years, the idea of a nuclear-free world was ridiculed as a fantasy. Today, it is beginning to change. Don’t turn it down. Republic as well as Democrats have come around to the idea that eventual nuclear disarmament is not only desirable, but it is, in fact, doable and is consistent with our national security interests. Former Secretaries of State George Shultz and Henry Kissinger have joined forces with former Senator Sam Nunn and former Secretary of Defense Bill Perry to make this case.

In a January 4, 2007, op-ed in the Wall Street Journal, they called for U.S. leadership in building a “solid consensus for reversing reliance on nuclear weapons globally as a vital contribution to reducing proliferation into potentially dangerous hands, and ultimately ending them as a threat to the world.”

We can now do our part to build that consensus and help ensure that we never again see the destruction caused by nuclear weapons.

Once again, I return to these charts. I was 12 years old when I saw these pictures. I was 12 years old when I realized what a 21-kiloton and a 15-kiloton bomb can do. Many of the bombs in the U.S. and Russian arsenals are well in excess of 100 kilotons today. The number is classified but, trust me, they are well in excess. We can destroy the planet with the utterance of a word.

They are deployed and they are targeted. This treaty gives us the opportunity to reduce our arsenals—the U.S. and Russian stockpiles that now make up 90 percent of the nuclear weapons in the world. It is a big deal. To say no to this treaty is, in fact, to say we want to go back to the days of suspicion, of not working together, of the Cold War ethos that we will succumb to the Russian hardliners and take this first major test of Russian reform and effectively trash it. We must not do that.

Mr. President, with the months of debate over this Treaty, a small number of objections have been raised. I would like to address them now.

First, some Senators infer that our nuclear weapons will become unreliable over time. They say they won’t vote for this treaty unless it is linked to modernization of the arsenal.

Let’s be clear. Both the Secretary of Defense and the Secretary of Energy have certified that our arsenal is safe and reliable in each of the past 14 years. The head of the National Nuclear Security Administration, Tom D’Agostino has assured me of the safety and reliability of our nuclear weapons.

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In fact, an independent group of scientists known as the JASONs, who advise the government on nuclear weapons, has reported that the National Nuclear Security Administration is successfully ensuring the arsenal’s safety and reliability, through weapons “lifetime extension programs.”

Our September 2010 report said that through such programs, “Life-times of today’s nuclear warheads could be extended for decades, with no anticipated loss in confidence . . .

And President Obama has made a significant commitment to ensuring that we maintain a safe, secure, and effective arsenal by providing the necessary resources for as long as we have nuclear weapons.

The President’s fiscal 2011 budget asked for $11.2 billion for the National Nuclear Security Administration, a 13.4-percent increase over the fiscal 2010 budget.

This includes $7 billion for weapons activities to maintain the safety, security, and effectiveness of the arsenal, an increase of 10 percent, or $624 million from fiscal year 2010.

The President has submitted a plan calling for $80 billion over the next 10 years. In November, he added an additional $1.1 billion over the next 5 years alone to that enormous sum.

Modernization of the nuclear stockpile is surely a major priority, and I will fight to make sure these funds are
appropriated. But these questions and concerns have now been addressed, and should not hold up this treaty.

Second, critics have claimed that New START will impede current and planned missile defense efforts. The pertinent language in the preamble of the treaty that notes the inter-relationship between offensive and defensive strategic arms.

They point to the unilateral statement issued by Russia upon signing the treaty that notes the intermediate-range nuclear forces treaty was approved 95–6, the strategic nuclear treaty was approved 95–6; and the 2002 Moscow Treaty which was approved 95–0. There is nothing in this treaty to suggest that the vote on its ratification should be any different. This should be an easy step for the Senate to take, a step that should be taken in the spirit of protecting our Nation and the world from the devastation of a nuclear war.

I urge my colleagues to support this agreement.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Georgia.

OMNIBUS APPROPRIATIONS

Mr. ISAKSON. Mr. President, I commend the Senator from California on her remarks. As a member of Foreign Relations, I voted to bring the treaty to the floor. However, there is another pressing matter I wish to discuss this evening.

The Senate now has before it the START treaty, but on a parallel track we have before us the question of financing the government through the end of the fiscal year next year. There are three alternatives available to us. One of them is a continuing resolution that will run through the end of next year. One of them is a continuing resolution that is modified with an Omnibus appropriations that is put on top of it which I understand is the plan. There is a third option which is the short-term CR. It is that question I rise to address for a few moments.

Forty-three days ago, I ran for reelection to the Senate. For 2 years, I traveled the State of Georgia campaigning for my reelection. Throughout that campaign, there were three guiding issues on which I focused. One was tax policy. At a time of economic recession and high unemployment, the worst thing for us to do is to raise taxes of the American people and, in particular, small business, which hires the majority of the people. That is No. 1.

No. 2, I campaigned on the fact that we didn’t have a revenue problem nearly as much as we had a spending problem; that we needed to ask of ourselves, as Senators, what every American family has had to ask of themselves at home. They have sat around the kitchen table, looked at what their income was, looked at what it now is, looked at priorities and reprioritized. Times have been tough, and they have been difficult. They did that because they had to.

They don’t have the luxury of credit and borrowing as our government has, which we have had to the third point I ran on in the campaign: that is, that unsustainable debt will make this democracy an unsustainable country.

One of the things I understand a little bit about from having been in the real estate business is leverage. Leverage is a powerful thing to be able to do things, but too much can destroy even the best of people or the best of ideas. We are rapidly approaching a time where we owe entirely too much money.

I love to tell the story about a lesson I learned in good politics. I know the President of the United States has brought an omnibus budget to the Congress. When I was in Albany, GA, making a speech in November of 2009. I kept talking about 1 trillion this and 1 trillion that. This farmer at the back of the room said: Senator, I only graduated from Dougherty County High School, I don’t understand how much 1 trillion is. Can you explain?

I oohed and aahed and I babbled. I finally said: Well, it is a lot. I couldn’t think of a way to quantify 1 trillion.

I got home that night, my wife took one look at me and said: What in the world is wrong with you?

I said: I got stumped today.

She said: What was the question?

I said: The question was, How much is 1 trillion? She said: What did you say? I said: I said it was a lot.

She said: That was a bad answer.

I said: I know that, but I just couldn’t think of anything.

She knows better than I a lot of times. She said: Why don’t you just figure out how many years have to go by for trillion seconds to pass? It is 31,709 years. I put an asterisk by that because I didn’t count leap years and every fourth year has an extra day. I know that will throw the number off a little bit.

We owe $13 trillion of those dollars, not just 1 trillion. It is an astronomical amount of money. It is an amount we must quantify and begin to lower over time in two ways. One is expanding the prosperity of the American people, because as their prosperity goes up, the deficit goes down. First and most important, we have to get our arms around spending. I am deeply opposed to putting an Omnibus appropriations bill on the CR that is coming to the Senate and passing 12 appropriations bills in a short time without the transparency we need.

I am not a Johnny-come-lately to this particular position. In the House of Representatives, when President Bush brought an omnibus budget to the House, I voted against it. I voted against it last fall on a number of occasions when we had Omnibus appropriations bills matched up coming to the
Senate floor under President Obama. It is a bad way to do business. By rolling all those things together, you don’t have the scrutiny, the oversight or the understanding of where the money is going, and the tendency to push spending beyond your limits actually becomes a reality. Am I who subscribes to the fact that we have to change the way we do business. We have to make hard decisions. We have to execute some tough love. We have to have some shared sacrifice, and we have to do it quickly.

Time has run out on the American Government and our American budget process without substantial reform, which is why it would be a tragic mistake for us sometime this week or this weekend to pass an Omnibus appropriations bill.

There is an underlying reason why I don't support that, and it is because I think a short-term CR makes a lot more sense. A short-term CR will put the Senate in the position of debating the rest of next year’s spending or this fiscal year’s spending under the cloud of the debt ceiling which is going to confront us in April or May or maybe as soon as the middle of March. If we pass a CR on an Omnibus that goes beyond that date to the end of next year, September 30, we have no leverage to address the subject of raising the debt ceiling. It is time we stopped borrowing to spend more money we do not have.

I came at a time when I know the pending business is the START treaty, which I will address on another occasion, but to point out why I am so deeply disappointed that we are rushing to judgment on an Omnibus appropriations spending bill at a time when the American people want us focusing on spending, on the deficit, and on improving the way we do business.

I will vote against an Omnibus appropriations bill. I will vote against cloture on the bill. I will support a short-term. That is the best way for us to set up an occasion next year where we address our priorities in the right order and at the right time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The bill clerk will call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

TRIBUTES TO RETIRING SENATORS

ARLEN SPECTER

Mr. REID. Mr. President, if you asked anyone in this body to summarize Arlen Specter, I think the words that come most often to mind would be he is a real fighter. Arlen Specter fought to defend our Nation in Korea. He fought crime in the streets of Philadelphia as a district attorney. He has fought cancer and won three times. And he has fought for Pennsylvania every day he has served with us here in the U.S. Senate.

Senator Specter has witnessed three decades of progress in Washington. He is a man who has risen above party lines to demonstrate his independence time after time. But his independence was not about him; it was about the people of Pennsylvania, whom he has served with honor and dignity for 30 years, often when his cancer tried to keep him from doing so.

I have known and served with Senator Specter for almost 30 years, and I have come to admire his service and dedication. We have not always agreed on how to solve the issues facing America, but he has always been willing to listen to me and any other Senator in the hopes of forging bipartisan agreements that would help the country. He is a very principled man, a man who stood his ground. He is a man of principle, even when few others agree with him.

Senator Specter was raised in the Midwest by his mother and a Russian immigrant father who came to the United States and later served his new country as a country lawyer.

He first discovered Pennsylvania as an undergraduate student at the University of Pennsylvania, where he earned a degree in international relations. After serving 3 years in the Air Force during the Korean war, he attended law school at Yale and established a successful law practice in what would become his home State, Pennsylvania.

Just as his father left his native land and served his new home as a member of the United States military, Senator Specter left his home in Kansas and served his adopted Commonwealth in a different way—first as a district attorney in Philadelphia for 9 years, and then as a Senator for the last 30 years. And he did this with his tenacity. He lost a number of elections. He kept coming back, never giving up. As a Member of Congress, he has been a stalwart for justice, health, and education. He has presided over several Supreme Court confirmation hearings, and played a major role in many more.

He has ensured that vital and potentially lifesaving research for cancer, Alzheimer’s, Parkinson’s, and other diseases receive dollars to pave the way for real breakthroughs.

One personal experience with Senator Specter—the so-called economic recovery package, the stimulus. He was the key vote—one of the three key votes. He was a Republican. He and the two Senators from Maine made it possible to pass that. But his passion in that legislation was the National Institutes of Health. Part of the deal was that they had to get $10 billion. Money well spent. But it is something he believed fervently, and we were able to do that.

He has also worked to cover children and seniors who struggle to get access to health care they desperately need. He has done that as a member of the Appropriations Committee, where he has worked to make more education available to all students with the help of scholarships and student loans. Furthermore, his work with constituents of every stripe makes a difference every day.

Senator Specter is a throwback to a previous chapter in the history of the Senate—a time when moderates were the rule, not the exception.

Then when I came to Washington, Republicans such as Arlen Specter were every place. That is not the case now. He is a rare breed and will truly be missed.

I wish Senator Specter, his wife Joan, and their two sons and four grandchildren the very best in the coming weeks, months, and years.

BLANCHE LINCOLN

Mr. President, Arkansas has given America a lot of which to be proud. In the late Senator William Fulbright, whom I did not know, to President Clinton, whom I do know, Arkansans have always produced proud public servants.

I had the good fortune to serve with two of the finest Senators we have ever had in this body, Dale Bumpers and David Pryor. I have said publicly—I will say again—the finest legislator I have ever served with—I do not want to hurt anyone’s feelings here—is David Pryor. David Pryor was a superb representative of Arkansas and the country.

Blanche Lincoln has continued that long tradition of Arkansans who have come to Washington to shape our Nation. And Blanche has never forgotten from where she came.

Senator Lincoln has been a trailblazer during her time in the Senate. In 1998, she became the youngest woman to ever be elected to the Senate. She was also the first woman elected to represent Arkansas in the Senate since World War II. She was the first woman and first from Arkansas to chair the Senate Agriculture Committee.

A dozen years ago, Blanche was one of the youngest people in this body. But from day one, she earned a reputation for being very wise, wise beyond her years. She has always understood we are here to serve, first and foremost, and she has never forgotten that. Senator Lincoln once said:

I am not normally a betting person, but I say that putting your money on the American people is about as close to a sure bet as you are going to get.

Blanche Lincoln always bet on the American people, and particularly the good people in Arkansas who first sent her to Washington to get things done in 1992.

Senator Lincoln never sought the national spotlight. She has always focused on making sure the people of Arkansas are represented fairly and forcefully. Her legislative accomplishments are too long to list here today.
Her impact will be felt long after she leaves this Chamber.

Perhaps her most important work has been her tireless efforts to protect America’s children. Senator LINCOLN was the lead driving force, along with the First Lady, on the passage of the Farm Healthy, Hunger-Free Kids Act to make sure our children have access to healthy meals.

She was a cofounder of the Senate Caucus on Missing, Exploited, and Runaway Children. She is also the current chair of the bipartisan Senate Hunger Caucus.

So I am honored to call Senator LINCOLN a friend and a colleague, and I join my friends and colleagues in saluting her remarkable accomplishments. I will miss her. But we know her too well to think we have heard the last from her.

It would not be appropriate not to say something about her wonderful family. Her doctor husband and her twins are remarkably good individuals. Her husband is one of the nicest people I have ever met. He has such a great presence about him. I have met him on many occasions and have always been able to get together as a Senate family, and he certainly, to me, is part of that family.

But if I ever need to find Senator LINCOLN, I will always know where to look. Because if there is an issue that has gone unnoticed or a person who feels forgotten or a cause that is worth fighting, BLANCHE LINCOLN is probably not far behind and already on the case.

She is that kind of person. She is that special type of person RUSSELL FEINGOLD and I have met her family. Her husband is a very, very best. It has been a pleasure to get to know BLANCHE LINCOLN. I have met him on numerous occasions and have always been able to get together as a Senate family, and he certainly, to me, is part of that family.

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PORTEOUS IMPEACHMENT

MRS. McCASKILL. Mr. President, I ask unanimous consent that a joint statement by myself and Senator HATCH regarding the Porteous impeachment be printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD as follows:

JOINT STATEMENT OF SENATOR CLAIRE MCCASKILL, CHAIRMAN AND SENATOR ORIN G. HATCH, VICE CHAIRMAN, U.S. SENATE IMPEACHMENT TRIAL COMMITTEE ON THE ARTICLES AGAINST JUDGE G. THOMAS PORTEOUS, JR. OF THE EASTERN DISTRICT OF LOUISIANA

Because the Senate deliberated in closed session, this statement is the only opportunity the impeachment trial committee has to formally explain its votes and to offer some views on certain issues for future consideration. We independently evaluated the articles of impeachment brought by the House of Representatives and the motions field by Judge Porteous. Because we came to the same conclusions and share many of the same views regarding the articles, we thought it most useful to file a joint statement for the record.

The nature of impeachment, what it is and what it is not, is an essential guiding principle for the impeachment trial process. Impeachment is a legislative, not a judicial, process. Whether to impeach a conduct of certain federal officials renders them unfit to continue in office. Our impeachment precedents give some general definition to the kind of conduct that may meet this standard, The Senate, for example, convicted and removed U.S. District Judge Halsted Ritter in 1983 for bringing his court into “scandal and disrepute.” Similarly, during the impeachment trial of U.S. District Judge Alcece Hastings, the President Pro Tempore stated that the question is whether the defendant “has undermined confidence in the integrity and impartiality of the judiciary and betrayed the trust of the people of the United States.”

A consistent focus on the essential nature of impeachment helps answer many of the questions that arise in the impeachment trial process. For example, it sets impeachment precedent apart from other processes. Federal officials may be impeached for conduct covered by the criminal law for which they have been convicted, acquitted, or not prosecuted, as well. Yet conduct that is not criminal at all. Standards of proof that apply in those contexts do not necessarily apply in an impeachment trial; in fact, there exists no single or uniform standard of proof that the Senate as a body must apply.

The law exists no rigid standard for the form that articles of impeachment must take. The Constitution gives the “sole power of impeachment” to the House of Representatives, but it does not designate the trial authority to frame articles of impeachment. As it did in the Hastings impeachment, this may result in articles that each alleges a different conduct. But other cases, like the present one, may involve distinct sets or categories of conduct. Just as impeachment articles arise out of different sets of facts, impeachment articles may take more than one form. In every case, however, the House must prove that the conduct alleged in the articles that it frames and exhibits to the Senate as impeachment articles “unconstitutionally aggregated.” Before the full Senate, he revised this motion to request that the Senate take a preliminary vote on each allegation, a total by his count of approximately 25, contained in the articles. The Committee denied the original motion but unanimously defeated the revised motion. Even though the articles of impeachment include multiple allegations, we believe that combining them into one article would not serve the Senate’s interests. Unlike a case in which the House has already adopted one article, the Senate is a court of original jurisdiction and must develop its own record and evidence. We believe that the Senate should not be required to review the House’s findings. Therefore, we believe that the Senate should also be able to evaluate any additional evidence that may be brought forward.

When viewed with the additional factors, including the kickback scheme whereby the law firm of Porteous as not be the rule any more than allowing impeachment and removal would likely have prevented an individual’s appointment in the first place. In most cases, therefore, the question is whether a federal official’s conduct since taking office warrants removal from that office. That is the question in the present case because none of the articles of impeachment against Judge Porteous is based entirely on pre-federal conduct. The conduct alleged in Article I contained substantial pre-federal and federal conduct. The House framed the article to include all of Judge Porteous’s conduct, not just the conduct that occurred after he took federal office. The House did not adopt the committee’s original motion to divide the article, with the result that the Senate considered the allegations in a single article. The House argument is that Judge Porteous’s behavior is the same regardless of whether it occurred before or after his appointment to the federal bench. The fact that this conduct is pre-federal is not alone a bar to removal, though not exclusively, based upon Judge Porteous’s actions prior to his service on the federal bench. The fact that this conduct is pre-federal is not alone a bar to removal, though it is a significant factor to consider when evaluating this article.

We decided to vote against conviction on Article II not only because most of the allegations of abuse of judicial power against Judge Porteous became a federal judge, but also because we were not convinced that the conduct sufficiently proven by the House rose to the level of a high crime or misdemeanor. The Marcottes, who are felons convicted of manipulating the Louisiana justice system for profit, are the only source of evidence against Judge Porteous. Evidence presented on Article I, there are limited receipts and other documentary evidence supporting the claims made by the Marcottes. On Article II, the only evidence that the Senate reviewed was the kickback scheme of Jeffrey Duhon and Aubrey Wallace to be inconsistent with one another and with the documentary evidence that does exist regarding this article.

The most prominent example of the inconsistent timelines deals with the allegation that Judge Porteous improperly set aside or expunged the convictions of Jeffrey Duhon and Aubrey Wallace as a favor to Louis Marcotte. Louis Marcotte testified that his conviction was vacated on September 1993. The Duhon conviction was expunged in 1992. In addition, Judge Porteous only performed the preliminary investigation of the Duhon case. Another judge performed most of the responsibilities in setting aside and

This pre-federal conduct flowed into Judge Porteous’s federal service in two documented instances. First, Amato was brought on as counsel for Liljeberg in a multi-million dollar lawsuit named Liljeberg v. Porteous. Judge Porteous was scheduled to try the case without a jury approximately six weeks from Amato’s entry into the case. Counsel Amato and Creely filed a motion to dismiss the articles of impeachment against Judge Porteous because of the close relationship between Amato and Judge Porteous. While opposing counsel did not know of the curatious, Judge Porteous asked Amato not to pursue the motion. The House did. Judge Porteous clearly should have recused himself or disclosed the scheme. In this case, Judge Porteous was merely the ripple of the federal and political involvement of Amato and Creely in Judge Porteous’s removal.
expunging both of Duhon’s convictions. Louis Marcotte testified that he bombarded Judge Porteous for weeks about setting aside the conviction of Aubrey Wallace. Marcotte stated that Judge Porteous said he would not set aside the conviction but not until after he had secured his “lifetime appointment.” As we discuss below in relation to Article IV, this statement was too little too late in any other way for the benefit of the Marcottes. Additionally, Judge Porteous’s former criminal minute clerk suggests the opposite, as does Judge Porteous himself. A member of his staff was diligent about calling the jail for information about a prisoner whose name was on file for less than two weeks. Ironically, if the petition had been filed precisely the same way and the false name had been entered inadvertently rather than deliberately, it likely would not have been discovered and rectified until later in the process.

The House alleges that Judge Porteous was the Marcottes “go-to” judge and would sign almost any bond that they requested. However, the House conceded that they could not point to any individual bond that was set either too high or too low, nor proactively in any other way for the benefit of the Marcottes. The only evidence that the House presented that Judge Porteous was present at some of these lunches was the fact that some of the steps towards removing the Wallace conviction, including a hearing on the set aside, were held in Judge Porteous’s Senate confirmation hearing. In addition to the conflicting timelines, the House failed sufficiently to establish that Judge Porteous set aside any other convictions as well. All of the Wallace convictions were illegal or even improper under state law.

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The remaining conduct alleged in Article II, that Judge Porteous used his prestige as a federal judge to recruit new state judges for the Marccotts to corrupt, was also not sufficiently proven. The House was able to document six lunches over a ten year period where Judge Porteous allegedly helped the Marccotts recruit and train judges. The only evidence that the House presented that Judge Porteous was present at some of these lunches was the fact that there was a reference to Absolut Vodka on the receipt and Judge Porteous was known to drink Absolut Vodka. One of the judges who was allegedly recruited by Judge Porteous, Ronald Bodenheimer, stated that Judge Porteous never told him what to do in relation to the Marccotts, nor did Bodenheimer believe that Judge Porteous used his position as a federal judge to pressure Bodenheimer to work with the Marccotts or to issue any bonds. Judge Porteous’s former criminal minute clerk suggests that he could trust the Marccotts when it came to providing information related to a particular offender.

While we do not take the position that any of these witnesses was lying, we believe that the House must clear a high bar in proving the guilt of a federal official in an impeachment proceeding. The House did not meet that bar with respect to the conduct alleged in Article II. Three features of Article III distinguish it from the others. Article III is the only one alleging conduct that occurred entirely after Judge Porteous was appointed to the federal bench, the conduct was unrelated to either his office or his official conduct in that office, and Article III raises significant factual disputes. Unofficial conduct may constitute the “high crime and misdemeanor” that Article III raises significant factual disputes. Unofficial conduct may constitute the “high crime and misdemeanor” that Article III raises significant factual disputes. Unofficial conduct may constitute the “high crime and misdemeanor” that Article III raises significant factual disputes.
The House managers established that as a State judge, Mr. Porteous assigned curatorship cases to two attorneys, one of whom was before him in the Liljeberg case, and had a portion of the fees, totaling approximately $20,000, cancelled and paid to him. Nor, only, did Mr. Porteous fail to disclose these facts or recuse himself from the case, he proceeded to solicit and accept $2,000 cash from those attorneys while the Liljeberg case was still under his advisement.

Out of concern for the public’s confidence in our court system, I have frequently expressed disappointment about the lack of recusals by judges with conflicts of interest. There should be no doubt that recusals go to the heart of a judge’s impartiality. In gross violation of his judicial ethics, Mr. Porteous engaged in a corrupt scheme with attorneys, solicited and accepted money from attorneys with pending matters before his court, and deprived protectors and servants of his honest services by failing to recuse himself.

The defense argued that article I should be dismissed because of the Supreme Court’s recent ruling in Skilling. I am familiar with the Court’s recent legislation and argument in response to it. The Supreme Court’s holding was about a specific criminal statute, not judicial conduct or impeachment standards. No reasonable judge would believe that soliciting and accepting services from an attorney with a pending case would be allowable or would not be an obvious ground for recusal.

The notion that was raised by the defense that corrupt judges could not be impeached ignores the purpose of impeachment as it relates to public confidence in our justice system. The Constitution did not list a specific set of conduct that would result in impeachment. Instead, Senators should determine for themselves what conduct renders one unfit to hold public office. We must consider the type of duties that the impeached official is called upon to perform and whether the conduct engaged in impairs the official’s ability to perform those duties. This analysis differs depending on the office and responsibilities of the official before us.

First, I should note that the impeachment trial against Mr. Porteous was bipartisan, and, I believe, unquestionably fair. The Senate Impeachment Trial Committee held 5 days of evidentiary hearings, with testimony received from 26 fact and expert witnesses before the Senate. The Senate is well developed, and most of the facts underlying the allegations against Mr. Porteous are uncontested. These facts demonstrate that Mr. Porteous engaged in conduct that compromised the administration of justice, brought disrespect to his office, and required his removal from the bench.

The first article of impeachment alleges that as a Federal judge, Mr. Porteous failed to recuse himself in the bench trial in the LifeCare Hospitals of Louisiana Inc. v. Liljeberg Enterprises, despite having previously engaged in a corrupt scheme with one of the attorneys before the court. The

conviction, to avoid any obstacles to a lifetime appointment. This dishonest participation in the confirmation process undermined the integrity of that process and possibly deprived information that should have mattered in considering his nomination. His negative answers to questions he was actually asked were material and demonstrated his inability to be honest, and to behave in a manner that inspires confidence in the courts and our system of justice.

Mr. LEAHY. Mr. President, for just the eighth time in this country’s history, the Senate has voted to impeach and remove a Federal judge from the bench. Impeachment is a serious, constitutional act intended not as a form of punishment, but rather as means of protecting the integrity of our system of government. This is particularly true when we consider the impeachment of members of the judiciary. Public confidence in our courts is fundamental to the functioning of our democracy. A corrupt court can not only impede the due process of those who are before it, but it may also impugn the integrity of that process and possibly destroy our system of justice.

Porteous failed to recuse himself in the Liljeberg case, despite having previously engaged in a corrupt scheme with one of the attorneys before the court. The record before the Senate is replete that as a Federal judge, Mr. Porteous ignored the purpose of impeachment as it relates to public confidence in our justice system. The Constitution did not list a specific set of conduct that would result in impeachment. Instead, Senators should determine for themselves what conduct renders one unfit to hold public office. We must consider the type of duties that the impeached official is called upon to perform and whether the conduct engaged in impairs the official’s ability to perform those duties. This analysis differs depending on the office and responsibilities of the official before us.

Article II alleges that as a State court judge, Mr. Porteous took numerous things of value and accepted personal favors from a businessman, while setting favorable bonds for his company. As a Federal judge, Mr. Porteous continued to receive things of value in exchange for using “the power and prestige of his office” to help these bondsmen form corrupt relationships with State court judges. The evidence showed a pattern before and after his Federal confirmation of capitalizing on his position of power to receive improper gifts. Moreover, as Professor Michael Gerhardt, who served as Special Counsel to the Senate Judiciary Committee during the last two Supreme Court confirmations, testified before the House Task Force on Judicial Impeachment, the Constitution does not state that improper conduct must be committed during the tenure of the Federal office; rather, “(t)he critical questions are whether Judge Porteous committed such misconduct and whether such misconduct illustrates the lack of integrity and judgment that are required in order for him to continue to function as a Federal judge.” I agree with Professor Gerhardt on this fundamental question.

Certainly if the Senate learned after confirmation that a judge killed someone before he or she was confirmed, the Senate should not be prevented from later removing that judge. Similarly, the Senate should not be foreclosed from removing a judge for serious misconduct not revealed during the confirmation process that goes to the role of the judge. A lifetime appointment to the Federal judiciary does not entitle those unfit to serve to a lifetime of holding. In each instance, I care deeply, not only to the entire judicial system. But, just as we looked back to past impeachment proceedings to guide our actions in this proceeding, we now leave new precedents that others will look to for guidance and wisdom. For this reason, I wholeheartedly voted on December 8. I voted three times to convict a Federal judge. In each instance, I carefully considered the facts in the case, as well as my constitutional obligations and the precedent being set for future generations. I have no doubt that just as we looked back to past impeachments to guide our actions in this proceeding, we now leave new precedents that others will look to for guidance and wisdom. For this reason, I want to speak to the historical and constitutional issues presented during this impeachment trial and explain my decision to vote to convict Judge Porteous.

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The first article of impeachment alleges that as a Federal judge, Mr. Porteous failed to recuse himself in the bench trial in the LifeCare Hospitals of Louisiana Inc. v. Liljeberg Enterprises, despite having previously engaged in a corrupt scheme with one of the attorneys before the court. The
statements is in direct conflict with the factual knowledge on which it is based. I am convinced that Mr. Porteous’s responses on the Senate questionnaire were material because had his solicitation and acceptance of cash and gifts from parties with matters before him been known to a majority of the Senate, he would not have been confirmed.

During the impeachment trial proceedings, I asked both the House managers and Mr. Porteous’s defense attorneys whether the Senate Judiciary Committee required a sworn statement as part of a detailed questionnaire by a nominee. Until this questionnaire is filed, neither the Judiciary Committee nor the Senate votes to advise and consent to the nomination. Would not perjury on that questionnaire during the confirmation process be an impeachable offense? Both sides unequivocally answered that perjury on the Senate questionnaire and during the confirmation process would be an impeachable offense.

As chairman of the Senate Judiciary Committee, I am particularly offended by Mr. Porteous’s intentional dishonesty and disrespect for the office to which he was appointed, and for the entire confirmation process. When a judicial nominee testifies before the Senate Judiciary Committee, they must be completely forthright and honor the promises or statements they make to us. Federal judges have lifetime appointments. Impeachment is a drastic measure, but one we must take when a nominee conceals serious wrongdoing.

The House managers presented uncontested facts that Mr. Porteous engaged in conduct that violated the public trust and is now unfit to be a district court judge, or hold any other public office. Both sides were well represented in this proceeding, and I thank them for their advocacy and professionalism.

Mr. UDALL of New Mexico. Mr. President, as a member of the Impeachment Trial Committee, I had the privilege of carrying out a constitutional duty that fortunately is a rare occurrence. I commend the work of Chair McCaskill and Vice-Chair Hatch, as well as the staff of the committee, Senate legal counsel, and CRS. They have done an excellent job of making a complex and time-consuming process as clear and straightforward as possible.

I began the impeachment process with the belief that my legal background would help guide my judgment as to whether or not Judge Porteous is guilty. As the attorney general of New Mexico for 8 years and a former assistant U.S. attorney, I saw the impeachment process as closely analogous to a criminal trial. It turns out, however, that the two are very different in many key respects.

Unlike a criminal trial, our role is not to punish the guilty, but is instead to protect the integrity of the judicial system. The U.S. Judicial system is the greatest in the world, but it can only remain so as long as the integrity and impartiality of our judges is never in doubt. Judge Porteous’s actions were so contrary to everything we demand of our judges that I have no hesitation in voting to convict him on each article.

One of the primary aspects that make an impeachment trial unique from a criminal trial is the standard of proof. I began the impeachment process believing that if we prove our case beyond a reasonable doubt in order for a conviction, we do so. Obviously Judge Porteous would like all of us to use the standard of “beyond a reasonable doubt” while the House managers would prefer a “preponderance of the evidence standard.” Some scholars have urged a middle ground, suggesting that the appropriate standard of proof should be “clear and convincing evidence.” No one has to make our own decision.

I believe that the “beyond a reasonable doubt” standard is too high. The Senate does not have the authority to remove a Federal judge but has the authority to remove only the public trust. I also believe that whether you use a clear and convincing evidence standard or a preponderance of the evidence standard, the burden of proof is on the House managers.

Another important question each of us must decide is what constitutes an impeachable offense. Judge Porteous’s lawyers argue that much of his conduct is not impeachable because it does not meet the constitutional standard of “high crimes and misdemeanors.” They also argue that most of his conduct occurred prior to his confirmation to the Federal bench or was not related to his duties as a Federal judge, and therefore not grounds for impeachment. I do not believe any of these arguments are persuasive.

I initially thought of “high crimes and misdemeanors” in the context of a criminal trial. My prosecutor experience made me ask what elements had to be proven in order to convict on each article. But now I understand that an impeachment is so fundamentally different than a criminal trial that such comparisons do not work. Alex Bellow wrote that impeachable offenses “proceed from . . . the abuse or violation of some public trust” and “relate chiefly to injuries done immediately to the society itself.” The Framers also did not use the term “misdemeanor” to mean a minor crime, as it is used today. At the time of the Constitution’s drafting, a misdemeanor referred to the demeanor or behavior of a public official.

Judge Porteous’s conduct makes several references to the fact that the judge was not criminally charged for his actions. But this is not a relevant consideration. The 1989 report on the impeachment of U.S. District Judge Walter Nixon provides us with guidance as to what constitutes an impeachable offense. It states:

The House and Senate have both interpreted the phrase other high Crimes and Misdemeanors broadly. Impeachable offenses need not be limited to criminal conduct. Congress has repeatedly defined [the phrase] to be serious violations of the public trust, not indictable offenses under the criminal law.

Thus, the question of what conduct by a Federal judge constitutes an impeachable offense has evolved to the position where the focus is now on public confidence in the integrity and impartiality of the judiciary. When a judge’s conduct questions his or her integrity or impartiality, Congress must consider whether impeachment and removal of the judge from office is necessary to protect the integrity of the judicial branch and uphold the public trust.

We are also faced with deciding whether impeachable offenses are limited to acts occurring after an individual became a Federal official. According to the Congressional Research Service, “it does not appear that any President, Vice President, or other civil officer of the United States has been impeached by the House solely on the basis of conduct occurring before he attained his office in the office held at the time of the impeachment investigation, although the House has, on occasion, investigated such allegations.”

I do not see how we can restrict our authority to impeach and convict a Federal official to conduct that only occurred after he or she took office. To do so would lead to a perverse result, one in which, as the House managers argue, “makes the position of federal judge a lifetime safe harbor for someone one who is able to hide his misdeeds and defraud the Senate into confirming him.”

In considering whether pre-Federal conduct should be considered as a basis for impeachment, Michael Gerhardt testified before the House that, “[t]he critical questions are whether Judge Porteous committed such misconduct and whether such misconduct demonstrates the lack of integrity and judgment that are required in order for him to continue to function” as a Federal judge.

I believe this is an appropriate standard, and I believe Judge Porteous’s conduct as a State court judge was incompatible with the trust we place in our Federal judges. Had his pre-Federal conduct been serious, but outside of the scope of his role as a State judge, I might have been more hesitant to consider it as a basis for impeachment. In this case, however, his corrupt conduct was directly connected to his duties as a judge. In arguing against considering pre-Federal conduct, Judge Porteous is essentially telling the Senate that although he was a corrupt State court judge, that conduct should not be considered disqualifying his fitness to continue as a Federal judge. I do not find this argument the least bit persuasive.

Chair McCaskill and Vice-Chair Hatch, as well as the staff of the committee, Senate legal counsel, and CRS have done an excellent job of making a complex and time-consuming process as clear and straightforward as possible.
A final question is whether impeachable offenses should be limited to official acts that are directly related to his duties as a judge. Just as I don’t believe pre-Federal conduct must be excluded as a basis for impeachment, I do not feel that nonofficial conduct must be excluded.

In fact, Judge Porteous’s own attorney, Jonathan Turley, wrote in a law review article that “Congress repeatedly rejected the view that impeachable offenses are limited to official acts or abuses of authority. Impeachable conduct often included acts that were incompatible with continuing to hold an office of authority, including crimes or misconduct outside the official realm.”

I believe the question to ask when considering nonofficial acts is the same as that for pre-Federal acts does the misconduct demonstrate a lack of integrity and judgment that are required in order for him to continue to function as a judge? Once we found Judge Porteous’s nonofficial conduct to reach the level of an impeachable offense, we expect a Federal judge to have the utmost respect for the rule of law, but Judge Porteous knowingly filed a false document under his own name, an act that he knew was illegal.

His attorneys argue that this act was insignificant he filed amended forms a few weeks later and none of his creditors were harmed. But this argument misses the point that a Federal judge had so little respect for the legal process that he would commit perjury in order to avoid embarrassment. Such actions make him unfit for a lifetime appointment to the Federal bench.

For the reasons discussed above, I voted guilty on each of the four Articles of Impeachment.

Mrs. SHAHEEN. Mr. President, it has been a privilege to serve as a member of the Senate Impeachment Trial Committee over the past year. We had been part of a rare event in the history of this Congress and our country and it has been fascinating to watch this process unfold. I want to join my fellow committee members in thanking Chairman McCASSELL and Vice-Chairman HATCH for leading a fair, effective, and efficient operation. They provided remarkably decisive leadership on complex legal issues while also respecting the rights and the interests of both parties to this matter.

I also want to commend the report our bipartisan committee produced, and I would like to once again thank and recognize the trial committee’s staff for their hard work. Their efforts were an indispensable part of this unique and historic undertaking.

Judging Articles of Impeachment drawn up by the House of Representatives is one of the more solemn duties given to Senators by our Constitution. After spending more than a week with my fellow committee members hearing the evidence against Judge Thomas Porteous, and after reviewing the parties’ final submissions, I concluded that he should be convicted on all four articles and removed from office.

I would like to explain the principles I used to reach this conclusion and touch on some of the evidence that supported conviction.

There has been much discussion by the parties about the standard of proof to be employed in an impeachment proceeding, and what constitutes an impeachable offense. The Constitution provides us with limited guidance on these issues. Ultimately, in keeping with precedent established by this body in the past, each Senator must individually decide what conduct is impeachable—worthy and how much proof is necessary to reach that conclusion.

In my opinion, the question before us is whether Judge Porteous’s conduct calls his integrity and impartiality into question and whether we must remove him from office to protect the reputation of the judiciary and preserve the public’s trust in it. Our framers understood that judges’ expectations to receive a fair and legitimate resolution of their disputes. This is a cornerstone of civil society. Any conduct by a judge—whether on the job or off that causes people to seriously question his willingness to dispense justice fairly is a violation of the public trust.

Unfortunately, I think any reasonable citizen walking into Judge Porteous’s courtroom would have misgivings about his commitment to doing justice. This is a judge who used his judicial offices at both the State and Federal levels to routinely obtain personal perks, including meals, alcohol, a bachelor party for his son, trips, and eventually cash kickbacks totaling some $20,000.

Any reasonable citizen would also doubt this judge’s ability to be impartial. The House presented substantial evidence related to a multimillion dollar law firm litigation in which Judge Porteous had an obvious conflict of interest but failed to recuse himself. He took thousands of dollars in cash gifts from a lawyer friend representing a party to the case during the course of his deliberations. He then turned around and issued a decision favoring his friend’s client. Judge Porteous’s ruling was overturned in an absolutely scathing opinion by the Fifth Circuit Court of Appeals, which called his decision “inexplicable” and “close to being nonsensical,” among other rebukes.

While on the State bench, the judge maintained close relationships with bail bondsmen working for defendants in his courtroom. The evidence showed that he consistently set favorable bail levels that were, perhaps within the bounds of his legal discretion but had been suggested by the bondsmen to maximize their profits. For this, the judge enjoyed complimentary steak lunches, midday martinis, at least one trip to Las Vegas, as well as home and car repairs.

I was totally unpersuaded by the defense team’s argument that Judge Porteous’s “pre-Federal” conduct should be outside the scope of our deliberation. I do not believe the act of being confirmed to a Federal judgeship by the Senate erases or excuses an individual’s conduct up to the point of confirmation.

It is unfortunate that those charged with investigating Judge Porteous’s fitness for office in 1994 did not raise more flags about his history. This does not eliminate our duty to act. I see no reason not to remove him from office today when these events still bear on his integrity and impartiality. Plainly, the judge performed acts that would even appear to be designed to affect his judgment or influence his decisions.

Yet there is no doubt Judge Porteous did just that.

For the reasons discussed above, I believe the question to ask when considering nonofficial acts is the same as that for pre-Federal acts does the misconduct demonstrate a lack of integrity and judgment that are required in order for him to continue to function as a judge? Once we found Judge Porteous’s nonofficial conduct to reach the level of an impeachable offense, we expect a Federal judge to have the utmost respect for the rule of law, but Judge Porteous knowingly filed a false document under his own name, an act that he knew was illegal.

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Unfortunately, I think any reasonable citizen walking into Judge Porteous’s courtroom would have misgivings about his commitment to doing justice. This is a judge who used his judicial offices at both the State and Federal levels to routinely obtain personal perks, including meals, alcohol, a bachelor party for his son, trips, and eventually cash kickbacks totaling some $20,000.

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His attorneys argue that this act was insignificant he filed amended forms a few weeks later and none of his creditors were harmed. But this argument misses the point that a Federal judge had so little respect for the legal process that he would commit perjury in order to avoid embarrassment. Such actions make him unfit for a lifetime appointment to the Federal bench.

For the reasons discussed above, I voted guilty on each of the four Articles of Impeachment.

Mrs. SHAHEEN. Mr. President, it has been a privilege to serve as a member of the Senate Impeachment Trial Committee over the past year. We had been part of a rare event in the history of this Congress and our country and it has been fascinating to watch this process unfold. I want to join my fellow committee members in thanking Chairman McCASSELL and Vice-Chairman HATCH for leading a fair, effective, and efficient operation. They provided remarkably decisive leadership on complex legal issues while also respecting the rights and the interests of both parties to this matter.

I also want to commend the report our bipartisan committee produced, and I would like to once again thank and recognize the trial committee’s staff for their hard work. Their efforts were an indispensable part of this unique and historic undertaking.

Judging Articles of Impeachment drawn up by the House of Representatives is one of the more solemn duties given to Senators by our Constitution. After spending more than a week with my fellow committee members hearing the evidence against Judge Thomas Porteous, and after reviewing the parties’ final submissions, I concluded...
of “high crimes and misdemeanors” so as to require removal from office.

After carefully reviewing the evidence, I voted to convict Judge Porteous on each Article of Impeachment. On articles I and II, the evidence showed that Judge Porteous used his judicial office for financial gain by failing to recuse himself in a nonjury civil case and engaging in corrupt relationships with Jacob Amato, Robert Creely, and Louis Marcotte. The House managers proved by clear and convincing evidence that Judge Porteous deprived litigants of a fair trial and undermined his sworn judicial duties.

On articles III and IV, I found Judge Porteous guilty because of his dishonesty and gross misconduct. The facts were clear. He filed his bankruptcy petition under a false name, concealed assets and debt to finance his gambling habit and lied to the FBI to obtain Senate confirmation of his judicial appointment.

Finally, I voted against Judge Porteous’s motion to disaggregate the articles. I did so because each article contained a series of events that sufficiently related to the charged allegation. The case against Judge Porteous can be divided from the record of Judge Nixon and President Clinton. Here, the House presented specific, indivisible articles of misconduct which provided a clear record for us to evaluate.

As with each judicial impeachment, the Senate is faced with difficult and novel issues. However, the Constitution makes clear that impeachment is a remedial provision that cures our institutions when officials violate the public’s trust and confidence. I do not come to my decision lightly, but removal and disqualification of Judge Porteous is necessary. As required by the Constitution, Judge Porteous no longer enjoys the privilege of sitting on the Bankruptcy Court for the Eastern District of Louisiana.

Mr. UDALL of Colorado. Mr. President, I rise today to discuss the impeachment of Judge Thomas Porteous and specifically to offer my thoughts on the Articles of Impeachment.

First, let me say as a general matter that when we as a body consider the nomination of a federal judge, our standard is that of honor, truth or profit. I thank and appreciate my colleagues for their commitment and collegiality during this process.

On the Senate Judiciary Committee's Questionnaire for Judicial Nominees, Judge Porteous was asked whether any unfavorable information existed that could affect his nomination. Judge Porteous answered that to the best of his knowledge and belief, there was no unfavorable information that may affect [his] nomination.” Judge Porteous signed that questionnaire by swearing that the information provided in the statement is, to the best of my knowledge, true and accurate.

Mr. President, our founders granted Congress the power of impeachment to protect the institutions of government from those judged to be unfit to hold positions of trust. Thomas Jefferson, Alexander Hamilton wrote of the jurisdiction to impeach an official: “There are those offenses which proceed from the misconduct of public men or, in other words, from the abuse or violation of some public trust.” This captures the standard I applied to reach a determination of guilt on each Article of Impeachment. I was convinced that Judge Porteous, through each action and through his pattern of behavior, undermined the public’s faith in him as a government official and in the institution that he represented—the United States Federal Court.

With respect to Articles I, II and III, I am confident that the evidence of specific acts and the pattern of behavior displayed by Judge Porteous justifies my determination that he was guilty of high crimes and misdemeanors. Article IV, however, gives me pause. While I believe that the guilty vote on Article IV is warranted, I do not know of any unfavorable information that would impact negatively on his character, reputation, judgment or discretion.
Judiciary Committee provides an opportunity for those nominated to answer questions about their past activities and involvement in and with the law. From these questionnaires, we are able to learn of a nominee's legal experience, find information about past state and federal service, and assess the fitness of the nominee for the federal bench.

On his questionnaire, Judge Porteous was asked whether any unfavorable information existed that could affect his nomination, and he answered that there did not know of any. I believe that Judge Porteous engaged in a pattern of behavior prior to, during and after his nomination to the federal district court that undermined the public's faith in him as a government official, and that this pattern of behavior rose to the level of an impeachable offense that met the standard of high crimes and misdemeanors. Having said that, I do not believe that future nominees should be impeached simply because they fail to answer a subjective, open-ended question on the Senate Judiciary Committee's questionnaire.

Judge Porteous abused the questionnaire process, misrepresented his background, and misled the Senate in an egregious manner that was unique to this specific situation. However, I can imagine a scenario whereby a nominee could falsely affirm that no negative information affecting his nomination existed, but did not find that false answer to be an impeachable offense. I do not wish to see the nomination process become even more difficult for qualified men and women of good character, solely because of an onerous application process. Many of us have things in our backgrounds that we might miss when asked open ended questions, and the Senate should not hang the cloud of impeachment over every nominee's head because of such oversights alone—otherwise, we will find fault with any nominees.

As a Senator who is not a lawyer, I would like to thank my colleagues who took on the historic task of preparing and presenting this impeachment trial. Specifically, Senator CLAIRE MCCASKILL and Senator ORIN HATCH who shared the role of chair of the Special Impeachment Trial Committee. I came away from this experience with a renewed respect for the Senate as an institution. When given the opportunity, Senators can work in a judicious and civil manner, and I am sure that if we were able to see the dignity and respect with which the Senate treated this impeachment, Alexander Hamilton would be very proud.

Mr. CONRAD. Mr. President, I want to take a moment to honor a friend and colleague, Senator BOB BENNETT, who will be moving on from the Senate after 18 years of service to the people of Utah.

Bobb has had a long and impressive career. Out of college, he served for several years in the Utah National Guard and worked as a congressional liaison for the Department of Transportation. Turning next to the private sector, he worked for 20 years in public relations and later in the technology field. He put that experience to good use once elected to the Senate, using his high-tech know-how to chair the Senate Special Committee on the Year 2000 Technology Problem, serve on the Senate Republican High-Tech Task Force, and work on issues from balanced infrastructure development to cyber security.

Utah and North Dakota have many things in common. Both are largely
rural States with unique needs that often go unrecognized by those who live in densely-populated areas. Senator BENNETT should be proud that he has been a vocal and consistent supporter of funding for Utah’s farmers and ranchers, veterans, rural health care, military installations, and roads, highways, and mass-transit infrastructure. I know that Utah has many reasons to be grateful for what BOB BENNETT’s hard work on the Appropriations Committee has brought to the State over the years.

During his time here, Senator BENNETT and I have worked closely on a number of important issues, especially those related to our national defense. As an important member of the Senate ICRC Coalition, Senator BENNETT has worked with me to ensure that our Nation preserves both its fleet of Minuteman III intercontinental ballistic missiles and the infrastructure required to keep them operational for years into the future. Senator BENNETT was a member of the Senate Tanker Caucus, which has vocally and consistently pushed for the Department of Defense to quickly and fairly select and procure a next-generation aerial refueling tanker to replace the aging KC–135. His advocacy on this issue has been key in the work of the caucus.

Finally, of course, and I think most importantly to BOB, he is a dedicated and outstanding family man. Though I know his wife Susan and his children will certainly be counted among his many blessings. My wife Lucy and I wish BOB and his family many happy years ahead.

EVAN BAYH

Mr. President, I rise today to honor my colleague from Indiana, Senator EVAN BAYH, who is retiring from the Senate. Senator BAYH has been a strong voice for the people of Indiana, both in Congress and as their Governor and 12 years as their Senator. He has brought a keen intellect and a commonsense perspective to the Senate that should make his fellow Hoosiers proud. Building on the Senate traditions he learned from his father, he has worked hard to build consensus across party lines to strengthen our country.

It is clear to me that Senator BAYH never forgets his other job in life. As a father of twin boys, he often reminds us of the importance to B OB, he is a dedicated family man. He will miss having him as a colleague in the Senate, but I also know that his wife Susan and his sons, Beau and Nick, will be excited to have him back home in Indiana. I wish him success in whatever he chooses to do in the next chapter of his life.

CHRISTOPHER DODD

Mr. President, I rise today to pay tribute and recognize the accomplishments of a colleague and friend who will be retiring from the U.S. Senate at the end of this term. Senator CHRIS Topher DODD has represented Connecticut in Congress for 36 years, and has been an unrelenting advocate for his constituents and working-class Americans.

Senator DODD has led a very impressive career, and his dedication and love of public service is evident. After graduating from Providence College, he volunteered with the Peace Corps in the Dominican Republic for 2 years. Upon returning to the United States, DODD enlisted in the Army National Guard and later served in the U.S. Army Reserve. In 1972, he earned a law degree from the University of Louisville School of Law, and practiced law before his election to the United States House of Representatives in 1975. In 1981, he became the youngest person to join the United States Senate in Connecticut history. Senator DODD followed in the footsteps of his father, the late Senator Richard T. DODD, who was elected to both Chambers of Congress.

Since his election to Congress, Senator DODD has served his State and the Nation admirably. He has been a true advocate for our children and their families, forming the Senate’s first Children’s Caucus. He was a champion and author of the Family and Medical Leave Act, which guarantees working Americans time off if they are ill or need to care for a sick family member or new child. In addition, he has consistently fought to expand the Head Start program, a critical investment in our Nation’s future. Due to his tremendous advocacy of the program, he was named Senator of the Decade by the National Head Start Association.

Senator DODD was also one of the key Senators who made passage of health care reform, the Patient Protection and Affordable Care Act, a reality. A close and personal friend of the late Senator Ted Kennedy, Senator DODD worked tirelessly on health reform in the Senate Health, Education, Labor and Pensions Committee. After the full Senate during Senator Kennedy’s battle with brain cancer and after his passing, Senator Kennedy, who had been the leader in the Senate on re-forming our health care system for several decades, would have been very proud of Senator DODD and his relentless efforts to reform our Nation’s health care system.

The health care reform law that Senator DODD helped to craft will expand health insurance coverage to approximately 32 million Americans and create some common-sense rules of the road for the health insurance industry in an effort to clamp down on abusive practices such as jacking up premiums or dropping coverage when people need it most. It also builds on our current private, employer-based system by expanding coverage, controlling costs, and improving quality, competition, and choices for consumers.

Senator DODD is chairman of the Senate Banking, Housing and Urban Affairs Committee. He has been instrumental in working to put our country back on sound economic footing. As we all remember too well, full of 2008 we faced a financial crisis. Senator DODD and I and other leaders from both Chambers were called to an emergency meeting in the United States Capitol as the Nation’s economy teetered on the brink of collapse. At this meeting, the Chairman of the Federal Reserve and the Secretary of the Treasury from the previous administration told us they were taking over AIG the next morning. They believed if they did not, there would be a financial collapse. Those were very, very serious days.

A few weeks later, the Bush administration proposed virtually unfettered authority for the Treasury Secretary to respond to the financial crisis. Senator DODD, to his lasting credit, insisted on defining the Treasury’s authority, subjecting it to strict oversight, and protecting the taxpayer. He played a key role in improving the legislation culminating in non-stop negotia-tions into the middle of a Saturday night in October. When the history of the financial crisis is written, I expect CHRIS DODD will be given great credit for responding to the crisis, helping to prevent a Great Depression, and improving the legislation. He played a central role, I believe, in shaping the response so that the ultimate cost to taxpayers will be far, far lower than originally expected.

Senator DODD also took the lead in writing landmark Wall Street reform legislation to help prevent another financial sector collapse. It will allow
the government to shut down firms that threaten to crater our economy and ensure that the financial industry, not the taxpayer, is on the hook for any costs. Senator Dodd is owed great thanks for his leadership and hard work on these financial issues during a very difficult time for our Nation.

These are just a few of the examples of the great work Senator Dodd has done for the country. I would like to close by saying that Senator Dodd's presence will certainly be missed in this Chamber. He has served the people of Connecticut faithfully, and I know that his many contributions will not be forgotten. It has been an honor for me to work with such a compassionate and dedicated Senator, and I wish him and his family the very best.

GEORGE LEMIEUX

Mr. President, I want to take a moment to recognize our retiring colleague from Florida, Senator GEORGE LEMIEUX.

Senator LEMIEUX came to the Senate in September of 2009, amid extraordinary economic conditions. When he took office, Floridians were facing historically high rates of unemployment—a trend too common across the country. As of December 2009, an estimated 45 percent of home mortgages in Florida were “upside down,” meaning affected Floridians owed more on their property than it was worth. Needless to say, there were significant economic challenges facing the incoming junior Senator from Florida.

It takes uncommon character and dedication to accept appointment to public office, especially in these uncertain times. Senator LEMIEUX chose to confront our country’s economic challenges by serving the people of Florida in the United States Senate.

Since arriving in the Senate, Senator LEMIEUX has expressed his desire to address our unsustainable fiscal condition—providing Floridians and all of our country without bipartisanship. If we are to address our fiscal challenges, we must work together to craft solutions to our economic challenges.

In addition to historic economic and fiscal challenges, Senator LEMIEUX has confronted unexpected environmental challenges. Not long after Senator LEMIEUX arrived in the Senate, our country saw one of its greatest environmental disasters of all time. For 3 months, oil gushed into the Gulf of Mexico, causing extensive damage to marine life, coastline, and commerce. Senator LEMIEUX, along with his fellow Gulf coast colleagues, worked to secure Federal relief to mitigate the effects of the spill on the coastal region.

It is not easy to navigate the Federal disaster relief system, especially for a new Senator. I commend Senator LEMIEUX for his work to protect his fellow Floridians from the effects of the gulf oil spill.

Despite our political differences, I respect Senator LEMIEUX’s desire to make a difference in the lives of everyday Floridians. I have appreciated the opportunity to work with Senator LEMIEUX and thank him for his service to our country.

CARTE GOODWIN

Mr. President, I rise today to recognize the accomplishments of a colleague, Senator CARTe GOODWIN. Sena- tor GOODWIN represented West Virginia admirably after the passing earlier this year of our dear friend and colleague, U.S. Senator Robert Byrd, who was the longest serving Senator in history. Senator GOODWIN took the oath of office on July 20, 2010, and joined the U.S. Senate as the Chamber’s youngest serving Member at the age of 36.

Senator GOODWIN has led a very impressive career. After graduating from Emory University School of Law in 1999, he clerked for Judge Robert King of the U.S. Court of Appeals, Fourth Circuit. In 2000, Senator GOODWIN joined the family private practice of Goodwin & Goodwin and remained there until 2005, when he became the general counsel to West Virginia Governor Joe Manchin. After serving a full term for the Governor, Senator GOODWIN returned to the family private practice. He was appointed by Gov- ernor Manchin to temporarily fill the vacant seat of the late Senator Byrd until the November 2010 elections.

Senator GOODWIN’s leadership became immediately evident in the Senate as his votes charted the way for an important extension of unemployment benefits to help those most in need during this tough economic time. He also introduced legislation in September, the Access to Button Cell Batteries Act of 2010, to protect children against the hazards associated with swallowing button cell batteries that can be found in everything from musical greeting cards to car keys.

As chairman of the Budget Committee, it has been a pleasure to have Senator GOODWIN serve on that committee, and see first-hand his commitment and dedication to his Mountain State constituents and the country. It is no wonder that Senator GOODWIN was recently named to Time Magazine’s list of “40 Under 40—Rising Stars of U.S. Politics.”

Senator GOODWIN is a man of outstanding integrity, who has a relentless work ethic. He has set a fine example for our fellow politicians to follow. He has also been a true de- fender of West Virginia. His compassion and conviction will be missed in the U.S. Senate. I wish Senator GOODWIN and his family great success, and many happy years ahead.

Mr. President, I want to take a moment to honor my colleague, Senator ROLAND BURRIS, who will be retiring from the Senate after serving 2 years.

Senator BURRIS has had a long and distinguished career as a public servant, both at the State and local levels. Upon graduation from Howard Law School in 1963, Senator BURRIS became the National Bank Examiner for the Office of the Comptroller of the Currency for the U.S. Department of the Treasury. In 1978, Senator BURRIS became the first African American to be elected to a statewide office when he was elected comptroller of the State of Illinois. Senator BURRIS continued to break barriers when elected as attorney general for the State of Illinois, becoming only the second African American ever to be elected to the office of State attorney general in the United States.

Mr. Burris was appointed to fill President Obama’s open Senate seat on December 30, 2008. In his nearly 2 years in the Senate, Mr. Burris has been active on the Armed Services and Homeland Security Committees, as well as the Committee on Veterans’ Affairs.

Whether it is fighting hard for Illinois’ veterans or casting an important vote in favor of health care legislation, Senator BURRIS has done much with his limited time in the Beltway. As a lifelong resident of Illinois, there are very few people more invested in their State’s future than Roland Burris.

As he departs the U.S. Senate and heads off to future endeavors, there is no doubt that his beloved wife Berlean and his two children, Rolanda and Roland II, will be by his side. I wish Senator BURRIS lots of luck and happiness in the years ahead.

ARLEN SPECTER

Mr. President, today I wish to pay tribute and recognize the achievements of a colleague who will be leaving the Senate at the end of this term. Senator ARLEN SPECTER has represented Pennsylvania in the Senate for three decades, making him the longest-serving Senator in his State’s history. During his tenure, he has been an unrelenting advocate for his constituents and working-class Americans.

Senator SPECTER has had an impressive career in both the public and private sector. After graduating from the University of Pennsylvania, he served in the U.S. Air Force from 1951 to 1953. Following his service, he attended Yale Law School and worked as editor for the Yale Law School Journal. After graduating from law school, Senator SPECTER became an outstanding lawyer. As an aide to the Warren Commission, he investigated the assassination of former President John F. Kennedy. He also served as a lawyer in Philadelphia from 1966 to 1974, and practiced law as a private attorney before being elected to the U.S. Senate in 1980.

In the Senate, Senator SPECTER and I found significant common ground, as his strong sense of integrity and moderation have been key in passing some of the most important legislation. During his time in Congress, the Senator will be remembered for presiding over historic
U.S. Supreme Court confirmation hearings as chairman of the Judiciary Committee. While undergoing chemotherapy for advanced Hodgkin’s disease, Senator SPECTER managed the intense confirmation proceedings for Chief Justice John G. Roberts Jr. and Justice Samuel Alito Jr. As a senior member of the Appropriations Committee, he led the fight to increase funding for the National Institutes of Health from $12 to $30 billion to expand medical research to find cures for cancer, Alzheimer’s disease and other devastating and debilitating diseases. It is no wonder that Time Magazine listed him among the 10 best Senators in 2006.

ARLEN SPECTER embodies what it means to be a good Senator—integrity, a strong work ethic, courage, dedication, and being true to one’s convictions. Senator SPECTER has been a real champion for Pennsylvania and this country. His compassion, independence and voice of reason will be missed in the U.S. Senate. I have appreciated the honor the lifelong services of Federal and state agencies. His personal example and friendship will live on in the memories of those who know him.

Byron Dorgan

Mr. LEVIN. Mr. President, I have been honored for the past 18-plus years to serve with Senator DORGAN, who is preparing to leave the Senate after three distinguished terms. Senator DORGAN has been one of the most plain-spoken, energetic, and formidable voices in the U.S. Senate, and I will sorely miss his voice.

Some might, at first, see relatively little in common between more urban, industrialized Michigan and more rural, agricultural North Dakota. But Senator DORGAN and I saw eye-to-eye on issue after issue—problems that needed to be tackled, outrages that needed to be exposed.

One of those problems is tax abuse. Senator DORGAN was one of the Senate’s most stalwart and active opponents of tax cheats who rob the Treasury of billions of dollars each year, while unloading their tax burden onto the backs of honest taxpayers. He introduced legislation to commission key GAO reports, and fought long and hard against tax breaks that encourage U.S. companies to ship jobs offshore, set up factories in other countries, and use phony offshore companies to dodge taxes. Remember last year in which he led a successful effort to stop legislation that would have opened the floodgates to billions of dollars that U.S. companies had hoarded offshore and wanted to bring back to use phony offshore companies to dodge taxes. Remember last year in which he led a successful effort to stop legislation that would have opened the floodgates to billions of dollars that U.S. companies had hoarded offshore and wanted to bring back to use phony offshore companies to dodge taxes. Senator DORGAN, who has been a tireless advocate for improving regulation and protecting Americans from other devastating economic decline as a result of loose rules and abusive banking practices. He was also a strong proponent for renewing our country’s focus on science, technology, engineering, and mathematics research to help propel our country into the 21st century.

Ted Kaufman

Mr. President, I wish today to pay tribute to my distinguished colleague, Senator Ted Kaufman. Ted has retired after just 2 years as a United States Senator. He was appointed to this position in January 2009 after Senator Joe Biden was elected as Vice President of the United States.

Ted was an obvious choice to fill Joe’s well-established shoes. He has a tremendous amount of experience on Capitol Hill, and there are few who understand the inner workings of the Senate as well as he does. Before being appointed to fill Delaware’s vacant Senate seat, Ted served almost 20 years as Chief of Staff for Senator Biden. This experience served him well as Ted proved himself to be a strong and effective leader for Delaware.

After only 18 months of Senate service, Ted introduced the Fraud Enforcement and Recovery Act, which increases the number of FBI agents and prosecutors available to prosecute individuals who committed fraud during the financial meltdown. This legislation became law May 20.

In addition, Ted has been a tireless advocate for improving regulation and safety in the financial services market to help protect Americans from another devastating economic decline as a result of loose rules and abusive banking practices. He was also a strong proponent for renewing our country’s focus on science, technology, engineering, and mathematics research to help propel our country into the 21st century.

Ted also established a unique tradition during his time in the Senate. Every week, he made it a priority to honor the lifelong services of Federal employees. All too often, the hard work of these public servants goes unrecognized, and I commend Ted for his efforts to honor these men and women.

Even in retirement, Ted will continue serving the American people. He was recently named Chairman of the TARP Congressional Oversight Panel. There are few who could make such a tangible mark on public policy in such a short period of service. I am hoping that the Senate will see the wisdom of his legislation and enact it into law. Senator DORGAN literally wrote the book on how corporate interests and political short-sightedness are hurting U.S. workers and the U.S. economy, and the Senate will continue to benefit from his work on this issue even after he has left the Senate.

Similarly, as cochair of the Congressional-Executive Commission on China, Senator DORGAN has done much to shed light on human rights abuses in China and to illustrate how China has often failed to make good on its World Trade Organization commitments. I am a member of the commission, and my brother is Senator DORGAN’s cochair, and we have both enjoyed the privilege of working with him in that forum.

Finally, Senator DORGAN has been an essential voice in the Senate on reining in the excesses of Wall Street. As chairman of the Subcommittee on Investigations, which conducted a 2-year investigation into the financial crisis, I know personally how diligent, informed, and intense his efforts were to restore sanity to the U.S. financial system. He took it upon himself to organize a force for change and reform. When lobbyists claimed banks were the victims rather than the perpetrators of the crisis, that their executives had done nothing wrong, and their multi-million paychecks were justified, Senator DORGAN dug into the facts, educated himself on the most esoteric financial engineering, and took on the special interests. For example, he crafted an amendment to the Wall Street reform legislation to ban “naked” credit default swaps and another to broaden the Department’s enforcement authority against synthetic asset-backed securities. Our joint amendment was unsuccessful, but time will show those types of high-risk, empty bets do nothing to advance the real economy and much to direct dollars into the mindless casino that plagued the U.S. financial system.

I will sorely miss Senator DORGAN’s insight and determination in the ongoing battles to rein in Wall Street excess. The people of North Dakota are fortunate to have had Senator DORGAN as their representative. He is a fighter, and he never stopped fighting for them. They have benefitted greatly from Senator BYRON DORGAN’s service. The people of our Nation have benefitted. I know the working families of my State have benefitted. I want to thank him for his service, for his energy, for his diligence, for his tenacity, and for his friendship. On a personal level, Barbara and I wish him and Kim and their family the best as they embark on this new phase of their lives.

Blanche Lincoln

Mr. President, over the last 210 years, many pioneers and breakers of ground have passed through this Chamber.
Today, I would like to pay tribute to one such groundbreaking Senator, one who will leave the Senate at the end of this session.

When the people of Arkansas elected BLANCHE LINCOLN to represent them in the Senate, she became the first woman to chair the Committee on Agriculture, Nutrition and Forestry. These accomplishments are just some of the highlights of an impressive career of Senate service.

Senator LINCOLN has been among the Senate’s most passionate and effective voices in combating hunger, helping to focus attention on an issue that affects far too many Americans. And she has been a tireless advocate for the working families of America’s rural communities.

I am especially grateful for the work Senator LINCOLN has done this year in helping craft comprehensive financial reform. She was instrumental in ensuring that the bill we passed into law would be an important safeguard against the kind of speculative trading that Wall Street doesn’t like is, from hard experience that passing real-world of derivatives trading. I know and safety to the largely unregulated

reform. She was instrumental in ensuring that the bill we passed into law.

Senator BAYH represents a State that is part of America’s industrial heartland, and he has energetically sought to ensure that we pursue policies that do not damage the industrial economy. I would mention two such efforts in particular.

In 2007, Senator BAYH, along with me and other members of the Auto Caucus, worked to ensure that negotiations on a free trade agreement with South Korea addressed the unfair and unbalanced way in which automotive imports are treated in South Korea. Barriers to entry make the South Korean market a closed one to U.S.-made vehicles, while Korean automakers have found an open lucrative market in the United States. He, like I and many others, is deeply concerned about the impact of any potential trade agreement on the auto industry, and I have been privileged to stand with him on this issue.

Senator BAYH also has been a leader in fighting against intellectual property theft by China and other nations. Manufacturers in both our States have been frustrated by the ability of foreign companies to copy their products and reproduce them in violation of international standards, and by the inability or unwillingness of other nations to combat such piracy. Along with Senator Voinovich, Senator BAYH in 2007 introduced the Intellectual Property Rights Enforcement Act. This legislation would be an important safeguard protecting American companies from intellectual piracy.

Whether those issues was defense of American companies’ rights or defense of our Nation, Senator EVAN BAYH has been a thoughtful, balanced and capable member of the U.S. Senate. The people of Indiana have gained much from his service. I will miss him as a colleague and a friend, and I wish him and his family the best of luck as he turns home at the end of the year.

Mr. President, I want to take a few moments today to congratulate Senator BAYH on a productive two terms in this body, and thank him for his service in particular as a member of the Armed Services Committee and on issues of importance to both our States.

As chairman of the Armed Services Committee, I have seen first hand the diligence Senator BAYH brought to his work on national security. He has been active on one of the greatest threats to our security, the proliferation of nuclear weapons and materials, seeking to support and extend the work of his Indiana colleague, Senator LUGAR. He has been equally effective in working, on a bipartisan basis, the oversight function, bringing his thoughtful approach to his role as chairperson of the Senate Armed Services Committee, and the American people have greatly benefited from Senator BAYH’s efforts in these areas.

I can’t think of anyone who better fits that description than BOB BENNETT. BOB was born in Utah, a member of a family who was very active in their community and the government. BOB was therefore blessed with some great role models early on in his life. He soon found he had a talent for business and a great understanding of the needs of businesspeople all over the State and around the Nation. Because of his insights and his ability to promote his good ideas and products, he took his company from a 4-person shop in 1984 to an $82 million company just 2 years later, employing 700 newly created staff. With today’s economy we can really appreciate that— that is a lot of jobs.

From there he decided to take on the challenge of a run for the Senate. As we all know, that first run for the Senate is never easy as it takes more than the vote of a community to make it happen. You have to take your case to every corner of the entire State. That is no limit to what you can sell yourself and service provider. But BOB has been a tireless advocate for the work-
He was also a leader in encouraging the Senate to tackle a very thorny issue—Social Security. Social Security is a lot like the weather: we all complain about it, we all know something needs to be done about it, and we are all sure we will know the right solution when the complaints start. But as BOB saw it, he was never one to shy away from getting the conversation started on just about anything.

In his role as the National鲜艳 (and we will keep in touch with you, ors, my friend. Keep in touch with us, never be more than a phone call away. We have had the honor of being a champion in the Senate, and to have someone who was able to get things done.

Then, when term limits prohibited his run for reelection, he set his sights on a Senate seat and again found success. He ran a good campaign, took his case to the people, and they liked what they heard. They also knew him and what he had done as governor and service to the State. They knew they could send him to Washington to the Senate, and he would champion what they believed in and fight for what was needed during his service there.

During his Senate career, you could always find him in the political center looking for a compromise agreement that would benefit everyone involved. I have always thought he would agree that it is better to get a half of the loaf of bread than nothing at all. In fact, he once said that the available half was the part that was needed the most.

We also agree on something else. When a Democratic win at the polls helped them to obtain control of the Senate, BAYH joined a breakfast group of Senators that was designed to get Republicans and Democrats more involved in a regular dialogue. He understood that by getting both groups to talk more and to get to know each other better, what was most important was to work together and for the good of the people. He stood for his Gang of Six approach to any sweeping legislation and he would be easier to create and promote compromises between the two parties.

Now that EVAN's Senate career has come to a close, he will be able to do something he has always looked forward to—spend more time with his family.

In the end, I think that is one of the reasons why EVAN has always been so committed to his constituents. EVAN has been—the best senator he could be for his constituents and the State of Indiana. He has been an important addition to our deliberations both in committee and on the floor. I have always said that every Member who comes to the Senate has something to teach us—a message that only they could bring. EVAN BAYH, who will be retiring at the end of this session is such an individual. I will always remember him as the young Governor who was able to serve in the Senate without losing sight of his ideals and principles both as a Hoosier and a parent and devoted and loving father.

Mr. President, each year that brings a new class of Congressmen, those of us who have been here for a long time, and it has been an honor for me to serve my constituents and the people of our country. It has been a privilege to serve my constituents and the people of our country. It has been a privilege to serve in the Senate in the past 6 years, the months the he has spent representing Flor-Ida has been very productive.

Simply put, GEORGE is an impressive individual who understands the importance of the work we must do to continue spending the money wisely and, if we fail to do that, the impact it will have on our Nation and our children as they try to pursue their goals and live the American dream.

GEORGE grew up in Florida and, like many came to Washington, D.C., for his college studies. I graduated from George Washington University, and GEORGE grew up in Florida and, like many came to Washington, D.C., for his college studies. I graduated from George Washington University, and GEORGE graduated from Georgetown University. When he returned home to begin his career, his attendance at a high school reunion proved him to be a true point in his life when he met a former classmate named Meike who soon became his wife.

Years later, when an individual of GEORGE's talents and abilities was needed to complete the Senate term of Mel Martinez, the Governor knew who would be the right person for the job—GEORGE LEMIEUX. Soon, GEORGE was on his way back to Washington, looking forward to the opportunity to use his knowledge, skills, abilities, and professional experience to serve the people of his home State.

There were some eyebrows raised when he arrived. Some people thought he wasn't the best candidate for the job. Others thought he didn't have the background necessary to be a productive Senator. It didn't take him long before he proved them wrong.

GEORGE not only hit the ground running, but he proved to be a natural and effective legislator. I don't think I have ever seen anyone who has had such an impact on the Senate after such a short time in office.

Over the past months, GEORGE has not only fulfilled his duties as a Senator, he has taken them another level as he came up with good ideas for legislation, especially on the need to control spending and reduce the deficit which he has referred to as the single greatest threat to our future. GEORGE has been—strong, spirited, focused, and determined to speak out about the consequences that will come.

BOB, our small business community and we will keep in touch with you. That is a good thing.

I don't know what you have planned for the future, but one thing I feel certain of—we haven't heard the last from him. Good luck in all your future endeavors and in whatever you decide to do. Keep in touch.

GEORGE LEMIEUX
from not being good stewards of our Nation’s financial resources. His concern about our debt and the world we will leave behind for our children and grandchildren means even more to him today now that his Washington experience includes the addition of a fourth child—his first daughter.

I don’t know what the future holds for you, George, but I do know that we will all be watching with great interest and expectation. You have already established a reputation for hard work that has earned you the friendship of your colleagues on both sides of the aisle. Whatever you decide to do, I am sure you know you can count on us to support and encourage you as you begin the next great adventure of your life. I am hoping it will be as the elected Senator from Florida. You can certainly run on experience. You have done more in months than some do in a career.

Disagrees in sending our best wishes to you and Meike. You have made a difference in just a few months, and we are sure there is more to come. Keep in touch when you return home. We will always be pleased to hear from you with your thoughts and suggestions about legislation being considered by the Senate and what we can do to make it better.

TED KAUFMAN

Mr. President, soon the gavel will bring to a close this session of Congress, but as will not happen, to be with our families for the holidays. Before we leave, it is one of the Senate’s traditions to say a few words to express our appreciation to those who will no longer be serving in the Senate when we reconvene for the next session in January. One Senator I know I will miss in the months to come is Ted Kaufman.

Ted isn’t one of those who followed the typical road to the Senate. He came to be a part of our work after receiving his law degree, serving as a public defender and then as an instructor, a political consultant, and lawyer. A wide and varied career. He has been a bank executive, a director of a civil rights nonprofit, a lobbyist, a college instructor, and more. He has a great understanding of how government works from many different perspectives, and that knowledge has helped him to make an important contribution to the work of the Senate every day.

One aspect of his character I will always remember is his great love of God and his willingness to share so much of himself and his faith in our Senate Prayer Breakfasts. He has always had something important to say, a word or an insight that had not been mentioned until he spoke and added something that needed to be said by him—and heard by us. I am always amazed to discover that no matter how many times I have read or reflected on a passage in the Bible, there is always someone who is able to offer a fresh insight, a new approach to the text that I had never heard or considered before. That is what made Roland such an important part of our Senate family.

On many occasions he was able to offer a personal perspective on the Bible that was gained from his unique life experience. His heartfelt dedication to the words of the Bible meant a great deal to me and to all those in attendance. Through these past 2 years, I have enjoyed listening to him speak about his faith and the source of strength and support it has been for him throughout his life.

Now Roland will be returning home to Illinois in search of another mountain to climb, another adventure to enjoy. I have no idea what the future holds for him, but if his past is any indication, we haven’t heard the last from him. He has always been a trailblazer in a number of fields, and I am certain he will continue to be all of that—and much, much more.

Diana and I send our best wishes to Roland, his wife Berlean, and their children. Thank you for your willingness to serve. Life in the Senate has never been easy, and you have handled its pressures very well. God bless.

JIM BUNNING

Mr. President, it is always a bitter-sweet moment when we come to the end of the year and the clock winds down on the final hours of our legislative activities, it also signals the time when several of our colleagues will be retiring and ending their years of service in the U.S. Senate. One of our colleagues who will be leaving at the end of this session is my good friend Jim Bunning of Kentucky. I know we will all miss him, his spirited presence in the Senate and the friendship he has shared with us through the years.

Sunday when he gets the urge I have no doubt that Jim will be able to write another book or two about his life that will sell countless copies all
over the country. It can’t miss. JIM has a truly remarkable story to tell about his life that has all the makings of a best seller. An old adage reminds us that it isn’t the number of years in your life that is important, it is the life in your years. If that is the standard and we apply it, I cannot think of anyone who has been able to fit more into every day of his life than JIM and I for one would enjoy reading all about it. This time JIM might think about writing about how playing baseball was a lot like life, and how the bad balls he used to throw at batters became verbal fast balls that came with lightning speed right at other Senators and members of the media.

I would imagine the first volume of this new series would be about JIM’s years in baseball. There is definitely a lot still to be written about his Hall of Fame career and the outstanding results he was able to achieve that kept him in the Major Leagues for so many years.

JIM’s 17 year career in baseball began when he broke into the big leagues on July 20, 1955 with his first team, the Detroit Tigers. In the years that followed, he pitched for the Philadelphia Phillies, Pittsburgh Pirates and the Los Angeles Dodgers, notching 100 wins and 1,000 strikeouts in both the American and National Leagues. When he retired he had the second highest number of career strikeouts in the history of professional baseball and two no-hitters, one of them the seventh perfect game in baseball history that he pitched on June 21, 1964—Father’s Day—which made the game that much more meaningful for him. He was then inducted into the Baseball Hall of Fame in 1996.

For anyone else that would have been enough. A Hall of Fame career, after all, is the kind of thing that most people can only dream about—but JIM was never one to be like most people. He had another career in mind, and it was time to get started on his other dream—making government work better for the people of Kentucky.

Soon after he first tossed his cap into the political arena, JIM won an election for the people of Kentucky. He never one to be like most people. He had another career in mind, and it was time to get started on his other dream—making government work better for the people of Kentucky.

Looking back, there is so much that SAM has accomplished that should serve as a great source of pride for him, his staff and the people of Kansas. He has taken a consistent stand for human values and the principles that are given to us by our Creator that can never be taken away from us.

Throughout the years, SAM has followed that philosophy wherever it has taken him as he has worked to support legislation that is very familiar to the people of Wyoming and the West. SAM has accomplished that should serve as a great source of pride for him, his staff and the people of Kansas. He has taken a consistent stand for human values and the principles that are given to us by our Creator that can never be taken away from us.

That is why, in the months to come I hope I continue to hear from him with his thoughtful ideas and suggestions about the issues we will be taking up in the current Congress. I will miss hearing what he has to say—but if I know JIM—I have a hunch he will make his views known.

Thanks, JIM, for your willingness to serve the people of Kentucky and the Nation. With both careers you have inspired countless people of all ages to pursue their goals and work to make their dreams a reality. Thanks most of all for your friendship, Diana and I wish you and Mary all the best that life has to offer. You have earned all of that and so much more. For all your life you have been leading the best way—by example—and living a life that has been nothing short of a great and grand adventure—just what life was always meant to be.

SAM BROWNBACK

Mr. President, if I could sum up the service of SAM BROWNBACK in the Senate in just a few words, I would choose a phrase that is very familiar to the people of Wyoming and the West. SAM is an individual who says what he means and means what he says. That is why when he made a promise that he would step down after he had served 2 full terms in the Senate—he did it.

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not have to do it—but because he did, countless lives were saved. If you asked him why he was working so hard to make a difference in a nation so far from home, he would probably say that is just another example of his philosophy that the whole world is his backyard, and everyone, everywhere is his neighbor.

I am certain that SAM is very familiar with the Parable from the Bible in which the Master expresses his appreciation for the good work of his servant. “Well done, my good and faithful servant. Since you were faithful in small matters, I will give you great responsibilities.”

I mention that because SAM has done so very well in the Senate, it is as if the people of Kansas have now placed him in charge of great responsibilities as their Governor. I have no doubt that he is the right person at the right time for this difficult job the people of his State have now entrusted to his care.

SAM has used the story of a comment that was made to him by an older gentleman as he traveled throughout the State, listening to voters at the end of his campaign for Governor. The message he heard from this one voter was simple but it spoke volumes. “Be a good governor,” was all he said. It’s good advice but easier expressed than done. Still, I have no doubt in the years to come SAM will be all of that and so much more.

During this time sending our best wishes to SAM and his special wife Mary. Together they make up a remarkable team and they can and should be very proud of all they have accomplished together.

Thank you for your willingness to serve and most of all, thanks for your friendship. Although you won’t be with us in the Senate Chamber next year, you will be just down the road in the Governor’s office in Kansas. I hope you continue to let your thoughts and suggestions be known as we take up those issues that have made up those issues that have been our business in the Senate. I am sure they will be important to you and your colleagues. I know we will miss SAM and his special wife Mary.

Mr. President, the final gavel will soon bring to a close the 111th Session of Congress. When it does, we will all return home to spend time with our friends and families to celebrate the holidays. We will also have a chance to meet with our constituents as we prepare for the challenges the New Year and a new session of Congress will bring.

Before all of that occurs, we will have to say goodbye to several of our colleagues who will be leaving us not at the end of the year. We will miss them and the important presence they have been in our lives and our work over the past few years. One such Senator I know we will miss is BLANCHE LINCOLN who will be returning home to her beloved Arkansas.

During her service in the House and the Senate, BLANCHE was known for being one of the strongest voices for rural America. She understands that what works well in the big cities and towns back East doesn’t always work so well in rural areas—like those in her State and mine.

BLANCHE came by her knowledge and understanding of the difficulties and challenges inherent in rural life from the days of her childhood. She comes from a family that for seven generations has farmed rice, wheat, soybeans and cotton. She may be the only Senator who has walked a rice field.

BLANCHE is a woman of great faith, and she is very open about her personal relationship with Jesus Christ. “When I talk to Him,” she said, “it’s pretty informal. I just lay it out there and say it like it is.” That is the kind of straight talk that the people she represents found so appealing. Simply put, what life is like on a daily basis for them has been the same for her.

Although she takes on the title as Senator, she has another that means just as much if not more to her—she’s the mother of twin boys. She works hard at both jobs—raising her family and making sure she is prepared for the issues that come to the floor.

Because she was raised on a farm she has a great interest in what can be done to help support the farming community of Arkansas and the rest of the United States. That is what made her such an important part of the effort to draft a major farm policy overhaul. She was no stranger to the issue, having served as a subcommittee chair on
agriculture. She did such a good job with those issues she was honored for her efforts with a “Golden Plow” award from the American Farm Bureau Federation.

Her support for farmers across the country and her willingness to work in a bipartisan fashion to forge workable solutions to difficult problems reflect the kind of principles that have helped to guide and direct her during her service in the Senate and throughout her life. Another is the importance of family—her own and families just like hers all over the country.

Those aren’t just my observations—they are common knowledge back in Arkansas. When BLANCHE won a seat in the House of Representatives everyone was certain that the sky was the limit for her. After she had served for 2 terms; however, she decided not to run for another when she learned she would soon be giving birth to twins. She decided to return home so she could take care of her family while she waited for another opportunity to serve the people of Arkansas to present itself—which is exactly what happened.

As her twins began to grow up, she was able to return to politics. She made a run for Dale Bumpers’ seat in 1992. BLANCHE lost that race, but in 1996 she ran for the Senate, an expression of the great confidence and trust the people of Arkansas had in her. She won the race and was sworn into the Senate in January 1997, making her the youngest woman ever elected to the Senate, an expression of the great confidence and trust the people of Arkansas had in her. After she had served for 2 terms in the Senate, she was named by the Washington Post as one of America’s most effective senators. She was cited to have the opportunity to protect her country and family and succeeded in doing so throughout her service until he was honorably discharged in July 2008. The American people will forever be grateful to Daniel for his willingness to serve.

Daniel was a true patriot whose service to his country and family will endure in our memories. No words can lessen the pain of losing this young hero and brave New Hampshire son. It is now up to us to honor him by continuing to improve the support we provide to our veterans and their families and ensuring America’s continued security.

Daniel is survived by his parents, Harold “Duffy” E. Duefield III and Ruth E. Duefield of Grafton, NH; his fiancée, Alicia Vasquez of Grafton, NH; his grandfather, Harold E. Duefield, Jr., and extended family. This young patriot will be dearly missed.

I ask my colleagues and all Americans to join me in honoring the life of Daniel Edward Duefield.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, this morning, both the New York Times and the Washington Post published strong editorials condemning the delays in Senate consideration of the President’s nominees. The Washington Post wrote about the extraordinary and damaging treatment of Jim Cole, who is nominated to serve as the No. 2 official at the Justice Department, a position with extensive responsibilities for national security.

The New York Times wrote about the across-the-board objections to Senate consideration of judicial nominees, including dozens who have been reported without opposition by all Republicans and Democrats on the Judiciary Committee.

Two weeks ago, I came to the floor and asked unanimous consent that the Senate consider the long-pending nomination of Jim Cole to be the Deputy Attorney General, and that the Senate schedule for debate and a vote without further delay. Senator Sessions objected to my request and we continue to be prevented from acting on this critical national security nomination.

I will ask consent to have printed in the Record at the conclusion of my statement today’s editorial from the Washington Post entitled, “An Unacceptable Delay.” The editorial notes:

James M. Cole appeared well on his way in July to filling the important No. 2 slot at the Justice Department after earning a favorable vote from the Senate Judiciary Committee.

But the full Senate has yet to vote on Mr. Cole’s nomination to what is essentially the post of chief operating officer of the mammoth department. The five months between committee and floor votes is the longest delay endured by any deputy attorney general nominee.

Cole’s nomination has been pending on the Senate’s judicial calendar since it was reported favorably by the Judiciary Committee in July. Those continuing to block this nomination from debate and a vote are wrong. As the editorial observes: “There is no suggestion that Mr. Cole suffers from the kind of ethical or legal problems that would disqualify a nominee.” If Senators disagree, they are free to vote against the nomination. But it is long past the time to end the stalling.

Mr. Cole’s nomination has been pending five times longer than the longest-pending Deputy Attorney General nomination in the last 20 years. All four of the Deputy Attorneys General who served under President Bush were confirmed by the Senate by voice vote an average of 21 days after they were reported by the Judiciary Committee. In fact, we confirmed President Bush’s first nomination to be Deputy Attorney General the day it was reported by the committee. We treated those nominations of President Bush with the “enormous deference in executive branch appointments” that the Post editorial today states that every President deserves.

Jim Cole served as a career prosecutor at the Justice Department for a dozen years, and has a well-deserved reputation for fairness, integrity and toughness. As he demonstrated during his confirmation hearing months ago, he understands the issues of crime and national security that are at the center of the Deputy Attorney General’s job. Nothing suggests that he will be anything other than a steadfast defender of America’s safety and security. His critics are wrong about Jim Cole’s appointment to terrorism cases and his role as an independent monitor for struggling financier AIG. These concerns should not derail Mr. Cole’s confirmation—and they certainly should not be used to block a vote.

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His critics are also wrong to try to blame him for the actions of AIG. His role was limited to a monitor of other corporate functions and there is no showing he did not perform his assignment well. In fact, former Republican Senator Judd Gregg introduced him to the committee and gave him a strong endorsement. Let us hold those responsible for AIG accountable. Those who disagree are free to vote against the nomination of this good man if they wish. They should understand they should hold the Senate and the Judiciary Committee and give him a vote on the floor. I am confident that when allowed a vote, he will be confirmed. He should be confirmed with bipartisan support and that vote should have been taken months ago. The months of delay of this nomination have been unnecessary, debilitating and wrong.

I urge all Senators who are expecting to debate and a vote to turn away from their destructive approach so that we can consider and confirm Mr. Wofford immediately and he can finally begin his important work to help protect the American people.

For over a year now, I have been urging all Senators, Democrats and Republicans, to join together to take action to end the crisis of skyrocketing judicial vacancies now threatening the ability of Federal courts throughout the country to administer justice for the American people. That has not happened. I have asked that we return to longstanding practices that the Senate used to follow when considering nominations from Presidents of both parties. This has not happened. As a result, 38 judicial nominations that have been favorably reported by the Judiciary Committee continue to be stalled without final Senate action on the Senate's calendar.

I will ask consent to have printed in the RECORD at the end of my statement today's editorial from The New York Times entitled “Advise and Obstruct.” It rightly calls for an end to the across-the-board obstruction of President Obama's judicial nominations. The editorial notes that the Senate has been blocked from considering a single judicial nomination since September 13. In fact, the Senate has only considered five district court nominations since the Fourth of July recess. Of the 80 judicial nominations reported by the Judiciary Committee and sent to the Senate for final action in order to fill Federal circuit and district court vacancies, only 41 have been considered. That is a historically low number and percentage. Meanwhile, dozens of judicial nominees with well-established qualifications and the support of their home state Senators from both parties have been ready and kept waiting for Senate consideration all year.

The editorial also points to the high costs of obstruction “at a time when an uncommonly high number of judicial vacancies is threatening the sound functioning of the nation’s courts.” The editorial is right. The vacancies on the Federal courts around the country have doubled over the last 2 years and now number over 380 judicial vacancies. Of these judicial vacancies are deemed judicial emergency vacancies by the nonpartisan Administrative Office of the United States Courts. The Senate has received letters from courts around the country, hundreds from the District and Circuit Courts, addressing their crushing caseloads, including letters from the Chief Judges of the Ninth Circuit Court of Appeals and the U.S. Court of Appeals for the Second Circuit. This has not happened. As a result, 38 judicial nominations that have been sought repeatedly, but the Judiciary Committee and sent to the Senate for final action are currently on hold and the stalling and the Senate, the Judiciary Committee and the Senate are not obstructed with weeks and months of delay. It will be a travesty if they are not all confirmed before the 111th Congress adjourns.

These consensus nominees include six unanimously reported circuit court nominees, and another circuit court nominee supported by 17 of the 19 Senators on the Judiciary Committee. The nomination of Judge Albert Diaz of North Carolina, a respected and experienced jurist who served in the Armed Forces, for a judicial emergency vacancy on the Fourth Circuit has been stalled for 11 months despite the support of his home state Senators from both parties. Judge Mary L.یری، of New York would fill one of the four current vacancies on the U.S. Court of Appeals for the Second Circuit. He is another former prosecutor with support from both sides of the aisle. His confirmation has been stalled for no good reason for more than seven months. Scott Matheson is a nominee from Utah supported by Senator Hatch; he was reported without opposition over 6 months ago. Mary Murguia, a nominee from Arizona supported by Senator Kyl, was reported without opposition over 4 months ago. Judge Kathleen O'Malley of Ohio is nominated to the Federal Circuit and was reported without opposition nearly 3 months ago. Justice James Graves of Mississippi, a nominee from the Ninth Circuit and supported by his home State Republican Senators, was reported unanimously to serve on the Fifth Circuit. Also pending is a seventh consensus circuit court nominee, Susan Carney of Connecticut, who has strong bipartisan support to fill another judicial emergency vacancy on the Second Circuit.

The nominees currently being blocked from consideration also include 30 district court nominations, some reported as long ago as February. The Republican blockade of these nominations is a dramatic departure from the traditional practice of considering them expeditiously and with deference to the President's nominees. These 30 district court nominations include 23 nominees reported unanimously by the Judiciary Committee. Fifteen of these nominations are for seats designated as judicial emergencies. All of these nominees have well-established qualifications and are at the top of the legal community in their home states. All have put their lives and practices on hold in an attempt to serve their country and their communities. The Senate cannot continue to block the Senate from considering their nominations and no precedent for extending these delays further.

In addition, I have urged for many months that the Senate debate and vote on those few nominees that Republican Senators decided to oppose in committee. These nominees include Benita Pearson of Ohio, William Martinez of Colorado, Louis Butler of Wisconsin, Edward Chen of California, John O'Malley of Connecticut, and Goodwin Liu of California. As I have said before, I have reviewed their records and considered their character,
background and qualifications, I have heard the criticisms of the Republican Senators on the Judiciary Committee as they have voted against this handful of nominees. I disagree, and believe the Senate would vote, as I have, to confirm them. Each of these nominees have been favorably reviewed by the Judiciary Committee, several of them two or three times, and each deserves an up-or-down vote. That they will not be conservative activist judges should not disqualify them from consideration by the American bar serving on the bench.

All 36 of these judicial nominations should have an up-or-down vote, just as all 100 of President Bush’s judicial nominations reported by the committee in his first 2 years had a vote in the Senate. Even if Republican Senators will not follow our example and treat President Obama’s nominees as we treated President Bush’s, even if they will not abide by the Golden Rule, they should at least listen to their own state Senators. They have not spent a few months. They said that every judicial nomination reported by the Senate Judiciary Committee was entitled to an up-or-down vote. They spoke then about the constitutional duty of the Senate to consider every judicial nomination. The Constitution has not changed; it has not been amended. The change from the days in which they made those statements is that the American people elected a new President and he is making the nominations. In fact, President Obama has reached out and worked with Senators from both sides of the aisle. We have not sought to proceed on one of his judicial nominees without the support of both home State Senators.

Time is running out in this Congress to turn away from the disastrous strategy of blocking nominations across the board. It is time to return to the Senate’s long-standing traditions and reject this obstruction. The Federal courts and the courts people who depend on the courts for justice are suffering.

Today, December 15, is the anniversary of the ratification of the Bill of Rights, the first 10 amendments to the Constitution of the United States. Let us renew our commitment to the Constitution, to our Bill or Rights, and to our liberty by turning away from the destructive partisanship that has delayed Senate consideration of these nominations. Let us act in the spirit of the Founders. In the spirit of the season, and move forward together to consider and vote on these important nominations of a Deputy Attorney General and U.S. judges.

Mr. President, I ask unanimous consent to have printed in the RECORD the articles to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 15, 2010]

AN UNACCEPTABLE DELAY

James Cole appeared well on his way in July to filling the important No. 2 slot at the Justice Department after earning a favor vote from the Senate Judiciary Committee.

But the full Senate has yet to vote on Mr. Cole’s nomination to what is essentially the second-in-command post of the maternity department. The five months between committee and floor vote appear to be the longest delay endured by any deputy attorney general nominee.

The slow crawl comes courtesy of some Senate Republicans who question Mr. Cole’s approach to terrorism cases and his role as Bush administration special counsel of the giant American International Group (AIG). Those concerns should not derail Mr. Cole’s confirmation—and they certainly should not delay it. Mr. Cole, who is in private practice and spent some 13 years in the Justice Department, criticized the Bush administration in a 2002 opinion piece in Legal Times for some of its post-Sept. 11, 2001, tactics, including the use of ‘military tribunals to try noncitizens for terrorist crimes.’” Sen. Jeff Sessions (R-Ala.), ranking member on the Senate Judiciary Committee, condemned Mr. Cole for labeling the attack a crime rather than an act of war; he also questioned the wisdom of embedding military courts on foreign battlefields.

“You capture enemies. You arrest criminals,” Mr. Sessions said during the confirmation hearings. He believes recently reconstituted military commissions are a legitimate option, but he rightly refused to rule out federal court prosecutions for some suspects; an approach the mirror that of the president and the attorney general.

Some Republicans also are troubled by Mr. Cole’s work, starting in 2006, as a special monitor for AIG. Mr. Cole made several suggestions about needed improvements in AIG’s business practices, but he appears not to have had significant influence on the credit default swaps that led to AIG’s collapse and subsequent government bailout because they were not part of his portfolio.

The president deserves enormous deference in executive branch appointments. There is no suggestion that Mr. Cole suffers from the kind of ethical or legal problems that would disqualify a nominee. If Republicans nevertheless find Mr. Cole unacceptable, they should have the decency to hold a floor vote and give him a thumbs down.


ADVISE AND OSTRICHT

The Senate’s power to advise and consent on federal judicial nominations was intended as a check against sorely deficient presidential choices. It is not a license to exercise partisan influence over these vital jobs by blocking confirmation of entire slates of well-qualified nominees approved by a president of the opposite party.

Nevertheless, at a time when an uncommonly high number of judicial vacancies is threatening the sound functioning of the nation’s courts, Senate Republicans are persisting in playing an obstructionist game. (These, by the way, are the same Senate Republicans who have blocked votes on important issues.) If they did not get an up-or-down vote on every one of President George W. Bush’s nominees, including some highly problematic ones, then Republicans would be the only Asian-American serving on the bench.

Because of Republican delaying tactics, qualified Obama nominees who have been reported out of the Judiciary Committee have been congested weeks and months in limbo, waiting for a vote from the full Senate.

Senate Republicans seek to pin blame for the abnormal pace of filling judicial vacancies on President Obama’s slowness in making nominations. And, no question, Mr. Obama’s laggard performance in this sphere is a contributing factor. Currently, there are 50 circuit and district court vacancies for which Obama has made no nomination. But that does not mean Senators should turn a blind eye toward the pattern of delay over the past two years on existing nominees, or the fact that Senate Republicans have consented to a vote on only a single judicial nomination since Congress returned from its August recess.

At this point, the Senate has approved 41—barely half—of President Obama’s federal and district court nominees reported by the Judiciary Committee. Compare that with the first two years of the George W. Bush administration when the Senate approved all 100 of the judicial nominations approved by the committee. The final days of the lame-duck session are a chance to significantly improve on this dismal record and to lift the judicial confirmation process out of the partisan muck.

Of the 38 well-qualified judicial nominees awaiting action by the full Senate, nearly all cleared the Judiciary Committee either unanimously or with just one or two dissenting votes. Some nominees have been waiting for Senate action for nearly a year. Senator Mitch McConnell, the minority leader, should allow confirmation of all 34 nominees considered noncontroversial, including the 15 nominees cleared by the committee since the November election.

There are four other nominees who were approved by the committee over party-line Republican opposition. They, too, deserve a prompt vote rather than requiring President Obama to start the process over again by renominating them when the next Congress begins. That short list of controversial nominees includes Goodwin Young, an exceptionally well-qualified law professor and legal scholar who would be the only Asian-American serving as an active judge on the United States Court of Appeals for the Ninth Circuit. His potential to fill a future Supreme Court vacancy seems to be the main thing fueling Republican opposition to his nomination.

Mr. McConnell is said to be negotiating a deal with Senator Harry Reid, the majority leader, that allows for confirmation of 19 nominees approved by the committee before the election but denies consideration by the full Senate to the others. That would be a disservice to the judicial system, to Mr. Obama’s nominees and to the bipartisan process that should exist, at last, in the advice-and-consent process for federal judges.

NATIONAL HOME CARE AND HOSPICE MONTH

Ms. COLLINS. Mr. President, November is National Home Care and Hospice Month, which gives us the opportunity to honor the home health and hospice care providers and volunteers who make such a remarkable difference in the lives of their patients and their families. The highly skilled and compassionate care that home health and hospice agencies provide has helped to keep families together, enabling millions of our most frail and vulnerable individuals to avoid hospitals and nursing homes and stay just where they want to be in the comfort and security of their own homes.

Home health and hospice care has consistently proven to be more cost-effective and effective alternatives to institutional care. In fact, a recent survey conducted for the Maine chapter of
AARP found that 9 out of 10 Mainers would prefer to receive services at home as opposed to a nursing home or other residential care facility. Moreover, by helping patients to avoid more costly hospitals and nursing homes, home health and hospice issued Medicare, Medicaid, and private insurers millions of dollars each year.

Over the past several years, I have had the opportunity to meet and visit with our patients and health care providers across the state of Maine. I have been impressed with the dedication and compassion these health care professionals demonstrate to ensure the highest quality of care for their patients and families. That is why I am such a committed and passionate advocate for home health and hospice care. I therefore urge all of my colleagues to join me in paying tribute to these wonderful health care professionals.

During the month of November as we celebrate National Home Health and Hospice Month.

TRIBUTE TO MELISSA SHUTE

Mr. SESSIONS. Mr. President, I rise today to bid farewell to a trusted member of my staff who will be departing the Senate. Melissa Shute has served as my legislative counsel, handling issues involving energy, natural resources, and public lands. I have been fortunate to have a wonderful tradition of outstanding staffers to handle my energy and environmental issues; however, with good staff is that they often get pulled away.

Melissa is no exception. She came to me in 2008 after serving as lead counsel to one of our former Members whom I highly regard, Senator Pete Dominici, on the Senate Committee on Energy and Natural Resources. While on the committee, Melissa was a key player on legislation to increase domestic energy production in the United States. Melissa has developed an expertise in energy and environmental issues and understands the importance they play in our economy. She is an enthusiastic warrior for the principles we share.

Melissa has provided critical counsel to me regarding major issues in nuclear, coal, and renewable fuel research and development. She also took a leading role in helping Alabamians living on the gulf coast during the tragic oil spill. Melissa and my energy team went above and beyond to take the steps necessary to help those impacted by the environmental disaster receive the support and information they need to begin the road of clean-up and recovery.

A graduate of the University of Tulsa’s College of Law, Melissa has demonstrated a sound legal mind in analyzing legislative proposals that would impact current moratoria on offshore drilling. She understands that we need to decrease our dependence on foreign oil and find new ways to tap the rich energy supplies our country has to offer.

She has been a great partner as we have worked to reduce the huge wealth transfer from the United States to purchase foreign oil, to reduce pollution, to produce energy at the lowest possible prices, such as nuclear power, and to create jobs in America. It has been a good run for Melissa and me.

Mr. President, I express my deepest gratitude to Melissa for all of her efforts and leadership, and I wish her well as she moves on to a new chapter in her life.

TRIBUTE TO STEPHEN BOYD

Mr. SESSIONS. Mr. President, I rise today to pay tribute to one of the most esteemed members of my staff. Stephen Boyd, an exceptional individual with a deep devotion to the State of Alabama, will be leaving my office to become chief of staff for a new member of the Alabama delegation, Congressman-elect Martha Roby.

Stephen came to my office 7 years ago right out of law school. I was immediately impressed not only by his talent but by his tenacity. No matter how difficult the task given him he would pursue it with vigor and he would not rest until he arrived at a solution. Stephen sees every obstacle as a challenge to overcome.

In his first post as my legislative assistant for energy issues, he worked on efforts to establish the Coastal Impact Assistance Program. That program became law through the Energy Policy Act of 2005. Stephen also played a significant role in developing the Gulf of Mexico Energy Security Act, which President George W. Bush signed into law in 2006.

Early on, Stephen also recognized the need to pursue alternative energy sources in order to diminish our dependence on foreign oil. Through his efforts he brought considerable attention to switchgrass as a renewable energy resource, ultimately leading to switchgrass’ potential being recognized in President Bush’s 2006 State of the Union Address.

One of Stephen’s most valuable assets is his ability to anticipate problems and to prepare for the unpredictable. Stephen was the point person for our office response when Hurricane Katrina hit in 2005. But before that disastrous hurricane hit, Stephen had already prepared the office action plan to make sure we could quickly and efficiently respond to an emergency.

In the last 4 years, Stephen has served first as my press secretary, followed by a swift promotion to communications director. He played a key role in overseeing office communications during some of the most difficult and challenging issues our country has faced in a long time—from wars in Afghanistan and Iraq, to the recent economic crisis, to the disastrous oil spill in the Gulf of Mexico.

Stephen also made an invaluable contribution in two Supreme Court confirmations, helping deliver a crucial message about preserving the integrity of America’s courts—defending them from the corruption of politics and grounding them in the firm bedrock of our Constitution.

Given his myriad accomplishments and his service to this office, it is no surprise that Stephen is highly regarded by his colleagues in the Senate. Allow me to share what others have said:

Don Stewart, communications director for Senate minority leader Mitch McConnell, said, “Stephen is one of the few word masters in Washington who prefers achieving results over personal accolades. He’s a consummate professional and effective advocate who has been an absolute pleasure to work with.”

Rick Dearborn, my chief of staff, said, “I am proud to have worked alongside Stephen Boyd. I have always admired his attention to detail and the clear, calm insight that he brings to everything I do. Stephen has an uncanny ability to analyze any given subject like a top-notch lawyer, while also applying a good dose of Alabama common

Josh Holmes, staff director for Senate minority leader Mitch McConnell’s Republican Communications Center, said, “Stephen is one of the rare commodities in Washington who prefers achieving results over personal accolades. He’s a consummate professional and effective advocate, who has been an absolute pleasure to work with.”

Matt Minor, staff director for the Senate Judiciary Committee, said, “Stephen Boyd has been a tremendous asset to the Judiciary Committee during Senator Sessions’ tenure as ranking member. Through two Supreme Court confirmations and numerous national security debates, Stephen’s calm and thoughtful work as communications director helped focus the national debate and convey the Republican message. He is one of the most talented people with whom I have worked on Capitol Hill, and I wish him all the best in his next endeavor.”

Brian Benczkowski, former staff director for the Senate Judiciary Committee, said, “It was a professional and personal pleasure to work with someone as gifted and hard-working as Stephen Boyd. Stephen has an uncanny ability to analyze any given subject like a top-notch lawyer, while also applying a good dose of Alabama common

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sense to the problem, and then communicating the result in clear and unmistakable terms. These skills were an invaluable resource for the Senate Judiciary Committee during my tenure, particularly during the Sotomayor and Kagan nominations. If there is a silver lining to come from Senator Sessions’ staff, it is that he will continue his public service for the people of Alabama. His keen judgment and excellent personal integrity will be an asset to Congresswoman Roby, and I know he will be missed by his colleagues in the Senate.”

Alan Hanson, chief of staff to Senator RICHARD SHELBY, said, “It is a credit to Stephen’s abilities and work ethic that he has so rapidly advanced in his Capitol Hill career. Having worked with him for 3½ years and known him much longer, I can personally attest that he is a singularly talented and capable jack-of-all-trades. Senator Sessions’ loss is truly Congress’s loss, gain, and I look forward to witnessing the great things Stephen will accomplish in his new role in the House of Representatives.”

Sarah Haley, press secretary for Senator Sessions, said, “Stephen Boyd is a man of character, sound ethics, and servant leadership. It has been a privilege to work under him. Stephen will be greatly missed by all of us.”

Stephen Miller, press secretary for the Senate Judiciary Committee, said, “Stephen Boyd is a brilliant communicator, operating at a truly elite level. And yet he is the furthest thing from an elitist. Thoughtful, genuine, sincere—these are the traits so familiar to those who know him. I am proud to have had the chance to work with Stephen Boyd. But I am prouder still to have witnessed the great things Stephen will accomplish in his new role in the House of Representatives.”

TRIBUTE TO KEVIN LANDY

Mr. LIEBERMAN. Mr. President, I wish today to bid farewell and express my special thanks to Kevin Landy for his 13 years of extraordinary service on the Homeland Security and Governmental Affairs Committee. Kevin, presently the committee’s chief counsel and my longest serving committee staff member, is leaving the Senate this month. But I am happy to say he will continue his career in public service as the Director of the Immigration and Customs Enforcement’s Office of Detention and Policy Planning, an office responsible for formulating and implementing reforms at immigration detention facilities.

As a Senator, I am privileged to work with dedicated Senate staffers like Kevin Landy, who want to take their talents, skills, and passions and put them to work for the American people. Thomas Jefferson once asked the question, “Who are we as a country? Whose duty is it to decide which laws we enshrine into the government that secures the society in which we live?”

Answering his own question, Jefferson said: “A nation that rests on the will of the people must also depend on individuals to protect its citizens; or if it is to flourish. Persons qualified for public service should feel an obligation to make that contribution.”

Kevin has answered his Nation’s call and leaves the Senate with an exemplary record of achievement on behalf of the American people, on a wide range of issues. In particular, I’d like to highlight Kevin’s role as my lead staff member on four bills that I count among my most important legislative accomplishments.

In the 107th Congress, Kevin successfully and simultaneously stewarded to passage two very different pieces of legislation. One of those bills established a new framework for the government’s uses of the Internet and passed after a great deal of careful consensus building; the other bill established the 9/11 Commission to independently investigate the circumstances of the terrorist attacks and was enacted after a year and a half of contentious campaign to surmount the administration’s resistance.

First, Kevin drafted the E-Government Act, which I introduced in May of 2001, and which called for greater citizen access to government information, services, and regulatory proceedings over the Internet; better management of information technology; and greater protections for privacy and security.

When Kevin began work on this initiative he was trained as a lawyer and had no government IT background. Yet he worked meticulously with every relevant group and constituency first to become fully informed and then to ensure their concerns were addressed. More importantly, Kevin spent months negotiating with OMB officials to overcome the administration’s initial opposition. The work paid off when the legislation passed both the House and the Senate by unanimous consent on the same day, November 15, 2002, and was subsequently signed into law the next month.

Some of Kevin’s most significant work for our country was on legislation creating and reforming the institutions charged with the defense of our homeland from the terrorist threat.

Soon after the tragic September 11 attacks, Senator MCCAIN and I called for an independent bipartisan commission to investigate the circumstances surrounding the terrorist attacks and to provide recommendations designed to guard against future acts of terrorism. Kevin helped draft the legislation to establish the 9/11 Commission, which I introduced with Senator MCCAIN on December 20, 2001.

At first we had no other cosponsors, and faced the opposition of the administration. But over the next year Kevin worked closely with the families of the victims of 9/11, who lobbied ardently for legislation but only after November 27, 2002. On the Senate floor, provisions of the legislation establishing a 9/11 Commission was enacted.

Kevin’s effectiveness and his strong relations with 9/11 family members stood him in good stead when I asked him to lead an even greater challenge 2 years later: helping win enactment of legislation to implement the Commission’s ambitious and wide-ranging recommendations.

Following the release of the 9/11 Commission’s report on July 22, 2004, Kevin led the combined efforts of the staffs of four Senators to quickly draft legislation, S. 2774, that implemented all of the Commission’s recommendations, covering not only comprehensive reform of the intelligence community and the creation of a National Counterterrorism Center but also information sharing, terrorist travel, border security, and secure identification, among other issues. The bipartisan effort, followed by contentious negotiations with the administration, culminated in the 9/11 Commission Act, enacted.

Kevin’s leadership role as I worked with the committee chairman and my close friend, Senator SUSAN COLLINS, to draft legislation that focused on the Commission’s intelligence reform recommendations, S. 2945, on the Senate floor, provisions of the two bills were merged as we faced a blizzard of amendments and tough votes, before we won an overwhelmingly
Senate victory. An arduous conference followed, as several House committee chairmen adamantly opposed the bill—through it all Kevin fought to uphold the principles laid down in our legislation. We prevailed, resulting in the historic enactment on December 17, 2004, of the Intelligence Reform and Terrorism Prevention Act, IRTPA.

We faced even more complex procedural hurdles in 2007, when Senator Collins and I led the efforts of multiple Senate committees to assemble and enact provisions that built on what we had achieved with IRTPA, mandating counterterrorism improvements in areas such as terrorist travel, communications interoperability, and aviation and maritime security. By then the committee’s chief counsel, Kevin had demonstrated his skills at legislative maneuvering in a variety of circumstances. I called on him once again to help coordinate our team as we pushed through a difficult markup, a lively Senate debate, and a fiercely contested conference, at which approximately 15 Senate and House committees claimed jurisdiction and joined the fray. Our work resulted in ambitious legislation, known as the “Implementing Recommendations of the 9/11 Commission Act of 2007,” enacted on August 3, 2007.

I have described his biggest accomplishments in the areas of national security and good government, but through his entire career Kevin has also shown a passion for the pursuit of justice, including justice for the powerless. Upon graduating from Amherst College, Kevin went to work defending the rights of prisoners to humane conditions in the Texas penal system. Then after graduating from Yale Law School, one of Kevin’s jobs took him to Cincinnati, where he worked with the nation’s judges and prosecutors in an effort to help improve the rule of law as that nation struggled to emerge from its brutal totalitarian past.

On the committee, Kevin has worked tirelessly to improve the treatment of asylum seekers who often languish in county jails and other immigrant detention facilities as they pursue their claims. He drafted the first bill to address immigration detention reform, the Secure and Safe Detention and Asylum Act, and in 2007 we won Senate passage of the bill as an amendment to ultimately unsuccessful immigration reform legislation. Although legislative progress in this area has proven elusive, Kevin’s work helped to bring greater attention to the need for reforms. He has now embraced the opportunity to support the detention reform initiatives being undertaken at the Department of Homeland Security.

I have benefited greatly from Kevin’s commitment to my goals and to the pursuit of excellence while achieving them. I want to thank him again for his hard work, his long hours, and selfless persistence in pursuit of worthy legislation.

ADDITIONAL STATEMENTS

TRIBUTE TO HAWAII EDUCATORS

Mr. AKAKA. Mr. President, I wish to congratulate two outstanding educators from my state, John Constantiou, from Kea’au High School, and Yannahab Lewis, from Kealakehe High School, for receiving the Presidential Award for Excellence in Mathematics and Science Teaching. This award, administered by the National Science Foundation on behalf of the White House Office of Science and Technology Policy, is the highest recognition that a mathematics or science teacher may receive. Since the program’s inception in 1983, more than 3,900 educators nationwide have been recognized for their contributions to mathematics and science education. As a former educator and principal, I know firsthand about the countless hours that go into creating curricula, and it makes me proud to see outstanding teachers receive recognition for their hard work.

The dedication of John and Yannahab to their field and to the children of Hawaii is undeniable. I applaud them both for receiving this outstanding recognition, and I wish them the very best in their future endeavors.

TRIBUTE TO CAROL TWEDT

Mr. THUNE. Mr. President, today I wish to recognize Carol Twedt as she and her husband, Jim, celebrate more than 20 extraordinary years of public service. Her earnest dedication to and enthusiasm for service to her fellow citizens has set an example for all to follow.

Carol’s career began when she joined Jim Abdnor’s successful Senate campaign against George McGovern in 1980. Her passion was pushed to a new level when Carol’s husband Curt passed away at an early age in 1996. In the ensuing years, she chose to undertake the challenge of running for Minnehaha county commissioner. The level of courage and perseverance she demonstrated through her first campaign paid off with an overwhelming victory. In her five subsequent terms as a county commissioner, she has shown unceasing dedication and compassion to serving her constituents. Because of this remarkable resolve, Carol has made praiseworthy accomplishments in combating homelessness, improving juvenile services, and, above all, working to improve the effectiveness and efficiency of county operations.

Carol’s service has benefitted the people of Minnehaha County over her many years of service. I would like to extend to her my heartfelt gratitude for her many years of outstanding service.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer said before the messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

The nominations received today are printed at the end of the Senate proceedings.

MESSAGE FROM THE HOUSE

At 10:18 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1465. An act to redesignate the Longfellow National Historic Site, Massachusetts, as the ‘‘Longfellow House—Washington’s Headquarters National Historic Site’’.

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–8492. A communication from the Director, Employee Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ‘‘Prevailing Rate Systems; Redefinition of the Chicago, IL; Fort Wayne-Marion, IN; Indianapolis, IN; Cleveland, OH; and Pittsburgh, PA. Appropriated Fund Federal Wage System Wage Areas’’ (RIN3206–AM21) received in the Office of the President of the Senate on December 14, 2010, to the Committee on Homeland Security and Governmental Affairs.

EC–8493. A communication from the Director, Peace Corps, transmitting, pursuant to law, the Office of Inspector General’s Semi-Annual Report for the period of April 1, 2010 through September 30, 2010, to the Committee on Homeland Security and Governmental Affairs.


EC–8495. A communication from the Assistant Secretary for Congressional and Legislative Affairs, Department of Veterans Affairs, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010 and the Chairman’s Semi-Annual Report on Final Action Resulting from Audit Reports, Semi-Annual Report for the period of April 1, 2010 through September 30, 2010, to the Committee on Homeland Security and Governmental Affairs.

EC–8496. A communication from the Department of State, transmitting, pursuant to law, a report relative to the Arms Export Control Act (CASE Control No., 2010–1961); to the Committee on the Judiciary.

EC–8497. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment to the Alaska Advisory Committee; to the Committee on the Judiciary.
The following executive report of committee was submitted on December 15, 2010:

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 2367. A bill to update United States policy and authorities to help advance a genuine transition to democracy and to promote recovery in Zimbabwe (Rept. No. 111–388).

EXECUTIVE REPORTS OF COMMITTEES—TREATY

The following executive reports of treaties were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 2172. A bill to amend the Homeland Security Act of 2002 and other laws to enhance the security and resiliency of the cyber and communications infrastructure of the United States (Rept. No. 111–131).

EXECUTIVE REPORTS OF COMMITTEES—NOMINATION

The following executive reports of nominations were submitted:

By Mrs. LINCOLN for the Committee on Agriculture, Nutrition, and Forestry:

S. 3480. A bill to amend the Homeland Security Act of 2002 and other laws to enhance the security and resiliency of the cyber and communications infrastructure of the United States (Rept. No. 111–388).

By Mr. BAUCUS for the Committee on Finance:

S. 3297. A bill to update United States policy and authorities to help advance a genuine transition to democracy and to promote recovery in Zimbabwe (Rept. No. 111–388).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By the Committee on Agriculture, Nutrition, and Forestry:

S. 1503. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Wisconsin Advisory Committee; to the Committee on the Judiciary.

EC–4598. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Vermont Advisory Committee; to the Committee on the Judiciary.

EC–4599. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the North Carolina Advisory Committee; to the Committee on the Judiciary.

EC–4560. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Idaho Advisory Committee; to the Committee on the Judiciary.

EC–4562. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Payments for Inpatient and Outpatient Health Care Professional Services at Non-Departmental Facilities and Other Medical Charges Associated with Non-VA Outpatient Care” (RIN2900–AN77) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Veterans’ Affairs.

EC–4563. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures (85); Amdt. 3401” (RIN2120–AA65) received in the Office of the President of the Senate on December 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4564. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures (12); Amdt. 3401” (RIN2120–AA65) received in the Office of the President of the Senate on December 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4565. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures (29); Amdt. 3401” (RIN2120–AA65) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4566. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures (96); Amdt. 3402” (RIN2120–AA65) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4567. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Pratt and Whitney Canada Corp. PW305A and PW305B Turboprop Engine” (RIN2120–AA64) (Docket No. FAA–2010–0892) received in the Office of the President of the Senate on December 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4568. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Bell Helicopter Textron Canada Model 222, 222B, 222U, 230, and 430 Helicopters” (RIN2120–AA64) (Docket No. FAA–2010–1137) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4569. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Dassault-Aviation Model Falcon 7X Airplanes” (RIN2120–AA64) (Docket No. FAA–2010–0760) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4570. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Robinson Helicopter Company (Robinson Model R22, R22 Alpha, R22 Beta, and R22 Mariner Helicopters, and Model R44, and R44II Helicopters)” (RIN2120–AA64) (Docket No. FAA–2010–0711) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4571. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Model 737–900ER Series Airplanes” (RIN2120–AA64) (Docket No. FAA–2010–0449) received in the Office of the President of the Senate on December 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4572. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Agusta S.P.A. Model A109E Helicopters” (RIN2120–AA64) (Docket No. FAA–2010–0449) received in the Office of the President of the Senate on December 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4573. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Cessna Aircraft Company (Cessna 172, 175, 177, 180, 182, 185, 206, 207, 208, 210, 303, 336, and 337 Series Airplanes)” (RIN2120–AA64) (Docket No. FAA–2008–1238) received in the Office of the President of the Senate on December 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4574. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Various Aircraft Equipped with Rotax Aircraft Engines 912 A Series Airplanes” (RIN2120–AA64) (Docket No. FAA–2010–0630) received in the Office of the President of the Senate on December 10, 2010; to the Committee on Commerce, Science, and Transportation.
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. DODD (for himself, Mr. LAUTENBERG, Mr. CASEY, and Mr. MERKLEY):

S. 4027. A bill to provide for programs and activities with respect to the prevention of underage drinking; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 4028. A bill to amend part B of title IV of the Social Security Act to authorize the Secretary of Health and Human Services to award grants to local and tribal governments for hiring child protective services workers; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. BROWN of Massachusetts, and Mrs. SHAHSEN):

S. 4029. A bill to protect children from registered sex offenders, and for other purposes; to the Committee on the Judiciary.

By Mr. SANDERS:

S. 4030. A bill to amend the Food, Conservation, and Energy Act of 2008 to establish a community-supported agriculture promotion program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAYH (for himself and Mr. BOND):

S. 4031. A bill to promote exploration for and development of rare earth elements in the United States, to reestablish a competitive supply chain for rare earth materials in the United States and countries that are allies of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 4032. A bill to amend the Controlled Substances Act to more effectively regulate anabolic steroids; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 4033. A bill to provide for the restoration of legal rights for claimants under holocaust-era insurance policies; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 28

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. BROWN) was added as a cosponsor of S. 28, a bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons.

S. 855

At the request of Mr. COONS, his name was added as a cosponsor of S. 853, a bill to designate additional segments and tributaries of White Clay Creek, in the States of Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System.

S. 3221

At the request of Mr. KOHL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3221, a bill to amend the Farm Security and Rural Investment Act of 2002 to extend the suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance.

S. 3299

At the request of Mr. HARKIN, the name of the Senator from Iowa (Mr. KERRY) was added as a cosponsor of S. 3299, a bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 3329

At the request of Mr. WHITEHOUSE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3329, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3390

At the request of Mr. FRANKEN, the name of the Senator from Rhode Island (Mr. RASHID) was added as a cosponsor of S. 3390, a bill to end the discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 4030

At the request of Mr. WICKER, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Florida (Mr. LEMIEUX), the Senator from Ohio (Mr. VOINOVICh), the Senator from Oklahoma (Mr. INHOFE), the Senator from Texas (Mrs. HUTCHISON), the Senator from Utah (Mr. HATCH), the Senator from Idaho (Mr. CRAPO), the Senator from North Carolina (Mr. BURR), the Senator from Louisiana (Mr. VITTER), the Senator from South Carolina (Mr. DE MINT), the Senator from South Carolina (Mr. GRAHAM), the Senator from Idaho (Mr. RISCH), the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Iowa (Mr. GRASSLEY), the Senator from Alabama (Mr. SESSIONS), the Senator from Nebraska (Mr. BURKHARDT), the Senator from Alabama (Mr. SHELY), and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 4020, a bill to protect 10th Amendment rights by providing special standing for State government officials to challenge proposed regulations, and for other purposes.

S. CON. RES. 63

At the request of Mr. JOHNSON, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. CON. RES. 63, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

S. CON. RES. 77

At the request of Mr. FEINGOLD, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Massachusetts (Mr. KERRY), the Senator from Indiana (Mr. LUGAR), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. CON. RES. 71, a concurrent resolution recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts.

S. RES. 485

At the request of Mr. AKAKA, the names of the Senator from Connecticut (Mr. DODD), the Senator from Idaho (Mr. COCHRAN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Tennessee (Mr. CORKER), the Senator from New York (Mr. SCHUMER), the Senator from Mississippi (Mr. COCHRAN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Oregon (Mr. MERKLEY), the Senator from Hawaii (Mr. ISOUYE), the Senator from Illinois (Mr. DURBIN), the Senator from Florida (Mr. MEL NICKUS), the Senator from Washington (Mrs. MURRAY), the Senator from Arizona (Mrs. LINCOLN), the Senator from Alabama (Mr. BIDISH), the Senator from New York (Mrs. GILLIBRAND), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Michigan (Mr. LEVIN), the Senator from Delaware (Mr. CARPER), the Senator from Maryland (Mr. CARDEN), the Senator from Michigan (Ms. STABENOW), and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. Res. 485, a resolution designating April 2010 as “Financial Literacy Month”.

S. RES. 570

At the request of Mr. CASEY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. Res. 570, a resolution calling for continued support for and an increased effort by the Governments of Pakistan, Afghanistan, and other Central Asian countries to effectively monitor and regulate the manufacture, transportation, and export of ammonium nitrate fertilizer in order to prevent the transport of ammonium nitrate into Afghanistan where the ammonium nitrate is used in improvised explosive devices.

AMENDMENT NO. 4768

At the request of Mr. BROWN of Ohio, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 4768 intended to be proposed to H.R. 4853, a bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

AMENDMENT NO. 4769

At the request of Mr. KOHL, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Oregon (Mr. MERKLEY) and the Senator from Michigan (Ms. STABENOW) were
added as cosponsors of amendment No. 4769 intended to be proposed to H.R. 4833, a bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

**AMENDMENT NO. 4774**

At the request of Ms. Stabenow, the name of the Senator from South Dakota (Mr. Johnson) was added as a cosponsor of amendment No. 4774 intended to be proposed to H.R. 4833, a bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

**AMENDMENT NO. 4775**

At the request of Mrs. Boxer, the name of the Senator from California (Ms. Boxer) was added as a cosponsor of amendment No. 4775 intended to be proposed to H.R. 4833, a bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

**AMENDMENT NO. 4776**

At the request of Mrs. Feinstein, the name of the Senator from California (Mrs. Boxer) was added as a cosponsor of amendment No. 4776 intended to be proposed to H.R. 4833, a bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

**AMENDMENT NO. 4808**

At the request of Mr. Sanders, the names of the Senator from Rhode Island (Mr. Whitehouse), the Senator from Alaska (Mr. Begich), the Senator from New Jersey (Mr. Lautenberg), the Senator from Minnesota (Mr. Franken) and the Senator from Maryland (Mr. Cardin) were added as cosponsors of amendment No. 4808 intended to be proposed to H.R. 4833, a bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

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**STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS**

*By Mr. Specter:*

S. 4032. A bill to amend the Controlled Substances Act to more effectively regulate anabolic steroids; and to the Committee on the Judiciary.

Mr. Specter. Mr. President, I have sought recognition to introduce the Designer Anabolic Steroid Control Act of 2010. This legislation was originally filed as an amendment, number 4693, to the FDA Food Safety Modernization Act S. 510, but did not receive a vote. Therefore, before the 111th Congress ends, I am introducing it as a stand-alone bill which may be taken up in another Congress.

Anabolic steroids—masquerading as body building dietary supplements—are sold to millions of Americans in shopping malls and over the Internet even though these products pose a grave risk the health and safety of Americans who use them. The harm from these steroid-tainted supplements is real. In its July 28, 2009 public health advisory, the FDA described the health risk of these types of products to include serious liver injury, stroke, kidney failure and pulmonary embolism. The FDA also warned:

> Anabolic steroids may cause other serious long-term adverse health consequences in men and women. These include shrinkage of the testes and male infertility, masculinization of women, breast enlargement in males, short stature in children, adverse effects on liver levels and increased risk of heart attack and stroke.

New anabolic steroids—often called designer steroids—are coming on the market every day, and FDA and DEA are unable to keep pace and effectively stop these products from reaching consumers.

At the Senate Judiciary Subcommittee on Crime and Drugs hearing I chaired on September 29, 2009, representatives from FDA and DEA, as well as the U.S. Anti-Doping Agency, testified that there is a cat and mouse game going on between unscrupulous consumers.

The FDA also warned:

> Designer anabolic steroids are entering the market without testing and proving the safety and efficacy of these new products. There is no notification, or pre-market approval by federal agencies occurring here. These bad actors are able to sell and make millions in profits from their designer steroids because while it takes them only weeks to design a new steroid by tweaking a formula for a banned anabolic steroid, it takes literally years for DEA to have the new anabolic steroid classified as a controlled substance so DEA can enforce it.

The FDA witness at the hearing, Mike Levy, Director of the Division of New Drugs and Labeling Compliance, acknowledged that this is a "challenging area" for FDA. He testified that for FDA it is "difficult to find the violative steroids as it is difficult to act on these problems." The DEA witness, Joseph T. Rannazzisi, Deputy Assistant Administrator for DEA, was even blunter. When I questioned him at the hearing, Mr. Rannazzisi admitted that "at the present time I don’t think we are being effective at controlling these drugs." He described the process as "extremely frustrating" because "by the time we get something to the point where we can obtain a positively scheduled [as a controlled substance], there’s two to three [new] substances out there."

The failure of enforcement is caused by the complexity of the regulations, statutes and science. Either the Food, Drug and Cosmetic Act provides jurisdiction for FDA, or the Controlled Substances Act, which provides jurisdiction for DEA, or both, can be applicable depending on the ingredients of the substance. Under a 1994 amendment to the Food Drug and Cosmetic Act, called the Dietary Supplement Health and Education Act, DSHEA, dietary supplements, unlike new drug applications, are not closely scrutinized and do not require pre-market approval by the FDA before they can be sold. Pre-market notification for dietary supplements is required only if the product contains new dietary ingredients, meaning products that were not on the U.S. market before DSHEA passed in 1994.

If the FDA determines that a dietary supplement is a steroid, it has several enforcement measures available to use. FDA may treat the product as an unapproved new drug, or as an adulterated dietary supplement under the Food Drug and Cosmetic Act. Misdemeanor violations of the Food and Cosmetic Act may apply, unless there is evidence of intent to defraud or mislead, a requirement for a felony charge. However, given the large number of dietary supplement products on the market, it is far beyond the manpower of the FDA to inspect every product to find, and take action against, those that violate the law—as the FDA itself has acknowledged.

The better enforcement route is a criminal prosecution under the Controlled Substances Act. However, the process to classify a new anabolic steroid as a controlled substance under Schedule III is difficult, costly and time consuming, requiring years to complete. Current law requires that to classify a substance as an anabolic steroid, DEA must demonstrate that the substance is both chemically and pharmacologically related to testosterone. The chemical analysis is the more straightforward procedure, as it requires the agency to conduct an analysis to determine the chemical structure of the new substance to see if it is related to testosterone. The pharmacological analysis, which must be outsourced, is more costly, difficult, and can take years to complete. It requires both in vitro and in vivo analyses. The Controlled Substances Act, and DEA, must perform a comprehensive review of existing peer-reviewed literature.
Even after DEA has completed the multi-year scientific evaluation process, the agency must embark on a lengthy regulatory review and public-comment process, which typically delays by another year or two the time it takes to bring newly emerge anabolic steroid under control. As part of this latter process, DEA must conduct interagency reviews, which means sending the studies and reports to the Department of Justice, DOJ, the Office of Management and Budget, OMB, and the Department of Health and Human Services, HHS, provide public notification of the proposed rule, allow for a period of public comment, review and comment on all public comments, write a final rule explaining why the agency agreed or did not agree with the public comments, send the final rule and agency comments back to DOJ, OMB and HHS, and then publish the final rule in the Federal Register, Administrative Procedures Act. To date, under these cumbersome procedures, DEA has only been able to classify three new anabolic steroids as controlled substances. One and that effort completed only after the September 29, 2010 Senate Judiciary subcommittee hearing—took more than 5 years to finish.

It is clear that the current complex and cumbersome regulatory system has failed to protect consumers from ungrounded chemists who easily and rapidly produce designer anabolic steroids by slightly changing the chemical composition of the anabolic steroids already included on Schedule III and controlled substances. The story of Jareem Gunter, a young college athlete who testified at the hearing, illustrates the system’s failure. To improve his athletic performance four years ago, Jareem purchased in a nutrition store a dietary supplement called Superdrol, a product he researched extensively on the Internet and believed was safe. Unfortunately it was not. Superdrol contained an anabolic steroid which to this day, though included in the list of controlled substances, still remains on the market. After using Superdrol for just several weeks, Jareem came close to dying because the product—which he thought would make him stronger and healthier—seriously and permanently injured his liver. He spent four weeks in the hospital and has never been able to return to complete his college education.

To close the loopholes in the present law—the creation and control of anabolic steroids by voluntarily target designer anabolic steroids, and permits the Attorney General to issue a permanent order including all the major league sports associations. I urge my colleagues to support and take up next Congress the bill I just introduced, the Restoration of Legal Rights for Claimants Under Holocaust-Era Insurance Policies. The bill would restore the right of Holocaust survivors and their descendants—many of them United States citizens—to maintain lawsuits in our courts to recover unpaid proceeds under Holocaust-era life insurance policies. Recent decisions of the federal courts about which I have spoken at length in prior floor statements and confirmation hearings have denied survivors and their descendants that right.

The insurance policies at issue were issued to millions of European Jews before World War II. During the Nazi era, European insurers largely escaped their obligations under the policies—sometimes by participating with the Nazis in what one Supreme Court Justice has characterized as “flagrantly taking advantage of victims in the name of profit.” [Am. Ass’n v. Garamendi, 539 U.S. 396, 430 (2003) (Ginsburg, J., joined by Stevens, Scalia, and Thomas, J.J., dissenting).] In the aftermath of World War II, insurers dishonored the policies and their obligations. In their part, attempted to facilitate recovery under unpaid policies by requiring insurers doing business in their States, as most did, to disclose information about those policies.

European insurer responded to these developments by agreeing to establish a private claims resolution process. Their agreement resulted in the establishment of a voluntary organization in 1998—formed by, among others, the International Commission on Holocaust Era Insurance Claims, ICHEIC. “The job of ICHEIC,” according to the Supreme Court, “include[d] negotiation with European insurers to provide payment about unpaid insurance policies and the settlement of claims under them.” [Garamendi, 539 U.S. at 407.]

Many survivors and their descendants filed claims through ICHEIC. How fairly ICHEIC decided their claims remains a debated question. Testimony before Congress at least raises serious questions about to whether meritorious
claims were denied. I do not wish to enter that debate today except to emphasize that ICHEIC was not a neutral, governmental adjudicatory body. It was, as then-Judge Michael Mukasey said, a “an ad-hoc non-judicial, private international claims tribunal” funded, to some extent controlled by the insurance companies—in short, again in Judge Mukasey’s words, “a company store.” [In re Assicurazioni Generali, S.p.A Holocaust Ins. Litig., 229 F. Supp. 2d 351, 366-57 (S.D.N.Y. 2002).] I also wish to emphasize that by filing a claim through ICHEIC, a claimant did not waive his right to file suit. Only claimants who received payments under insurance policies did so.

Despite the creation of ICHEIC, litigation continued in American courts. Foreign protests over the litigation led the United States to negotiate several executive agreements with foreign governments. Of these, the most important was the German Foundation Agreement. It obligated Germany to establish the German Foundation, which was funded by Germany and German companies, to compensate Jews “who suffered” various economic harms “at the hands of the German company or the Nazi state.” As for insurance claims in particular, the agreement obligated German insurers to address them through ICHEIC. Similar agreements between the United States and Austria and France were entered into, though, with Nazi Germany’s principal ally, Italy.

In negotiating the 2000 agreement, Germany sought immunity from suit—“legal peace” as Germany called it—in American courts for German companies. The United States refused to provide it, and could not have provided it, in my view, in the absence of a Senate-ratified treaty or some other such authoritative Congressional action. Instead, the United States agreed to the inclusion of a provision obligating the United States to file in any suit against a German company over a Holocaust-era claim a precatory statement informing the court that “it would be in the foreign policy interests of the United States for the Foundation to be the exclusive forum and remedy for the resolution of all asserted claims against Germany companies arising from their involvement in the National Socialist era and World War II.” The United States also agreed in any such filing to “recommend dismissal on any valid legal ground (which, under the U.S. system of jurisprudence, will be for the U.S. courts to determine).” The 2000 agreement makes explicit the German government’s undisturbed any defenses that insurers might have to Holocaust-era insurance claims, including the defense that they were settled and released through ICHEIC.

Of equal significance, my legislation would vindicate two important Constitutional principles—one involving separation of powers, the other federalism. The principle of separation of powers is that the Constitution vests all lawmaking authority in Congress and none in the executive branch. The principle of federalism is that the Constitution’s supremacy clause, Article VI, only the Constitution, Congressionally enacted law, and Senate-ratified treaties can preempt state law. Some executive agreements, if entered at least with Congress’s acquiescence, arguably may also do so. But executive-branch policies plainly do not.

One final point: A similar House bill, H.R. 4596, has been objected to on the ground that it will disserve aging Holocaust survivors because it will create unrealistic expectations of recovery. Claims that were not successful before ICHEIC, the House bill’s critics claim, are almost certain to fail in court. That is a debatable objection. It is, in any event, beside the point. Holocaust survivors and their descendants should be allowed to decide for themselves whether to file suit. Neither the executive branch nor the federal courts should make that decision for them.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4810. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4849, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, extend the Build America Bond program, provide other infrastructure job creation incentives, and for other purposes; which was ordered to lie on the table.

SA 4811. Mr. DE MINT submitted an amendment intended to be proposed by him to the bill H.R. 3082, making appropriations for military construction, the Department of
Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 4812. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3082, supra; which was ordered to lie on the table.

SA 4813. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4810. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4849, to amend the Internal Revenue Code of 1986 to provide for small business job creation, extend the Build America Bonds program, provide other infrastructure job creation tax incentives, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

(a) Repeal of Payments for Property and Other Gross Proceeds.—Subsection (b) of section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsection, and amendments, had never been enacted.

(b) Repeal of Application to Corporations; Application of Regulatory Authority.—

(i) In general.—Section 6011, as amended by section 9006(a) of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsection, and amendments, had never been enacted.

(ii) Computer matching agreements.—The Secretary may prescribe such regulations and other guidance as may be appropriate or necessary to carry out the purposes of this section, including rules to prevent duplicative reporting of transactions.

(ii) Effective date.—The amendment made by this subsection shall apply to payments made after December 31, 2010.

SA 4811. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Page 5, line 22, insert or exchange store serving Brunswick Naval Air Station, Maine.

SEC. 641. CONTINUED OPERATION OF COMMISSARY AND EXCHANGE STORES SERVING BRUNSWICK NAVAL AIR STATION, MAINE.

The Secretary of the Navy shall provide for the continuation of each commissary or exchange store serving Brunswick Naval Air Station, Maine, through September 30, 2011, and may not take any action to reduce or to terminate the sale of goods at such stores during fiscal year 2011.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on December 15, 2010, at 12 p.m. in room S-219 of the Capitol Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 15, 2010, immediately following a vote on the Senate Floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Nancy Peterson, a fellow in Senator Webb’s office, be granted the privilege of the floor throughout the session’s consideration of the New START treaty and the fiscal year 2011 Omnibus Appropriations Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, as if in executive session, I ask unanimous consent that on Thursday, December 16, following leader time, the Senate proceed to executive session to begin consideration of Calendar No. 7, the START treaty, and that the treaty be considered read.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PRINTING OF TRIBUTES

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the printing of tributes be modified to provide that Members have until since the 111th Congress, 2nd session, to submit tributes and that the order for printing remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING TECHNICAL CORRECTIONS TO THE COAST GUARD AUTHORIZATION ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6516, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the title of the bill.

The bill clerk read as follows:

A bill (H.R. 6516) to make technical corrections to provisions of law enacted by the Coast Guard Authorization Act of 2010.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the bill be read three times and amended, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6516) was ordered to be read a third time, was read the third time, and passed.

ORDERS FOR THURSDAY, DECEMBER 16, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, December 16; that following the prayers and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; and that following any leader remarks, the Senate proceed to executive session for the consideration of the New START treaty, as provided under the previous order.
The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, votes in relation to amendments on the START treaty are possible throughout the day tomorrow. Senators will be notified when votes are scheduled.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:24 p.m., adjourned until Thursday, December 16, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL COUNCIL ON DISABILITY

CLYDE E. TERRY, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2013, VICE JOHN R. VAUGHN, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL THOMAS P. HARWOOD III
BRIGADIER GENERAL ROBERT P. MILLMANN, JR.
BRIGADIER GENERAL WILLIAM F. SCHAUFFERT
BRIGADIER GENERAL MICHAEL N. WILSON
BRIGADIER GENERAL JOHN P. WINTERS, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COLONEL RANDALL C. GUTHRIE
COLONEL NORMAN R. RAM
COLONEL JOHN J. MOONEY III
COLONEL DAVID B. O'BRIEN
COLONEL RICHARD W. SCOBIE
COLONEL WILLIAM R. WALDROP, JR.
COLONEL EDWARD P. YARISH
COLONEL SHEILA ZUEHLKE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIGADIER GENERAL FRANCES M. AUCLAIR
BRIGADIER GENERAL BARRY K. COLN
BRIGADIER GENERAL JEFFREY R. JOHNSON
BRIGADIER GENERAL MARY J. KIGHT
BRIGADIER GENERAL THOMAS R. MOORE
BRIGADIER GENERAL JOHN F. NICHOLS
BRIGADIER GENERAL LEON S. RICH
BRIGADIER GENERAL GARY L. SAYLER
BRIGADIER GENERAL SCOTT B. SCHOEFIELD
BRIGADIER GENERAL DONATHAN T. TREACY
BRIGADIER GENERAL DELILAH R. WORKS

To be brigadier general

COLONEL STEVEN P. BULLARD
COLONEL MICHAEL R. COMPTON
COLONEL RAY A. HANSEN
COLONEL JEFFREY W. HAUSER
COLONEL WILLIAM C. HILL
COLONEL JEROME F. LIMOGE, JR.
COLONEL DONALD A. MCMILLAN
COLONEL GREGORY L. NELSON
COLONEL GARY L. NOLAS
COLONEL RICHARD B. SPENCER
COLONEL RICHARD O. TURNER
COLONEL WILLIAM L. WILSH
COLONEL DANIEL J. ZACHMAN

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JON J. MILLER
EXTENSIONS OF REMARKS

HONORING GRAND CANYON NATIONAL PARK SUPERINTENDENT STEVE MARTIN

HON. RAÚL M. GRIJALVA
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 15, 2010

Mr. GRIJALVA. Madam Speaker, I rise today to honor Grand Canyon National Park Superintendent Steve Martin, who has unselfishly given over 35 years of exceptional service to the nation as a steward of our national parks.

During his years as a park ranger and superintendent, Mr. Martin has championed the mission of the National Park Service in protecting the nation’s many natural and cultural resources, has resolutely defended parks from degradation and harm, and has generously nurtured new generations of park employees and managers to serve as park stewards.

His career encompassed exemplary service in leadership positions at Grand Teton, Denali and Gates of Arctic National Parks, and in staff positions at Yellowstone and Voyageurs National Parks, where he persistently fostered Americans’ deep love for their parks.

In his time as superintendent of Grand Canyon National Park, Mr. Martin served as a tireless advocate for the park, its staff, and its many visitors. Through his efforts to initiate and complete extensive upgrades to the crumbling infrastructure at the Grand Canyon, he helped improve the quality of life for the Havasupai tribe and for park employees, as well as enriching the experiences of the 4.5 million people who visit the Grand Canyon each year.

Mr. Martin fought to protect the South Rim of the canyon and the Grand Canyon watershed from the toxic threat of uranium mining, which would have polluted the lifeline of the west, the Colorado River, and put at great risk the wildlife and people that call this area home.

He has provided crucial leadership in establishing science as the decisive tool in policy decisions, particularly in his tenacity in demanding Colorado River flow rates that benefit the riparian ecosystem found at the heart of the Grand Canyon.

Serving as the Intermountain Regional Director and the Deputy Director for the National Park Service, Mr. Martin was instrumental in preserving critical management policies which will continue to guide the National Park Service as it prepares to celebrate its centennial.

Madam Speaker, it is fitting that we honor the 35 years of service that Steve Martin has given to the National Park Service, and that we recognize his passion and advocacy to protect and preserve our National Parks.

HONORING TEXAS STATE REPRESENTATIVE JERRY MADDEN—2010 PUBLIC OFFICIAL OF THE YEAR

HON. SAM JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 15, 2010

Mr. SAM JOHNSON of Texas. Madam Speaker, it is a privilege to recognize before the United States House of Representatives Governing magazine’s 2010 Public Official of the Year, and my good friend Jerry Madden from the great state of Texas, Jerry Madden.

State Representative Madden has faithfully served the people of the 67th district since his election to the Texas Legislature back in 1992. In his nine consecutive terms, he has held honored roles on twelve committees, including four years as the Chairman of the House Committee on Corrections where he is sitting Vice Chair.

While Madden is the recipient of countless awards, including being named to Texas Monthly’s 10 Best Legislators list and the University of Texas at Dallas’ Distinguished Alumnus group, this top-notch legislator’s latest accolade comes as national recognition for turning the State of Texas into a shining model of corrections reform.

A West Point trained engineer by trade, Madden tackled corrections reform with facts and statistics. He found that targeting a relatively small amount of state funds toward treatment, mental health, and rehabilitation programs, rather than spending billions on new prisons, would yield a decrease in the prison population. With that in mind, Madden and his colleagues on the Committee on Corrections formulated public policy that worked. They turned a projected 15,000 inmate rise in the Texas prison population into a population decrease, saving taxpayers money and, more importantly, rescuing lives along the way.

I have known Representative Madden for over a quarter of a century. I have seen him rise from a local leader to the national spokesperson for Texas on Criminal Justice. I can vouch for the testimony he has given Congress and know the respect that national organizations have for his work. In fact, just this month Jerry served as a guest speaker at my Congressional Youth Advisory Council meeting where he shared his extensive knowledge of state government with local high school students.

For his service to America in the United States Army, his service to Texas in the State Legislature, and his priceless contribution to our society through innovative corrections reform, it is with pride and gratitude that I commend State Representative Jerry Madden for a job exceptionally well done.

To my good friend—congratulations, God bless you, and I salute you!

A TRIBUTE TO TESSIE CECIL

HON. BRETT GUTHRIE
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 15, 2010

Mr. GUTHRIE. Madam Speaker, I rise today to honor Tessie Cecil, who has dedicated her career to the citizens of New Haven and the Commonwealth of Kentucky.

Cecil served for 20 years as the Mayor of New Haven, Ky., in Nelson County, where she could only recently give up her duties for health reasons.

A native of the Philippines, Cecil met and married her husband, Don, while he was stationed with the U.S. Navy in her native country over 30 years ago. She and Don moved to New Haven to raise a family and in 1979, shortly after the move, she was hired as the New Haven city clerk.

Cecil is known for her work to improve the water and sewer systems, sidewalks and parks. She is also proud of her involvement with the veterans’ monument in front of City Hall and the Kentucky Railway Museum.

Cecil is a person of integrity and has demonstrated a strong passion for making her community a better place. I join with the citizens of New Haven in thanking her for her years of relentless service.

I ask my colleagues to join me in honoring Tessie Cecil for her commitment to the citizens of New Haven, Nelson County and the Commonwealth of Kentucky.

PERSONAL EXPLANATION

HON. WILLIAM L. OWENS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 15, 2010

Mr. OWENS. Madam Speaker, I was not present for votes on Tuesday, December 14, 2010 and morning votes on Wednesday, December 15. Had I been present, I would have voted “yes” on rollcall vote 628, “yes” on rollcall vote 629, “yes” on rollcall vote 630, “yes” on rollcall vote 631, “yes” on rollcall vote 632, “yes” on rollcall vote 633, “yes” on rollcall vote 634.

IN MEMORY OF DR. JAMES EDWARD BYRD

HON. PETE SESSIONS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 15, 2010

Mr. SESSIONS. Madam Speaker, I rise today to recognize and remember my friend, Dr. James Edward Byrd. He was kind and generous and a man of great character that deeply loved God and country. Dr. Byrd passed away on November 23, 2010 after suffering complications from heart surgery.
Born and raised in Arkansas, Dr. Byrd was a proud graduate of Ouachita Baptist University, where he was a ROTC student during his tenure and the recipient of the Distinguished Military Student Award. Upon graduation, he received his commission in the Army as a Second Lieutenant for the Texas Baptist Missions Foundation where he traveled around the State of Texas raising money for missions, ministering to local churches, and emphasizing the importance of sharing the gospel. His love for people and winning them to Christ was evident in his actions; I know Dr. Byrd touched countless lives.

I had the distinct privilege and pleasure of having Dr. Byrd serve on my U.S. Academy Selection Board for thirteen years. He proudly served our country as a member of the Arkansas National Guard and the U.S. Army Reserve, with his military career spanning over twenty-three years. His record of exemplary military service and background in education made him well-suited to serve on my Board. He was deeply committed to selecting the best candidates for our military academies; these students who would go onto serve as the next leaders of our military in the generations to come. There are no words that are capable of fully expressing my heartfelt gratitude for his dedicated service to our great Nation.

Dr. Byrd is survived by his loving wife of fifty-one years, Wenonah; his sons, Scott, Lance, and Bart; his brother Bill; sisters Alice and Lela Mae; and grandchildren Daniel, Lauren, Blakely, Ryland, and Margaret. I am honored to have known him and called him my friend. He will be greatly missed. May the peace of God be with those he loved and sustain them through this hour of sorrow.

IN HONOR OF DRS. ROBERT G. GARD AND JANET WALL
HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 15, 2010

Mr. FARR. Madam Speaker, I rise today to honor Dr. Robert G. Gard, Jr. and his spouse Dr. Janet Wall of Monterey, California, as the philanthropists of the Year chosen by the Monterey Institute for International Studies for their commitment to enriching the lives of the Institute’s scholars.

Retiring after 31 years in the United States Army, Dr. Gard became President of the Monterey Institute for International Studies. He continues to contribute to the community.

Dr. Janet Wall, an author and expert on career development and educational review continues to donate skills to the Institute’s Yellow Ribbon program, which offers scholarships and career advice to returned military veterans. Her kindness and guidance has led many veterans to graduate from the Institute and attain successful careers.

Dr. Gard and Dr. Wall established the Gard ‘n Wall Scholarship in Nonproliferation Studies to assist ambitious candidates to excel in the field of Nonproliferation Studies. The esteemed couple has also donated generously to the Robert Gard Scholarship, set up by the Institute to honor the work of Dr. Gard. I am proud to be a part of honoring Drs. Gard and Wall and that I am able to associate myself with the Monterey Institute of International Studies.

Madam Speaker, it is a tremendous honor to recognize Dr. Robert Gard and Dr. Janet Wall for their continued support of the Monterey Institute for International Studies. The Institute is a jewel of higher education on the Central Coast and I offer my sincerest congratulations to this accomplished couple.

HONORING CONGRESSMAN JIM OBERSTAR
SPREECH OF
HON. BETSY MARKEY
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 14, 2010

Ms. MARKEY of Colorado. Madam Speaker, I rise today to add my voice to those of my colleagues from both sides of the aisle to honor Congressman JIM OBERSTAR. I was privileged to serve with Chairman OBERSTAR on the Committee on Transportation and Infrastructure as a freshman member from Colorado. There is no other person in this country, and perhaps in the world, who is more knowledgeable and well known on transportation, transit and aviation issues as Chairman OBERSTAR. Committee hearings were always settled in a deep appreciation of history. There was no better session in which to serve in Congress than under the Chairmanship of Mr. OBERSTAR.

I was proud to welcome Chairman OBERSTAR to Fort Collins, Colorado, for a field hearing on distracted driving. For the Chairman, safety of the travelling public was foremost in his mind and his presence at our hearing brought much needed attention to the issues and dangers of texting and use of cell phones while driving.

It has been an honor to work with Mr. OBERSTAR and I thank the Chairman for his many years of service and leadership to Congress and the American people.

HONORING BARBARA A. STINNETT
HON. STENY H. HOYER
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 15, 2010

Mr. HOYER. Madam Speaker, I rise today to recognize Barbara A. Stinnett, a member of the Calvert County Board of Commissioners from 1986 through 1990; 1998 through 2002; and most recently from 2006 to 2010. It is my distinct honor to show our appreciation for her commitment, dedication and public service to Calvert County, to our great State of Maryland and to our Nation.

Commissioner Stinnett was born in Chicago, Illinois, graduated from Calvert High School and has been a resident of Calvert County for 60 years. Commissioner Stinnett is the mother of 4, a grandmother of 11 grandchildren, and a great-grandmother of 7.

In addition to serving three terms as a County Commissioner, Mrs. Stinnett was employed by State Senator Roy Dyson for 14 years, serving as legislative and administrative assistant in his Congressional Office and his State Senate office. She is the owner-operator of an income tax and accounting service and was previously employed at Wayson’s Amusement Company in a financial management position for 17 years.

Calvert County has been well served by Commissioner Stinnett’s more than 20 years of dedicated public service. She is an active member of the community in a variety of capacities. She served on the Calvert County Democratic Central Committee, as President of the Calvert County Democratic Women’s Club, and as Secretary of the Maryland State Democratic Women’s Clubs. In addition, Mrs. Stinnett has been a director of the American Red Cross, Calvert Hospice, the Special Olympics, and the Calvert High School Boosters. She has held memberships in numerous organizations ranging from the Calvert Farmland Trust and Calvert Historical Society to the Calvert County Fire and Rescue Commission and the Calvert County Farm Bureau.

In addition, Mrs. Stinnett has been Director of the Calvert County Fair Board, Charter President of Ducks Unlimited and a charter member of Stallings-Williams American Legion Auxiliary, Unit #206.

Through her years of service she has been an advocate of maintaining Calvert County’s rich agricultural heritage and assuring that those without a voice are heard. Her energy, frank and realistic approach and ability to connect with people have made her an outstanding public servant who has an unwavering respect for those she represents.

Madam Speaker and colleagues, please join me in honoring Commissioner Barbara A. Stinnett for her years of public service, dedicated work and commitment to excellence on behalf of the people of Calvert County.

PERSONAL EXPLANATION
HON. BOB ETHERIDGE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 15, 2010

Mr. ETHERIDGE. Madam Speaker, I was unable to cast recorded votes on Tuesday, December 14, on rollcall votes 628, 629, and
Mr. FARR. Madam Speaker, I rise today to honor the life and service of United States Army Staff Sergeant Vincent Wayne Ashlock, who died on December 4, 2010, while serving in Khost Province, Afghanistan. Wayne, as he was known to his family and friends, was a loving father, husband, brother, and son who devoted his life in equal measures to his family and our nation. Public service was his calling, and while his death leaves a void in the lives of his family, friends, and comrades, Staff Sergeant Ashlock's patriotism, loyalty, and love, will remain an example to all who had the privilege to know him.

Wayne was born in San Jose, California on May 10, 1965. He grew up in the small farming and military town of Merced in the heart of California’s Central Valley. He enjoyed a small town childhood surrounded by brothers and sisters playing little league baseball and exploring Bear Creek.

Wayne began his military career by enlisting in the Army at age eighteen. He served for ten years on active duty before leaving the Army for civilian life. Following the 9/11 attack, his sense of duty and patriotism led Wayne to enlist in the California National Guard. As a Guardsman, Wayne deployed to Iraq, where he drew on his military experience to help train Ugandan troops. He later sought deployment to Afghanistan to accomplish this, and in 2007, he transferred from the California National Guard, which had no immanent Afghanistan deployments scheduled, to the Mississippi National Guard which did. Once in there, Wayne began his tenure in Congress, and I rarely miss votes, but due to a prior commitment scheduled before we knew the House would be in session on Tuesday, I was unable to make it back to Washington in time for votes.

In his four years as Chairman of the Transportation and Infrastructure Committee, Chairman OBERSTAR has committed his life to public service and serving the Great State of Minnesota.

A native of Chisholm, Minnesota, Congressman OBERSTAR has proudly served the people of Northeast Minnesota for 18 terms, the longest serving Member of Congress from Minnesota.

In his four years as Chairman of the Transportation and Infrastructure Committee, Chairman OBERSTAR has been instrumental in keeping America moving. From his efforts to create more cycling and hiking paths to his work on aviation and aviation safety, Chairman OBERSTAR has done remarkable work in Congress. His knowledge of transportation issues will be a great loss to this body.

He leaves a strong legacy as his name will forever be tied to important highway, airline and rail safety legislation. His passion for intermodalism is unmatched.

As Chairman OBERSTAR departs, I will miss his knowledge of all things historical and his linguistic talent, specifically his love for French Creole, a language which he picked up while studying in Haiti after college.

In the few short years I have been in Congress, it has been an honor and a privilege to serve alongside Chairman OBERSTAR as a fellow Minnesotan. Chairman OBERSTAR is leaving some large shoes to fill. His wisdom, guidance and expertise will be greatly missed and I thank him for his service to our great State.

Your contributions will not be forgotten.
party will be held in her honor in Burton Michigan to celebrate the occasion.

Born in 1905 at Mandate Ohio, Mrs. Roman relocated to Flint Michigan and worked at the Fisher Body Plant for 35 years retiring in 1961. She has been an active member of Mt. Olive Missionary Baptist Church, joining the congregation in 1928. She has worked with the Missionary Society, the Ada Barry Bible Class, and the Mother’s Board. She still attends church services every Sunday. She is also an avid golfer, bowler, reader and likes to solve crossword puzzles.

Mrs. Roman has one son, a daughter-in-law, two grandchildren, four great-grandchildren, many nieces, nephews and numerous friends.

Madam Speaker, please join me in congratulating Beulah B. Roman as she celebrates her 105th birthday. I wish her the best for the day and the coming year.

PERSONAL EXPLANATION

HON. NITA M. LOWEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 15, 2010

Mrs. LOWEY. Madam Speaker, I regretfully missed roll call votes on December 14. Had I been present, I would have voted in the following manner: Rollcall No. 628: “yea”; Rollcall No. 629: “yea”; and Rollcall No. 630: “yea.”

IN HONOR OF PHILIP MARK CONGILIO, SR.

HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 15, 2010

Mr. FARR. Madam Speaker, I rise today to honor the life of Philip Mark Coniglio, Sr. who recently passed away at the age of 85. I am honored that I have this opportunity to recognize this great man as a prominent community businessman and a wonderful friend.

Philip was born and raised in Monterey, California. He attended Monterey High School and Hartnell College. After serving in the Army from 1943 to 1945, Philip worked with his uncles growing grapes. This led Philip to take an interest in grapes and thus the wine industry. He owned and operated Mediterranean Market for 41 years which was known as a landmark for gourmet food and wines. Philip was heavily involved in the community; he was a member of the Knights of Columbus, Italian Catholic Federation, Paisano, Sierra Club, and the Compare Club. He also maintained a long-standing tradition of entertaining and cooking dinner for family and friends on Sundays.

I will always remember Philip as a traveler. He had been around the world several times and frequently visited the big island of Hawaii. Philip is survived by his wife of 59 years, Carla Lepori-Pacini Coniglio; his daughter Cara Mia Coniglio and granddaughter, Tiana Marie Lepori-Pacini; his daughter Lisa Paula Kaufmann and son-in-law, Mark Kaufmann and grandsons, Michael Colin and Patrick Joseph Kaufmann; son, Philip Coniglio Jr., and daughter-in-law Star Bullock Coniglio and granddaughter Margaux Isabella Coniglio; and his brother, Peter Coniglio.

Madam Speaker, Philip Mark Coniglio, Sr. touched the lives of many people in the community. He will be missed and I know I speak for the whole House in honoring the life of this dedicated and loving man.

SENIORS PROTECTION ACT OF 2010

SPEECH OF
HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 14, 2010

Mr. KUCINICH. Mr. Speaker, I rise in strong support of H.R. 5987, the Seniors Protection Act of 2010.

Earlier this year, the Social Security Administration announced that for the second year in a row, Social Security beneficiaries would not be receiving a Cost of Living Adjustment, COLA, increase for the second year in a row. This legislation provides seniors with an additional $250 payment, equivalent to about 2 percent COLA, to Social Security beneficiaries next year.

A COLA increase is imperative for seniors who rely on their benefits to support themselves and their families. According to the Economic Policy Institute, 3.5 million seniors are below the poverty level. The Department of Labor estimates that almost half of the 2 million workers over the age of 55 have been unemployed for 6 months or longer. Yet as more seniors experience poverty as a result of the economic downturn, the calls for privatizing and cutting Social Security in the name of fiscal responsibility have grown louder. Privatizing Social Security will hurt the most vulnerable Americans such as women, minority communities and children—those Americans that are currently experiencing disproporionately the effects of the recession. The Congressional Budget Office estimates that the program is fiscally sound for another 40 plus years.

It is our responsibility to guarantee seniors an adequate income after a lifetime of paying into Social Security. We must shift the focus from cutting vital programs such as Social Security to reviving our domestic manufacturing sector as a means to put Americans back to work. I urge my colleagues to support this legislation.

HONORING “BUDDY” FRANK DIPAOLO, JR.

HON. PATRICK J. KENNEDY
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 15, 2010

Mr. KENNEDY. Madam Speaker, I rise today for the purpose of recognizing “Buddy” Frank DiPaolo, Jr. Earlier this year, Buddy Frank retired at the age of 103 from his position as the doorkeeper at the Rhode Island House of Representatives, where he served for the past 32 years.

Not only has Buddy been an exemplary public servant for the State of Rhode Island, but I have been fortunate enough to have known him as a friend and mentor throughout my adult life. I first met Buddy Frank over 25 years ago when he owned the Castle Spa restaurant and I was an undergraduate at Providence College. Throughout my career, dating back to when I first sought elected office in the Rhode Island General Assembly in 1988, I have turned to Buddy to be one of my most trusted and reliable advisors. I’ve been honored to be his “number one buddy,” but even more blessed to be treated as his “third son.” I consider Buddy’s family to be my own; his wife, Eugenia, his four children, Thomas, Claire, Evelyn, and Richard, his sixteen grandchildren, Susan, Steven, Robert, Kathleen, Cheryl, John, Erin, Robin, Kevin, Paul, Pamela, Mark, Claudia, Kristen, Lynn, and Laura, and eighteen grandchildren, Catherine, Michael, Abigail, Katelyn, Jessica, Bryan, William, Tyler, Zackery, Gillian, Seamus, Campbell, Rory, Damian, Gian, Jacqueline, Nicholas, and Timothy. They are all truly blessed to have a patriarch in the truest sense in Buddy Frank, and I thank them for the opportunity to share him as a positive influence in my life.

Buddy Frank will be turning 104 years old on December 24, 2010, and I wish him a happy birthday. I also wish him all the best in his future endeavors. He will continue to carry my own admiration, and that of all who have had the privilege to work with him.

HONORING FRANKLIN COUNTY 4–H

HON. BLAINE LUETKEMEYER
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 15, 2010

Mr. LUETKEMEYER. Madam Speaker, I ask my colleagues to join me in congratulating the Franklin County 4–H for 75 years of excellence.

The Franklin County 4–H organization originated with 10 members in 1935, and has grown into the largest 4–H organization in the state, with 20 4–H clubs and 700 members. The members are led by over 300 adult and teen volunteer leaders. 4–H engages youth to reach their fullest potential, while advancing the field of youth development in four different areas of focus: head, heart, hands, and health. During the 75 year history, 52 adult volunteers have served for 20 or more years, 9 of whom have served for 30 or more years, a true testament to this important program. In its 75th year, the tradition of 4–H still remains strong throughout Franklin county.

I would like to take this time to commend Franklin County 4–H for all their hard work, and I ask that my colleagues join me in recognizing them for a job well done.

HONORING THE 30TH ANNIVERSARY OF THE EAST BAY ECONOMIC DEVELOPMENT ALLIANCE

HON. FORTNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 15, 2010

Mr. STARK. Madam Speaker, I rise to pay tribute to the 30th anniversary of The East
Bay Economic Development Alliance, known as East Bay EDA. On December 2, 2010, East Bay EDA recognized their partnerships, collaborations and achievements, and highlighted the organization’s future initiatives and endeavors.

East Bay EDA is a public-private partnership serving the San Francisco East Bay. Its mission is to establish the East Bay as a well-recognized location to grow businesses, attract capital and create quality jobs. It serves as a pivotal point for workforce development, and provides regional initiatives for housing and land use, goods movement, and the development of water infrastructure. It promotes collaboration on regulatory policy between local businesses and government agencies. The organization also promotes business retention best practices among East Bay cities, and has coordinated the Bay Area’s efforts to prepare an economic recovery plan to increase the competitiveness of the region.

I congratulate East Bay EDA on 20 years of exemplary service as the organization continues to evaluate and modify its work plan to adjust to changes in the workforce, economy, and State and local governments. I send best wishes for many more years of exemplary service.

IN HONOR OF DR. DICK B. “COACH” LAWITZKE

HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 15, 2010

Mr. FARR. Madam Speaker, I rise to remember the life of Dr. Dick B. “Coach” Lawitzke, who passed away at the age of 84. I am honored to recognize this great man who lived his life helping others.

Dick graduated from Humboldt State College in 1946. Shortly after, he was drafted into the U.S. Army and married his college sweetheart, Millicent. They soon named the beautiful Monterey Peninsula home. He became Superintendent, Principal, teacher, and bus driver of Carmelo Elementary School from 1956 to 1958. Dick was also a sports enthusiast which is why many remember him simply as “Coach”. He was Athletic Director at Carmel High School and coached championship teams in basketball and football.

I believe that every community needs a person like Dick; he was always involved in programs positively influencing kids and adamant about adult education. We were close and remained in close contact until recently.

Dick leaves his wife, Millicent; children Loree Burroughs, Amy Consul, and Milton “Mo” Lawitzke; grandchildren Travis Fluegge, Edward Lee Lawitzke, Cayden and Ian Burroughs, and Margo and Nina Consul.

Madam Speaker, I know that the Carmel area community will continue to benefit from the work that Dick “Coach” Lawitzke did and that he is a shining example to those who were inspired to continue his work.

HONORING SERGEANT DENNIS OSTERMAN

HON. ADRIAN SMITH
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 15, 2010

Mr. SMITH of Nebraska. Madam Speaker, I rise today to commend Sergeant Dennis Osterman for his forty-five years of dedicated service to the Grand Island Police Department and to the people of the State of Nebraska. Osterman retired on August 27, 2010, as the longest-serving active police officer in the State of Nebraska. For nearly fifty years Sergeant Osterman has embodied what it means to give back to one’s community.

One year after completing his service to the United States Army, Osterman continued to defend and protect his country—only this time in a different uniform. Throughout his incredible tenure, he had held several different roles and accepted various responsibilities without hesitation. The police department and the Grand Island community have changed considerably since that June in 1964 when Osterman joined the force but he has never failed to be an invaluable role model and trusted leader to the incoming generations of police officers and the Grand Island community at large.

I am impressed by Dennis’ life-long dedication to the protection of the Grand Island community and I appreciate the sacrifices he has made over the years. I wish him all the best as he starts his retirement and I hope he takes the time to enjoy the community which he spent a lifetime protecting.

HONORING DECEASED AMBASSADOR RICHARD HOLBROOKE

HON. JOE WILSON
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 15, 2010

Mr. WILSON of South Carolina. Madam Speaker, I rise today in honor of Ambassador Richard Holbrooke and his diplomatic career which lasted the better part of five decades. Ambassador Holbrooke’s decorated career spanned the globe from Asia to Europe with stops at the U.S. State Department, United Nations, and most recently, as Presidential envoy on Afghanistan-Pakistan policy. His service shaped American foreign policy in such troubled areas as the Balkans and most recently in leading the U.S. in Afghanistan. I concur with the sentiments of many of my colleagues in that his career service is deeply appreciated and held in the highest esteem. As co-chair of the Afghanistan Caucus, I especially appreciate his promotion of a civil, democratic society for the people of Afghanistan. Ambassador Holbrooke will be deeply missed. I would like to express my condolences to his wife, Kati, his two sons, and two stepchildren along with the rest of the Holbrooke family. My thoughts and prayers are with his family at this difficult time.

PAYING TRIBUTE TO MR. TOM HINZ

HON. STEVE KAGEN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 15, 2010

Mr. KAGEN of Wisconsin. Madam Speaker, I rise here today to pay tribute to Mr. Tom Hinz as our superior Brown County Executive retires. During his time in office, Mr. Hinz has served the people and interests of Brown County to the highest degree, and I ask my colleagues to join me in honoring this remarkable individual.

Tom Hinz has dedicated his life to public service. Well before he assumed his role as Brown County Executive, Tom served in the Army for three years followed by a long career in local law enforcement. Viewed as a leader by his peers, Mr. Hinz was encouraged to run for and was elected to be Brown County’s Sheriff after more than 30 years with the police force. His service to the public continued as a member of the Brown County Board of Supervisors, where he served for two years before taking on the responsibility of being Brown County’s Executive during which would become the most challenging economic environment in decades.

Community leaders, lawmakers and servants of the public across Northeast Wisconsin hold Tom Hinz in no less than the highest regard. A diplomatic problem solver and skilled manager, Tom has been an extraordinary asset to the community surrounding Green Bay and the 8th Congressional District of Wisconsin’s largest county.

Among his many accomplishments, Mr. Hinz launched the LEAN initiative in Brown County in 2009. This implemented techniques that have for years produced impressive results in manufacturing environments, and adapted them to county government. As a result county employees are involved in an effective process that improves quality, reduces costs, and strengthens customer service.

Tom was also a key player in the construction of the Brown County Community Treatment Center, the new 911 Communications Center and the ratification of a long- overdue service agreement between Brown County and the Oneida Tribe of Indians.

Madam Speaker, as Mr. Tom Hinz celebrates his retirement, I ask my colleagues to join me in saluting this exemplary citizen and his lifetime of service to the nation and the communities of Northeast Wisconsin.

HOUSTON, TEXAS, PROPERTY CONVEYANCE

SPEECH OF
HON. SHEILA JACKSON LEE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 14, 2010

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 6510. First, I would like to thank Ron Kendall, Elliot Doomes, Ward McCarrington, Johanna Hardy, Major Keithen Williams, and Shrishna Thomas for their tireless efforts in moving this bill. I would also like to thank the co-sponsors of this bill and my colleagues: Representatives: MARIO DIAZ-BALART, TED POE, ILEANA...
Ros-Lehtinen, Charles Gonzalez, Henry “Hank” Johnson and Ralph Hall. I introduced this bill requesting that the Administrator of General Services convey land to the Military Museum of Texas.

The Military Museum of Texas was formed to create, maintain and operate an institution to honor and perpetuate the memories of all men and women who have served in the Armed Forces of the United States of America. The President of the Military Museum of Texas, Ed Farris, a former Marine sergeant, and a database member of the Houston Police Department’s motorcycle patrol and bomb squad, has worked tirelessly to preserve the memories of the men and women of the armed forces. They paid with their lives and their youth to ensure that the United States remains a free and prosperous nation. It is important that we support Mr. Farris and the board members of the Military Museum of Texas to honor and recognize the men and women, living and dead, who have served in the armed forces of the United States. The museum provides a way to hold them up as the heroes they are.

Mr. Speaker, our freedom is intertwined with the sacrifices of our Veterans, whose devotion to our way of life is unparalleled. I am privileged to honor their sacrifices and the role they play in our nation by introducing House Resolution 6510.

Our nation and veterans from the great State of Texas have a proud legacy of appreciation and commitment to the men and women who have worn the uniform in defense of this country. We must be united in seeing that every soldier, sailor, airman, marine, and coast guardsmen has a place of memory, pride and honor, in which the Military Museum of Texas provides.

Today, we continue to be engaged in hostilities in Afghanistan, and young men and women will pay the ultimate price while wearing the uniform of our nation. Let us honor the memory of the 4,400 Americans who have died in Iraq and more than 1,300 who have died in Afghanistan. We also honor the sacrifices of our wounded: nearly 32,000 U.S. troops in Iraq and 9,000 in Afghanistan.

Throughout the Military Museum of Texas, Americans learn the lessons of victory and the trials of World War II veterans to the veterans of Operation Enduring Freedom and Operation Iraqi Freedom.

The Museum provides a place where veterans can congregate and discuss their experiences, and in the process, heal. It also permits them to talk about their experiences with museum visitors.

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Soldiers currently serving in places such as Iraq and Afghanistan need to know that the people back home in the great state of Texas support them. Volunteers at the Military Museum of Texas prepare and send care packages to troops who are serving overseas and are patients in military hospitals recovering from wounds. The Military Museum of Texas also hosts reunions, participate in parades and other events in Houston, Texas area.

The Military Museum is a pillar in the community, and a benefit to schools, veterans and military related groups. It provides educational programs, live reenactments from military personnel as well as interactive exhibits. Furthermore, the Military Museum provides internships in military history and preservation, and a research database available for education and historical institutions and the public.

Let us continue to preserve and honor the memory of those who defend our freedom and liberty.

Mr. Speaker, I strongly support H.R. 6510, and ask for its immediate adoption.

Our nation is founded on the principles, laid out in the Declaration of Independence, that “all men are created equal,” “that they are endowed by their Creator with certain unalienable Rights,” and “that among these are Life, Liberty, and the pursuit of Happiness.” At various points in our history as a nation, we have had to defend our sons and daughters, our most precious resources, overseas to fight in defense of these great principles. At times when the need is greatest, America’s soldiers have always stepped up to protect our nation.

And so, today, I hope we will all take time from our daily lives to reflect upon the sacrifices made by those in our armed forces, and to resolve together that we will provide returning veterans with the welcome, services, care, and compassion that they deserve—a Museum of reflection. As we consider H.R. 6510, let us all remember the one thing that makes our nation truly great are the young men and women willing to fight to defend it, to defend us, and to defend our way of life. Join me and support H.R. 6510.

Memories fade all too quickly, and we are losing about 1000 WWII veterans every day. It is important that we record and preserve the memories of these veterans so that future generations can appreciate the sacrifices of our veterans. The Museum is a place for preservation of military memorabilia, personal stories, artifacts and the history of past wars to remember American veterans and their sacrifices.

It is remarkably easy for succeeding generations to forget why we enjoy the freedoms we do in our country. The Museum seeks to educate the public about the sacrifices of our veterans that gave us those freedoms.

It is difficult for those who have not served in combat to understand the horrors our veterans endured and the trauma that still affects their lives. Veterans themselves conduct tours and convey their personal experiences to visitors.

The Museum provides a place where veterans can congregate and discuss their experiences, and in the process, heal. It also permits them to talk about their experiences with museum visitors.

I strongly support H.R. 6510. I firmly believe that we should cel-lbrate by our actions how proud we are of our American heroes. Join me and support H.R. 6510, and let us always remember the sacrifices of our Veterans, whose devotion to our way of life is unparalleled. I am privi-leged to honor their sacrifices and the role they play in our nation by introducing House Resolution 6510.

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Throughout the Military Museum of Texas, Americans learn the lessons of victory and the trials of World War II veterans to the veterans of Operation Enduring Freedom and Operation Iraqi Freedom.

In the words of President John F. Kennedy, "As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them." It is not simply enough to sing the praises of our nation's great veterans; I firmly believe that we must demonstrate by our actions how proud we are of our American heroes. Join me and support H.R. 6510, and let us always remember the sacrifices of our veterans after every conflict, and I remain committed to both meeting the needs of veterans of previous wars, and to provide a fitting welcome home to those who are now serving.

Currently, there are 23 million veterans in the United States. There are more than 1,626,000 veterans living in Texas and more than 32,000 veterans living in my Congressional district alone. H.R. 6510 will allow Congress to express our appreciation to the men and women who have answered the call to duty. As the great British leader Winston Churchill famously stated, "Never in the field of human conflict was so much owed by so many to so few."
Even under house arrest, Daw Aung San Suu Kyi demonstrated unwavering and determined political leadership, provided inspiration, and garnered respect from the people of Burma and democracy-loving people around the world.

As one of the world’s only imprisoned recipients, she was awarded the Nobel Peace Prize in 1991 for her nonviolent struggle against oppression, with the Norwegian Nobel Committee citing her as “one of the most extraordinary examples of civil courage in Asia in recent decades.”

Today, however, we must not rejoice. Daw Aung San Suu Kyi has called on all world leaders to stay focused on the plight of each one of the millions of Burmese struggling against the military rule, on the over two thousand two hundred political prisoners suffering unjustly in Burmese prisons, and the thousands of women and children being systematically raped and taken as sex slaves and porters for the military whose rule they suffer under.

Aung San Suu Kyi was awarded both of the highest civilian awards in the United States: the Presidential Medal of Honor in 2000 which recognizes those individuals who have made “an especially meritorious contribution to the security or national interests of the United States, world peace, cultural or other significant public or private endeavors” and in 2008, the Congressional Medal of Honor for her “courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.”

In one of her most famous speeches, she poignantly conveyed: “It is not power that corrupts but fear. Fear of losing power corrupts those who wield it and fear of the scourage of power corrupts those who are subject to it.” Even Aung San Suu Kyi herself freely notes that her release does not constitute a change in the military junta regime’s choices in leadership. Six days before her release were the highly-contested November 7th Burmese elections, which were clearly based on a fundamentally flawed process and demonstrated the regime’s continued preference for repression and restriction.

Aung San Suu Kyi’s freedom must not be restrained. She must be able to travel freely without fear of her recapture at any given moment. Furthermore, this resolution calls for the immediate and unconditional release of all political prisoners and prisoners of conscience in Burma, including Aung San Suu Kyi’s supporters in the National League for Democracy and ordinary citizens of Burma, including ethnic minorities, who publicly and courageously speak out against the regime’s many injustices.

The ruling junta in Burma must be denied hard currency to continue its campaign of repression and we can do that by working with governments around the world to strengthen sanction regimes against Burma. And, it is time for the Administration to appoint a United States Special Coordinator for Burma.

Madam Speaker, today the House of Representatives has the opportunity to celebrate Daw Aung San Suu Kyi’s freedom. And, yet, we celebrate with a heavy heart for all of the millions still suffering in Burma. I urge my colleagues and I to call out solidly with Aung San Suu Kyi and the people of Burma with your support of the passage of this resolution, human rights, an end to the junta-imposed violence, democratic progress, and for the release of all prisoners of conscience in Burma.

DISTRICT OF COLUMBIA ENACTMENT OF NATIONAL POPULAR VOTE

HON. CHELLIE PINGREE
OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 2010

Ms. PINGREE of Maine, Madam Speaker, I rise today to recognize and congratulate the District of Columbia for its recent enactment of the National Popular Vote bill, which would guarantee the Presidency to the candidate who receives the most popular votes in all 50 states and the District.

Just a few weeks ago, Mayor Fenty signed this important legislation, which was passed by unanimous consent by the D.C. Council. National Popular Vote is now law in 7 jurisdictions, and has been passed by 30 legislative chambers in 21 states.

The shortcomings of the current system stem from the winner-take-all rule. Presidential candidates have no reason to pay attention to the concerns of voters in states where they are comfortably ahead or hopelessly behind. In 2008, candidates concentrated over two-thirds of their campaign visits and ad money in just six closely divided “battleground” states. A total of 98 percent of their resources went to just 15 states. Voters in two thirds of the states are essentially just spectators to presidential elections.

Under the National Popular Vote, all the electoral votes from the enacting states would be awarded to the presidential candidate who receives the most popular votes in all 50 states and DC. The bill assures that every vote will matter in every state in every Presidential election.

I look forward to more states, all across the country passing this important piece of legislation.

PRIVATE ISAAC T. CORTES POST OFFICE

SPEECH OF
HON. JOSEPH CROWLEY
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 2010

Mr. CROWLEY. Mr. Speaker, I rise in support of H.R. 6205, to honor Private Isaac T. Cortes, a Bronx native who was killed in combat in Iraq.

This legislation would rename the post office in his hometown in his honor.

Private Cortes was a son of the Bronx—he received the most popular votes in all 50 states.

His family worried for him, but he knew what he had to do.

After training at Fort Benning and Fort Drum, Private Cortes was sent to Iraq in September of 2007. As a rifleman in the Infantry Squad with Charlie Troop, 1-71 Cavalry Squadron, Private Cortes performed weapons searches and humanitarian aid missions to help the local Iraqi people.

He loved the Army, and was prepared to make it his career. His family has described how proud he was to protect his country. He said the military was his “calling.”

On November 27, 2007, just after Thanksgiving, Private Cortes was on one of his combat patrols when an improvised explosive device was detonated near his vehicle in Amerli, Iraq—about 100 miles north of Baghdad.

Private Cortes was killed instantly, along with Specialist Benjamin Garrison, in the roadside attack. He was only 26 years old.

His awards and honors include the Purple Heart, the Bronze Star, the National Defense Service Medal, the Iraq Campaign Medal, the Global War on Terrorism Service Medal and the Army Service Ribbon.

The Bronx, the Congress and the Nation will always remember Private Cortes as a decorated soldier. But, I would also like to take a moment to ensure we forever remember Isaac, the man.

Isaac lived by the motto “Go big or go home.” He was known for his big heart and his loving ways, which his family continues in his honor through blood donation events and clothing, food and toy drives.

He was known to his neighbors as a smiling face and a helpful hand, always willing to help carry groceries.

Even while overseas, his family was always in his heart, including his parents, grandparents, brother, nieces, aunts, uncles and cousins. And above all, he loved the little girl that he raised as his own daughter.

His family has kept his memory alive, and today we take the next step in honoring this Bronx native and his service to the United States.

Renaming the post office in the neighborhood where he grew up after him will serve as a reminder to us all of his courage, integrity and sacrifice. This legislation will ensure that his service and his spirit will never be forgotten.

WILL CHRISTIANITY SURVIVE IN IRAQ?

HON. FRANK R. WOLF
OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 2010

Mr. WOLF. Madam Speaker, I submit for the RECORD a letter I received from the Chaldean Assyrian Syriac Council of America regarding the plight of Iraq’s ancient Christian community, which is increasingly under assault and facing near extinction from the lands they have inhabited for centuries. The Wall Street Journal just yesterday noted on its editorial page that “some still speak the Aramaic, the lingua franca of Christ.”

The Journal further noted that of the 100,000 Christians who once lived in Mosul, Iraq, only some 5,000 are still there.”
While the situation in Iraq is perhaps the most glaring, it is but representative of a larger trend in the Middle East where religious minorities face growing discrimination, repression and outright persecution. The Journal continued, “In Egypt, Coptic Christians have been brutalized. Protestant churches increase around Easter or Christmas, as worshippers attempt to observe holy days.”

During this season of Advent as millions around the world anticipate Christmas, let us be mindful of the fear gripping these communities as we try to prioritize: protection and preservation throughout the Middle East. We have a moral obligation to do nothing less. For as the famed abolitionist William Wilberforce once said, “Having heard all this, you may choose to look the other way, but you can never again say that you did not know.”

I close with the solemn warning of the Chaldean Assyrian Syriac Council of America to President Obama, in a letter sent this November, in which they noted that the current situation “promises more innocent lives to be brutally assaulted. Assaults on churches increase and outright persecution. The Journal continues a trend in the Middle East where religious minorities continue to face such accomplishments that the West came to recognize Islamic civilization through their literary and scientific contributions greatly to the advancement of Islamic civilization through their literary and scientific contributions. As any knowledgeable Arab would attest, they constituted, as a group, the most valuable human asset Iraq had. And despite the regime of Saddam Hussein, the post-9/11, politically repressed, Christians excelled in business and science.”

Today, this minority may not be so lucky. The massacre that took place in the Lady of Salvation Church on Sunday, October 31, 2010, and the subsequent targeted killings afterwards, has many Christian leaders speaking of leaving Iraq for good. Recently, Archbishop Athanasios Dawood of the Syriac Orthodox Church is saying, “I say clearly and now—the Christian people should leave their beloved land of our ancestors and escape the precipitated ethnic cleansing,” he told BBC. “It’s better than having them killed one by one.”

Scholars Eden Naby and Jameeshe Jomos recently wrote in Foreign Policy that the end of Christianity in Iraq is near. In a letter to House Speaker John Boehner of the Chaldean Assyrian Syriac Council of America, an organization serving this community in the United States, noted that the current situation “promises more innocent Christian blood in Iraq, more turmoil in that country, and more shame for America.”

As members of the world community, and as Americans, we bear a responsibility not to allow the disintegration and destruction of this community. This has caused consequences that we cannot walk away from.

Iraq’s Christians have a unique heritage whose loss will be mourned by not only Iraq, but the United States and the World. Some have proposed a wholesale evacuation of this community in order to save it. Yet, there are other viable options; such as the recognition of an autonomous zone to be protected and monitored by the United Nations and the United States. It is time to consider the plight of this community seriously and propose action.

Regard,

ISMAT KARMO
Chairman

CHALDEAN ASSYRIAN SYRIAC COUNCIL OF AMERICA, Southfield, MI, December 6, 2010.

HON. DENNIS MOORE OF KANSAS

Mr. MOORE of Kansas. Madam Speaker, as a House conferee for H.R. 4173, the Dodd-Frank Wall Street Reform and Consumer Protection Act (“Dodd-Frank Act”), and the chief sponsor of the Nonadmitted and Reinsurance Reform Act (NRRA) that was included as Title V, Subtitle B of the Dodd-Frank Act, I rise to reaffirm these important provisions. The President signed the Dodd-Frank Act into law earlier this year (P.L. 111–203).

The NRRA seeks to address an issue that most people have never heard of. But it is an issue that we in this House have successfully addressed in a number of other areas in the past few years, and one that affects the lives of millions of Americans, individuals and businesses large and small.

Non-admitted insurance, or surplus lines, is specialty insurance you cannot purchase in the traditional manner. They are called the “safety net” of the insurance market, surplus lines provide for coverage when the traditional market is not available. This is insurance for satellites, toxic chemicals, new inventions, or insurance on homes and businesses in a scarce market.

With my distinguished colleague from New Jersey, Mr. GARRETT, I sponsored the Non-admitted and Reinsurance Reform Act to fix the fragmented, cumbersome regulation of this important marketplace. The goal of the NRRA was not to eliminate regulatory protections, but to streamline the regulatory regime to enable insurers and brokers to more easily and efficiently comply with state rules and provide much-needed insurance protections to consumers. The law accomplishes this by giving sole regulatory authority over a surplus lines market—including the authority to collect premium taxes—to the home state of the insured.

The NRRA passed the House four times—three times as a stand-alone measure and, finally, as part of the Dodd-Frank Act. With the law’s enactment, the responsibility for implementation moves to the states. I’m told that the National Association of Insurance Commissioners (NAIC) is moving swiftly to draft a model agreement and statutory language to enable the states to collect and share surplus line premium taxes. This is a promising start, but only if the agreement and authorizing legislation are in keeping with the letter and spirit of the NRRA: to provide a simpler, uniform tax reporting and payment process with a single payment, to the insured’s home state, for each transaction, broker licensing requirements and reporting requirements, broker licensing requirements, and electronic processing, insuror eligibility standards, and treatment of sophisticated commercial purchasers. Most of

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the provisions of the law will become effective next July without state action—as I mentioned, the rules of the insured’s home state govern multi-state transactions and the insurer eligibility requirements and sophisticated commercial purchaser standards are set forth in the federal law.

Having said that, however, in order to truly realize the promise of the new law, the states need to take this opportunity to adopt a single set of uniform surplus lines regulatory requirements—requirements that are not just similar but the same in every state. I have no stake in how this is accomplished—by individual state laws based on NAIC or NCOIL models, through a standard-setting compact (which is authorized under the NRRA), or in some other manner. But it can and should be done—and the states should realize that now is the time to do it.

I urge the Congress to continue closely monitoring the full implementation of these important provisions.

A TRIBUTE TO JOHN ARNOLD

HON. VERNON J. EHLERS
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 15, 2010

Mr. EHLERS. Madam Speaker, I rise today to honor John Arnold, the Executive Director of the Feeding America West Michigan Food Bank. After working tirelessly for 28 years to help feed the hungry, John is retiring due to his advanced, inoperable cancer. My prayers and heartfelt thanks go to John and his family.

As the Executive Director for the West Michigan Food Bank for the past 21 years, John has run one of the most innovative food banks in the entire country. During his career, John has helped secure and distribute more than 300 million pounds of food aid across Michigan.

In an ambitious effort to end hunger throughout Michigan, John’s food bank took on the challenge of adding the Upper Peninsula of Michigan to their service area. In addition to extending service to remote rural areas, John has developed more than 1,300 outlets for food, to ensure that every person in their 40-county service area has reasonable access to food aid.

The West Michigan Food Bank is so successful that it is able to provide food for less than a tenth of what it would cost at a grocery store. In 2010, the food bank expects to hit the 25 million pound mark for distributed food.

In 1994, under John’s leadership, the food bank launched their “Waste Not, Want Not Project” with Michigan State University, to determine how communities in America can adequately address their hunger problems. This project has won international awards and has allowed the food bank to meet its goal of 15 percent growth per year until all needs are met.

As a participant in my church’s food distribution program in Grand Rapids, I recognize full well the dramatic impact a little food aid can make in the lives of struggling families.

Although John’s life may regrettably be cut short due to his inoperable cancer, he should take comfort in knowing that his efforts have helped save and improve the lives of thousands of hungry people across Michigan. We are most grateful for and appreciative of all that John Arnold has done to aid the poor and hungry people in Western and Northern Michigan. He serves as a model for all food bank directors and executives across our Nation.

TRIBUTE TO AIR FORCE SENIOR AIRMAN MARK ANDREW FORESTER

HON. ROBERT B. ADERHOLT
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 15, 2010

Mr. ADERHOLT. Madam Speaker, one of the most somber and humbling duties of our jobs is when we attend the funerals of our fallen soldiers, sailors, airmen, and marines. On October 7, 2010, I attended such a funeral for a fallen airman who not only was my constituent, but was a family I had grown up with. I would like to pay tribute to this American Patriot from my hometown of Haleyville, Alabama, who was killed in action on September 29, 2010, in the Uruzgan Province of Afghanistan.

Air Force Senior Airman Mark Forester paid the ultimate sacrifice to defend our great nation. Mark was assigned to the 21st Special Tactics Squadron at Pope Air Force Base, North Carolina. He served as an Air Force Combat Controller and was embedded with a Special Forces Unit in Afghanistan.

When I think of a young man like Mark, I think of words like; honor and bravery. “Greater love hath no man than this, that a man lay down his life for his friends.”—John 15:13. Mark died while protecting his friends and fellow service members.

In the fall of 1864, President Abraham Lincoln, wrote the following message to the mother of a fallen soldier. “I pray that our Heavenly Father may assuage the anguish of your bereavement and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have had so costly a sacrifice upon the altar of freedom.” President Lincoln’s words ring more powerful today than ever before.

Mark earned numerous awards during his service including a Bronze Star with Valor and a Purple Heart. It is an honor to be able to say that I was associated with Mark and his family over the years. Our thoughts and prayers continue to be with Mark’s family and all those who knew and loved him.

PERSONAL EXPLANATION

HON. GARY C. PETERS
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 15, 2010

Mr. PETERS. Madam Speaker, on December 9, 2010 I missed rollocall vote No. 627 because I was attending a White House signing ceremony for the Animal Crush Video Prohibition Act of 2010—legislation which I helped author. Had I been present I would have voted in favor of H.R. 6412, the Access to Criminal History Records for State Sentencing Commissions Act of 2010, legislation which will help improve criminal sentencing procedures in states throughout the country.

99-YEAR TRIBAL LEASE AUTHORITY ACT

SPEECH OF
HON. PETER A. DeFAZIO
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 14, 2010

Mr. DeFAZIO. Mr. Speaker, S.1448 is identical to legislation that I introduced in the House of Representatives with Representative SCHRADER in March. The bill accomplishes two things: 1) it corrects a disparity between federally recognized tribes in Oregon in how these tribes lease land held in trust, and 2) it incentivizes long term investment that will attract businesses and create jobs for Oregon tribes and nearby communities.

Currently, four of the nine federally recognized tribes in Oregon are able to lease land held in trust by the federal government for up to 99 years without going through a maze of bureaucracy and red tape at the Bureau of Indian Affairs. The 99 year lease authority is crucial to attracting and retaining long-term investment, incentivizing economic development projects on trust land, and creating jobs for communities that need them the most. But five of Oregon’s nine federally recognized tribes—the Coquille, the Confederated Tribes of the Siletz, the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw, the Klamath, and the Burns Paiute do NOT have this important authority. These tribes are limited to 25 year leases or must rely on a lethargic BIA to approve longer leases on an individual basis.

S.1448 fixes this disparity and gives all nine federally recognized tribes the same authority to pursue economic development and job-creating activities on land held in trust. The bill enjoys bipartisan support, has no opposition in the state of Oregon, and passed the U.S. Senate without amendment and by unanimous consent. This is a no-brainer. It’s good for the Tribes. It’s good for rural and tribal communities. The bill neither pays the federal job losses and incentivizes financial investment. I ask my colleagues to pass this bill today on suspension and send it to President Obama for his signature.

HONORING SERGEANT MATTHEW THOMAS ABBATE

HON. BARBARA LEE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 15, 2010

Ms. LEE. Madam Speaker, I rise today to honor the extraordinary life of Matthew Abbate, Sergeant of the United States Marine Corps. Loved and respected by his family, friends and fellow Marines, Sergeant Abbate was killed in the line of duty in Afghanistan on December 2, 2010. It was his second tour of duty.

At just 26 years of age, Sergeant Abbate had already accomplished many things—including his life-long dream of joining the Marine Corps. He had traveled the world, started a family, and achieved satisfaction and recognition in his military career.

Sergeant Abbate grew up in Piedmont, California with his father Sal Abbate, a local business owner, and his stepmother Jane...
Mr. PALLONE. Madam Speaker, I rise today to congratulate the Second Baptist Church of Matawan, New Jersey as the parishioners gather to celebrate the church’s 120th anniversary. Members of the congregation enthusiastically dedicate their time to religious service in Matawan and its surrounding community. Their actions are undoubtedly deserving of this body’s recognition.

The Second Baptist Church of Matawan was founded in 1890 and continues to build upon its rich history. Under the leadership of Reverend Stephen Moore, Reverend Jeffrey Gray, Deacon Willie Kiah and the Church Board of Officers, the Second Baptist Church of Matawan provides a harmonious environment for members of the congregation and the community to build upon their faith. Faithfully serving the members of its congregation, the Second Baptist Church of Matawan adheres to their principles of individual freedom in matters of faith. They continue to welcome new members to their congregation. They have implemented numerous ministries and continue to assist all members of the community. Their humble actions and service to the community are commendable.

As a youth, Matthew Abbate was charming, a loving father, a good person and a brave Marine. Sergeant Abbate leaves behind an extended network of loved ones, including his wife, Stacie Rigall, his two-year-old son, Carson, his parents, stepparents and four siblings. His contributions to our nation will be forever residing with his mother and stepfather, their principles of individual freedom in matters of faith. They continue to welcome new members to their congregation. They have implemented numerous ministries and continue to assist all members of the community. Their humble actions and service to the community are commendable.

Among the many sources of pride Sergeant Abbate found in being a Marine, the brotherhood he had with his fellow troopers was foremost. He was a stalwart team member and a leader who inspired his peers to vote him as the Marine they’d most like to be. As we gather in remembrance, we celebrate the life of a man who took great pride in being a loving father, a good person and a brave Marine. Sergeant Abbate leaves behind an extended network of loved ones, including his wife, Stacie Rigall, his two-year-old son, Carson, his parents, stepparents and four siblings. His contributions to our nation will be forever residing with his mother and stepfather, their principles of individual freedom in matters of faith. They continue to welcome new members to their congregation. They have implemented numerous ministries and continue to assist all members of the community. Their humble actions and service to the community are commendable.

Mr. COFFMAN of Colorado. Madam Speaker, please join me in leading the exchange ratio in the event of a later dividend waivers shall not affect the exchange ratio in the event of a later dividend waivers. Section 625 also provides that such dividend waivers would not affect the exchange ratio in the event of a later dividend waivers. These regulations also provide that such dividend waivers shall not affect the exchange ratio in the event of a later dividend waivers. This means the national debt has increased by $3,214,163,584,618.03 so far this Congress.

This debt and its interest payments we are bound to be a busy retirement based on his community, sports, youth and civil rights organizations, and most recently the Talk Magazine 2009 Person of the Year.

HON. MIKE COFFMAN
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $13,852,589,330,911.83. On January 6, 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 $3,214,163,584,618.03 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

HONORING HOMER C. FLOYD UPON HIS RETIREMENT FROM PENNSYLVANIA HUMAN RELATIONS COMMISSION

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $13,852,589,330,911.83. On January 6, 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 $3,214,163,584,618.03 so far this Congress.

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HON. CHAKA FATTAH
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Mr. FATTAH. Madam Speaker, Homer C. Floyd, a champion of civil rights and human relations in the Commonwealth of Pennsylvania for the past four decades, is concluding a remarkable career. Since February 1970, Mr. Floyd has served as Executive Director of the Pennsylvania Human Relations Commission. He has an impressive record of accomplishments in civil rights, and has received numerous awards from organizations including the Pennsylvania NAACP, the International Association of Official Human Rights Organizations, and most recently the Talk Magazine 2009 Person of the Year.

Even before attaining his executive position in Harrisburg, Mr. Floyd amassed a wealth of experience and accomplishment that spans North America. A graduate of the University of Kansas, Mr. Floyd played Canadian professional football for the Edmonton Eskimos. He worked as a recreation supervisor in Kansas City, Missouri, and directed a civil rights commission with jurisdiction across the Dakotas, Missouri and Kansas. He consulted with the government of the Virgin Islands and the U.S. Department of Labor in Washington. Since his arrival in Harrisburg he has donated his time to a long list of boards and committees and has volunteered on behalf of the Commonwealth of Pennsylvania and numerous community, sports, youth and civil rights organizations in central Pennsylvania. He was married to the late Mattie Longshore and has three children and three grandchildren.

Now Homer C. Floyd is retiring, although it is bound to be a busy retirement based on his community, sports, youth and civil rights organizations, and most recently the Talk Magazine 2009 Person of the Year.

HON. DENNIS MOORE
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES

Mr. MOORE of Kansas. Madam Speaker, as a House conferee for H.R. 4173, the Dodd-Frank Wall Street Reform and Consumer Protection Act (“Dodd-Frank Act”), I rise to reaffirm the intent of section 625 of the Dodd-Frank Act, which the President signed into law earlier this year (P.L. 111–203).

For years, many federal mutual holding companies have waived receipt of dividends in reliance on current Office of Thrift Supervision (“OTS”) regulations which permit waivers of such dividends. These regulations also provide that such dividend waivers would not affect the exchange ratio in the event of a later dividend waivers. This means the national debt has increased by $3,214,163,584,618.03 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

H.R. 4173, THE DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT—CLARIFICATION OF INTENT WITH RESPECT TO SECTION 625
remain unaltered from when the Dodd-Frank Act was being debated and became law) define a mutual holding company as the top-tier company and includes any mid-tier stock holding company. Therefore, regardless of what level of the federal mutual holding company had or continues to waive the receipt of dividends, the clear intent behind Section 625 is to preserve the current OTS regulations with respect to these institutions.

I commend Chairman FRANK for his leadership in drafting the Dodd-Frank Act, as well as his assistance in working with me to fully preserve and protect the thrift charter, including the dividend treatment of federal mutual holding companies. I also urge the Congress to carefully oversee the implementation of the Dodd-Frank Act, including provisions like Section 625, to ensure the regulators implement them in such a way as Congress intended.

PAYING TRIBUTE TO MR. TOBY PALTZER

HON. STEVE KAGEN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 2010

Mr. KAGEN. Madam Speaker, I rise here today to pay tribute to Mr. Toby Paltzer as he retires from his distinguished career as Outagamie County Executive. For 11 years, Mr. Paltzer managed Wisconsin’s sixth largest county in a manner that always best served its entire people, and I ask my colleagues to join me in honoring this dedicated public servant.

Toby Paltzer’s service to Outagamie County goes well beyond his time as Executive. Prior to assuming his current role, Toby served as an Outagamie County board supervisor for 5 years, chairman of Agriculture, Extension Education, Zoning and Land Conservation Committee for 3 years, and was an active member of the Local Emergency Planning Committee for 12 years.

In addition to his government service, Mr. Paltzer has further demonstrated his commitment to the communities in and around Outagamie County, Wisconsin through his 45 years as a member and president of Grand Chute Volunteer Fire and Rescue Department, and his involvement as a mentor in the Outagamie Youth Leaders program.

Widely respected by business leaders and elected officials alike, citizens across Outagamie County will certainly miss Toby Paltzer’s effective, efficient and clear-cut leadership. Despite having to weather one of the worst economic storms of our time, he leaves his Executive post having placed Outagamie County in a position to prosper that will continue to be realized long after his departure.

Madam Speaker, as Mr. Paltzer steps down from his post as Outagamie County Executive, I ask the members of this chamber to join me in paying tribute to this valued member of our community.

TRIBUTE TO JEANETTE ROGERS-ERICKSON

HON. KEVIN McCARTHY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 2010

Mr. McCARThY of California. Madam Speaker, I rise today to honor Jeanette Rogers-Erickson, a community leader from Kern County in the State of California. Mrs. Rogers-Erickson holds board positions in many local organizations, such as the Kern Valley Hospital Foundation, the Kern Valley Hospital Auxiliary, the Kernville Chamber of Commerce, the Kern River Valley Chamber of Commerce, the Kern River Revitalization group, the Exchange Club, the Rotary Club of the Kern Valley, the South Fork Women’s Club, the Kern Valley Women’s Club, and the Kern Valley Collaborative. Mrs. Rogers-Erickson also belongs to the Kern River Valley Art Association and for many years has had her art “worn” throughout the valley on the annual Whiskey Flat Days official shirts.

In addition to her membership in many local organizations, Mrs. Rogers-Erickson is a board member of the Kern Community Foundation and is on the organizing committee of the newly formed Kern River Valley Community Foundation Fund. She has been active with the Women’s and Girls’ Fund of Bakersfield as well as a board member of the Probation Auxiliary County of Kern, PACK, which oversees the Kernville-based Camp Erwin Owen for Boys.

For her many great works in the community, Mrs. Rogers-Erickson was selected by Assemblymember Jean Fuller to be the 2007 Woman of the Year for the 32nd California State Assembly District. She is also the recent recipient of the Exchange Club 2010 Book of Golden Deeds given to a local resident who has high integrity, honesty, generosity, great work ethic, and high moral values. An ordained minister, Mrs. Rogers-Erickson is the South Fork Club’s Inspirational Chairman and organizes several Pastor Prayer Events throughout the year. She is very active in the Exploring Careers in Health Occupations Academy, which is a local high school program that partners with the Kern Valley Healthcare District and Cerro Coso College.

I am thankful to Jeanette for all of her service to our community and I hope that she and her husband Charely enjoy her retirement.

HON. ADRIAN SMITH
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 2010

Mr. SMITH of Nebraska. Madam Speaker, it is with great pride that I rise to recognize the Western Nebraska Community College volleyball team who late last month claimed the school’s second national Junior College Championship title. The Cougars’ win over San Jacinto College in five sets capped a wonderful season.

The Cougars came out strong—winning the first two sets—and holding off a spirited challenge to win the third set. I am proud of the Cougars and Coach Giovana Melo—who has guided her team to top-three finishes in all three of her seasons as coach.

Debora Araujo led the way for WNCC with 22 kills in the final match. Kuulei Kabalis was named to the all-tournament team after totaling a school-record 34 digs against San Jacinto and Fernanda Goncalves was named Most Valuable Player of the national tournament.

The WNCC Cougars earned the right to be called national champions. I offer my congratulations to the team, their fans, and their community, who made the season such a memorable one.

CONGRATULATING THE GASCONADE COUNTY 4-H

HON. BLAINE LUEKTMEYER
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 2010

Mr. LUEKTMEYER. Madam Speaker, I ask my colleagues to join me in congratulating the Gasconade County 4-H for 75 years of excellence.

The original Gasconade County 4-H organization started with the ideas and planning of only 10 individuals. Since its inception in 1935, the Gasconade County 4-H has expanded now includes 11 4-H clubs, 230 members, and 107 volunteers.

The Gasconade County 4-H engages youth to reach their fullest potential, while advancing the field of youth development in four different areas of focus: head, heart, hands, and health. Through their hands-on learning, these young members build their leadership capabilities and expand their skills which enable them to be proactive forces in their communities and prepare for their future endeavors. In its 75th year, the tradition of 4-H still remains strong throughout Gasconade County.

I congratulate the men and women who continue to advance this important cause, which has had such a positive effect on our youth and on our community. I am extremely proud. I also encourage more youth to participate in 4-H and other such programs that empower them to reach their full potential. I join the rest of the 9th Congressional District when I wish you all continued success and another 75 years of excellence!

I would like to take this time to commend Gasconade County 4-H for all their hard work, and I ask that my colleagues join me in recognizing them for a job well done!

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

SPEECH OF
HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. KUCINICH. Madam Speaker, I rise in opposition to H.R. 3082, Making Further Continuing Appropriations for Fiscal Year 2011 and the Food Safety Enhancement Act of 2010. I support the underlying purpose of this bill: to keep the government running through September 30, 2011 and I support a number of provisions in it.

H.R. 3082 contains the Food Safety Enhancement Act, a bill that would greatly...
strengthen the Food and Drug Administration’s (FDA) ability to demand recalls of tainted foods, increase inspections on domestic food facilities, and secure accountability from food companies. It also allows the FDA to create new regulations governing the sanitary transport of food. In addition to the inclusion of a program to develop a nationwide food emergency response laboratory network to better monitor dangers to our Nation’s food supply. While I regret that this bill has been weakened relative to the version that passed the House earlier this year, I welcome the overall improvements to the FDA’s authority to protect public health.

I strongly support the funding included for the National Space and Aeronautics Administration (NASA). I am concerned, however, about the possible neglect of NASA’s research centers, such as the NASA Glenn Research Center (NASA Glenn) located in my congressional district, as a result of the distribution of funds under this bill. The allocation of funding reflects the significant changes made to NASA’s programs as requested by the President. In this bill makes vulnerable funds for in-house research and development (R&D) programs such as the Life Science, Human Research and Exploration Technology Development under the Technology Demonstration and Space Technology Missions. Ensuring NASA Glenn’s health is vital to the workers at NASA I represent, as well as to the economic health of the State of Ohio. Adequate support of the agency’s research centers is key to protecting NASA’s legacy as the premier aeronautics R&D agency in the world. However, I cannot support the $156 billion contained in this legislation to continue the wars in Iraq and Afghanistan. We have heard about fake negotiations between the Karzai government that we prop up and a fake Taliban leader; this, while we conduct a record number of airstrikes to wipe out Taliban leadership. We know that millions of dollars—some believed to be U.S. taxpayer money—have gone and are going unaccounted for as Karzai and his cronies purchase villas in Dubai. We also know that our night raids and airstrikes only further entrenched toward the U.S. and our presence in the country, further endangering our troops and allies. And yet as reasons to get out of Afghanistan continue to mount, do so the calls for a prolonged presence in the country beyond the initial proposed 2011 withdrawal date. The war in Afghanistan, like the war in Iraq, is taking place in a world where facts and common sense seem to have no place.

I urge my colleagues to oppose this bill.

A TRIBUTE TO THE LIFE OF BISHOP JOHN T. STEINBOCK

HON. JIM COSTA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 15, 2010

Mr. COSTA. Madam Speaker, I rise today with my colleagues Mr. RADANOVICH, Mr. CARDOZA, and Mr. NUNES to pay tribute to Bishop John T. Steinbock who passed away on December 5, 2010 at the age of seventy-three in Fresno, California. Bishop Steinbock was a key figure in the Diocese in Fresno which serves more than one million parishioners in eight counties from as far north as Merced County to as far south as Kern County.

Bishop John T. Steinbock was born on July 16, 1937 in Los Angeles, California. He was one of three children of Leo and Thelma Steinbock. As a child, the Bishop learned to read from racing forms at the horsetracks and learned to count by playing blackjack. The Bishop’s decision to turn towards the priesthood came after his two brothers had joined the seminary. He attended a rigorous college preparatory high school designed for young men considering the priesthood and graduated in 1955. After spending the summer of 1958 learning Spanish at a boardinghouse in Mexico City, he decided that he wanted to become a priest.

On May 1, 1963, Bishop Steinbock was ordained into the priesthood. Upon his ordination, Bishop Steinbock was assigned to Resurrection Parish located in the Hispanic barrio in Los Angeles, California. During Bishop Steinbock’s tenure at Resurrection Parish, he developed his reputation as a great administrator, a valued skill which would lead to a promotion within the Catholic Church. In 1973, Bishop Steinbock was transferred to St. Vibia’s Catholic Cathedral near Skid Row in Los Angeles. During the Bishop’s time in East Los Angeles, the poor and homeless, often dealing with individuals suffering from mental illness, drug and alcohol addiction, and physical abuse. Bishop Steinbock also became a police chaplain for the Los Angeles Police Department.

Recalling on his time in Los Angeles, Bishop Steinbock wrote, “The greatest suffering was the loneliness and despair I found in the lives of so many.” Bishop Steinbock would have been content to stay a priest; however he was informed by the late Cardinal Timothy Manning that the late Pope John Paul II had named him to be a Bishop. Bishop Steinbock was hesitant to accept the honor, but was convinced by Cardinal Manning’s message that the Pope was simply acting in accordance with God’s will for Bishop Steinbock. His first assignment as a Bishop was in Orange County serving from 1984 to 1987. He would later serve in Santa Rosa, California until he arrived in Fresno, California in 1991. Bishop Steinbock arrived in Fresno to lead a diocese and quickly rose to the occasion, solving several inherited challenges such as a $3 million deficit. In addition, during the Bishop’s first decade in Fresno the diocese undertook seventy major building or renovation projects on churches, parish halls, offices, and school classrooms.

Bishop Steinbock’s style of ministry was uniquely his own. He sought out technology and innovation as a means for communication, evangelization, teaching, and formation. The Bishop also recognized the need for personal and genuine love and concern for his brother priests who were never far from his thoughts and prayers. Bishop Steinbock personally celebrated the Sacrament of Confirmation for virtually every young adult in the Diocese, except in a handful of all the eighty-eight diocesan parishes. Bishop Steinbock’s pastoral messages, homilies, and Masses often addressed contemporary issues such as unemployment, the imprisoned, those without health care, restorative justice and love for one’s neighbor. Despite the Bishop’s busy schedule, he made time to visit each office in the Pastoral Center to spend time with staff and volunteers. On October 23, 2009, Bishop Steinbock celebrated his Silver Jubilee as Bishop of the Diocese of Fresno.

Madam Speaker, Mr. RADANOVICH, Mr. CARDOZA, Mr. NUNES, and I ask our colleagues to join us in honoring the life of Bishop John T. Steinbock as we offer our condolences to his family and celebrate his memory and service to the Diocese of Fresno and California.

IN HONOR AND MEMORY OF JOHN LENNON

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 15, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of John Lennon, a musician, songwriter, entertainer, international icon, and father, who will be remembered as one quar- ter of The Beatles—on the 30th Anniversary of his death. His contributions as a songwriter, musician, and artist span every facet of the musical industry, and his work is beloved around the world.

John Lennon was born on December 9, 1940 in Liverpool, England and was killed on December 8, 1980 outside of his apartment in New York City. During his lifetime, John was passionate about making the world a better, safer place. He had strong convictions that war was always wrong and that peace was achievable. The ideals he held still resonate today. His music, whether produced alone, with the Beatles, or with Yoko Ono continues to be played on the radio.

John Lennon was a passionate man whom millions of people have come to admire. His death still weighs deeply in the hearts of mil- lions of those who loved his music. He has been the recipient of many awards and hon- ors, including an appointment as a Member of the Order of the British Empire (MBE) with the other Beatles in 1965. Numerous albums that he had a hand in crafting have been listed on Billboard charts. They have helped put him on lists of the greatest musicians and songwriters of all time. John Lennon was inducted to the Songwriters Hall of Fame in 1987 and the Rock and Roll Hall of Fame in 1994.

Madam Speaker, please join me in honor and recognition of John Lennon. Mr. Lennon’s brilliant artistry, unwavering activism and spirit continue to lighten hearts and enlighten minds by bringing enjoyment and hope to millions. His influence spans continents and generations. Thirty years after his death, his fans are still grieving. John Lennon and his legacy have made and continues to make our Nation and our world a better place.

HONORING THE SERVICE AND DEDICATION OF GREG HOLYFIELD

HON. BART GORDON
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 15, 2010

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor Lt. Wayland
Gregory Holyfield for his contributions to the Sixth District of Tennessee while serving on my Washington, DC staff. As any member of Congress knows, our legislative achievements and successful constituent services programs would not be possible without a cadre of great staff working behind the scenes. Their work long hours—often for little pay or recognition—and their service is simply invaluable to those of us who serve in this esteemed chamber. Throughout my 26 years in Congress, I have been fortunate to have many bright, able staff members working behind the scenes. Today, I’d like to single out those who are serving my constituents as my tenure comes to a close.

Emily Phelps has served as my communications director throughout this last year of my term. Even though I announced a year ago that I was retiring, my staff and I have not slowed down one bit since then. My legislative efforts have continued, and Emily has done a tremendous job of ensuring my constituents know how new laws will affect their families and their communities.

Emily has put in long hours and hard work to manage outreach on Congress’ actions on health care reform, the controversy surrounding failing brakes in some Toyota models, and my efforts to ban imports of foreign-generated nuclear waste. After floods ravaged Tennessee this spring, Emily provided up-to-the-minute reports about disaster assistance through my website and outreach to local businesses. While the Science and Technology Committee’s communications director was out on maternity leave, Emily split her time, assisting with hearing, managing a press conference related to the Deepwater Horizon oil spill, and preparing for House consideration of the America COMPETES Act.

Madam Speaker, Emily has a bright, continued future ahead of her in communications. She is thoughtful, offers good ideas and insight, maintains ease and comfort with reporters, and, as all good staff does, advocates an alternative opinion rather than just agreeing with the status quo.

My staff and I have enjoyed getting to know Emily and having her in the office. Her easy-going nature, with a touch of endearing quirkiness, is a pleasant counter to the clamor of Congress. Emily, I thank you for helping me accomplish so much this year, and I wish you all the best.

HONORING THE SERVICE AND DEDICATION OF CHERYL T. RACKENS
HON. BART GORDON
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 15, 2010
Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor Cheryl T. Rackens for his contributions to the Sixth District of Tennessee while serving on my Washington, DC staff. As any member of Congress knows, our legislative achievements and successful constituent services programs would not be possible without a cadre of great staff working behind the scenes. They work long hours—often for little pay or recognition—and their service is simply invaluable to those of us who serve in this esteemed chamber. Throughout my 26 years in Congress, I have been fortunate to have many bright, able staff members working behind the scenes. Today, I’d like to single out those who are serving my constituents as my tenure comes to a close.

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Chris Rackens joined my office during the final week of House consideration of the Patient Protection and Affordable Care Act, a bill that sparked public interest exceeding anything I have seen during my time in Congress. It was a week of unprecedented call volumes that sometimes stretched into the House phone system. Although he had just joined us days before, Chris helped to staff the office over the weekend to provide updates to constituents in Middle Tennessee who were following the debate. It was an exciting and challenging time for even the most veteran staffers. Unfazed, Chris jumped right into his staff assistant duties with professionalism under pressure, a great attitude, and a pride in his small-town upbringing that endeared him right away to his colleagues in Washington and Tennessee.

Chris was always eager to tackle any task, which served him well as he was promoted from staff assistant to legislative aide. Chris has covered legislation in the areas of education and government reform, answering constituent concerns and assisting Tennessee universities and state entities that needed assistance with different federal agencies. In addition, he also took on the role of systems administrator for the office, an often thankless and time-consuming job.

During the last months, Chris has shown real leadership in the move from our Rayburn office to transition space in preparation for closing my Washington and Tennessee offices. He has handled many of the major logistical challenges of helping the staff relocate, all while staying on top of a full load of correspondence and legislative work. Our office transition would not have been as successful without Chris.

Madam Speaker, Chris Rackens has done great work in the service of the Sixth District of Tennessee. He has tremendous charisma and an unflaggingly good attitude that has led him to believe no task is too big or too small to undertake. I know I will continue to hear good things from and about Chris, and I wish him all the best in the future.

HONORING THE SERVICE AND DEDICATION OF DANA LICHTENBERG OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 2010

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor Dana Lichtenberg for her contributions to the Sixth District of Tennessee while serving on my Washington, DC staff. As any member of Congress knows, our legislative achievements and successful constituent services programs would not be possible without a cadre of great staff working behind the scenes. They work long hours—often for little pay or recognition—and their service is simply invaluable to those of us who serve in this esteemed chamber. Throughout my 26 years in Congress, I have been fortunate to have many bright, able staff members with an interest in serving their country by working in this body. Today, I’d like to single out those who are serving my constituents as my tenure comes to a close.

Dana joined my staff in 1999 already a seasoned Hill staffer with experience in three congressional offices. After proving herself to possess incredible policy knowledge, she became my Legislative Director in 2007. She manages my legislative staff, oversees my legislative agenda and advises me on issues before the Energy and Commerce Committee.

Many congressmen would count themselves lucky to have a Legislative Director as knowledgeable in one policy area as Dana is in ten. Although telecommunications policy has been her first love, her understanding of health care policy and the Patient Protection and Affordable Care Act is second to none. Her work in my office has taken her deep into small business, consumer protection and intellectual property policy. She will be leaving my office with 15 bills under her belt, notably the NET 911 Improvement Act that helped modernize 911 systems for Internet-based phones and the SPARTA sports agents law that cracks down on unscrupulous sports agent activity at the college level.

In the nearly 12 years since she joined my staff, Dana has seen major changes, from the excitement surrounding three presidential elections and power shifts in Connecticut, to the heartbreaking and frightening period surrounding the terrorist attacks on September 11, 2001. Throughout it all, Dana has managed a tight legislative team and mentored a number of great legislative staffers who have thrived under her tutelage and now work as successful careers elsewhere in Congress. Most importantly, Dana has never forgotten who she is working for. No matter how long her list of accomplishments grows, she is never too busy to help a Tennessean who has a concern related to federal legislation and walk them through it with patience and candor. Dana politely discusses legislation point-by-point with constituents who call with concerns, leading to many conversations ending with appreciation and understanding after beginning with angst and opposition. Dana always manages to keep herself busy both in the office and out with her gardening jobs, appreciation for good wine and trips home to her native California.

Madam Speaker, it has been wonderful to have Dana to rely on as my Legislative Director. Dana, thank you for all your help and dedication over these many years. Your hard work has helped to make me a better congressman.

HONORING THE SERVICE AND DEDICATION OF GRAHAM SCHNAARS OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 2010

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor Graham Schnaars for his contributions to the Sixth District of Tennessee while serving on my Washington, DC staff. As any member of Congress knows, our legislative achievements and successful constituent services programs would not be possible without a cadre of great staff working behind the scenes. They work long hours—often for little pay or recognition—and their service is simply invaluable to those of us who serve in this esteemed chamber. Throughout my 26 years in Congress, I have been fortunate to have many bright, able staff members with an interest in serving their country by working in this body. Today, I’d like to single out those who are serving my constituents as my tenure comes to a close.

Graham comes to Capitol Hill from the field of engineering. He earned a BS from the University of Virginia and a Master’s in Structural Engineering from Lehigh University. After working on structural engineering projects from Louisiana to Alaska, and fitting in time to do a cross-country ski trip to raise awareness for Habitat for Humanity, Graham followed his interest in public policy to Washington, DC. He began his Hill career with an internship at the House Committee on Science and Technology, which played an engineering background and research skills. A native Tennessean himself, Graham volunteered to help my personal office staff handle the overwhelming volume of calls that came in during the heart-wrenching and frightening period surrounding the terrorist attacks on September 11, 2001. Throughout it all, Dana has managed a tight legislative team and mentored a number of great legislative staffers who have thrived under her tutelage and now work as successful careers elsewhere in Congress. Most importantly, Dana has never forgotten who she is working for. No matter how long her list of accomplishments grows, she is never too busy to help a Tennessean who has a concern related to federal legislation and walk them through it with patience and candor. Dana politely discusses legislation point-by-point with constituents who call with concerns, leading to many conversations ending with appreciation and understanding after beginning with angst and opposition. Dana always manages to keep herself busy both in the office and out with her gardening jobs, appreciation for good wine and trips home to her native California.

In addition to being a snappy dresser, Graham has been a great member of the team. He has a wry sense of humor, a wonderful attitude and an eagerness to pitch in as needed. At times when the office has been understaffed during the final months of my term, he held down the fort for senior legislative staff—and brought in his now-famous spinach and artichoke dip to help us through. Madam Speaker, Graham has done stellar work for Middle Tennessee. He has a bright future ahead of him as a news policy wonk, and I wish him all the best.

BOEHNER: EYE-OPENING REPORT DETAILS GOV’T MORTGAGE COMPANIES’ ROLE IN FINANCIAL MELTDOWN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 2010

Mr. BOEHNER, Madam Speaker, I submit the following for the RECORD:

BOEHNER: EYE-OPENING REPORT DETAILS GOV’T MORTGAGE COMPANIES’ ROLE IN FINANCIAL MELTDOWN

WASHINGTON, D.C.—House Speaker-designate John Boehner (R-OH) issued the following statement in response to a report released by the Republican commissioners on the Financial Crisis Inquiry Commission (FCIC) regarding the causes of the financial crisis:

“This eye-opening report details how government mortgage companies played a pivotal role in the financial meltdown by handing out high-risk loans to families who...
couldnt afford them. After years of being codified and enabled by Washington politicians, Fannie Mae and Freddie Mac are now on life support, kept afloat by taxpayers fed up with bailouts. Through the Pledge to America, Republicans have proposed saving billions for taxpayers by ending government control of Fannie and Freddie, shrinking their portfolios, and establishing minimum capital standards. I appreciate the Republican commissioners emphasis on getting to the bottom of what happened and ensure the American people have the full story about the financial crisis. This is a report every taxpayer should read.

Note: Former Rep. Bill Thomas, Keith Hennessey, John Douglas Holtz-Eakin, and Peter Wallison are the Republican commissioners on the FCIC. As the Republican commissioners state in their introduction, “these preliminary findings and conclusions do not constitute the Commission’s report.”

INTRODUCTION

On May 20, 2009, Public Law No. 111-21, the Fraud Enforcement and Recovery Act of 2009, was enacted into law, creating the Financial Crisis Inquiry Commission (FCIC). According to the Act, the FCIC was established “to examine the causes, domestic and global, of the financial and economic crisis in the United States.” The law requires that today, December 15, 2010, the FCIC submit “to the President and to the Congress a full report containing the findings and conclusions of the Commission on the causes of the current financial and economic crisis in the United States.” This primer contains preliminary findings and conclusions released by Vice Chairman Bill Thomas, Commissioner Keith Hennessey, Commissioner Douglas Holtz-Eakin, and Commissioner Peter J. Wallison, and represents a portion of the findings and conclusions resulting from our work on the FCIC. As the transmission of the report of the FCIC to the President and Congress requires a majority vote of the Commission, these findings and conclusions do not constitute the Commission’s report. Rather, this document is an effort to reflect the clear intention of our enabling legislation. Our views have been shaped, in part, by our knowledge of economics and finance generally. As a result of our course of examination, we have studied and drawn from the extensive work already available on the financial crisis. This crisis that we have studied is novel in every respect. It is the first of its kind, and thus our examination of similar, previous episodes also informed our findings and conclusions. As a result, we see this document as a part of an already rich discussion of the causes of financial crises, both in the United States and around the world. This document adds to the rather extensive literature on the subject. The two seminal works on the causes of the Great Depression, Milton Friedman and Anna Schwartzs A Monetary History of the United States, 1867-1960, and Joseph M. Bernanes Nonmonetary Effects of the Financial Crisis in the Propagation of the Great Depression, were published in 1963 and 1963, respectively, many decades after the crisis had ended. We anticipate that future generations will continue to provide additional insights into the causes of this financial crisis as well.

Further, we want to stress the extent to which our views have been influenced by the research and investigations conducted by the FCIC staff. I met with the FCIC staff in Washington, DC in September 2009. The work included conversations with economic historians, finance experts, and other academics, and hundreds of interviews with financial industry executives, regulators, and government officials. While we may have organized and conducted some of these investigations differently given the choice, we have found many elements to be useful. We thank the FCIC staff for their hard work. We have tried to distill those issues that we think are most important into a series of questions and answers. Different questions were included for different reasons, including those topics that, in our view, are commonly mischaracterized and those most relevant to future policy discussions. Certainly, this is not an exhaustive list.

Our framework reflects a central premise that the financial crisis was distinct from other recent important economic events, including the housing bubble and the prolonged economic recession. We believe that the financial crisis was caused by a financial panic that was precipitated by highly correlated mortgage-related losses concentrated at large financial firms in the United States and Europe. While the housing bubble, the financial crisis, and the recession are surely interrelated events, we do not believe that the housing bubble was a sufficient condition for the financial crisis. The unprecedented number of subprime and other weak mortgages in this bubble set it and its effect apart from others in the past.

We look forward to continuing to participate in the ongoing dialogue on the causes of the financial crisis and providing our additional views as they develop.

Vice Chairman Bill Thomason Commissioner Keith Hennessey Commissioner Douglas Holtz-Eakin Commissioner Peter J. Wallison

A copy of the report can be found at the following link: http://republicanleader.house.gov/UploadedFiles/Financial_Crisis_Primer_Final.pdf
priorities in the areas of energy, trade and transportation by working with the Energy and Commerce Committee and the Science and Technology Committee. She successfully oversaw House passage of the Radioactive Import Deterrence Act and worked with committee staff to address my concerns and add language to the Home Star Energy Retrofits Act and Motor Vehicle Safety Act. Elizabeth has also worked with stakeholders in my district to see several major local initiatives through the appropriations process. With a great sense of diplomacy and attention to detail, she has been a tireless advocate for the people of the Sixth District of Tennessee and the universities in my district.

Elizabeth is a consummate professional and has been a great addition to my office. She is bright, possesses excellent writing and editing skills, and a curiosity and depth of knowledge that made her an invaluable member of the team. She applies all of her talents to her efforts, whether it’s her work as a founder of the Women’s Congressional Staff Association or her well known karaoke pursuits.

Madam Speaker, it has been a pleasure having Elizabeth on my staff. I look forward to following her successful career, wherever it takes her, and wish her and her husband, Jason, all the best in the future.

HONORING THE SERVICE AND DEDICATION OF ERIC FINS

HON. BART GORDON
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 15, 2010

Mr. GORDON of Tennessee. Madam Speaker, today I rise to recognize Eric Fins for his contributions to Tennessee’s Sixth Congressional District. As any member of Congress knows, our legislative achievements and successful constituent services programs would not be possible without a cadre of great staff working behind the scenes. They work long hours—often for little pay or recognition—and their service is simply invaluable to those of us who serve in this esteemed Chamber.

Throughout my 26 years in Congress, I have been fortunate to have many bright, able staff members with an interest in serving their country by working in this body. Today, I’d like to single out those who are serving my constituents as my tenure comes to a close.

Eric attended American University and graduated Cum Laude in 2008. Following a successful internship with his hometown representative, Congressman Jim McCOVERN, Eric joined my office as a staff assistant. He maintained a friendly front office and handled every task in front of him, including the daunting job of ticket distribution for the overwhelming number of constituents who wanted to attend President Obama’s inauguration. Eric’s hard work earned him a promotion to the role of Legislative Correspondent and then Legislative Assistant.

As a Legislative Correspondent, Eric managed a heavy volume of constituent concerns on a number of issues, ensuring all received prompt and thorough responses. As a Legislative Assistant, Eric brought a thoughtful approach and an impressive depth of knowledge on a broad range of issues, from immigration to defense to homeland security to financial services. Eric shepherded House passage of the Combat Methamphetamine Enhancement Act, which was signed into law this fall. Meth production continues to be a serious problem in my district, and many Tennesseans will see benefits from Eric’s hard work.

Eric should also be commended for his work with my internship program. His patience and good attitude made him such a good fit for the job of intern coordinator that he returned to it even after taking on a full legislative portfolio. By recruiting, training and mentoring an excellent group of interns, Eric did a service both to my staff and to the young people he worked with.

Madam Speaker, it has been a pleasure working with Eric. His dedication and great sense of humor have made him an integral part of the team in Washington and endeared him to his coworkers in Tennessee. We consider him an honorary Tennessean and wish him all the best in his future endeavors.

RECOGNIZING KATHY LUND

HON. TOM MCCINTOCK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 15, 2010

Mr. McCINTOCK. Madam Speaker, I rise today to recognize the service of Kathy Lund of Rocklin, California.

Since her first election to the city council in 1985, Kathy has provided invaluable contributions to the city. She worked to develop a strong fiscal position for the city: formulating a General Plan for Rocklin and assuring that it was followed while also establishing and protecting an emergency fund and setting aside monies for the city’s future retirement and health-benefit obligations. Kathy also provided much-needed support for numerous school and education initiatives, including Safe Routes to School improvements throughout Rocklin, the development of joint facilities for the Rocklin Unified School District and the construction of the Sierra College interchange.

Her passion for serving her community was further displayed through her work to ensure the safety and well-being of its people. She was instrumental in the creation of the Anti-Gang Task Force, for the development of a city-wide park system, the creation of the six-city Placer County Transportation Agency and for working to guarantee the continuation of essential ambulatory service for Rocklin residents.

Madam Speaker, I can offer no better commendation to Kathy than that which the people of Rocklin have already conferred upon her by continuously reflecting her over the last 25 years to serve on the city council and to six terms as mayor. At a time when cities across our country find themselves struggling financially and desperate to find capable and honorable officials, Kathy Lund has been a sterling example of all that ought to be meant by the designation “public servant.” I am proud today to congratulate Kathy on her numerous accomplishments and to thank her for a quarter century of commitment, dedication and service to the people of Rocklin.

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, December 16, 2010 may be found in the Daily Digest of today’s RECORD.
HIGHLIGHTS

Senate agreed to the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to H.R. 4853, Airport and Airway Extension Act, with an amendment.

Senate

Chamber Action

Routine Proceedings, pages S10235–S10309

Measures Introduced: Seven bills were introduced, as follows: S. 4027–4033.

Measures Reported:

S. 3480, to amend the Homeland Security Act of 2002 and other laws to enhance the security and resiliency of the cyber and communications infrastructure of the United States, with an amendment in the nature of a substitute. (S. Rept. No. 111–368)

S. 3297, to update United States policy and authorities to help advance a genuine transition to democracy and to promote recovery in Zimbabwe, with an amendment in the nature of a substitute. (S. Rept. No. 111–369)

Measures Passed:


House Messages:

Airport and Airway Extension Act: By 81 yeas to 19 nays (Vote No. 276), Senate agreed to the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, with Reid/McConnell Modified Amendment No. 4753 (to the House amendment to the Senate amendment), in the nature of a substitute, after taking action on the following motions and amendments proposed there-
to:

Withdrawn:

Reid Amendment No. 4754 (to Amendment No. 4753), to change the enactment date.

During consideration of this measure today, Senate also took the following action:

- By 47 yeas to 52 nays (Vote No. 273), two-thirds of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the Coburn motion to suspend rule XXII of the Standing Rules of the Senate, including any germaneness requirements, for the purpose of proposing and considering amendment no. 4765.

- By 37 yeas to 63 nays (Vote No. 274), two-thirds of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the DeMint motion to suspend rule XXII of the Standing Rules of the Senate for the purpose of proposing and considering amendment no. 4804.

- By 43 yeas to 57 nays (Vote No. 275), two-thirds of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the Sanders motion to suspend rule XXII of the Standing Rules of the Senate for the purpose of proposing and considering amendment no. 4809.

Printing Tributes—Agreement: A unanimous-consent agreement was reached providing that the order for the printing of tributes be modified to provide that Members have until sine die of the 111th Congress, 2nd session to submit tributes and that the order for printing remain in effect.

Executive Reports of Committees: Senate received the following executive report of a committee:


Treaty With Russia on Measures for Further Reduction and Limitation of Strategic Offensive Arms: By 66 yeas to 32 nays (Vote No. 277), Senate
agreed to the motion to proceed to executive session to consider Treaty Doc. 111–5, between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol.

A unanimous-consent agreement was reached providing that, as if in Executive Session, at approximately 9:30 a.m., on Thursday, December 16, 2010, Senate proceed to Executive Session and begin consideration of the treaty, and that the treaty be considered read.

Nominations Received: Senate received the following nominations:

Clyde E. Terry, of New Hampshire, to be a Member of the National Council on Disability for a term expiring September 17, 2013.

41 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

Messages from the House:

Executive Communications:

Executive Reports of Committees:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Authorities for Committees to Meet:

Privileges of the Floor:

Record Votes: Five record votes were taken today. (Total—277)

Adjournment: Senate convened at 9:30 a.m. and adjourned at 6:24 p.m., until 9:30 a.m. on Thursday, December 16, 2010. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S10309.)

Committee Meetings

BUSINESS MEETING

Committee on Agriculture, Nutrition, and Forestry: Committee ordered favorably reported the nomination of Ramona Emilia Romero, of Pennsylvania, to be General Counsel of the Department of Agriculture.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the nomination of Carolyn W. Colvin, of Maryland, to be Deputy Commissioner of Social Security, Social Security Administration.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 5 public bills, H.R. 6522–6526; and 7 resolutions, H.J. Res. 104; H. Con. Res. 334; and H. Res. 1763, 1765, 1767–1769 were introduced.

Additional Cosponsors:

Reports Filed: Reports were filed today as follows:

H. Res. 1764, providing for consideration of the Senate amendment to the bill (H.R. 2965) to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes (H. Rept. 111–681) and

H. Res. 1766, providing for consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes (H. Rept. 111–682).

Suspensions: The House agreed to suspend the rules and pass the following measures:


Congratulating Auburn University quarterback and College Park, Georgia, native Cameron Newton on winning the 2010 Heisman Trophy: H. Res. 1761, to congratulate Auburn University quarterback and College Park, Georgia, native Cameron Newton on winning the 2010 Heisman Trophy for being the most outstanding college football player in the United States, by a 2/3 yea-and-nay vote of 378
For the relief of Shigeru Yamada: S. 4010, for the relief of Shigeru Yamada; Pages H8363–65

For the relief of Hotaru Nakama Ferschke: S. 1774, for the relief of Hotaru Nakama Ferschke; Pages H8365–68

Supporting the critical role of the physician assistant profession and supporting the goals and ideals of National Physician Assistant Week: H. Res. 1600, amended, to support the critical role of the physician assistant profession and to support the goals and ideals of National Physician Assistant Week; Pages H8368–69

National Alzheimer's Project Act: S. 3036, to establish the National Alzheimer's Project; Pages H8369–72

Early Hearing Detection and Intervention Act of 2010: S. 3199, to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss; Pages H8372–74

Restore Online Shoppers' Confidence Act: S. 3386, to protect consumers from certain aggressive sales tactics on the Internet; Pages H8374–76

Truth in Caller ID Act: S. 30, to amend the Communications Act of 1934 to prohibit manipulation of caller identification information; Pages H8376–80

Regulated Investment Company Modernization Act of 2010: Concurred in the Senate amendment to H.R. 4337, to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies; Pages H8412–17

Omnibus Trade Act of 2010: H.R. 6517, amended, to extend trade adjustment assistance and certain trade preference programs, to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty; Pages H8418–52

Supporting a negotiated solution to the Israeli-Palestinian conflict and condemning unilateral measures to declare or recognize a Palestinian state: H. Res. 1765, to support a negotiated solution to the Israeli-Palestinian conflict and to condemn unilateral measures to declare or recognize a Palestinian state; Pages H8466–71

Providing for the approval of final regulations issued by the Office of Compliance to implement the Veterans Employment Opportunities Act of 1998 that apply to the House of Representatives and employees of the House of Representatives: H. Res. 1757, to provide for the approval of final regulations issued by the Office of Compliance to implement the Veterans Employment Opportunities Act of 1998 that apply to the House of Representatives and employees of the House of Representatives; Pages H8481–87

Providing for the approval of final regulations issued by the Office of Compliance to implement the Veterans Employment Opportunities Act of 1998 that apply to certain legislative branch employing offices and their covered employees: S. Con. Res. 77, to provide for the approval of final regulations issued by the Office of Compliance to implement the Veterans Employment Opportunities Act of 1998 that apply to certain legislative branch employing offices and their covered employees; and Pages H8487–92

Providing for the furnishing of statues by the District of Columbia for display in Statuary Hall in the United States Capitol: H.R. 5493, amended, to provide for the furnishing of statues by the District of Columbia for display in Statuary Hall in the United States Capitol.

Agreed to amend the title so as to read: “To provide for the furnishing of statues by the District of Columbia and territories and possessions of the United States for display in Statuary Hall in the United States Capitol.” Page H8495

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Tuesday, December 14th:

Harry T. and Harriette Moore Post Office Designation Act: H.R. 5446, to designate the facility of the United States Postal Service located at 600 Florida Avenue in Cocoa, Florida, as the “Harry T. and Harriette Moore Post Office”, by a ⅔ yea-and-nay vote of 405 yea with none voting “nay”, Roll No. 631; Pages H8380–81

Expressing support for designation of January 23rd as “Ed Roberts Day”: H. Res. 1759, to express support for designation of January 23rd as “Ed Roberts Day”, by a ⅔ yea-and-nay vote of 390 yea to 8 nays with 4 voting “present”, Roll No. 632; Pages H8381–82

Recognizing the 45th anniversary of the White House Fellows Program: S. Con. Res. 72, to recognize the 45th anniversary of the White House Fellows Program, by a ⅔ recorded vote of 401 ayes to 1 no, Roll No. 653; Pages H8382–83

Private Isaac T. Cortes Post Office Designation Act: H.R. 6205, to designate the facility of the United States Postal Service located at 1449 West Avenue in Bronx, New York, as the “Private Isaac
Listing the accomplishments of Norman Yoshio Mineta: H. Res. 1377, to honor the accomplishments of Norman Yoshio Mineta.

Pages H8495–H8500

Senate Messages: Message received from the Senate by the Clerk and subsequently presented to the House today and a message received from the Senate today appear on pages H8359 and H8390.

Senate Referrals: S. 4005 was referred to the Committee on the Judiciary.

Pages H8359, H8517

Quorum Calls—Votes: Six yeo-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H8380–81, H8381–82, H8382–83, H8383–84, H8388, H8388–89, H8389–90 and H8410. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:59 p.m.

**Committee Meetings**

**COMMODITY POSITION LIMITS**

**Committee on Agriculture:** Subcommittee on General Farm Commodities and Risk Management held a hearing to review implementation of provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act relating to position limits. Testimony was heard from the following officials of the Commodity Futures Trading Commission: Gary Gensler, Chairman; and Bart Chilton, Commissioner; and public witnesses.

**FORECLOSURE CRISIS CAUSES/EFFECTS**

**Committee on the Judiciary:** Concluded hearings on Foreclosed Justice: Causes and Effects of the Foreclosure Crisis—Part II. Testimony was heard from Senator Whitehouse, and public witnesses.

**SBIR/STTR REAUTHORIZATION ACT OF 2009 (DON'T ASK, DON'T TELL REPEAL ACT OF 2010)**

**Committee on Rules:** Granted, by a vote of 6–2, a rule providing for consideration of the Senate amendment to H.R. 2965, the SBIR/STTR Reauthorization Act of 2009 (Don't Ask, Don't Tell Repeal Act of 2010). The rule makes in order a motion offered by the Majority Leader or his designee that the House concur in the Senate amendment to H.R. 2965 with the amendment printed in the Rules Committee report. The rule waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI. The rule provides that the Senate
amendment and the motion shall be considered as read. Testimony was heard from Representatives Davis of California, and McKeon.

**TAX RELIEF, UNEMPLOYMENT INSURANCE REAUTHORIZATION, AND JOB CREATION ACT OF 2010**

The Committee on Rules: Granted, by a non-record vote, a rule providing for consideration of the Senate amendment to the House amendment to the Senate amendment to H.R. 4853, the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010. The rule provides three hours of debate on the topics addressed by the motions specified in sections 2 and 3 of the rule, equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The rule makes in order a motion offered by the chair of the Committee on Ways and Means that the House concur in the Senate amendment to the House amendment to the Senate amendment to H.R. 4853 with the amendment printed in the Rules Committee report. The rule waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI. If the motion described in section 2 of the rule fails of adoption, the rule causes to be pending a motion to concur in the Senate amendment to the House amendment to the Senate amendment to H.R. 4853. Finally, until completion of proceedings enabled by the first three sections of the rule, the Chair may decline to enter any intervening motion, resolution, question, or notice; the Chair may postpone such proceedings to such time as may be designated by the Speaker; and each amendment and motion considered pursuant to the rule shall be considered as read. Testimony was heard from Chairman Levin and Representatives Pomeroy, Van Hollen, Doggett, Weiner, Welch, Brady (TX), Herger, Pence, and Graves (GA).

**BRIEFING—COUNTERTERRORISM UPDATE**

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Counterterrorism Update. The Committee was briefed by departmental witnesses.

**BRIEFING—OUTSIDE EMPLOYMENT IN THE INTELLIGENCE COMMUNITY**

Permanent Select Committee on Intelligence: Subcommittee Intelligence Community Management met in executive session to receive a briefing on Outside Employment in the Intelligence Community. The Committee was briefed by departmental witnesses.

**Joint Meetings**

No joint committee meetings were held.

**COMMITTEE MEETINGS FOR THURSDAY, DECEMBER 16, 2010**

(Committee meetings are open unless otherwise indicated)

**Senate**

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

**House**

Committee on the Judiciary, hearing on the Espionage Act and the Legal and Constitutional Issues Raised by WikiLeaks, 10 a.m., 2141 Rayburn.
Congressional Record

Next Meeting of the SENATE
9:30 a.m., Thursday, December 16

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Thursday, December 16

Senate Chamber

Program for Thursday: Senate will proceed to executive session for consideration of the New START Treaty.

House Chamber

Program for Thursday: Further Action on H.R. 4853—Middle Class Tax Relief Act of 2010 (Subject to a Rule).

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