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

DESIGNATION OF SPEAKER PRO TEMPORE
The SPEAKER pro tempore laid before the House the following communication from the Speaker:
WASHINGTON, DC, March 10, 2011.
I hereby appoint the Honorable ROBERT E. LATTA to act as Speaker pro tempore on this day.
JOHN A. BOEHNER, Speaker of the House of Representatives.

MORNING-HOUR DEBATE
The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.
The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

END THE WAR IN AFGHANISTAN
The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.
Mr. JONES. Mr. Speaker, yesterday, DENNIS KUCINICH, RON PAUL, and I, along with other colleagues, held a press conference to announce House Concurrent Resolution 28, which would require the President to withdraw all United States Armed Forces from Afghanistan by the end of 2011.
Last month’s USA Today/Gallup poll, 72 percent of Americans favor congressional action this year to bring our troops home from Afghanistan.

This week the Rasmussen Report finds that 52 percent of voters want our troops home from Afghanistan this year. To quote this poll, “A majority of voters, for the first time, support an immediate withdrawal of all U.S. troops from Afghanistan or the creation of a timetable to bring them all home within a year.”

Fourteen months ago, I asked a retired military general to advise me on Afghanistan. I have asked him for his thoughts, and I will read some of them to you. Back in November, I emailed this general and I said, What do you think about the possibility of being in Afghanistan for 4 more years?
Mr. Speaker, he replied, “I do not believe that 40 more years would guarantee ‘victory,’ whatever that is; so 4 will do nothing. The war is costing money and lives, all in short supply.”

Mr. Speaker, there is a retired lieutenant colonel in Jacksonville, North Carolina, which is in my district, who served in the United States Marine Corps for 31 years. His name is Dennis Adams. He wrote me a letter, and the last paragraph of the letter I would like to read to the House.

“I urge you to make contact with all the current and newly elected men and women to Congress and ask them to end this war and bring our young men and women home. If any of my comments will assist you in this effort, you are welcome to use them and my name.”

Mr. Speaker, I want to show the faces. I want to show the faces of war and the faces of pain.

This is a young man whose name is Phillip Jordan. At the time of his father’s death—his father was a gunnery sergeant—he was 6 years of age. I wish the people could see the eyes of this young boy, 6 years of age, with a folded flag under his arm and the coffin that is following right behind him. This is war. Children feel war as adults feel war.

Mr. Speaker, I also want to show a poster from the honor guard at Dover walking a transfer case, which most people know is a coffin. It’s the remains of an American hero off the plane. This again is war and the pain of war.

Mr. Speaker, this is a beautiful, handsome couple. It’s a young marine, his wife, and his child. This young marine had been deployed so much that he developed PTSD. A year ago, on the main drag at Camp Lejeune known as McHugh Boulevard, he committed suicide. He stepped out of the car, he put a gun to his head, he committed suicide.

Mr. Speaker, I hope that the Congress would join Mr. KUCINICH, Mr. PAUL, and others in this House and let’s have a debate, and let’s vote. Let’s meet our constitutional responsibility, and let’s bring our troops home before we break the military. It is time to bring our troops home from Afghanistan.
Mr. Speaker, as I always do, I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God to love the families who have given a child dying for freedom in Afghanistan and Iraq, and I ask God to please bless the House and Senate that we would do what is right in the eyes of God. I ask God to give wisdom, strength, and courage to President Obama that he will do what is right in the eyes of God.
And three times I will ask, God please, God please, God please continue to bless America.

DIRTY AIR
The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. COHEN) for 1 minute.
Mr. COHEN. Mr. Speaker, I rise in opposition to Chairman UPTON’s dirty air act.
In 2007, the Supreme Court issued the Massachusetts v. EPA decision, directing the EPA to examine greenhouse gas emissions and their impact on the public health. EPA conducted a highly credible, peer-reviewed scientific analysis under the Bush EPA and the Obama EPA, both of whom concluded that greenhouse gases harm our health.

This was not a political analysis; it was a scientific analysis. But that has not stopped the chairman from trying to legislatively undermine scientific fact. According to the EPA, President Nixon’s Clean Air Act will prevent 230,000 premature deaths and result in $2 trillion in economic benefits in 2020.

But, Chairman UPTON has decided, with much help from corporate polluters’ lobbyists, that the fiscal and physical well-being of the American people are less important than Big Oil’s importance and Big Oil’s billion dollar bottom line next quarter.

The bottom line for America is that undermining EPA science will cost trillions.

PAIN AT THE PUMP

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi (Mr. NUNNLEE) for 5 minutes.

Mr. NUNNLEE. Mr. Speaker, frustrations are growing as Americans are feeling real pain at the pumps. The rising gas prices are a serious strain on an economy that is beginning to show small signs of recovery.

Right now, the average gas price in Mississippi is $3.50 a gallon, and I don’t think anybody would be surprised if that number continues to rise. Every time gas prices go up by one penny, that costs American consumers $4 million a day.

Families in north Mississippi have been dealing with tight budgets for the last couple of years, and rising gas prices severely impact an already tightened family budget. We all know that ultimately gas prices will be passed on in higher prices to the consumer through higher transportation costs, increased costs of groceries and other commodities. When there is no extra money in the pocketbooks, there is certainly no padding in the family budget to accommodate this increase in the cost of living associated with higher gas prices.

As turmoil in the Middle East continues, coupled with emerging demand for Third World developing countries that places demand on foreign energy demands, that’s going to cause gas prices to further increase. This problem is serious, and it needs to be addressed now. It needs to be addressed through exploring more domestic energy production.

However, President Obama has offered a short-term solution, tapping into the Strategic Petroleum Reserve. The Strategic Petroleum Reserve is available for national emergencies at a time of crisis. Mississippians can all agree that when President Bush tapped into the strategic reserve during the aftermath of Katrina, it was in response to a serious supply disruption and an unforeseeable disaster.

But if we draw down on these reserves when gas hits $4 a gallon, what will we do if the reserves are depleted and then a real emergency hits? The President’s shortsighted answer to our rapidly increasing oil and gas prices does nothing to protect America from future energy prices skyrocketing, nor does it help toward American energy independence.

From the beginning, the Obama administration has failed to initiate a serious energy policy. Instead, this administration has actively taken steps to block or delay American energy production, therefore making us more dependent on unstable foreign countries’ oil production.

Recently, we remembered the 50th anniversary of President Kennedy’s inauguration. Following that inauguration, the President stood in this very Chamber and challenged our nation to make it a national priority that before the end of this decade, the United States should achieve energy security and independence. By actively producing our own energy resources, America will not only be independent from volatile regions of the world, but we will supply our own energy.

Now there is no single “silver bullet” and Republicans support an all-of-the-above approach that includes more American oil, more American natural gas, coal and nuclear energy. We need to expand U.S. oil exploration immediately in the Gulf of Mexico and Alaska. We currently produce nearly one-third of our domestic oil. Offshore natural gas produced in the gulf region accounts for 13 percent of the total U.S. production. However, a de facto moratorium still exists, even though the official moratorium was lifted last May and October.

Not only has the gulf lost 12,000 quality jobs because of the moratorium, but these rigs are actively leaving that region and moving to foreign countries such as Cuba, Brazil and Mexico.

In February, Federal Judge Feldman gave the Department of the Interior 30 days to rule on seven deepwater drilling permits. As of today, only one of those permits has been issued. That is simply unacceptable. This type of deliberate inaction and negligence fails to meet the needs of a struggling U.S. economy. That is why I’m a proud co-sponsor of House Resolution 140, which calls for a streamlined process for shallow and deepwater drilling in the Gulf.

In 2008, President Obama put the entire Pacific coastal, Atlantic coast and the eastern gulf coast off-limits to further energy production. This includes a large portion of Alaska’s Outer Continental Shelf, even though expanding production would ultimately create upwards of 1.2 million jobs and generate $8 trillion in economic output. That’s why I must immediately begin a long-term energy policy and begin to drill today to deal with higher gas prices.

I also believe that it is vitally important to invest in the development of clean coal technologies. Coal is our Nation’s most abundant and affordable energy resource, and another way to energy independence is through economically and environmentally sound clean coal technology. President Obama has specifically said that he would bankrupt the coal industry through regulations and impossible standards.

Democrats continue to operate an anti-business agenda and restrict the advancement of domestic energy development through regulations, moratoriums and increased taxes on American energy production. The President’s budget includes over $60 billion in tax and fee increases on American energy production. This will only add to the burden of families and businesses.

The current unrest in the Middle East only emphasizes the importance for America to develop more of its own domestic resources. American energy production can lower prices, create good jobs and decrease our reliability on foreign oil. We need to start paying Americans and stop funding our enemies.

Our country has been blessed with clean and affordable energy resources. Let’s stop putting unreasonable restrictions on our natural resources and allow America to claim energy independence.

FORECLOSURE CRISIS AND GOP GUTTING FORECLOSURE PROGRAMS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. CHU) for 5 minutes.

Ms. CHU. Mr. Speaker, the effects of the foreclosure crisis and economic downturn have had a devastating impact on American families. Because of disorganized business practices and enormous risks taken by big banks, our housing and financial systems have utterly collapsed. And in the wake of this destruction, millions of Americans have lost their jobs, their homes and their quality of life.

As the casualties rose and homeowners clamored for some relief, the government stepped in to do what it could. But with the scope of the problem, government foreclosure relief programs alone just aren’t enough. We should do more—to fix the housing market and more especially to create new jobs, become more focused on actually solving the problem. Let’s stop talking and start working together. We need to help people stay in their homes, help pay their mortgages and get the banks back to lending.

But the Republican House leadership hasn’t gotten the message. In the last 10 weeks since the Republicans took control of the House, they haven’t created a single job. What’s worse, they
March 10, 2011

CONGRESSIONAL RECORD — HOUSE

H1671

haven't even put a single jobs bill on the House floor. Instead of creating jobs, they are slashing them. The GOP spending plan eliminates 700,000 jobs and stifles economic growth. Rather than moving the Nation forward, they are pulling America backward.

And the buck stops no different. Republicans are making things worse for American families as they continue their assault on the middle class. They want to completely abolish four programs designed to help homeowners keep their houses and avoid foreclosure. Republicans have no interest in making these programs work better for the American people. By offering nothing in their place, the GOP is simply abandoning hardworking homeowners who are underwater and struggling to find jobs to pay the bills.

Now, we all know that government foreclosure programs are not perfect. But why are we completely dismantling programs that have helped thousands of Americans stay in their homes? Though not perfect, why are we targeting the victims of the foreclosure and financial crises instead of helping them by fixing these programs?

There's a lot that we can do better with the same people, like Francisco. Francisco is from Duarte in my district. After a year, he was underwater, and, at the height of the recession, he tried to modify his home loan. He visited his servicer and was pushed back and forth between customer representatives. After 2 years of fighting for help, he only had four pieces of mail from the lender to show for it. He was eventually denied the modification, and he can't even appeal the decision. And though we should be doing more to help him, the Republican plan of doing nothing means that he is completely out of luck.

Commonsense improvements can be made to make the government foreclosure programs better, ones that could provide relief to Francisco. Take the Home Affordable Modification Program, or HAMP. Simple fixes like having a case manager assigned to each case will allow for better communication between the customer and the bank. If a customer is denied a loan modification, it would be more effective to appeal the decision instead of having to reapply all over again. And we can do more to provide incentives for banks to complete modifications and ensure that servicers complete the diligence before denying modifications.

These are reasonable solutions that servicers have been slow to adopt, if at all. And if we don't make changes to these programs and instead just throw them and forth between customer representatives, they will be left to the banks whose bad policies caused this financial crisis in the first place. They will be left with unstable communities strewn with abandoned homes, and they will be left without a home and one no one to turn to for help.

It sounds like Republicans would rather return to old policies that we know don't work rather than trying to fix the policies we know that can work. Struggling Americans deserve better than that.

NO-FLY ZONE: A CHALLENGE TO THE WAR POWERS RESOLUTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. PAUL) for 5 minutes.

Mr. PAUL. The important question being asked about a foreign policy is should the United States impose a no-fly zone over Libya? There are leaders on both sides of the Capitol and leaders in both parties who are now advising this as well as individuals in the administration. It is my opinion that we should not. It would be foolish, it would have a downside, and we should think very, very carefully before we go expanding the wars that we're already involved in. We're in two major wars with Iraq and Afghanistan, and that involves Pakistan and Yemen already.

So to go into Libya now and impose a no-fly zone—we have to remember, a no-fly zone is an act of war. What moral right do we have to participate in a war over Libya? Have the United States hasn't done anything to the United States. They're not a threat to our national security. There's been no aggression. There's no constitutional authority for a President to willy-nilly go and impose a no-fly zone over countries around the world.

We tried this in the 1990s and did it for 8 or 9 years. We had a no-fly zone, along with sanctions and blockades, around Iraq. Finally, it ended up with war. And the wars were based on lies. And then when that happened they said, yes, but it was well worth it because we got rid of a bad guy. But we also lost close to 4,500 American military people, 30-some thousand suffered severe injuries and hundreds of thousands are applying now for disability because we went to war when we shouldn't have gone to war.

To expand this war now makes no sense whatsoever. It's against international law. It challenges the War Powers Resolution. For that reason, we should stop and think. Congress should act. I'm preparing to introduce a resolution next week that it is the sense of Congress that the executive branch can't do this without approval from the Congress.

Why should we do this? Do you think it will cost some money? Yes, it is going to cost a lot of money, innocent people will be killed. You can't just all of a sudden turn a switch and say don't fly over Libya; you have to bomb a lot of anti-aircraft sites and a lot of military establishments, so the war is on.

From my viewpoint, this is the only humanitarian thing we can do, expand the war.

If we want to do something for humanity, we need a new foreign policy. We need a foreign policy that isn't built on militarism; it's built on more cooperation and more trade and not picking our dictators.

Look at what happened after we picked a dictator for Iran. Sure, it lasted for 25 years or so. But eventually it radicalized the Islamists and they had a revolution, and we came out on the short end of that. So I think it is time that we reassess this and think about a policy that makes a lot more sense. Economically, we need to do it.

NUCLEAR WASTE AT YUCCA MOUNTAIN: OVER MY DEAD BODY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Nevada (Ms. BERKLEY) for 5 minutes.

Ms. BERKLEY. Mr. Speaker, I have been in Congress now for 12 years. The very first speech I made on the floor of the House was why nuclear waste should not be stored at Yucca Mountain. I cannot believe 12 years from when I first made that speech. I am back in the well of the House talking about why Nevada should not be
the site for the nuclear repository for this country.

President Obama defunded the Yucca Mountain project, and let me tell you why he took this very bold step: because 77 percent of the people of the State of Nevada do not want nuclear waste stored at Yucca Mountain. There are groundwater issues, seismic activity, volcanic activity, and it is 90 miles from the major population center of Las Vegas.

It is dangerous. There are no current EPA standards. And why is that? No current EPA radiation standards, because there is no way to set radiation standards for material that has a radioactive half shelf life of 300,000 years. But the Republican budget that has just been submitted resurrects Yucca Mountain and starts the process of dumping another $100 billion into a hole in the Nevada desert where there will never, ever be any nuclear waste stored.

At the same time that the majority is calling for spending more money to dump nuclear waste at Yucca Mountain, they are also pushing for devastrating cuts that will end the loan guarantees for a new solar power plant in the Nevada desert near the community of Tonopah. The result will be the loss of 600 jobs at a time when the Silver State has double-digit unemployment. Almost 15 percent of the people who live in Nevada have no job, and those are going to take away 600 more by this very foolish act. Construction of this new solar plant will not only provide hundreds of paychecks to Nevada workers, it will also supply enough clean and renewable energy to power 75,000 homes in the State of Nevada. Without these loan guarantees that are now on the Republican chopping block, this solar project’s bright future is looking mighty, mighty dim.

Tapping renewable energy sources, like solar and wind and solar thermal, all in great abundance in the State of Nevada, is where the future of this Nation and certainly Nevada’s energy needs are.

Do we want to continue to rely on the Saudis and the Venezuelans and the Libyans for our energy needs to be met? I don’t think so. Renewable is the way to go.

This Nation and Nevada’s future is in clean energy, not in nuclear waste stored in an unstable, yet-to-be-built nuclear waste repository in the middle of the Nevada desert, as I said, 90 miles from a major population center.

I reject these efforts to restore the funding to Yucca Mountain. It is more wasteful spending at a time when they are talkin’ about fixing the deficit. This is no way to do it by adding an extra $100 billion. And I will make this pledge to you now: There will be no nuclear waste shipped to Yucca Mountain because it will be shipped over my dead body. I will lay across those railroad tracks and stop that train from depositing nuclear waste in my great State.

I oppose the cuts as much as I oppose the funding of Yucca Mountain. I oppose the cuts in the solar energy loan guarantee program that will cut 600 jobs from the State of Nevada and prevent us from moving forward for a bright, renewable energy future.

HONORING LANCE CORPORAL RAYMON JOHNSON

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. WESTMORELAND) for 5 minutes.

Mr. WESTMORELAND. Mr. Speaker, I come before the House this morning with great sorrow but also with great honor to celebrate the life of Lance Corporal Raymon Johnson, who answered his Nation’s call of duty in 2007 after graduating from Shaw High School in 2006. On October 13, 2010, he made the ultimate sacrifice while serving his country and protecting his country and fellow servicemen abroad.

He was killed while conducting combat operations in the Helmand Province of Afghanistan.

Lance Corporal Johnson was deployed to Afghanistan as part of the 1st Battalion, 8th Marine Regiment, 2nd Marder Brigade, 2nd Marine Division out of Camp Lejeune, North Carolina. He leaves behind his mother, Gwendolyn; his father, Gregory; a sister, LaQuita; and a brother, Ramon, who serves in the Georgia National Guard. He also leaves behind a nephew, Andre.

Raymon desired to become a United States Marine from an early age. Family members recall Raymon spending hours playing military video games and watching the military channel when he was a teenager. Raymon began training to enter the service even before he graduated from high school, and he passed up recruitment offers from the Navy, the Army, and the Air Force to join the Marines. Many family members were apprehensive about Raymon joining the Marines, but he felt it was his duty to serve. He told his family: Don’t try to worry about me much, I’m glad I’m doing what I always wanted to do.

Raymon’s family members who recalled Raymon remember a young man who was not only driven to serve his country, but also someone who was caring, compassionate, and filled with integrity. At his funeral, a tear-eyed Ramon Johnson, his twin brother, remembered the good times he and his brother had baking cakes with their grandmother. His uncle, a reverend and former Marine, said Raymon wanted to fight for a cause.

Like all men and women in the armed services, Lance Corporal Johnson wanted to serve his country bravely, and he did. He took satisfaction in his job every day because he knew his work touched so many millions of people. He was encouraged every day because he truly felt the Afghani people appreciated what the U.S. military is doing.

He desired to build a school for the Afghani children once the Taliban had been driven out.

No words can express the loss of Lance Corporal Johnson’s family and how they feel. And I’m proud to salute such a fine young son, brother, uncle, and friend.

The young men and women of our armed services continue to make great sacrifices every day for the Nation that they love and a Nation that will never forget to remember the debt that they have paid.

Thank you, Raymon Johnson.

THE FEDERAL BUDGET AND OUR NATION’S PRIORITIES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. McDERMOTT) for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, it’s been 2 years, 5 months, and 23 days since Lehman Brothers collapsed and the Wall Street dominoes began to fall. It’s been 2½ years since Wall Street mortgage bond traders and their criminal management brought the world financial system to its knees.

There hasn’t been one person held accountable for it. Not one conviction. The biggest scandal in American history, and there’s been no jail time for anyone.

We Democrats cleaned up the mess. We saved the country from riots in the streets. But no one was convicted. I think a lot of voters, Tea Party voters included, are seething with anger about the injustice.

Riding this wave of voter anger, 2 weeks ago this House passed one of the worst bills ever considered in Congress, H.R. 1, a bill the Republicans have called a “budget,” that was nothing less than an attack on children and working people in this country. I think all the people who voted for it should be ashamed.

Budgets are moral documents. They say what a country’s priorities are. But looking at what the Republicans passed in this House, it’s hard to believe that the bill is what Tea Party voters really bargained for in the last election.

In the papers this week, we’re reading that the Tea Party freshmen are now going to school. They are taking classes on the Federal budget—“Budget 101”—is what they call it. So after they balanced the books of the country entirely on the backs of children and women, they are actually learning a thing or two about the budget. It’s about time. They’re learning the basics after they’ve voted for it.

But I don’t think the Tea Party voters wanted a war on children. Tea Party freshmen certainly didn’t run on
that basis. I think the voters look at what this country has been through in the last few years and they see the terrible injustice of it. I don’t think the Tea Party movement is about punishing women and children and poor people. I think they want commonsense justice.

Mr. Speaker, only 12 percent of the country’s budget is spent on these important programs for the needy. When you cut these programs, you pull America out of Head Start, you put Americans on the street, you let the bridges we go to work on crumble. That doesn’t balance the budget.

Without any changes to current policy, the budget deficit will grow to $500 billion in 2 years. Now, that deficit will slowly rise again. This slow rise in the coming years is the big issue, and it’s caused by two things: increased health care costs and a defense budget that is out of control.

Mr. Speaker, we’re going to fix the long-term budget deficit of this country by lowering health care costs and by having a sensible defense budget. We aren’t going to do it in an orgy of intolerance and demonization of the middle class and working people in this Republican budget.

I think the Tea Party voters want responsible spending. So do my constituents. The Tea Party voters want basic fairness. So do my constituents. Tea Party voters have been misled by the American fear machine into thinking that education and basic services and public employees is where the big savings are. At my town hall meetings, the people come to me and say, ‘I have a terrible objection to this, and I have a terrible objection to this.’

I hope the Tea Party members in the House quickly learn the basic math of the budget. The deficit is about defense and health care spending, not about pushing even more children into poverty.

Every Member of this House ought to watch the 60 Minutes segment from last Sunday night on children who are living in cars, living in motels, living in sheds. They have lost the place where they were living in poverty. Twenty-five percent of American children in this country are living in poverty. That show looked like we were looking at Bangladesh. That’s what we ought to be pointing to, not spending our time out here today on H.R. 830, whacking the daylights out of $460 billion, the Republicans want to cut by 22 percent, give or take a percentage point. So they are holding harmless almost all of 85 to 86 percent of the money that we spent and say we’re simply going to cut from education, from health care, from children, from community development projects—the guts of what makes our communities have a better quality. At the same time, I have argued the Republican plan will wipe out approximately 450,000 jobs. Moody’s Analytics chief economist Mark Zandi, who advised Senator MCCAIN in his Presidential campaign, tells us that it will cost up to 700,000 jobs. The Economic Policy Institute puts the number at 800,000 jobs. Whatever the precise number, it is a large number of jobs that will be lost if we pass the Republicans’ budget solutions.

What they want to do, as the gentleman from Washington State said, this is all exempt. This is security. These are all mandatory expenditures. This small slice of the budget, about $400 billion, the Republicans want to cut by 22 percent, give or take a percentage point. So they are holding harmless almost all of 85 to 86 percent of the money that we spent and say we’re simply going to cut from education, from health care, from children, from community development projects—the guts of what makes our communities have a better quality. At the same time, I have argued the Republican spending plan barely puts a dent in our budget deficit. It’s reasonable to ask how can this plan have such severe consequences for our economy, yet so little impact on our fiscal predicament? This chart helps us answer the question. All of the proposed cuts in the budget come from this small slice of the budget, the category of our budget called “non-security discretionary spending.”

But non-security discretionary spending, the gentleman from Washington State said, we have here 14 percent. It’s in that neighborhood depending upon exactly what you include as security or non-security. When you attempt to find $100 billion in savings and when you insist on getting these savings from 14 percent of the budget, you have to cut very deeply into absolutely essential projects and programs for our people.

BUDGET/DISCRETIONARY SPENDING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

Mr. HOYER. Mr. Speaker, I want to congratulate the gentleman from Washington State for focusing America on what issues are before us.

In recent weeks I have come to the floor to argue that the Republican spending plan does two extremely harmful things: It weakens our economy and fails to seriously reduce our debt.

Democrats agree that cutting spending is part of the solution to our difficult problems that confront us. But we also believe that cuts should be smart and targeted, not reckless.

Rather than cutting investments in growth—at the same time our international competitors are ramping up theirs—Democrats support the Make It In America agenda, a plan to invest in innovation, manufacturing jobs, and middle class opportunity. That’s what the President talked about in his State of the Union, and he was right.

Unfortunately, the consensus that the Republican spending plan will halt our economic recovery and cost jobs is widely accepted. Fed Chairman Ben Bernanke, appointed by President Bush, tells us that the plan will cost “a couple of hundred thousand” jobs. Macroeconomic economist who works for the Republican plan will wipe out approximately 450,000 jobs. Moody’s Analytics chief economist Mark Zandi, who advised Senator MCCAIN in his Presidential campaign, tells us that it will cost up to 700,000 jobs. The Economic Policy Institute puts the number at 800,000 jobs. Whatever the precise number, it is a large number of jobs that will be lost if we pass the Republicans’ budget solutions.

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You have to cut billions in funding into new medical cures and energy technologies. You have to kick 200,000 plus children off of Head Start. You even have to cut port and transit security by two-thirds. Hear that again. They’re cutting port and transit security by two-thirds while they’re holding terrorism hearings.

The chairman of the House Homeland Security Committee, a Republican, said those cuts were “too dangerous.” As David Brooks recently argued, Congress should “never cut without an education process.” But instead, legislators—he referred to the Republican initiatives—“are simply cutting on the basis of what’s politically easy and what vaguely seems expendable.”

It may be possible to portray taking on 14 percent of the budget as fiscally responsible, but only because doing so exploits Americans’ misunderstanding of the budget. A recent poll shows that 63 percent of Americans think we spend more on defense and foreign aid than we do on Medicare and Social Security—all the blue, all the green, and then the yellow, that small sliver—which, by the way, includes discretionary foreign policy expenditures.

Mr. Speaker, I urge our citizens to look at the consequences of these cuts and look at the small sliver that the Republicans are focusing themselves on and you and me on. We need to see the whole picture if we’re going to come to grips with the challenge that confronts us.

When another poll asked Americans how much we spend on foreign aid, the average estimate was 27 percent—when the right answer is about 1 percent.

It is entirely out of step with fiscal reality to attempt to tackle our deficit while ignoring 86 percent of the budget.

“Fiscal responsibility” is not synonymous with “cutting non-security discretionary spending.”

In truth, fiscal responsibility is much more difficult than that.

As former Republican Congressman Joe Scarborough put it this week, “The belief of some on the right that America can balance the budget by cutting education, infrastructure, the corporation for public broadcasting, and home heating assistance to the poor is tantamount to budgetary witchcraft.”

We have to start doing more.

We have to address the Defense spending that takes up more than a quarter of our budget. We have to make hard choices that can keep our entitlements strong for generations to come.

And, with tax revenues at a 60-year low, we have to pass deficit-reducing tax reform. Unless we’re willing to take on that hard work, on a bipartisan basis, none of us deserve to call ourselves fiscally responsible.

NFL PLAYERS AND TEACHERS

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. GEORGE MILLER) for 5 minutes.
Mr. GEORGE MILLER of California. Mr. Speaker, the National Football League contract bargaining fight could teach an important lesson to the Governor of Wisconsin about how to ensure high-quality teachers in his State. When a contract dictates that teachers will lose their collective bargaining rights except for negotiations over pay, he shows how out of touch he is with the teaching profession, with school reform in America, and, frankly, with the American workplace.

Historically, a good workplace has never been just about pay. It is about whether the American workplace will respect and nurture workers' skills, their abilities, and their ingenuity, or will it simply crush their spirits. It's about the total workplace and the ability of employees to utilize their talents and their time to the fullest extent, to be valued by and add value to the enterprise, whether that enterprise is a school, a factory, or an NFL team.

Ask yourself this: If he could, would Governor Walker limit collective bargaining for the world champion Green Bay Packers to just questions of pay? If he tried, he would discover rapidly that in the world of millionaires, as in the world of teachers, it is not just about pay. It is about the quality of the job and the career.

The Governor would quickly discover that, as important as pay is in the world of pro sports, an NFL player innately is more concerned with the conditions of employment. He knows that his ability to get to that all-important second contract is governed by more than just his talent. Will he have to play 16 or 18 games? What is the increased likelihood of concussions or other injuries that can end his career from an extended schedule or fewer practice games? Probably good for the wallet, but is it good for the player?

The NFL owners who are worth $40 billion at the players to give back $1 billion, saying that they need it to improve and build new stadiums. Is that with or without the taxpayers' help? The players ought to find out.

Yes, in the world of mega-star athletes, pay is important, but the workplace dictates so many other important issues that NFL players must be concerned with if they are to reach their potential for which they have trained their whole lives.

For some, like athletes, their careers are their passion. Research tells us that a very significant number of teachers start thinking about a career in teaching while they're in middle school—not too different from athletes who start to get serious about their athletic futures. Like an athlete, the teacher’s desire is not enough to sustain his or her career.

Other important elements are involved: involvement of parents and the success of his or her students. How will teachers be supported in schools? What will be their access to meaningful professional development?

Will teachers be given time to perfect lesson plans and presentations? Will he or she have a say in campus safety? Will they be included in the reform decisions that are made for the school and for the students?

All other major school districts are changing the rules from the mere platitudes that teachers are the most important influence outside the home in the education of our children to really making it possible. Districts are soliciting teachers' views to improve both the place they work and the environment. It is happening in States and schools in tough unionized areas where some said it could never happen, and it will continue because it reflects what the new and current dedicated teachers view as a modern workplace, where results and outcomes matter to students, parents, teachers, and the community. It's not just about pay. Teachers advocate for our children. They advocate for their children when they are sick or troubled or when they are being bullied, when they need help learning.

The Governor of Wisconsin's view of dictating and mandating without the say and collaboration that teachers want and expect in their careers is a bricked road from the past and will not give students, parents, or our economy the results that our country needs as we enter the next generation of a highly competitive globalized economy.

Many Americans may not care who wins between wealthy team owners and often highly paid NFL players, but no one is suggesting that the players should lose their right to collective bargaining on a wide range of issues and only be able to bargain just on pay. Governor Walker should stop attacking his State teachers and his public servants.

WALL STREET RISES AS MAIN STREET FALLS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR) for 5 minutes.

Ms. KAPTUR. Mr. Speaker, almost one in four homeowners in our country is underwater, meaning they owe more on their mortgages than their homes are worth, and all of this misery is due to Wall Street’s rigging of our economy.

But on Wall Street, they’re popping champagne corks. The Nation’s biggest banks—Bank of America, Wells Fargo, Citigroup, JPMorgan Chase, Goldman Sachs, and Morgan Stanley—have been raking in huge profits, all at the expense of the American people. In fact, these institutions have doubled in size since the fall of 2007, and these six banks now control two-thirds of the banking system in our country.

The government bailed them out to the tune of $2.5 trillion, saying that they need it to maximize profits, more profits than they made before the American people bailed them out. Main Street is underwater, yet Wall Street is going on a pleasure cruise. It doesn’t take a mental giant to figure who got our money.

According to a recent report, the economic crisis that Wall Street precipitated has now caused massive tax revenue shortfall for the Federal government and our State governments totaling nearly $300 billion. This is why people are at one another’s throats in Wisconsin, in Ohio, and other places. Yes, ordinary Americans—teachers, police, firefighters—are being whipped, and the American people are being forced to accept cuts in government services while Wall Street keeps winning, and winning big.

They know well how to win for themselves. This year, Bank of America is receiving an income tax refund of—are you ready for this, America?—$666 million for 2010. Now, that followed $3.5 billion in refunds that Bank of America reported in 2009. Bank of America’s Federal income tax benefit this year is roughly two times the Obama administration’s proposed cuts to the Community Development Block Grant program, which is a lifeline to communities such as mine where unemployment is still over 9 percent.

Six banks—Bank of America, Wells Fargo, Citigroup, JPMorgan Chase, Goldman Sachs, and Morgan Stanley—together paid income tax at an approximate rate of 11 percent—oh, those poor companies—of their pretax U.S. tax earnings in 2009 and 2010. Had they paid 35 percent like every other honest business in this country, the Federal Government would have received an additional $13 billion in tax revenue. Do you know how much that is? That’s enough to cover the salaries of 132,000 teachers whose jobs have been lost since 2008. Who do you think has caused all the layoffs?

Wells Fargo reportedly received a $4 billion Federal income tax refund on $18 billion in pretax income in 2009 and only paid 7.5 percent of its pretax income of $19 billion in 2010. Its net Federal income tax benefit for 2009 and 2010 combined is $2.5 billion, which equals the Obama administration’s cuts to the low-income energy assistance program that is vital in cold weather to senior citizens, particularly women over the age of 80 years in districts like I represent.

So who took their money? Pretty clear to me.

Banks use a variety of mechanisms to avoid corporate income taxes, including offshore tax shelters. Fifty percent of these six big banks have 1,871 foreign subsidiaries incorporated in jurisdictions we know as offshore tax havens, like the Cayman Islands.

The Bank of America operates 371 tax-sheltered subsidiaries, and 204 in the Cayman Islands alone.

For Goldman Sachs, 75 percent of its foreign subsidiaries are incorporated in offshore tax havens. So who’s paying their freight? You are—the American people.
Closing tax loopholes for the financial sector, making them pay their fair share of taxes, and I would support imposing a financial speculation tax, could generate more than $150 billion in Federal tax revenue. And what could be more fair than that to those who cause such harm to the American people?

Something is really out of kilter in America, and it’s not the State budgets. It’s the balance of power in our political system. Everywhere you go, Big Money and Wall Street win, and the American people pay.

Mr. Speaker, I just say to the American people, think about who’s hurt our Republic—and it’s not the American working people.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

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

WELCOMING REV. RAYMOND BOWMAN

The SPEAKER. Without objection, the gentleman from Tennessee is recognized for 1 minute.

There was no objection.

Mr. COOPER. Thank you, Mr. Speaker.

It is an honor to recognize the Reverend Raymond Bowman today, who just gave the opening prayer. Seldom has Congress been more in need of prayer than we are today.

Rev. Bowman was raised in Chicago. He came to Nashville, Tennessee, to attend American Baptist College. Thankfully, he is the pastor of Spruce Street Baptist Church in Nashville, Tennessee, sometimes referred to as the mother church of African American churches in our area. He is also the president of the IMF, the Interdenominational Ministerial Fellowship.

He and his wife, Nancy, are here with us today, and we would like to welcome them to our Nation’s capital.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WILSON of South Carolina). Mr. WILSON of South Carolina led another prayer, the National Ministerial Fellowship.

PURSUANT TO CLAUSE 1, RULE I, THE JOURNAL

The SPEAKER. The Journal of the House on the previous day’s proceedings and the Journal of the last day’s proceedings and the House's approval thereof.

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

HOUSING, KEY TO ECONOMIC RECOVERY

Mr. WILSON of South Carolina. Mr. Speaker, today we will consider proposals to cut foreclosure prevention programs during one of the worst housing downturns in our Nation’s history. A safe and affordable home is central to the American Dream and central to a strong neighborhood and a thriving economy.

In Rhode Island, that dream has been fading because our State has been extremely hard hit by the national foreclosure crisis. Last year alone, there were more than 4,700 foreclosures in Rhode Island; and according to Housing Works Rhode Island, one in every 10 mortgaged homeowners was in foreclosure or serious delinquency by the end of last year. The fact of the matter is that we still face a serious housing crisis all across this country.

Today, my friends on the other side of the aisle will cut mortgage relief and refinance programs that help the very homeowners who need them most. That will leave homeowners with no other choice than to turn to those who created these unfair and predatory mortgages that got us into this mess in the first place.

At a time when our economy is beginning to recover, we should not be cutting from these programs because the housing sector is key to our economic recovery. These programs deserve increased funding because a successful housing sector will be one of the major factors that will pull us out of this recession.

Mr. COOPER. Thank you, Mr. Speaker.

Mr. WILSON. I would like to commend the efforts of Representative Jeb Hensarling for introducing H.R. 836, the Emergency Homeowner Relief Program Termination Act.

This bill prevents $1 billion from being spent on this failed program. In the current administration’s budget, it is estimated that the program has a 98 percent subsidy rate. That means for every dollar spent, taxpayers lose 98 cents. This is bad for taxpayers and bad for American families.

Making this reform possible is the South Carolina Federation of Republican Women, which has inspired the Republican revolution in South Carolina since 1961. This is the 50th anniversary of the election of the first Republican legislator in the 20th century, the late Charlie Borneaune of Richland County. In 2010, the transformation was completed of all statewide elected officials being Republicans for the first time since 1876.

Under the guidance of leaders such as our Governor, Nikki Haley of Lexington, with Jocelyn Staiger, Susan Duvall, Nikki Tradd, Carla Hardee, Kim Wellman, Betty Poe, Lisa Manini Sox, Grace Renters, Irby Shultz, Katrina Shealy, and Eaddy Roe Willard, this organization will continue to make a difference promoting limited government and expanded freedom.

In conclusion, God bless our troops, and we will never forget September 11th in the global war on terrorism.

Mr. RUNYAN. Mr. Speaker, I rise today to honor a true American hero, Sergeant Leonard “Bud” Lomell.
Through his courageous actions on D-day as an Army Ranger, Bud earned a Distinguished Service Cross. Bud’s brave service was crucial to the success of D-day and left an impressive imprint on our Nation’s history that was documented in two best-selling books: Tom Brokaw’s “The Greatest Generation” and Stephen E. Ambrose’s “The Victors: Eisenhower and His Boys: The Men of World War II.”

Sergeant Lomell passed away on March 1, 2011, at the age of 91, leaving his family and country with a proud legacy of honor and service. I am proud and humbled to have been able to call this incredible American a constituent. I ask you today to please rise with me in honor of Sergeant Leonard “Bud” Lomell.

**TERMINATING MORTGAGE RELIEF PROGRAMS**

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

Ms. BASS of California. Mr. Speaker, California was ground zero of the foreclosure crisis. At one point, 40 percent of all foreclosures nationwide were concentrated in the State of California. Today in California, nearly one in eight homes is in foreclosure. By far the majority of my constituents who walk through the door have received foreclosure notices or are on the brink of foreclosure. They have been shunned by the banks and have turned to my office and the Federal Government for help.

Mr. Speaker, the two programs on the Republican chopping block this week haven’t even been fully implemented: the Emergency Mortgage Relief Program and the FHA Refinance Program. The Emergency Relief Program provides no-interest loans to those who lost their jobs, which is the main reason homeowners fall behind in their mortgage payments.

Not only does this response from the majority ignore the basic economic principle that the housing sector is a key component to economic recovery; it also comes without any alternative to reduce foreclosures.

Mr. Speaker, I urge my colleagues to support struggling homeowners and vote against H.R. 830 and H.R. 836.

**THE BORDER WAR CONTINUES ON THE SOUTHERN FRONT**

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

Mr. POE of Texas. Mr. Speaker, on December 14, Border Patrol Agent Brian Terry was murdered in Arizona by bandits crossing into the United States. Border agents approached armed invaders carrying AK-47s. A shootout where Terry was shot and killed. Now, there is evidence that Terry and possibly other agents fired first to defend themselves by firing bean bags at the outlaws before using live ammo. Documents indicate that the agents were required to fire first with non-lethal bean bags before using live ammo. Allegations also show the AK–47 used by the bandits to kill Terry was a gun the ATF had allowed a smuggler to buy in an apparent sting operation and take to Mexico.

The idea that when armed bandits invade the United States our border agents must fire bean bags is nonsense and no way to protect them or the Nation. You don’t take bean bags to a gunfight. And if the guns the bandits used came from our government in some type of undercover sting operation, that is sickening and reprehensible.

And that’s just the way it is.

**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

**GAS PRICES**

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

Mr. SAM JOHNSON of Texas. That’s the Dallas Morning News front page. And do you know what they’re saying? Gas prices are going up for all drivers and it’s time for the gallon of gas to come down or stop. You know, it has risen nearly a buck since last September. That’s why I’m calling on the IRS to stand up for small business by increasing the gas mileage rate that they can deduct. The IRS increased the optional mileage rate during spiking gas prices in 2005 after Hurricane Katrina and if the gas prices are going upward, and there are no signs that the pain at the pump will subside anytime soon.

Taxpayers today, especially small businesses struggling to stay afloat, want, need, and deserve rates that reflect the current cost of travel. They need those deductions.

We need to drill for oil. Call the White House at 202-456-1414 and tell them about it.

**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. The Chair will remind the gentleman from Texas that remarks in debate are properly addressed to the Chair.

H.R. 1 IS NOT THE ANSWER

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

Ms. SCHAKOWSKY. Ask Americans if we should reduce government spending and most say yes. I agree. But let’s dig a little deeper. Let’s make the kind of choices that families make.

H.R. 1 that the Republicans have offered in cuts will result in 218,000 fewer children getting the proven benefits of a preschool program called Head Start. H.R. 1, at the same time, does nothing to cut the $4 billion that we are giving every year to the Big Oil companies. If we want to talk about oil prices, our taxpayers give $4 billion to the wealthiest corporations in the history of the world.

We are cutting about $5.7 billion from Pell Grants in H.R. 1. I voted “no.” What are we doing about billionaires who are getting tax breaks to leave to their heirs? Eleven billion dollars a year for the wealthiest Americans and their heirs.

We have to make the kind of choices that help middle class Americans. We can tighten our belt, but we don’t have to do it on the backs of the middle class.

**TAKING A STAND FOR FISCAL RESPONSIBILITY**

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

Mr. PENCE. With a $14 trillion national debt, a $1.65 trillion deficit this year alone, yesterday the United States Senate voted to reject the House effort to fund the government for the rest of the year. The Senate majority leader even took to the floor and called our $61 billion in savings “mean spirited,” “reckless,” and “irresponsible.” He even defended Federal funding for the Cowboy Poetry Festival, apparently in his own State.

You know, I learned a long time ago out here in Washington that sometimes things don’t change in Washington, D.C., until they have to. I think we have to pick a fight. If House Republicans want to win this battle, we need to take a stand for the budget cuts and the policy changes enshrined in H.R. 1—that’s $61 billion in savings this year, defunding ObamaCare, and defunding Planned Parenthood of America.

It’s time to take a stand for fiscal responsibility and reform. We have to say, This far and no farther. For the sake of our children and our grandchildren, we need to make a stand for the American people. And make no mistake about it: If we make this fight, we can win this fight, because the American people are on our side.

**THE PARTY OF NO PLAN**

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

Mr. DEUTCH. Mr. Speaker, the Party of No has officially become the Party of No Plan. Every week under GOP control has been another week with no plan to create jobs. This is not a game.
In Florida, unemployment remains at 12 percent. People want to work. They want Washington to lead with a jobs plan. With construction and housing so integral to Florida’s economy, stabilizing this sector is critical to our recovery.

Close to 1 million Florida families and seniors have lost their homes since 2009. Now, through no fault of their own, nearly half of all mortgages in Florida are underwater. But instead of creating jobs, Republicans want to kick middle-class families while they’re already down. Rather than improve mortgage modification programs by working with Democrats, my Republican friends want to shut them down altogether.

So to families and seniors across America who owe more to the banks than their homes are actually worth, what’s the Republican plan? What’s the response? Pay up, even if you have no job, no income, no health care. Under today’s Republican bills, soon you and your family will have no home.

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

Mr. PITTS. Mr. Speaker, this week, 13 Coptic Christians in Egypt were killed in clashes with Muslims. Recently, a church in the town of Sol was burned to the ground, leading many Christians to flee the village in fear of their lives. This comes only 2 months after 24 Christians were killed in a church bombing.

For thousands of years, Coptic Christians have lived and worshiped in Egypt, but some extremists want to use the chaos in the country today to drive them out of their homes and places of worship.

Egypt is in the process of developing a democratic government, one in which all the Egyptian people will have a say. These attacks undermine freedom and democracy. Democracy without protection of minority rights is mob rule and not true freedom.

I invite all my colleagues to join me on a letter to the commander in chief of the Egyptian Armed Forces calling on him to protect the Egyptian citizens during this critical period in his nation. We are glad to see the Egyptian people building a better government, and we must remind them that fundamental respect for human rights must be protected.

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

Mr. INSLEE. Mr. Speaker, middle-class Americans around the country are very concerned about what’s going on in Wisconsin for two reasons. The first reason is that they fundamentally understand that while we all have to tighten our belts—and they’ve seen workers do that in Wisconsin, to give up various rights under bargaining agreements—they understand fundamentally that we can’t solve this problem by attacking the middle class.

And second, they understand that the shenanigans that went on last night in Wisconsin are an assault on some democratic principles that we have long enjoyed.

We have long enjoyed the right to petition our government for redress of grievances. It’s right there in the grand old document that we took an oath to.

And fundamentally, this is a reduction in the ability of Americans to work together, to speak with one voice and with their government.

This will not abide. We’ve got to respect the middle class. We’ve got to respect democracy and move forward together as a country.

WE MUST REDUCE GOVERNMENT SPENDING
(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, some new statistics have just come out on government wages and salaries in this country. Government payouts, including Social Security, Medicare, and unemployment insurance, make up more than one-third of total wages and salaries of the United States population, a record figure that will only increase if action isn’t taken before the majority of baby boomers enter retirement.

Social welfare benefits make up 35 percent of wages and salaries this year. In the year 2000, that percent was 21 percent. In the year 1960, it was 10 percent. And these are statistics that came from the Bureau of Economic Analysis data.

Recently, it was quoted that the U.S. economy has become alarmingly dependent on government stimulus itself. So, in this country, we have a stark choice: We have to reduce government spending. Otherwise, not only will we go bankrupt, but there will become a tipping point, a tipping point where the government payout for wages and salaries will become 50 percent of all U.S. wages. All of us should know what that means.

WHERE ARE THE JOBS?
(Ms. WILSON of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WILSON. Mr. Speaker, today I rise with my colleagues for one reason—to talk about jobs again.

My constituents still need help. They want to work, but I don’t hear any solutions. I’ve been here for over 2 months, and I’m still waiting to hear a Republican plan for jobs. I came to Washington to focus on jobs. When are we going to talk about jobs?

I asked this same question 2 weeks ago. If I have to get up here every 2 weeks for the rest of my term and ask the same question, I will.

When I go home this weekend, I will be asked, “What are they doing in Washington to help me find work or provide jobs for others who want to work? I want to work to support my family. I want to start a business. I’ve lost my home, lost my job, and the Congress promised to help the economy so that I could find a job.”

My constituents will ask me, “Why did they cut job training? Why are they cutting educational opportunities for young people?”

People are hurting and people are suffering. Listen to the people.

Let’s stop the partisan bickering and help the people find work. If not now, when? If not us, who? If not here, where? The people want to work.

REPUBLICANS CONTINUE ASSAULT ON THE AFFORDABLE HEALTH CARE ACT ON 1-YEAR ANNIVERSARY
(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, I rise today on the 1-year anniversary of the passage of the Affordable Health Care Act to voice my disappointment with my Republican colleagues’ continued assault on the historic law that has already begun to provide aid and relief for countless Americans.

One year ago, my colleagues and I came together to enact a law because of the call to action from our constituents. We heard from seniors who could not afford their prescriptions and were in a Medicaid death hole, parents whose children were being denied coverage due to preexisting conditions, individuals who were being denied treatment due to lifetime limits, and taxpayers who are bearing the costs of uncompensated health care.

We answered the clarion call from our constituents who asked us to protect them. Yet the Republican colleagues continue to assault the law. Siding the special interests, particularly the health care insurance companies that stand to lose from health care reform, my colleagues on the other side of the aisle continue to assault our program.

With that, I say let’s keep the law in force and let’s move forward with progress.

JOBS AND 99’ERS
(Ms. LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE. Mr. Speaker, the American people want to know where are the
jobs. After 10 weeks of controlling the
House, Republicans have no plan to
create jobs, no plan to spur our eco-
nomic growth.

Instead of listening to the American
people and making jobs their number
one priority, Republicans passed a
budget deficit in 700,000 new layoffs.
And what’s the response? So be it.
Taking food out of the mouths of
hungry children by cutting WIC? So be
it. Dropping 218,000 kids from the
Head Start Program? So be it. Declaring
a war on women by eliminating family
planning services and punishing the
one in five women across America who
visit a Planned Parenthood clinic? So
be it. Denying the extension of unem-
ployment benefits to those who’ve
reached that 99-week limit and are
struggling to make ends meet? So be
it.

And now denying homeowners to stay
in their homes, the help that they
need, by eliminating programs to pre-
vent foreclosures? So be it.

The Republicans No Jobs, their So Be
It agenda, it’s a failure on all counts.

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask
unanimous consent that all Members
may have 5 legislative days within
which to revise and extend their re-
marks on H.R. 830 and to insert extra-
aneous material thereon.

The SPEAKER pro tempore (Mr.
STEARNS). Is there objection to the
request of the gentleman from Alabama?

There was no objection.

FHA REFINANCE PROGRAM
TERMINATION ACT

The SPEAKER pro tempore. Pursu-
ant to House Resolution 150 and rule
XVIII, the Chair declares the House in
the Committee on the Whole House on
the state of the Union for the consid-
eration of the bill, H.R. 830.

Accordingly, the House resolved it-
selves into the Committee of the Whole
House on the State of the Union for the
consideration of the bill (H.R. 830) to
rescind the unobligated funding for the
FHA Refinance Program and to termi-
nate the program, with Mr. BASS of
New Hampshire in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the
bill is considered read the first time.

The gentleman from Alabama (Mr.
BACHUS) and the gentleman from Mas-
sachusetts (Mr. FRANK) each will con-
trol 30 minutes.

The Chair recognizes the gentleman
from Alabama.

Mr. BACHUS. Mr. Chair, I yield my-
self such time as I may consume.

Mr. Chairman, just this past the
American people received some very
sobering news. The budget deficit for
the month of February alone is $223 bil-
lion. That is $8 billion every day. That
is money that we are having to borrow
from countries around the world.

It wasn’t long ago that our budget
deficit for the entire year was only $220
billion. But thanks to a Washington
spending binge that has occurred over
the last year, now our monthly budget
deficit is larger than our annual
deficit used to be. In fact, February’s
budget deficit was the largest monthly
budget deficit in the history of the
United States. Larger in real dollars
than when we were fighting for our ex-
istence during World War II than dur-
ing the Civil War. And that has hap-
pened even though government receipts
posted an increase this February from
last February.

Our national debt in the last 4 years
doubled. Now think of that. In the
first 220 years of our existence, we in-
curred a national debt which, in the
last 4 years, we’ve doubled. And by the
end of this administration, unless we
take action today—action the Amer-
ican people asked us to take last No-
ember—we will have tripled the def-
cit.

In 7 years or a little less than 7 years,
we will have tripled our deficit.

That’s why we’re here on the floor
today, because the American people
have sent us a message. They said, “Don’t spend us into a financial obliv-
ion. We have to balance our own budg-
et. We expect the same from those that we send to Washington to
tend the American people that those
money that was loaned, would be paid back to
the national Treasury.

The bill that we’re debating today is
an example of two things: too many
government programs—spending pro-
grams—and too many ineffective gov-
ernment programs. It is a poster child
for both.

It’s also an example of a broken
promise. In 2008, during our financial
meltdown, which has led to a recession
and record unemployment, we prom-
ised the American people that those
steps that were taken, that that money
that was loaned would be paid back to
the national Treasury.

I am happy to say that today most of
the money that was lent to what some
have called a Wall Street bailout, what
the American people certainly call a
bailout, it has been paid back with in-
terest, but it’s not found its way into
the national Treasury. It’s not been
used for the American people on this very floor of
this House a little less than 3 years
ago.

Instead, that money has been di-
verted into all sorts—and that’s the
TARP bailout money. It’s been used
for other social programs, just what
many warned on the floor of this House
would happen. It’s turned into a slush
fund. And one of the programs that it
has funded is a well-intentioned pro-
gram in which $6 billion, that’s 2,000
million dollars has been designated for
the FHA Refinance Program. Now, the
FHA program today, the reserves are
low. And that’s a program that is not
in the greatest of shape. It’s like most
government programs. Eight billion
dollars for a program to allow home-
owners who are underwater on their
mortgages to get a reduction in their
mortgage.

Now, not all can take advantage of
this program. There are what the
American people have come to know as
winners and losers. With all govern-
ment programs, it seems that some
benefit, but 99 percent of Americans
don’t benefit. And that’s what’s hap-
pened with this program. The Administra-
tion said it was a program in which
we’ll literally have hundreds of thou-
sands of people that will line up for
this program. But because lenders and
borrowers are getting together and
working out, or some homeowners are
deciding that they can’t afford their
mortgage and they’re selling their
houses. 42 American families have been
assisted by this program.

Now, this is a program that author-
izes $8 billion. And $50 million has ac-
ually been set aside. In fact, the budget
that the President has submitted has a
$50 million subtraction there for a program that’s helped 42 families: $50 million, 42 families. But
think about this. How many families
are underwater? How many American
families have a home where they owe
more than the home is worth? Twelve
million, somewhere above 11 million—
let’s say 12 million.

That means that even if this program
could have helped 2,000 that it would
help 1 out of every 120 American fami-
lies. One out of 120. And yes, some gov-
ernment employee sitting behind a
desk would say you are eligible, you
can apply, you win. At the most, all
the programs we’re going to consider
this week and next week, which if we
act, will save the American taxpayers
billions and billions and billions of dol-
ars, all of them will benefit only an es-
imated 500,000 families.

The Inspector General has said, about
50 to 60 percent of those families,
even if it goes to families—as we found
out yesterday in a hearing, a lot of it is
going to nonprofit groups. In Los Ange-
les alone, more went to a nonprofit
group than went to the county govern-
ment. We can only helping 1 out of
22 families. What about those other 21
families? They’re making their mort-
gage payment, and they’re not asking
the government for help. This means that
we’re in a country where the majority of
Americans aren’t underwater; about one-fourth are. But out of all those, we’re starting
programs to help in this case 42 fami-
ilies, in another case 200,000 families.
And we’re asking every American fam-
ily, and we’re asking our government,
to start programs when we don’t have
enough money to finance the programs
we have.

But more than that, I put a photo-
graph up. And this 100,000 was posted as
the approximate amount that $50 billion
was put into a fund, and $8 billion has been authorized for this program. And it’s
money we don’t have. And it’s
money we won't pay back. It's those children in that photograph. It's our constituents' children and grandparents that will have to pay that back.

Our national debt is $12 trillion—$14 trillion. You mention a number, and in a few months it's irrelevant. It's no longer the real number. Robert Gates on January 6, in outlining the Pentagon's budget, said, "This country's dire fiscal situation and the threat it poses to American influence and credibility around the world will only get worse unless the U.S. Government gets its finances in order." Well, who will get it in order? It has to be the President and this Congress. That's his quote January 6.

The Joint Chiefs of Staff say that our national debt is a national security problem. But the message just doesn't seem to get to this floor, because today people will come to this floor and say, oh, if we get rid of this program everybody will pay their mortgage, we need to get rid of it. And oh, yeah, these programs do some good. Although for most homeowners who can't pay their mortgages and they're given a reduction, it doesn't work. The default rate in most of these programs is over 50 percent. One of the programs we will consider tomorrow, out of every dollar of taxpayer money lent, 98 percent is never repaid. Never repaid. How can a country continue to function like that? What kind of future do these children have?

I reserve the balance of my time.

Mr. FRANK of Massachusetts. I yield myself such time as I may consume.

First, for people trying to follow this, the gentleman from Alabama has confused several programs in this conversation, most of which aren't up today. We are dealing with one at a time. He talked about money that went to Los Angeles and went to a group instead of the county. That has zero to do with this program. Zero. And in fact, it doesn't have to do with individual homeowners. It's a program that gives aid to municipalities, which we will be debating later, probably next week, which gives aid to municipalities to deal with property that they have been stuck with. So it has nothing to do with today.

But the gentleman does make a good point about the deficit. Unfortunately, he does not put his votes where his rhetoric is. The CBO says that this program is good for $75 million, but if it's fully operational over a 2-year period, which is its life span, will cost $175 million.

Now, that's money. But do you know what it is? It's that much—and the gentleman from Alabama voted during that same period to send money to the cotton farmers of Brazil. We do have a debate about the deficit here, but it's not about whether to reduce it. It's how.

The gentleman from Alabama, along with the majority of Republicans voting, defeated an amendment—with some Democrats, although the majority of our votes on amendment—to stop sending American tax dollars to subsidize the cotton farmers of Brazil. In the 2-year period during which we will be dealing with this program: Brazilian cotton farmers—$300 million. Americans facing foreclosure—$175 million. The gentleman from Alabama has a very odd way of saving money on the deficit.

Then he says we have winners and losers. Well, among the big winners under the Republican budget and with the majority of their votes are the farmers who receive more than $250,000 per year in subsidy. Whatever happened to free enterprise? From where does it happen to standing on your own? An amendment was offered to limit to a measly $250,000 the subsidy any one entity could get. The gentleman from Alabama voted "no." That was too harsh.

The gentleman from Alabama is for unlimited amounts of subsidy to go to a handful of farmers—but no—we can't spare much less than that over the time period because, in the time period that I'm talking about this bill, that would have cost $300 million, or $100 million a year.

Then the gentleman quoted the Secretary of Defense, that we should pay more attention to the Secretary of Defense because he, along with many Republicans, voted to force money on the Secretary of Defense that he didn't want. He voted to fund the programs the Secretary of Defense didn't want. He's trying to get some reprogramming now, but the Republican Appropriations Committee didn't do it. By the way, I don't agree with the Secretary of Defense fully on this either.

I disagree with the gentleman from Alabama and the Secretary of Defense because they don't want to spend $175 million in 2 years trying to deal with foreclosures in American cities. Instead, they want to send more than twice that amount to Afghanistan for its infrastructure. You talk about inefficient, that $400 million my friend from Alabama has voted to send toward Afghanistan infrastructure projects better than we would spend it here?

How about $1.2 billion for the Iraqi reconstruction for people who could benefit from a lower interest rate and a refinancing. The gentleman says it's not going to take care of everybody. Of course not. There is not one program that is fit for everybody. There are a series of programs for people in different circumstances, one for people who could benefit from a lower interest rate and a refinancing but who are under water and can't do it. It induces the financial institutions to do it. It's voluntary. If financial institutions find this is unreasonable, they won't do it.

There is an effort going on now to achieve a negotiated settlement involving the services of financial institutions involving the services of financial institutions involving the services of financial institutions involving the services of financial institutions involving the services of financial institutions.

Now let me address a couple of mistakes the gentleman made specifically about this program:
The $50 million is not being sent on 40 people; $50 million hasn't, in fact, been spent at all. Not a penny has been spent. The $50 million was reserved out of TARP money to cover losses if they were to occur. The CBO says, yes, if this program is fully funded and if it gets the participation they expect, the amount of losses will be $75 million, not $8 billion. The $8 billion was a resurrection on the TARP for technical reasons. The CBO says, full scale, this will cost $175 million—again, less than the gentleman of Alabama wants to send during that period to Brazilian cotton farmers.

Now, as to the people who vote consistently, as some do, to cut money for Afghan infrastructure or for Iraqi security forces or for Brazilian cotton farmers, or to force money on the taxpayers, or for other recipients of subsidy who then are opposed to this program, I honor their integrity. I disagree with them in some ways, but I honor it. Yet I cannot accept the lecture on fiscal responsibility from someone who votes to lavish money in wasteful ways on Afghan cities but begrudges it in American cities; who would send it for Iraqi police officers but not for American police officers; who would send it to cotton farmers and to other farmers in America but not to struggling homeowners.

This program has started slowly. By the way, there's a great contradiction between saying it has only helped 40 people and that it's going to cost $8 billion. If the pay starts to increase, it won't cost the full $175 million, but here's what we hope:

There are negotiations going on now to try to deal with the condition for a refinancing. The gentleman says it's not going to take care of everybody. Of course not. There is not one program that is fit for everybody. There are a series of programs for people in different circumstances. One for people who could benefit from a lower interest rate and a refinancing but who are under water and can't do it. It induces the financial institutions to do it. It's voluntary. If financial institutions find this is unreasonable, they won't do it.

There is an effort going on now to achieve a negotiated settlement involving the services of financial institutions involving the services of financial institutions involving the services of financial institutions involving the services of financial institutions involving the services of financial institutions.

This is the other point that gets lost in the rhetoric when the gentleman who was so eager to send money to Brazilian cotton farmers begrudges a small amount going to Americans facing foreclosure, which is that the foreclosure crisis is not just a crisis of individual families. It's a national economic problem. It's a macroeconomic problem.
problem. To the extent that we do not do something to retard the rate of foreclosures, then we make it harder to get out of the economic bind in which we have found ourselves, which, as the gentleman correctly said, started from the meltdown of 2008, and we have been getting out of that too slowly. Dealing with foreclosures is a part of it.

This program has not yet become fully operational—and it may never be—but it is here to be used and used, especially if we are ever to get the agreement among the Attorneys General from both parties, the regulators and the financial institutions. It is a responsible way to deal with this. It will cost less than many of the unnecessary agricultural subsidy programs.

I've got to say, Mr. Chairman, that I've got to go on record. Maybe I missed a footnote. I know there are these great free market economic texts by Ludwig von Mises and Friedrich Hayek and others, about free enterprise and about keeping the government out of business, and about letting the free market work. Apparently, there is a footnote that says, oh, except agriculture. Overwhelmingly, my Republican colleagues buy this to working people, to people in urban areas and to people in other jobs, but it doesn't apply to cotton farmers or to wheat farmers or to corn farmers or to grain farmers. Billions of dollars go to them. As the gentleman from Alabama said with his vote: How dare you limit some farmer to a mere $250,000 in entitlement subsidies? Because agriculture is an entitlement, but they don't talk about that. They want to talk about Social Security for the elderly, but they don't want to talk about entitlements for agriculture.

I do believe we need to cut the deficit. I think we can cut back substantially in what we're doing in Afghanistan, and we can cut back substantially in agriculture. We can put limits elsewhere, which I would like to do. I would throw in that I did not think it was a good idea to reduce the estate tax that the heirs of William Gates and Warren Buffett are going to have to pay. Although, to the credit of Mr. Gates and Mr. Buffett, they didn't think so either. They weren't for substantially reducing the estate tax on people who were going to be inheriting—not earning—tens of hundreds of millions of dollars.

My colleagues over there, and some here, have supported all of that, and then have said we cannot put a program out there that will help Americans facing foreclosures and not simply to that, to show the world and to help the whole economy. There is a great consensus among economists that dealing responsibly with foreclosures is the way to deal with this.

So we do not believe in a billion. It's not that. The CBO says it's $175 million. And $175 million is considerable, but I will repeat that it's less than my friends want to send to Brazil.

It's less than they want to send to build infrastructure in Kabul and Kandahar. It's less than they want to spend to police Fallujah. You know, if I thought that latter set of funds were going to be well used, I might feel better about it, but we know how corrupt it is.

There is a double standard, let me say finally. Expenditures within the United States are held to a very, very strict accountability, but as to expenditures in Iraq and in Afghanistan and elsewhere in the world, we know how much more wastefully and corruptly spent they are, and that doesn't seem to bother other people.

I reserve the balance of my time.

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

Mr. Chair, if I were Ranking Member FRANK, I would do exactly what he's doing. I wouldn't talk about the fact that there are only 42 people who have been served by this program. I wouldn't talk about the fact that only $150 million has been set aside. I wouldn't talk about the $3 billion that has been authorized. I wouldn't talk about the fact that the American people were told this money would be repaid into the National Treasury. I wouldn't talk about the cotton subsidy, the deal with Brazil. That deal sounds pretty bad. It really does. The ranking member agrees.

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He kept talking about this the last month, about don't shut down this ineffective program to help balance the budget because some of us voted for the cotton deal with Brazil. Well, in fact, the majority of this Congress, the overwhelming majority did.

But, let's talk about that deal. Who made that deal? Did the gentleman from Alabama make that deal? Did the gentleman from Texas that's going to make that deal? Did the gentleman from Nevada make that deal? Did the gentleman from Illinois (Mr. DOLD) make that deal? No. The Obama administration made that deal.

The U.S. Trade Representative, Mr. Kirk, made that deal in an agreement with the Brazilian Government, not your Republican colleagues. Here's what he told us. He said that $60 billion worth of trade depended on our ability to export into Brazil without the tariffs they were going to impose on us. That's 420,000 U.S. jobs that were threatened, and he told us that if we didn't do that, they would impose billion $820 worth of counteraffs on such products as pharmaceuticals, autos, electronics, textiles, wheat, fruit, nuts, cotton, medical equipment. So he made a deal with them to make them certain payments, to compensate for that.

Now, I don't know if he misrepresented. I don't think that President Obama and his administration and his U.S. Trade Representative would have misrepresented this. But if that was a bad deal, then the ranking member ought to go over there and to complain to the President, whom he defends, because both of them, apparently, want to spend money at every turn and every chance they get.

U.S., BRAZIL AGREE ON FRAMEWORK REGARDING WTO COTTON DISPUTE

WASHINGTON, D.C.—Today Brazil's Ministers reached a decision in support of a Framework regarding the Cotton dispute, which would avert the imposition of countermeasures of more than $800 million this year. The Framework contains more than $560 million in countermeasures against U.S. exports which were scheduled to go into effect on June 21, 2010, as well as possible countermeasures on intellectual property rights that could have taken effect later. We are pleased with this decision, and look forward to signing the Framework soon.

The findings in the Cotton dispute concern U.S. cotton support under the marketing loan and countercyclical payment programs, and the GSM-102 Export Credit Guarantee Program. In line with these findings, the Framework has two major elements:

First, it would provide a framework for a discussion toward reaching a mutually agreed solution to the dispute, a limit on trade-distorting cotton subsidies. Second, the Framework would provide benchmarks for adjustments to certain elements of the current GSM-102 program. In the Framework, the United States and Brazil would agree to meet quarterly to discuss the successor legislation to the 2008 Farm Bill as it relates to trade-distorting cotton subsidies and the operation of GSM-102. The Framework would not serve as a permanent solution to the Cotton dispute. However, it would provide specific interim steps and a process for continued discussions on the programs at issue with a view to resolving a solution to the dispute.

"I am pleased that we have been able to negotiate a Framework regarding the WTO Cotton dispute that would avoid the imposition of countermeasures against U.S. trade, including goods and intellectual property," said Ambassador Kirk. "While respecting the role of the United States Congress in developing the next Farm Bill, this Framework would now allow us to continue to work toward a final resolution of the Cotton dispute.

This Framework is an important step in alleviating the uncertainty in our business communities and enhance the ability of the United States and Brazil to build upon ongoing trade reforms in the World Trade Organization. This framework agreement provides a way forward as we work with Congress toward a new farm bill in 2012," said Secretary of Agriculture Tom Vilsack. "Although it is not a permanent solution, I am pleased that it allows us to maintain our programs while considering adjustments and avoiding the immediate imposition of countermeasures against U.S. exports as a result of the WTO cotton decision."

BACKGROUND

The Cotton dispute is a long-running dispute brought by Brazil against the United States. In 2005 and again in 2008, the World Trade Organization (WTO) found that certain U.S. agricultural support payments and subsidies had given U.S. cotton producers certain commitments: (1) payments to cotton producers under the marketing loan and countercyclical programs; and (2) export credit guarantees under the GSM-102 program. A USDA program used to provide guarantees for credit extension by U.S. banks or exporters to approved foreign banks for purchases of U.S. agricultural exports.

On August 31, 2009, WTO arbitrators issued arbitration awards in this dispute. These
awards provided the level of countermeasures that Brazil could impose against U.S. trade. The annual amount of countermeasures has two parts: (1) a fixed amount of $47.3 million, and (2) an amount for the GSM–102 program that varies based upon program usage. Using the data for the second quarter of 2010, Brazil has increased its counterm easures in no particular order to provide technical assistance and capacity building to the cotton sector in Brazil, and for international cooperation related to the same sector in certain other countries. Under the Memorandum of Understanding that the United States and Brazil signed on April 30, 2009, the fund will continue until passage of the next Farm Bill or a mutually agreed solution to the Cotton dispute is reached, whichever is sooner. The fund is subject to transparency and auditing requirements.

The United States also agreed to make certain near term modifications to the operation of the Export Credit Guarantee Program, and to engage with the Government of Brazil in technical discussions regarding further operation of the program. In addition, the United States published a proposed rule on April 16, 2010, to recognize the State of Santa Catarina as free of foot-and-mouth disease, rinderpest, classical swine fever, foot-and-mouth disease, and swine fever, and swine vesicular disease, based on World Organization for Animal Health Guidelines, and to complete a risk analysis to determine whether and when to authorize feed mitigation measures to determine whether fresh beef can be imported from Brazil while preventing the introduction of foot-and-mouth disease into the United States.

The parties further agreed on April 1 that they would work to develop a Framework regarding the Cotton dispute by June 21, and that the parties would submit a final draft Framework to the arbitrators. Negotiators from Brazil and the United States have been engaged intensively over the past several months, and successfully concluded this Framework.

Brazil, the United States’ 10th largest trading partner with a total two-way goods trade of approximately $50 billion in 2009, yields such time as he may consume. The gentleman from Texas (Mr. CANSECO).

Mr. CANSECO. I thank the gentleman from Alabama.

Mr. Chairman, I am here to support the FHA Refinance Program. This bill is not about programs that work. It’s not about programs that have continually helped to create jobs and to help our faltering economy and our lagging job growth.

This bill is a government program, because the FHA refinance program that went into effect in September of 2010 has failed to work properly. By the end of December of last year, of 2010, a mere 22 mortgages had been refinanced through the program at a cost of $50 million. That’s an average of $2.3 million per mortgage. The conclusion is very, very clear. The program does not work and it’s wasteful.

We are in an economic crisis. According to the Congressional Budget Office, the Federal Government must run a deficit for fiscal year 2011 of $1.5 trillion. If serious steps are not taken right now, we are set and ready to see in 2012 another trillion dollars added to our deficit.

This ring of red ink is not sustainable. Americans are coming to grips with the fact that, if nothing is done, we will be the first generation in American history to leave for our children a legacy of insurmountable debt and economic stagnation.

And while there are a number of difficult decisions that we must make in the months and years ahead, common sense dictates that we can begin to get our spending under control by cutting programs that simply don’t work, no matter how large or how small they are or no matter how beneficial they may sound. They just don’t work. This one does not work.

Many of my colleagues on the other side of the aisle often think that we are putting Brazilian cotton farmers at a disadvantage by putting them in reserve to use it more. So, yes, we have only got 42. I talked about the numbers.

The 8 billion is a fantasy. The CBO says, it’s this, it is going to cost $175 million. The 8 billion is a purely bookkeeping account.

But I want to get back to the fascinating explanation by the gentleman from Alabama as to why he and the majority of Republicans voted to send $150 million per year last year, this year, and for the next couple of years to Brazil: Obama made him do it. Listen carefully. The explanation for this vote, if I may sound. They just don’t work. This one does not work.

Yes, the gentleman from Alabama said, I didn’t talk about it. I didn’t talk about it. I corrected the misuse of the gentleman from Alabama.

Mr. FRANK of Massachusetts. I yield myself such time as I may consume.

Two points: First, you have just heard a fantasy that $50 million has been spent for 22 loans. That is not remotely close to being true.

Fifty million has been set aside in a reserve for defaults if and when they come. Not a penny of it has been given to anybody. It is simply sitting in that account, in case, and the 42 loans have nothing to do with that.

Yes, the gentleman from Alabama made me do it. I didn’t talk about it. I corrected the misuse of the gentleman from Alabama.
side repudiated the President's position in this case. But the gentleman from Alabama has claimed, Don't blame me; Obama made me do it is no more credible than his invocation of some fantasy figures.

I reserve the balance of my time.

Mr. BACHUS. May I inquire of the Chair how much time each side has remaining?

The CHAIR. The gentleman from Alabama has 11 minutes remaining, and the gentleman from Massachusetts has 17 1/2 minutes remaining.

Mr. BACHUS. I continue to reserve the balance of my time.

Mr. FRANK of Massachusetts. I yield 5 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the ranking member.

I rise in opposition to H.R. 830, the FHA Refinance Program Termination Act and also the other bills that will be coming to the floor on the same subject.

I want to emphasize one thing that the ranking member has raised, and that is that these are voluntary programs. These are all voluntary programs that are trying to keep American families in their homes. These programs require the banks to agree that this is a good deal and it's deserving of these homeowners. These programs require that the homeowner also agree, obviously, and also that in many cases that the servicer agree.

Now, because you're requiring a voluntary agreement and an agreement that has been crafted in such a way that all parties are balanced in their interests, it's been difficult to generate the number of families to be helped so far.

I do want to also emphasize that this program started in November. This program started in November. We've had about 4 months to get families on board to be helped by these programs. For much of that 4 months, we have had abject resistance from the servicers. They have been the obstruction in making these programs work. But I am happy to say that in the last 10 days, we have had three major servicers, Allied, GMAC and Wells Fargo, that have finally come forward and said, we're going to work within this program, and we're going to try to help families stay in their homes not out of charity, but because they realize that we need to put a floor under this housing market in order to help sustain the weak economic recovery that we have going forward.

What exacerbates the situation is also the way the banks have handled this up until now. In my district, and it's happened all across the country, we've had situations where banks and servicers have employed robo-signers to the point that each of these foreclosure documents have been signed without full knowledge by the individuals charged with that responsibility.

We've seen many courts in this country look at the foreclosure process used by these banks and have ruled them to be illegal and that, in fact, the banks did not own the homes that they were trying to foreclose on. And this has happened thousands of times across the country. It has not been a smooth process.

We've also had a very, very difficult situation for our men and women in uniform. Despite the fact that there's been a law in this country since World War I that we will not foreclose on servicemembers' homes while they are in combat, while they are in Afghanistan or Iraq, we've had banks do hundreds and hundreds of foreclosures on our men and women in uniform. There are needs for these programs, and yet we are conveniently forgetting those facts.

Lastly, this bill, with all due respect, has been poorly drafted in a meaningless way. This bill, if adopted, would prohibit all voluntary agreements between parties to stop these foreclosures. And I understand what the targets of my Republican colleagues are, but the bill is drafted so broadly it would prevent the banks, the FHA, the homeowner and the servicer to come to a voluntary agreement.

Private enterprise has been something that my colleagues used to encourage, and here we have voluntary agreements that will be prohibited by this bill. And I do not think that is the intent of the gentleman, however, that is the actual impact of his legislation. And I have an amendment more specifically to deal with that at a later time. But we have to slow down the foreclosure process to put a floor under this economy. We have to help the families that can be helped. And this FHA Refinance Program Termination Act would prevent that from happening.

Mr. BACHUS. Mr. Chair, I yield 4 minutes to the gentleman from Illinois (Mr. DOLD).

Mr. DOLD. Thank you, Mr. Chairman, for yielding.

Mr. Chairman, H.R. 830 is commonsense legislation that stops inefficient and ineffective government spending. At the outset of this $8 billion program, its failure was inevitable. That inevitable failure is now undeniable. It doesn't work for the homeowner. It doesn't work for the taxpaying American. It doesn't work for the taxpayer. It doesn't work for future generations who are trying to claw their way out of the debt that we are burdening them with each and every day.

So let's go back and let's talk about the homeowners. We've got 12 million mortgages in America that are currently underwater. And yet this program, this program which was actually rolled out in March, it started about 6 months ago, has 245 applications—245. How many have actually made it over the finish line and not gotten actually some help and refinanced? Forty-four. Forty-four refinances. We've got $8.12 billion that has been obligated. We have $50 million that has been disbursed.

Now, a quick back-of-the-envelope calculation, that's $1.1 million per mortgage refinanced thus far. If we look at it even further, were these million-dollar mortgages, the average mortgage was about $300,000. So we spent, the American taxpayers, in terms of their dollars, we spent $1.1 million in order to refinance a $300,000 loan. The administration said that we're going to have 1.5 million homeowners get into this program, and yet we've taken almost a year and we have 44 that have actually gone through.

If you were to get through this program, if you were one of the lucky ones, one of the 44, clearly, it's not going to help you insofar as you're going to destroy your credit for the next several years. The average credit score of the 44 that are in the program is 711. Wow, credit score is going to go down. Is their monthly payment going to go down? In many instances, no, because they're going to have to come up with closing costs. They're going to have to pay private mortgage insurance if they haven't already been paying it already. And so there are other requirements that are simply a burden on the actual homeowners.

It's time that we tell the American public the truth. It's time that we in this body recognize when a government program is not working. We need to get rid of this program—$8.12 billion obligated, $50 million disbursed for 245 applicants and 44 mortgages actually reduced.

The program certainly doesn't work for the American taxpayer. We're looking at debts and deficits in Washington. And many of us were sent here to Washington to try to get the out-of-control government spending under control. And I would say that certainly $1.1 million per mortgage is not a good use of the taxpayer dollars.

When we look at future generations and we look at the amount of money that we're spending, $1.48 trillion in deficit spending works out to be over $3 million a minute. The President's budget comes out to talking about 1.6 for the next year. We cannot continue to spend money that we don't have. Our debt is at $14 trillion. When we actually took a look at the Treasury report that came out just a couple of days ago talking about TARP, because this program is basically on TARP, because they recognize when a government program was never intended to be recovered. This, to me, I think is an enormous problem.

This is a program that doesn't work for the homeowner. It doesn't work for the American public, and it certainly is not going to work for future generations.

Mr. FRANK of Massachusetts. I yield myself 30 seconds simply to say the gentleman has simply repeated an absolute fantasy. This is not a $50 million expenditure for 40 loans. The $50 million has not been given to anybody, not
a penny of it. It has been put in a reserve account. Fifty million has been set aside in a reserve account. It was disbursed from the TARP to a reserve account. The CBO, as I've submitted if this goes forward, it will be about $12,000 per loan.

Last week, the gentleman from Illinois wasclaiming that if you participate in this program, you would have a tax liability. He learned that that was totally wrong. He is perpetuating error.

I now yield 2 minutes to the gentleman from California (Mr. McNERNEY)

Mr. McNERNEY. Thank you, Mr. Ranking Member.

I'm proud to represent much of San Joaquin County, which is the jewel of California's Central Valley. Our valley is a great place to live and work; but, unfortunately, we've been hit very hard by the economic downturn. The valley has been ground zero for the foreclosure crisis. Over the past few years, thousands of families in San Joaquin County and throughout the valley have lost their homes.

Mr. DOLD. Mr. Chairman, running a business, I have to tell you, obligated funds are one thing, disbursed funds are quite another. If I can, from the monthly 105(a) report delivered to the Congress from TARP and from the Department of the Treasury, and I will submit it for the RECORD, under "Obligated" all of the way down here when it is talking about the FHA refinance, it is $8.12 billion. And in an entirely different column under "Disbursed," it is $50 million. From the paper here from the Department of the Treasury, obligated and disbursed are different things. We have $50 million that has been disbursed.

Mr. DOLD. Mr. Chairman, running a business, I have to tell you, obligated funds are one thing, disbursed funds are quite another. If I can, from the monthly 105(a) report delivered to the Congress from TARP and from the Department of the Treasury, and I will submit it for the RECORD, under "Obligated" all of the way down here when it is talking about the FHA refinance, it is $8.12 billion. And in an entirely different column under "Disbursed," it is $50 million. From the paper here from the Department of the Treasury, obligated and disbursed are different things. We have $50 million that has been disbursed.

Mr. FRANK of Massachusetts. I yield myself 15 seconds to further elucidate matters to the gentleman from Illinois. It has been disbursed in a letter of credit, none of which has been drawn down. It sits there as a reserve in case of losses.

I now yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the ranking member for yielding.

I rise in opposition to H.R. 830. This bill is one of four separate anti-foreclosure programs aimed at helping troubled homeowners stay in their homes that the new House Republican majority is planning to end. What is very troubling is that they don't have any idea of what to put in its place. We know that we have 12 million mortgages that are underwater, that need help. They are in all of our States, but they are not coming forward with any ideas of how to help the economy or how to help the people.

Now, this particular program is just getting started. It is the FHA Short Refinance Program, and it is one of the foreclosure prevention programs that
would not only help the individual homeowners, but also help to stabilize the overall U.S. housing market, which is 25 percent of our economy. So it not only helps an individual. It helps a locality, it helps our country, it helps our economy as a whole.

The result of ending this program would be hundreds of thousands of additional foreclosures and steeper price declines in our housing. It is outrageous. It is shortsighted. It is mean, and it is wrong.

Not only would this program allow the homeowners to reduce the principal owed on their homes up to 10 percent so that their payments are lower, so that they can save money that they can't afford. And in return, the banks would get an FHA-insured loan that is subject to all of FHA's strict standards. So to get this loan, you will have to jump through hoops to be able to qualify.

And it is voluntary. Just last week, seven of the major banks in America voluntarily walked forward to help out—Citibank, Wells Fargo, and Bank of America, to name a few. So the program is just starting to get going. And we shouldn't just sit back and hope that we won't even have to tap into it. Hopefully, our economy improves and people are able to pay their mortgages.

The standards are very strict. The owners must be current on their payments. It must be their primary residence. They have to have full documentation to qualify. So it is a strict program.

I want to come back to an issue that is very important to me and, that is, this affects lives. This affects people.

In Congressman FRANK's home State, there are over 222,000 residents whose mortgages are underwater that could qualify possibly if they could meet the criteria. It is part of a total package to help people move forward and the opposition, the Republican majority, has no ideas of their own. It is just to come in and cut a good program that is just getting started.

They mentioned the 44 people that have been helped. They say that is not important. I would say it is very important to the 44 people who have been helped, and there could be 12 million who could be helped under this program.

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

Mr. FRANK of Massachusetts. I yield 4 minutes to the gentleman from North Carolina (Mr. MILLER), one of the leading House experts on this matter.

Mr. MILLER of North Carolina. Mr. Chairman, I want to reassure Americans that it is not true that no problem ever gets fixed in Washington. Ten years ago, the debate here in Congress was what to do with the surplus. In fact, we paid off $400 billion of the debt; and when we did, who was then the chairman of the Federal Reserve Board, worried that we would pay off the national debt too quickly and it might be unsettling to the economy.

Mr. Chairman, if there is one problem that got solved in the past decade, it is that problem: the problem of paying off the national debt too quickly.

My party can claim none of the credit for that Republican President and a Republican Congress. I must admit that I don't like what they did to solve that problem of paying off the national debt too quickly. They gave tax cuts to America's top one-tenth of 1 percent, making more than $2,340,000, and we saved just a couple of months ago that that was one thing that was absolutely nonnegotiable for them. They would give up everything before they would let those Americans have to pay any more in taxes.

When there was a proposal to expand Medicare to take care of prescription drugs, something I supported generally, Republicans in Congress passed a bill that was not paid for, as other programs like that had been paid for, and was a giveaway to the insurance industry and to the prescription drug industry. So when they are giving tax cuts to the very, very richest Americans, the richest of the rich, when they are giving tax cuts to the insurance companies and to the prescription drug industry, the drug industry, they don't worry about deficits at all. It is only when Democrats take the Presidency, and particularly in the last years, they have been dealing with the worst recession since the Great Depression and have been trying to pull the country out of a nosedive, that they have suddenly become worried about the deficits and criticized everything that we have done to try to save the country from the disaster that we inherited.

It is only the programs that help working and middle class families that seem to give them a problem, like this one. I have been on the case for subprime lending and its effects for a long time. I introduced legislation in 2004 to rein in subprime lending, not a bit of help from Republicans. Mr. WATT and I introduced that bill. It was Miller-Watt. Two years later, it became Miller-Watt-Frank. We have been on this case.

The gentleman from Alabama said in committee the other day, Show me a way to deal with this problem that doesn't cost money. I did that in 2007. I introduced a bill that bankruptcy lawyers and judges have said was one way to deal with the problem, let bankruptcy judges modify mortgages in bankruptcy the same way they modify all other kinds of secured debts, no support from Republicans in all, and the opposition Republicans killed that.

I urged the Federal agencies that set rules for the banks to require they treat people better than they have been treated. And when they manage their mortgages, no help from Republicans at all. Just yesterday, the Federal agencies in charge of the banks' conduct and the States' attorneys general have been pushing them, the banks, to impose fines for violating the law in how they handle foreclosures.

Several Republicans sent a letter yesterday to the Secretary of the Treasury protesting that Federal agencies were being too mean to the banks.

I thought most politicians learned during the Seinfeld show that your office does not give you the right to give your political buddies, your contributors, a get-out-of-jail-free card, but that appears to be what they're willing to do when it's the banking industry that is complaining about it. It is not true that this problem of foreclosures is just affecting a handful of Americans.

The CHAIR. The time of the gentleman has expired.

Mr. FRANK of Massachusetts. I yield the gentleman 1 additional minute.

Mr. MILLER of North Carolina. We are in a cycle of foreclosures leading to the reduced value of homes, more Americans underwater; and when people are underwater, they've seen their life savings disappear. More Americans underwater, more foreclosures, and on and on.

We have got to put a bottom on the housing market. We know this can work. This program is very similar to a program in the New Deal that did work, the Homeowners Loan Corporation. It turned a profit—a slight profit, but a profit—saved the middle class, saved the housing industry. We need to do something. Republicans have offered nothing.

Mr. BACHUS. Mr. Chair, I yield 1 1/2 minutes to the gentleman from Nevada (Mr. HECK).

Mr. HECK. I thank the gentleman from Alabama for the time.

Mr. Chairman, I rise today to oppose H.R. 830, the FHA Refinance Program Termination Act. I represent the districts that are truly on the frontier of America's housing crisis; 390,192 mortgages in Nevada are underwater. Let me say that again: 390,192 families in Nevada are underwater.

I agree that people need a paycheck, not a government check, but we must help individuals who are trying to do the right thing. This program gives some of those Nevadans who are current on their mortgage, but underwater the ability to refinance their loan.

This program is a failure because too few mortgages have been refinanced through it. They'll say not enough money has been distributed, I say, a failed PR job should not be the reason a good program dies. And the FHA Refinance Program can be a good program, but it needs more attention, and perhaps reform, so homeowners know it's an option.

Vote "no" on H.R. 830 and give homeowners a chance to take advantage of this program.

Mr. BACHUS. Mr. Chair, I yield 1 minute to the gentleman from Kansas (Mr. YODER).
Mr. YODER. Thank you, Mr. Chairman.

I rise today in strong support of H.R. 830. The bill would repeal a well-intentioned but bankrupt policy.

Mr. Chairman, the American people are tired of bailouts and big spending bill after big spending bill. With $14 trillion in debt and borrowing $5 billion a day, yet unemployment is at 9 percent, the American people are sending us an unmistakable message. They are tired of borrowing, bailing out and spending isn’t working.

We’re borrowing more money in Washington with this program that we don’t have to help Americans borrow more money at home that they can’t afford for housing they can’t afford. Mr. Chairman, this is madness. When will this stop and when will the politicians in Washington understand that we’re not going to be able to borrow and spend our way to prosperity? The American people are tired of this. They want leaders to stop borrowing, bailing out and spending isn’t working.

Mr. Chairman, I ask today that we pass this legislation and restore fiscal sanity to Washington.

Mr. FRANK of Massachusetts. How much time is remaining on both sides, Mr. Chairman?

The CHAIR. The gentleman from Massachusetts has 4 minutes remaining. The gentleman from Alabama has 3 minutes remaining.

Mr. FRANK of Massachusetts. I have only one remaining speaker. I will defer until the gentleman has his last speaker.

Mr. BACHUS. Mr. Chair, I yield 2½ minutes to the gentlelady from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Chairman, President Ronald Reagan famously said—with tongue in cheek, I believe—that the closest thing to eternal life on this Earth is a Federal Government program.

I rise today in support of H.R. 830, legislation offered by my friend from Illinois (Mr. DOLD). At the risk of dis-proving the late President’s axiom, let me just say that H.R. 830 will demonstrate that Congress does have the good sense, the fortitude, and the wherewithal to bring an end to a Federal program, especially one that is not working.

The program in question is the FHA Refinancing Program, which was authorized under the broadest of provi-sions in the TARP legislation back in 2008. In 2010, the program was conceived in haste, enacted with no vote in Congress, and was designed to augment another failed program, the Making Homes Affordable Program, or HAMP, which has done more harm than good.

Under the FHA Refinancing Program, the FHA is directed to use TARP funds to refinance mortgages that are current but underwater. Its record has been abysmal, with the FHA Commissioner stating during our hearing last month: “As of February 11, 44 loans have been endorsed.” Where else but in Washington would it be a good idea to obligate $8 billion in taxpayer funds and disburse $50 million of those dollars? Now, whether it’s to help 44 homeowners or not, we don’t know how many will be involved or what it will cost. But that money has been disbursed from the U.S. Treasury.

Mr. Chairman, this bill ends another failed government program. Taxpayers shouldn’t foot the bill for failure. I would urge my colleagues to support the bill.

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

A week ago when we debated this in committee, the author of the bill, the gentleman from Illinois (Mr. DOLD), was telling people that if they joined this program they would have a tax liability. He was wrong. It wasn’t his fault. He was told that that was the case. He didn’t have the chance to go down and ask what he was told. You haven’t heard that again because he found out that was wrong.

He was also told that it was going to be $50 million dis-bursed. They don’t seem to be very consistent on that. No, $50 million has already been spent on any individual. Fifty million has been set aside in a letter of credit if necessary in the future to pay for defaults. So this million dollars per loan is, of course, a fantasy.

Now, it is true, the program has not yet had a major impact. And if it does not prove itself out, it never will. It cannot be both wildly expensive and nonexistent. It is there. If we get an agreement involving all the attorneys general of both parties, involving the regulators and the financial institutions, this will be one of the tools that will accommodate people. CBO does think there could be a loss. Their prediction is, their best guess—and they’re the best objective element we have—you could get an amount of $12,000 or so per loan lost here. Not a million dollars; 12,000. It is part of a panoply of projects to try and reduce foreclosures and help the economy deal with this crisis.

And for people who, and I repeat it—they don’t like it—they’ll send money to Brazil, they’ll send money to Afghan cities, they’ll send money to Iraqi security, they’ll subsidize farmers at more than $250,000 a year, but $12,000 per homeowner at most is too much for them. And it isn’t just for the homeowners; it is a necessary part of getting our financial system back on its feet.

Now, Ranking Member FRANK said this sits in a fund. This program that has helped 44 families whose average mortgage was $350,000—that’s more than the cost of a home in my district. But here is President Obama’s report to us that $50 million has been dis-bursed, but the alarming figure is $8.12 billion that’s obligated.

The gentlelady from New York said that the banks—Citibank, Bank of America—they’re all lining up to use this program. I would be too. This transfers obligations from lenders to the taxpayer. As long as these mort-gages were making money, the banks profited. But all of a sudden when they’re underwater and a borrower doesn’t make the payment, hey, if I was a bank, I would say, yeah, let the government, let the taxpayers reduce this mortgage. That ought to be between the bank and the homeowners.

Forty-two families? You say all these four programs we’re going to debate this week and next week—which cost billions of dollars—they’re going to help half a million families? There are 12 million families that are underwater.

Let’s talk about something very important. If we don’t get our financial house in order, I’ll quote the words of Admiral Mike Mullen on August 25 before CNN, and I will close with this, “The most significant threat to our national security is our debt.” And that threat comes from this body and the administration. It’s time to cut spending. Think about them. Think about their future.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I yield the opposite side of the floor, 1330, the FHA Refinance Program Termination Act.

This legislation would end the FHA’s short-term refinance program authorized under the Troubled Asset Relief Program.
A program designed to help homeowners refinance their existing mortgage for lower interest rates. With declining home values, borrowers are caught in mortgages that they can no longer afford. This is because their rates have reset or because their interest-only payments have not allowed them to grow any equity in their homes. They are making their payments—but just barely.

Mr. Chair, we should continue to help hard working Americans who are paying their bills on time every month stay in their homes. Ending this vital recovery program with no alternative plan is just wrong.

The Republicans reckless spending proposals will move our country backwards not only domestically but globally. Eliminating this program will cost us more in the long-term.

While I believe cuts are necessary to address the Nation’s long-term fiscal problems, it must be done responsibly and with the American public’s interest in mind.

I encourage my colleagues to oppose this bill.

Mr. DINGELL. Mr. Chair, I rise in opposition to H.R. 830, a hasty political ploy that will terminate the promising program. I refuse to let my Republican colleagues, determined to appear fiscally austere at any cost, cut budding initiatives that are in the best interest of the country.

The FHA Refinance Program is tailored to benefit responsible homeowners—homeowners who, through principal write-downs, will be able to stay in their homes. It is also structured to protect lenders from possible foreclosure losses and save communities from increased blight. Ten states, including my home state of Michigan, posted foreclosure discounts of more than 35 percent in 2010. We must use all our tools at hand to stem this massive foreclosure epidemic.

I hear daily from struggling homeowners who are trying to keep afloat. Negative equity mortgages are plaguing our country from coast to coast. At the end of last year, 11.1 million, or 23.1 percent, of all residential mortgages were in negative equity. Home prices are expected to fall another five to ten percent in 2011. Millions of borrowers are being held captive in their homes, unable to move or sell their properties. Keeping programs like the FHA Refinance Program alive is crucial to spurring economic recovery and giving the mortgage industry the jump-start it so desperately needs.

My Republican colleagues like to point to the fact that since the program has only spent $50 million, it must be ineffective. I find it interesting that a Republican argument against a program is that it hasn’t cost the government enough. So much for fiscal austerity. In fact, the FHA Refinance Program was specifically designed to be cost-effective for the government. Its allocated funds only cover incremental credit and incentive costs, and will not be spent unless a borrower defaults under the program. Since no borrowers have defaulted, no money has been spent on loans.

Let me be clear: this bill is—the FHA Refinance Program has only been available since September. It is no surprise that it takes time for such complex programs to work effectively and prudently. Lenders must set up an operational infrastructure to utilize this option, and a great deal of coordination is required throughout the mortgage chain. As of February 11th, 23 FHA-approved lenders are participating in the program, including Wells Fargo and a few others. The FHA has delivered several thousand loans. FHA also indicates that numerous other lenders are in the process of developing the capability to utilize the program by midyear.

Not only does the Republican Leadership seek to terminate the FHA Refinance Program, but it also seeks to eliminate the Home Affordable Modification Program, the Neighborhood Stabilization Program, and the Emergency Homeowners Loan Program. It is clear that more needs to be done to help struggling homeowners stay in their homes. However, terminating the very programs that were established to do so is not the solution. I encourage my colleagues on the other side of the aisle to come to the table and present real solutions to this epidemic. If a Member feels this program has not benefited enough homeowners, or he or she suggests a way to do so and we can go from there. Instead, Republicans are placing politics before people. Our Nation needs solutions, not denunciations.

Mr. Chair, I strongly urge my colleagues to vote against this bill.

Mr. VAN HOLLEN. Mr. Chair, the FHA Refinance Program proposed for termination in today’s legislation is designed to provide distressed homeowners mortgage relief by using FHA loan guarantee authority to incentivize holders of existing single family loans to reduce the outstanding principal balance of their loans by at least 10 percent in conjunction with an FHA refinance when the principal balance of a borrower’s loan is greater than the property’s current value. Importantly, participating homeowners must be current on their existing loan, and all other FHA safety and soundness underwriting standards continue to apply. Any losses under the program are covered by funds already set aside by the TARP, adding no additional exposure to the FHA’s capital reserves.

Mr. Chair, while I am aware of—and frankly, to some extent sympathetic to—the criticism and frustration around the pace and scope of this program to date, I would also point out that it has only been operational since October of last year. Furthermore, as a purely voluntary program, its success clearly hinges on the active participation of our major loan servicers, two of whom—Wells Fargo and Ally Financial—have just recently announced their intention to let qualified borrowers take advantage of the program. Finally, with an estimated one in five homeowners currently underwater on their mortgages, it is clear to me that the housing crisis is not yet behind us.

By providing struggling but credit-worthy homeowners with a reduced monthly payment and a mortgage that is more aligned with actual property values, the FHA Refinance Program can help prevent foreclosures and stabilize the housing market, which is in every American’s long-term interest.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule.

No amendment to the committee amendment in the nature of a substitute is in order except those received for printing in the portion of the Congressional Record designated for that purpose in a daily issue dated March 9, 2011, or earlier and except pro forma amendments for the purpose of debate. Each amendment so received may be offered only by the Member who causes it to be printed or a designee and shall be considered read if printed.

The Clerk will designate section 1. The text of section 1 is as follows:

This Act may be cited as the “FHA Refinance Program Termination Act”.

AMENDMENT NO. 9 OFFERED BY MRS. MALONEY

Mr. MALONEY. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 1, insert the following new section:

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) there are 35,610 underwater mortgages in Alabama;
(2) 7,801 underwater mortgages in Alaska;
(3) 648,397 underwater mortgages in Arizona;
(4) 27,580 underwater mortgages in Arkansas;
(5) 2,172,700 mortgages in California;
(6) 221,097 underwater mortgages in Colorado;
(7) 97,244 underwater mortgages in Connecticut;
(8) 23,906 underwater mortgages in Delaware;
(9) 2,029,128 underwater mortgages in Florida;
(10) 449,971 underwater mortgages in Georgia;
(11) 24,664 underwater mortgages in Hawaii;
(12) 61,566 underwater mortgages in Idaho;
(13) 431,050 underwater mortgages in Illinois;
(14) 68,196 underwater mortgages in Indiana;
(15) 26,976 underwater mortgages in Iowa;
(16) 32,787 underwater mortgages in Kansas;
(17) 24,580 underwater mortgages in Kentucky;
(18) 288,554 underwater mortgages in Maryland;
(19) 222,599 underwater mortgages in Massachusetts;
(20) 519,716 underwater mortgages in Michigan;
(21) 90,090 underwater mortgages in Minnesota;
(22) 122,543 underwater mortgages in Mississippi;
(23) 8,650 underwater mortgages in Montana;
(24) 21,388 underwater mortgages in Nebraska;
(25) 390,192 underwater mortgages in Nevada;
(26) 37,488 underwater mortgages in New Hampshire;
(27) 286,293 underwater mortgages in New Jersey;
(28) 29,375 underwater mortgages in New Mexico;
(29) 129,633 underwater mortgages in New York;
(30) 160,007 underwater mortgages in North Carolina;
VerDate Mar 15 2010 04:08 Mar 11, 2011 Jkt 099060 PO 00000 Frm 00019 Fmt 7634 Sfmt 0634 E:\CR\FM\A10MR7.013 H10MRPT1tjames on DSKG8SOYB1PROD with HOUSE

(31) 3,582 underwater mortgages in North Dakota;
(32) 441,379 underwater mortgages in Ohio;
(33) 24,411 underwater mortgages in Oklahoma;
(34) 108,335 underwater mortgages in Oregon;
(35) 132,805 underwater mortgages in Pennsylvania;
(36) 45,511 underwater mortgages in Rhode Island;
(37) 85,226 underwater mortgages in South Carolina;
(38) 133,956 underwater mortgages in Tennessee;
(39) 367,964 underwater mortgages in Texas;
(40) 18,152 underwater mortgages in Utah;
(41) 276,910 underwater mortgages in Virginia;
(42) 209,577 underwater mortgages in Washington;
(43) 15,240 underwater mortgages in Washington D.C.;
(44) and 81,267 underwater mortgages in Wisconsin.

The CHAIR. A point of order is reserved.

The gentlewoman from New York is recognized for 5 minutes in support of her amendment.

Mrs. MALONEY. Mr. Chairman, my amendment has the purpose of making very clear what we're doing today to the American people. This amendment makes clear that we are ending a program that has the potential to help hundreds of thousands of underwater borrowers.

H.R. 830, the FHA Refinance Program Termination Act, ignores the underwater borrowers of this country and does nothing to help families save their homes.

Very simply, the bill ends a program that has the potential to help hundreds of thousands of underwater borrowers.

H.R. 830, the FHA Refinance Program Termination Act, ignores the underwater borrowers of this country and does nothing to help families save their homes.

The majority crafted a so-called "open rule" in such a way that it's nearly impossible to offer any substantive amendments—a number were voted down on a party line in the committee debates—in response to this reality.

In an effort to highlight the true nature of this harmful bill, my amendment identifies the numbers in each State of the hundreds of thousands of underwater borrowers across the country and makes clear that the Republican majority has no solution to the problem, nor do they have any desire to find one.

Americans must be made aware of the intention of this majority. This program allows borrowers to write down at least 10 percent to reduce the debt burden. They are all paying. They are in financial difficulty. Banks then can get an insured FHA guarantee and move forward and people can keep living in their homes and can keep participating in the economy.

Because of this vote today, if the majority does not allow homeowners across the country may not have the opportunity to take advantage of the program that has just begun, and which should be made, in my opinion, available to them.

Now what this does, it goes down all of the impacts across the country. It shows that in my home State of New York there are over 129,000 mortgages underwater that would not be able to apply for this program to allow people to stay in their homes. In Chairman Bachus' State, there are over 35,000 mortgages underwater. In Florida, there are more than 2 million mortgages underwater, and they have no alternative of any way to help these people. And these numbers are from an independent company's study.

If you go to California, our largest State, over 2 million homes are underwater. Nevada, 390,000 individuals are facing the loss of their homes. In Arizona, there are over 16,000 families that are underwater. Their home is not worth what they're paying for it, what the mortgage is.

This program has the potential that has the potential to help hundreds of thousands of homeowners that are out there that possibly could lose their home because this program is being terminated. This is germane, in my opinion, to the underlying bill.

The CHAIR. Does the gentlewoman wish to be heard on the point of order?

Mr. BACHUS. Mr. Chairman, I make a point of order against the amendment because in my opinion it violates clause 7 of rule XVI which requires that an amendment be germane to the matter it's amendment.

It's not germane to the bill because it's outside the scope of the bill and fails to draw the nexus to the bill.

Mr. BACHUS. Mr. Chairman, I make a point of order against the amendment because in my opinion it violates clause 7 of rule XVI which requires that an amendment be germane to the matter it's amendment.

It's not germane to the bill because it's outside the scope of the bill and fails to draw the nexus to the bill.

The CHAIR. The gentlewoman from New York, Mrs. MALONEY. The amendment is germane, Mr. Chairman.

This program has the potential to help underwater mortgages across our great country, which is germane to the bill we're debating today, because the bill terminates the bill this is not. You have no findings in this bill that you're rushing to the floor.

It is germane to talk about the hundreds of thousands of homeowners that are out there that possibly could lose their home because this program is being terminated. This is germane, in my opinion, to the underlying bill.

The CHAIR. Does any other Member wish to be heard on the point of order?

Mr. BACHUS. Mr. Chairman, I make a point of order against the amendment because in my opinion it violates clause 7 of rule XVI which requires that an amendment be germane to the matter it's amendment.

It's not germane to the bill because it's outside the scope of the bill and fails to draw the nexus to the bill.

The CHAIR. Does the gentlewoman wish to be heard on the point of order?

Mrs. MALONEY. Yes, I do.

As a point of information, there are very strict criteria from the FHA and from the individual banks that are voluntarily participating, and one of those criteria is that you must be current on your payments. You must be current. What they're saying is that there was inaccurate, that they could be behind on their payments or not making their payments. They're having difficulty making it because their home value is not equal to what the mortgage is. And so it's difficult. But they must all be current on them.

The CHAIR. The gentlewoman needs to confine her remarks to the point of order.
Ms. JACKSON LEE of Texas. Mr. Chairman, I would like to be heard on the point of order.

The CHAIR. The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. First of all, the gentleman from Alabama was arguing the merits of the legislation. These are findings that pertain to the results that would occur from the language in the bill.

The bill is eliminating the existing funds or leftover funds for FHA refinancing. The amendment clearly lays out the impacted persons connected to the elimination. Therefore, this is germane because it relates to the language of the amendment and the intent of the amendment.

Twelve million people left behind, thousands of homeowners in different States, and the fact that there is no other solution to these homeowners except FHA refinancing, it is a germane amendment. The findings are simply laying out the impact. We do that in all of our bills to put findings on what the impact of legislation would be.

I ask the Chairman to consider the gentlelady’s amendment being germane. The findings are germane, and it is doing simply that of listing the elements of the impact of this legislation. I ask for a waiver of the point of order.

The CHAIR. The Chair is prepared to rule on the point of order.

The gentleman from Alabama makes a point of order that the amendment offered by the gentlelady from New York is not germane.

The bill addresses repeal of a Federal Housing Administration program that provides for refinancing of a specified set of mortgages.

One of the fundamental principles of Germaneness is that the amendment must relate to the subject matter of the underlying bill. The bill is confined to a specific type of refinancing program. The amendment seeks, in part, to address mortgages on broader bases, beyond the ambit of the bill.

The amendment is therefore not germane. The point of order is sustained. Mrs. MALONEY. I move to strike the last word.

The CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. MALONEY. I’m distressed with this ruling because I think it is germane that people will lose their homes, that they are eliminating a program that is just starting that is thoughtful, that would give FHA financing and guarantees to help people stay in their homes, and that people in Nevada, over 390,000, could be affected by this; California, over 2 million people’s homes are underwater; in Florida, over 2 million homes are underwater; Arizona, 648.

And in my own State, over 129,000 people will not have the access to this program to adjust their mortgages so that they reflect the true value of their homes, make their payments on that value so that they can move forward and be part of the community, keep these homes from becoming blight and emptied in an area.

We all have stories in our districts and across the Nation where people cannot make their mortgage payments because they have lost values in their home. They are deserting them. They are leaving them. In some States, they are literally bulldozing the homes underground because no one can afford to live in them. This is an answer to some of the challenges.

And my colleagues on the other side of the aisle talk about the cost. Well, I would say that the cost—not only to the individual homeowner, but to the overall economy—will be greater by terminating the four efforts, the four antiforeclosure efforts from the Obama Administration to help with the housing crisis.

And we know that the subprime crisis was a scandal. Many people were not—got into homes they couldn’t afford under misrepresentation.

We have helped other areas of our economy. We certainly should help the homeowners, the working Americans to help them through this economic crisis, too.

And we have to remember that although we are digging our way out of this Great Recession, the recovery has been slow. We are still in a fragile recovery. The economists testified before the Financial Services Committee that housing was 25 percent of our economy.

So, helping people stay in their homes, I would say that our overall economy has a stake in it.

Now, some people said, well, the banks will run in and do this. Banks are not going to do this unless they think that the loan is going to be paid and they’re not going to be hurt with it. And the standards from FHA are very high. You have to be current. You have to have a job. You have to live in your home. You have to have a proven track record. You have to have good credit before you can be approved. So that is why only 50 million is the line of credit that will be drawn down if there are foreclosures.

Hopefully the economy improves, people keep their jobs. Hopefully the banks do a good job and do not hand out loans unless people can actually repay them. And this will be a tool to move forward not only to help people, but to help the overall economy.

Now, what I find very troubling about this is that my friends on the other side of the aisle want to terminate four antiforeclosure programs, but they have no alternative. It’s sort of like their approach to jobs. They have not come forward with any program to help create jobs. They have not come forward with any program to help people stay in their homes. It’s part of the ‘so be it’ attitude. You’re on our own. We’re not going to help you.

But this is a program that helps people help themselves adjust to the reality of what their homes are actually worth. And I think that it’s important that this information of how many people, the 12 million people and where they live in America, is important information that should be part of this bill.

And that’s why I am now respectfully requesting unanimous consent to place into the RECORD the listing of where these 12 million people live so people will know these are the people we are saying “no,” “so be it,” “we’re not going to be there to help you.”

And let me tell you, my fellow colleagues, I would be cautious about voting for this, because you’re voting against your economy. You’re voting against your State. You are voting against your own colleagues, your own residents and neighbors who may need this. We know the trouble that’s in this economy. Practically every family in America has some relative who’s lost a job or is unemployed. So this is some way to help with this economic recovery. It is thoughtful. It is a good program.

And I urge my colleagues to vote against the “so be it” bill the Republicans have before us today and to really work with, in a bipartisan way, the Obama administration to help working Americans, struggling Americans stay in their home.

□ 1350

It’s the least that we can do as a caring Nation, absolutely the least we can do as a caring Nation. So I urge my colleagues, and I would be very cautious in your vote, because I believe your constituents are going to remember this vote if this program is terminated and their lifetime, their ability to stay in their homes, is terminated because of your vote today.
Ms. JACKSON LEE of Texas. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentlelady from Texas is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. I am very sorry that Congresswoman MALONEY’s amendment was subject to a point of order. I would like to simply add that you need to put faces on what this legislation is doing. It’s a gutless bill. It guts and eliminates all remaining funding. It does say that if you are in the midst of the program you might continue.

But everyone knows how solid FHA is. Whenever you hear FHA, you know that there is a framework that really provides for protection for the Federal Government and a fatally responsible program that provides the Federal Government with protection for those who are able to utilize it.

But even traveling through airports, Mr. Chairman, I have a man with a family who indicated that in the midst of the holiday season, even though they had been told by the banking institution that his mortgage was intact, they would allow him to continue to pay, he was keeping up but having difficulty looking for modification, a few days into the new year, January 6th, he was foreclosed on, and a few days later, or at least on that day foreclosed with a sign or a notice on his door, “Vacate in 3 days.” These are the faces of individuals who probably would have fared better under FHA.

At the same time, a law enforcement, a police officer came to me and said the very same thing, in the institution that I had never heard of, had no national standing, some fly-by-night. Here is a law enforcement officer, a local police officer putting his life on the line every day, and he needed to sell his home. He managed to find a buyer. He had communicated that to the bank. But lo and behold, the lowlife thing to do was what this financial institution did. And I would call it not a bank, but probably a mortgage entity.

They took the house right from underneath a man that goes out every day and projects himself into the community and could lay his life on the line. I am against H.R. 830 and H.R. 836. It doesn’t make sense when we’ve got hundreds of thousands of individuals who are in need of this program. I will venture to say that if a program needs fixing, we have ever heard of it, don’t end it? Mend it, don’t end it? Of course it is always important to do due diligence and have oversight over these programs. But I would think that the Financial Crisis Inquiry Commission, under our past chairman and now the ranking member, working with the chairman now, could come up with the genius and make FHA work better if that is the case.

But the nonsensical plan of eliminating it, not helping the underwater mortgages, the individuals who have these mortgages, with homes that are distressed, with mortgages that are worse than the homes—we know there are many communities like this, and my colleague mentioned some, but let me quote the report. This is because it’s so enormous, and we have heard so much from them: Florida, 2 million; California, 2 million; Nevada, 390,000. They are still in distress.

Everyone knows that the housing market has a lot to do with this economy. And even without the help of my good friends on the other side of the aisle, we still saw the unemployment go down and 192,000 jobs created. But I can tell you that this does nothing to create jobs. It simply puts Americans out of work. It doesn’t put Americans out of work. It puts people out of work, not in work.

So I argue vigorously, a little too late on the gentlelady’s amendment, but I want to thank her for her astuteness, carefully defining what impact this bill would have. And it is fortunate that the good work of FHA that requires documentation, a current job, a decent salary, all that is needed is
now thrown to the wolves with no other plan. So we go home, and constituents will ask us about modification or the viability of FHA, which has been in place for a long period of time. All we have to do is give them our empty hands and our blank face, saying our minds that this is the only thing we know this was a good program, decided to eliminate it with no substitute in place.

So Mr. Chairman, let me conclude by simply saying to the hundreds of thousands of homeowners who have faith in this. This is only the first step. We know this is wrongheaded, the wrong direction. Thank goodness for the Founding Fathers that gave us the House and the Senate and a President. I can be assured that this legislation, I hope, is destined for a route of no return.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. The Chair would remind the gentlewoman to direct her comments to the Chair, and not the viewing public.

The Clerk will designate section 2.

The text of section 2 is as follows:

**SEC. 2. RESCISSION OF FUNDING FOR FHA REFINANCE PROGRAM.**

Effective on the date of the enactment of this Act, there are rescinded and permanently canceled all unexpended balances remaining available as of such date of enactment of the amounts made available under title 1 of the Emergency Economic Stabilization Act (Public Laws 110–34; 11 U.S.C. 521 et seq.) that have been allocated for use under the FHA Refinance Program (pursuant to Mortgagee Letter 2010–23 of the Secretary of Housing and Urban Development). The Mortgagee Letter referred to in section 2 of this Act shall cease to be effective on the date of the enactment of this Act.

**AMENDMENT NO. 11 OFFERED BY MR. FITZPATRICK**

Mr. FITZPATRICK. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, line 12, after the period insert the following: "All such unexpended balances so rescinded and permanently canceled shall be retained in the General Fund of the Treasury for reducing the debt of the Federal Government."

The CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes in support of his amendment.

Mr. FITZPATRICK. Mr. Chairman, I want to thank my colleague from Illinois (Mr. DOLD) for introducing this legislation to end a failed Federal program, the FHA Refinance Program. This amendment ensures that the savings realized from ending this program go directly to debt reduction.

Last month, Mr. Chairman, this Chamber began a process of examining the Federal budget line by line, asking tough questions and making tough decisions on Federal spending. While our work was substantial, it is also continuing. In order to encourage economic growth and job creation, the Federal debt is and must remain public enemy number one. Over the past 2 years, Federal discretionary spending has increased by 24 percent. The rate of growth is simply unsustainable.

Despite the record pace of new spending over the last 2 years, that spending continues today. Just this week, Mr. Chairman, we learned that the Federal deficit for the month of February 2011 was the highest ever, and exceeded the deficit for the entire fiscal year 2007, $233 billion. Mr. Chairman, the biggest monthly deficit in the history of our country.

Over the past decade, we have seen the excesses and unsustainable growth in sectors of our economy that can have disastrous effects across the entire economy. Unless we take dramatic action now, the tax burden placed on small businesses and families in my own Bucks County and across the Nation will outpace our ability to pay, killing jobs and straining family budgets.

Just as troubling is the fact that the money our government is using to feed today's spending binge is borrowed from future generations, much of it borrowed from foreign Nations. The sheer amount of cash owed to foreign powers led the chairman of the Joint Chiefs of Staff, Admiral Michael Mullen, last last year declare the deficit as the number one security threat facing our Nation. Reduce the debt.

I ask my colleagues to support the amendment, support the underlying bill.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

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

Mr. FRANK of Massachusetts. First, I would repeat that I am glad to hear the support for Admiral Mullen—earlier we heard of Secretary Gates—in their warning about the deficit. I just want to emphasize the risk that accepting their warning on the deficit would refrain from forcing money on them that they don't want. We have people citing the military leadership and then voting for weapons systems, swallowing an already swollen military budget, that they don't want.

As to this amendment, I am tempted to come to the defense of the drafters of the bill, because if you read the bill, the bill purports to do what the amendment ultimately did, and it can be argued the author of the amendment didn’t think the bill did a good enough job, or somebody thought the author of the amendment, being a nice fellow, ought to get in on the credit. So this is an amendment that is either editorial refinement or political redundancy. In either case, it does not have much effect; so I urge the Members to adopt it.

Mrs. MALONEY. Madam Chairman, I move to strike the last word.

The Acting CHAIR (Mrs. MILLER of Michigan). The gentleman from New York is recognized for 5 minutes.

Mrs. MALONEY. I would just like to point out to Congressman FITZPATRICK from the great State of Pennsylvania that there are over 132,000 homes that are underwater now that could benefit from this program, and urge my colleagues to support the program.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. FITZPATRICK). The amendment was agreed to.

The Acting CHAIR. The Chair will designate section 3.

The text of section 3 is as follows:

**SEC. 3. TERMINATION OF FHA REFINANCE PROGRAM.**

(a) TERMINATION OF MORTGAGEE LETTER.—The Mortgagee Letter referred to in section 2 shall be void and have no effect and the Secretary of Housing and Urban Development may not issue any regulation, order, notice, or mortgagee letter based on or substantially similar to such Mortgagee Letter.

(b) TREATMENT OF REMAINING FUNDS.—Notwithstanding subsection (a) of this section, any amounts made available for use under the Program referred to in section 2 of this Act and expended before the date of the enactment of this Act shall continue to be governed by the Mortgagee Letter specified in subsection (a) of this section and any other law, regulations, orders, and notices, applicable to such amounts, as in effect immediately before such date of enactment.

(c) TERMINATION.—After the enactment of this Act, the Secretary of Housing and Urban Development may not newly insure any mortgage under the FHA Refinance Program referred to in section 2 of this Act and expedite any insured program referred to in section 2 of this Act and expedite any insured program referred to in section 2 of this Act and expedite any insured program referred to in section 2 of this Act except pursuant to a commitment to insure made before such enactment, and upon the completion of all activities with respect to such commitments under the provisions of law, regulations, orders, and notices, applicable to such amounts, as in effect immediately before such date of enactment.

(d) STUDY OF USE OF PROGRAM BY MEMBERS OF THE ARMED FORCES, VETERANS, AND GOLD STAR RECIPIENTS.—

(1) STUDY.—The Secretary of Housing and Urban Development shall conduct a study to determine the extent of usage of the FHA Refinance Program referred to in section 2 of this Act and the impact of such program on covered homeowners.

(2) REPORT.—Not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, the Secretary shall submit to the Congress a report setting forth the results of the study under paragraph (1) and identifying best practices, with respect to covered homeowners, that could be applied to the FHA Refinance Program.

(3) COVERED HOMEOWNER.—For purposes of this subsection, the term "covered homeowner" means a homeowner who is—

(A) a member of the Armed Forces of the United States on active duty or the spouse or parent of such a member;

(B) a veteran, as such term is defined in section 101 of title 38, United States Code; or

(C) eligible to receive a Gold Star lapel pin under section 1126 of title 10, United States Code, as a widow, parent, or next of kin of a member of the Armed Forces person who died in a manner described in subsection (a) of such section.

AMENDMENT NO. 3 OFFERED BY MR. LYNCH

Mr. LYNCH. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Chair will designate the amendment.

The text of the amendment is as follows:

Mr. LYNCH. Madam Chair, I have an amendment at the desk.
That creates a problem. That stops the FHA from doing a lot of the other work that both sides agree needs to be done. We are talking about voluntary agreements where the bank and the servicer and the homeowner agree. Basically, that is the purpose of this legislation. So I’m not trying to undo the targeted work that you’re trying to do. I’m just trying to let the FHA do its job in general.

I also want to remind the gentlewoman from Illinois that the FHA, by itself, cannot reestablish the finance program through a mortgagee letter. It can only do so if it is legislation that is clearly underlying its action. All the mortgagee letters must go through departmental clearance and must be viewed by OMB before they become official guidance. So I am asking that this amendment be accepted to clarify the action of the bill, itself.

I yield back the balance of my time.

Mrs. BIGGERT. Madam Chairman, I rise to offer an amendment.

The Acting CHAIR. The gentlewoman from Illinois is recognized for 5 minutes.

Mrs. BIGGERT. This amendment came up in committee and failed during our committee markup by a vote of 33-22. The amendment removes all references to the mortgagee letter issued by HUD concerning the FHA Refinance Program, and I think that this announcement was the defining document for the program. It provided guidance to lenders on the FHA Refinance Program.

I think our concern is that the amendment leaves the door open for the Treasury and for HUD to at a later date create another substantially similar program to the FHA Refinance Program, again, without the express consent of Congress.

As the sponsor of the bill mentioned, this program was never authorized by Congress. The Treasury and the FHA used the TARP moneys that were set aside for the HAMP program, and the mortgagee letter was effectively the authorizing document for the program. If this were to be in, there would be no nullification of the program; it wouldn’t be terminated. This mortgagee letter speaks directly to this program, and I don’t think that it affects the other parts of the FHA. It really just voids the letter, in doing so, to end the program.

We don’t need to further burden the FHA with this program. An FHA program right now is currently operating below its congressionally mandated 2 percent capital reserve ratio, and this program has the potential to further expose taxpayers to FHA losses. Even the administration has expressed concerns over the new program loan performance. During testimony delivered to the Financial Services Committee, the FHA Commissioner testified “these loans may perform worse than refinanced loans that were not previously under water.”

This is another example of the administration’s using TARP dollars in questionable ways. I think that the program is similar in scope to the failed HOPE for Homeowners program established under FHA in 2008, and even that program has helped fewer than 200 borrowers since its inception.

But in that section you identify specifically mortgage letter 2010–23. And you say, nothing can be used for that. I am not trying to turn over that apple cart.
However, when you go to section 3, you say that the Secretary of Housing and Urban Development may not issue any regulation, any order, any notice, or any mortgage letter based on, or substantially similar to, such mortgage letter referred to above. Okay, so what you are saying is no notice, no orders, no mortgage letters, no communications on voluntary agreements between the bank, the lender, the servicer and the homeowner. So you are prohibiting FHA from working out a voluntary agreement with any of your constituents.

Mr. FRANK of Massachusetts. Reclaiming my time, the problem is the ambiguity is substantially similar. It kills this program, but it bans things that would be substantially similar so that innovator private sector entities trying to do something would be deterred because no one could tell them what substantially similar is.

I yield to the gentleman from Massachusetts.

Mr. LYNCH. Well, let me just say this: The idea here, it's a two-step problem. One, the gentlewoman's bill would seek to eliminate voluntary agreements. Okay, so that's a problem. So with the FHA, the homeowner and the servicer all to agree that this mortgage should be modified and that the homeowner should be allowed to remain in their home, which is a good thing. But for some reason you don't want any of that, eliminating all four of those programs. That's a problem.

The underlying problem that we have here specific to this language is compounded by the fact that you are eliminating all voluntary agreements, not only the ones that you seek to eliminate in these four voluntary programs.

Mr. FRANK of Massachusetts. I yield at this point to the gentlewoman from Illinois (Mrs. BIGGERT) to respond.

Mrs. BIGGERT. Thank you. I think what we are doing here is to terminate the mortgage letter which sets up the program and to make sure that there won't be a substantially similar letter.

Mr. FRANK of Massachusetts. Reclaiming my time, because the gentlewoman is simply not responding, we have the same general rhetoric.

The point, as my friend has pointed out, is you are introducing an ambiguity which is substantially similar so that people will be deterred from further voluntary activities.

I yield again to my friend from Massachusetts.

Mr. LYNCH. Thank you.

Madam Chair, the funding authorization for FHA is already deleted in section 2. So there is no funds and there is no authorization for FHA to issue a letter in connection with a program that no longer exists. So you have eliminated that.

But when you go further, section 3 is likewise, and we don't want you even; we don't want you issuing a letter or a notice or an order that is substantially similar to the one we just eliminated. That's the problem, that you are taking the ability of the FHA to work out voluntary agreements that, I think on the merits, for the people in your district you would like to see occur, that are in good faith and that are affecting homeowners.

The Acting CHAIR. The time of the gentleman has expired.

Mrs. MALONEY. I move to strike the last word.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. MALONEY. Reclaiming my time, there are 431,000 mortgages that are underwater in the great State of Illinois where the residents would be eligible to participate in this program that the Republican majority is voting to terminate.

I yield back the balance of my time.

The Acting CHAIR. The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FRANK of Massachusetts. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to rule XIX, proceedings on the amendment offered by the gentlewoman from Massachusetts will be postponed.

Mr. PAULSEN. Madam Chair, I have an amendment to the amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 15, strike "and".
Page 6, line 16, before the period insert the following: "and members and veterans with service-connected disabilities and their families."
Page 7, line 11, strike "or".
Page 7, line 17, strike the period and insert "or."
Page 7, after line 17, insert the following: (D) such members and veterans of the Armed Forces who have service-connected injuries, and survivors and dependents of such members and veterans of the Armed Forces with such injuries.

The Acting CHAIR. The gentlewoman from Minnesota is recognized for 5 minutes.

Mr. PAULSEN. Madam Chair; last summer I met with a woman whose husband, who was born and raised in Eden Prairie, Minnesota, had died in Afghanistan; and we discussed issues that she was facing as the widow of a service member. One of the concerns she raised was absolutely paying her mortgage, given all the changes and hardships. They may need modification to their houses if the servicemember is now in a wheelchair. They may have significant changes in their ability to move around, as well as the skills they are able to perform, which could have a significant impact on their livelihood.

It's my hope, Madam Chair, through this amendment we can get a better understanding of how we can best provide for these families who have made that service and sacrifice. I urge adoption of the amendment.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. MALONEY. Congresswoman BIGGERT, do you know how many underwater mortgages there are in your home State?

Mrs. BIGGERT. No, I don't.

The Acting CHAIR. The gentlewoman from New York is advised to address her remarks through the Chair.

Mrs. MALONEY. Reclaiming my time, I raise the question of the amendment offered by the gentlewoman from Massachusetts (Mr. LYNCH).

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

Mr. FRANK of Massachusetts. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to rule XIX, proceedings on the amendment offered by the gentlewoman from Massachusetts will be postponed.

Mr. PAULSEN. Madam Chair, I have an amendment to the amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 15, strike "and".
Page 6, line 16, before the period insert the following: "and members and veterans with service-connected disabilities and their families."
Page 7, line 11, strike "or".
Page 7, line 17, strike the period and insert "or."
Page 7, after line 17, insert the following: (D) such members and veterans of the Armed Forces who have service-connected injuries, and survivors and dependents of such members and veterans of the Armed Forces with such injuries.

The Acting CHAIR. The gentlewoman from Minnesota is recognized for 5 minutes.

Mr. PAULSEN. Madam Chair, last summer I met with a woman whose husband, who was born and raised in Eden Prairie, Minnesota, had died in Afghanistan; and we discussed issues that she was facing as the widow of a service member. One of the concerns she raised was absolutely paying her mortgage, given all the changes and stresses that had taken place in her life.

This conversation led me to introduce legislation last year, which actually passed the House last fall, that directed the appropriate agencies to take into account and consideration the special circumstances of wounded service members and widows of fallen soldiers and their families in housing programs.

Along those lines, this amendment and my amendment today would add military servicemembers and veterans who have service-related injuries, as well as survivors and dependents of such individuals, to be included in the study on the use of the FHA refinance program.

These families do face, often, new hardships. They may need modification to their houses if the servicemember is now in a wheelchair. They may have significant changes in their ability to move around, as well as the skills they are able to perform, which could have a significant impact on their livelihood.

It is my hope, Madam Chair, through this amendment we can get a better understanding of how we can best provide for these families who have made that service and sacrifice. I urge adoption of the amendment.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Massachusetts is recognized for 5 minutes.

Mrs. MALONEY. I move to strike the last word.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. MALONEY. Reclaiming my time, I raise the question of the amendment offered by the gentlewoman from Massachusetts (Mr. LYNCH).

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

Mr. FRANK of Massachusetts. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to rule XIX, proceedings on the amendment offered by the gentlewoman from Massachusetts will be postponed.

Mr. PAULSEN. Madam Chair, I have an amendment to the amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 15, strike "and".
Page 6, line 16, before the period insert the following: "and members and veterans with service-connected disabilities and their families."
Page 7, line 11, strike "or".
Page 7, line 17, strike the period and insert "or."
Mrs. MALONEY. Reclaiming my time, I would like to point out to the gentleman from Minnesota that there are over 90,000 homes, 90,000 homeowners who are underwater in the great State of Minnesota and that could benefit if they meet the criteria in this important program that the Republican majority is urging to be eliminated today.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. PAULSEN).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. INSLEE

Mr. INSLEE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 16, before the period insert “AND REPLACEMENT PROGRAM”.

Page 6, line 19, before “the extent” insert “(A)”.

Page 6, line 20, after “section 2” insert “,” including”.

Page 6, line 21, before the period insert the following: “the need, and appropriate guidelines and standards for, a mortgage insurance program of the Secretary that (1) provides for loan modification involving a write-down of the remaining principal balance on existing mortgages on 1- to 4-family residences under which such principal balance exceeds the appraised value of the mortgaged residence, and (2) serves the needs of covered homeowners with such mortgages.”

Page 7, line 1, after “paragraph (1)” insert the following: “,” setting forth the Secretary’s determination of the need for, and the appropriate guidelines and standards for, the mortgage insurance program determined pursuant to paragraph (1)(B),”.

Page 7, line 1, after “best practices,” insert “including”.

Page 7, line 3, before the period insert the following: “the mortgage insurance program identified and described pursuant to paragraph (1)(B),”.

Page 7, after line 17, add the following:

(4) (A) Upon the expiration of the 90-day period beginning upon the submission to the Congress of the report required under paragraph (2), the Secretary of Housing and Urban Development shall implement the mortgage insurance program described in such report pursuant to paragraph (1)(B) through issuance of appropriate guidelines and standards as forth in the report.

At the end of the bill, add the following new section:

SEC. 4. STUDY OF BORROWERS OTHERWISE ELIGIBLE FOR FHA REFINANCE PROGRAM.

Not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall conduct a study, and submit to the Congress a report regarding the results of such study, to determine the effects that authorizing bankruptcy courts, in bankruptcy proceedings under chapter 13 of title 11, United States Code, to reduce the debt secured by a mortgage on the principal residence of a debtor would have on mortgagees who, but for termination of the FHA Refinance Program under this Act, would have qualified for refinancing of a mortgage under such Program, under the terms of such Program as in effect immediately before the enactment of this Act.

Mrs. BIGGERT. I reserve a point of order against this amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from Washington is recognized for 5 minutes.

Mr. INSLEE, Madam Chair, we know how dire the situation is for tens of thousands of Americans with underwater mortgages who are making good faith efforts to make the right decisions both for themselves and for the lender. And we are very concerned that if this program prematurely is destroyed, we will be yanking back a life-line that Congress has sent to these folks. And, of course, this is important because it’s not just the people who own these homes that are underwater right now that are affected by the collapse in housing values, but all of us are because that housing debacle has affected employment in the construction trades and in the real estate industry broadly. We all have a stake in this issue.

So what my amendment would do is basically say that we want the FHA, if, in fact, this situation moves forward like this bill is, that they will conduct a study and essentially implement a substitute program that will fix anything that needs fixing in this program to achieve the ends that we ought to be able to have as our goal.

Now, the basic underlying theory of our amendment is simple. Before you take away a lifeline from some American to solve a problem that thousands are experiencing, come up with a substitute, come up with an improvement, and come up with an alternative. And what’s that our amendment simply says. If we’re going to eliminate this program in its current form, let’s come up with an alternative and have it implemented in a way that we keep this lifeline out there.

Now, the reason we feel that this is important is that all too frequently in this Congress we have seen the majority party remove these solutions to programs and not replace it with an alternative. We’ve seen this in health care, where they have wanted to remove a health care program arguing it’s ineffective or they think they have a better program but not come up with a substitute to replace it. That’s not good enough. Americans deserve better.

The same thing with the Environmental Protection Agency. Today, my friends in the majority party sought in the Energy and Commerce Committee to eliminate protection against airborne pollutants that are hurting human health, but they did not come up with any alternative to solve that problem.

Now, we want to join in a bipartisan fashion, if there are impediments or imperfections in this bill, to come up with a solution. Let’s not allow those Americans to be hanging out there without a lifeline. My amendment would do that. And I would commend it to my fellow.

POINT OF ORDER

Mrs. BIGGERT. Madam Chairman, I make a point of order against the amendment because in my opinion it violates clause 7 of rule XVI, which requires that an amendment be germane to the matter it’s amending.

The Acting CHAIR. Does any Member wish to be heard on the point of order?

The Acting CHAIR recognizes the gentleman from Washington.

Mr. INSLEE. Thank you.

Briefly, I would hope that the Chair would consider a couple of salient points. Number one, it is our intent, and I believe universal intent, that by this amendment we do not intend to change the basic nature of this program. It does apply this benefit to those homeowners who are current on their mortgage obligations. We would insist that that standard and condition would continue.

And I would point out to the Chair the language of our amendment specifically says that this program would only be carried out under “appropriate guidelines and standards.” We think this solves that problem. We seek our congressional intent to continue. We hope that the Members will be able to be heard on this.

The Acting CHAIR. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The gentlewoman from Illinois makes the point of order that the amendment offered by the gentleman from Washington is not germane.

The bill addresses repeal of a Federal Housing Administration program that provides for refinancing of a specified set of mortgages.

One of the fundamental principles of gentlemen’s agreements is that an amendment must relate to the subject matter of the underlying bill. The bill is confined to a specific type of refinancing program. The amendment seeks to address a different type of refinancing program, a matter outside the ambit of the bill.

The amendment is therefore not germane. The point of order is sustained.

Mr. LEWIS of Georgia. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. LEWIS of Georgia. Madam Chair, I rise today for each and every person who owns a home. My amendment today for every American who has struggled to pay their mortgage each month. I rise today for every person who has watched their home, their piece of the American Dream, slip away because they lost their job through no fault of their own or because they got cancer and are no longer able to work and pay their medical bills.

I rise to condemn what these bills are trying to do today. Make no mistake; repealing these programs will close the
Madam Chair, when I was a young boy, my family did not own a home. My father was a sharecropper. My mother and father had to ‘go without’ for years. They saved and they saved. They worked and they worked. They waited. My mother could never get a mortgage. Mortgages were not available where we lived. They were not available for families like mine. It’s just the way it was.

In 1944, my parents bought a house with three rooms and 110 acres outside of a small town called Troy in rural Alabama. It cost us $300. I couldn’t imagine that much money changing hands at once. I look around this Chamber, and I see some suits in this room that cost much more than what my father paid. Up until the time she died, my mother spoke about the day we moved in. How proud she was. It was a huge achievement for us. It changed everything. That house, that land, it was ours.

Looking back, I can’t imagine what it would have been like to lose it all for reasons beyond my father’s control—the harvest or the weather or because it would fix someone else’s bottom line.

Madam Chair, I know that buying a house is the biggest decision most people will ever make, and it is the greatest source of pride. For most people, their dream is their house. It was for me. When I bought my house, I thought of my mother and my father. His house made it possible for me to buy mine.

This American Dream is built from hard work. But that dream is also made of bricks and mortar. It’s a house, Madam Chair. It is a home. And this Chamber is shutting the door on that house. They’re locking the door on the American Dream. These two bills today would end two new programs that are helping struggling homeowners who have lost their job through no fault of their own. To me, it is unthinkable.

Madam Chair, I strongly oppose H.R. 836 and H.R. 830. We must stand up for the American homeowner. We must stand in their corner. We must not walk away from them in their time of need. I urge all of my colleagues to stand with me and defeat these bills. Don’t lock the door on the American Dream.

The Acting CHAIR. A point of order is reserved.

The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. Madam Chair, my amendment would mandate that the Secretary of Housing and Urban Development and the Secretary of the Treasury, conduct a study on the negative impacts of underwater mortgage loans, or loans where the borrower owes more than the house is worth, on the housing market and the economy of the United States and report those findings to Congress. Importantly, the report would also be required to present recommendations to Congress on how to mitigate the effects of these underwater mortgages.

Before I go any further talking about these underwater mortgages, I think it is extremely important for me to help everyone understand that my friends on the opposite side of the aisle are moving to eliminate all of the programs that many of us have tried to make work. They are eliminating the Neighborhood Stabilization Program, commonly referred to as NSP. And they are eliminating the program for homeowners who find themselves out of a job who would be able to borrow and, of course, to pay back the money that is loaned to them—they cannot afford to pay their mortgages because of the loss of their job.

So while they are eliminating all of the programs that many of us have worked so hard to develop; good, strong public policy to assist homeowners of America in a number of ways.

They are eliminating this FHA program that will assist with refinance on homes that are underwater. They are eliminating the HAMP program that we are going to hear more about. They are eliminating the neighborhood stabilization program, commonly referred to as NSP. And they are eliminating the program for homeowners who find themselves out of a job who would be able to borrow and, of course, to pay back the money that is loaned to them—they cannot afford to pay their mortgages because of the loss of their job.

So while they are eliminating all of the programs that many of us have worked so hard to develop—in the former Congress, I was the chair of the Subcommittee on Housing and Community Opportunity, and so I know these programs very well. Not only do I know these programs very well, I understand very well what has happened here in America that has caused homeowners to be in the situations they are in now.

We have a situation that occurred that created this crisis with the subprime meltdown. We had loans that were initiated in this country that were exotic loans, loans that were teaser loans, no documentation loans, liar loans, loans that reset. People were encouraged to sign up for mortgages that they did not understand.

Now we have millions of Americans, really through no fault of their own, and I have said it once and I will say it again: That all of a sudden homeowners didn’t decide that they were going to default, that somehow they weren’t going to pay their bills. It certainly didn’t happen like that. And because of what I just alluded to, all of the tricks and the fraud that were perpetrated on American homeowners who were simply trying to live the American dream.

We don’t have the numbers in committee any more or on this floor. My friends on the opposite side of the aisle are in control. They have the majority, and they are going to eliminate the programs that many of us have tried to make work.

And, of course, they know because they are getting the calls, just as we are getting the calls, from homeowners begging for assistance. So while we won’t be able to stop them, I’m trying to make sure that at least we do this study so we can help bring to light what has taken place and how these underwater mortgages pose a severe threat to our economy.

If you owe more than your home is worth, you can’t pick up and move if you get a new job. You’re stuck. That impedes our economic recovery. Likewise, you can’t move if you want to go attend school somewhere. And you can’t move in order to care for an elderly parent.

The chief economist for First American CoreLogic noted last month that negative equity is a significant drag on both the housing market and on economic growth. It undermines home confidence and decreasing mobility for millions of homeowners. Since we expect home prices to slightly increase during 2010, negative equity will remain the dominant issue in the housing and mortgage markets for some time to come. The FHA refinance program is a modest step to address the problem of underwater mortgages. This program would provide that if banks agree to at least a 10 percent principal write-down for the borrower, the borrower can refinance into a FHA loan. Only borrowers current on their mortgages, not those in default, qualify for the program. So this study will help people to understand the impact it is having. I ask for an ‘aye’ vote on my amendment.
I ask for a ruling from the Chair. The Acting CHAIR. Does any other Member wish to speak to the point of order?

Ms. WATERS. Madam Chair, I move to strike the last word, I suppose.

If we terminate a program, we should understand the impacts of such a termination, and so this is relevant.

The Acting CHAIR. The gentlewoman will suspend. The gentlewoman has been recognized to speak to the point of order.

Ms. WATERS. This is the point of order.

The Acting CHAIR. The gentlewoman may proceed.

Ms. WATERS. The point of order indicates that this is not germane. I am maintaining that this is germane because if we terminate a program, we should understand the impact of such termination. I believe that does speak to the point of order.

The Republicans say this program doesn’t work. So our regulators should suggest to Congress what they think will work. This is just a study. This is not a new program or an extension of the FHA short refinance program.

The Acting CHAIR. Does any other Member wish to speak to the point of order? If not, the Chair is prepared to rule.

The gentlewoman from Illinois makes the point of order that the amendment offered by the gentlewoman from California is not germane.

The bill addresses repeal of a Federal Housing Administration program that provides for refinance of a specified set of mortgages.

One of the fundamental principles of germaneness is that the amendment must relate to the subject matter of the underlying bill. The bill is confined to a specific type of refinancing program. The amendment seeks to address mortgages more generally, a matter outside the ambit of the bill.

The amendment is therefore not germane. The point of order is sustained.

AMENDMENT NO. 15 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Ms. LORETTA SANCHEZ of California, Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. USE OF FUNDING FOR FHA REFINANCE PROGRAM.

Effective on the date of the enactment of this Act, all unexpended balances remaining available as of such date of enactment of the amounts made available under title I of the Emergency Economic Stabilization Act (Public Law 110-343; 12 U.S.C. 5211 et seq.) that have been allocated for use under the FHA Refinance Program (pursuant to Mortgages Insurance Program; pursuant to Mortgages Insurance Program). The Secretary of the Treasury shall be available to the Secretary of Housing and Urban Development for carrying out a program for insuring mortgages made to refinance existing mortgages on 1- to 4-family residences, in accordance with such guidelines and standards as the Secretary shall issue, which shall provide that under such program—

(1) the residence subject to a mortgage being refinanced and to the insured refinancing mortgage shall be the principal residence of the mortgagor;

(2) the mortgagor under the insured refinancing mortgage shall have a term to maturity of 30 years;

(3) the insured refinancing mortgage shall be insured as a direct mortgage under such program; and

(4) the mortgagor under the insured refinancing mortgage may not have failed to timely make any payments due under the mortgage being refinanced.

Mrs. BIGGERT. Madam Chair, I reserve a point of order against this amendment.

The Acting CHAIR. A point of order is reserved.

Ms. LORETTA SANCHEZ of California. Madam Chair, I rise today in support of this amendment that I am sponsoring.

My amendment replaces the FHA Refinance Program Termination Act and would allow the use of unexpended funds to create a program that will allow qualifying homeowners to apply to refinance a 30-year mortgage at 4 percent, if they are refinancing their primary home, that they are up to date on their mortgage, and that their annual income, adjusted gross income, does not exceed $180,000.

People back home are hurting, and they are desperate to keep their home. I know there are many who have lost their homes. There are some who are behind on payments, and they haven’t kept up with their payments, but what about the people who actually have been holding on to their home? They have actually paid. They have had to actually give up their car, they are walking to work, they are taking the bus because they understand how important it is for them to hold onto their house because a house is not just a house. Your primary residence is your home. It is where your kids are. It is where they find a stable life. So while this program is not perfect—there is not a perfect program we have come up with—we have tried to help people who have been losing their houses, people who through no fault of their own, who have either lost their jobs, have had to take a lesser job, who were swindled, who were talked into loans they didn’t understand what they were signing because they were hit by the subprime lenders, and they are paying too much, and people are sometimes paying in the double digits with respect to their loan. Maybe they are at 10 percent or 9.5 percent 12 percent on their loan. This program would say to those who somehow have held on, we are going to refinance your primary home at 4 percent because there are a lot of people who could do this and their payment would come down significantly, but today, they can’t refinance. To refinance today on a 30-year loan is 4.9 percent. There are a lot of people who are paying 8 percent. It could come anywhere between $2 and $2,000 in their payment a month. But they can’t qualify. They don’t have the chunk of money they need, their home is underwater, etcetera.

So this is a very important thing we could do. Let’s take the money. Let’s take that money that we have not spent on this program and let’s put it to help the people who have done the right thing, the people who, no matter what, have continued to pay on their loan, because there are many of them out there.

I would hope that we could find a compromise, that we could find a way in which we can keep people in their homes. No program is perfect, but I think we have the opportunity to do the right thing, Madam Chair.

I yield back the balance of my time.

Mrs. BIGGERT. Madam Chairman, I make a point of order against this amendment because it violates clause 10 of rule XXI as it has the net effect of increasing mandatory spending within the time period set forth in the rule.

The Acting CHAIR. Does any other Member wish to speak to the point of order?

The Chair recognizes the gentlewoman from California.

Ms. LORETTA SANCHEZ of California. Madam Chair, this is about eliminating a program. I understand that those people who are behind on their payments, you’re just going to let them go. You’re just going to let them lose their home. Then they’re going to have a hard time finding an apartment. I understand that. But this is about helping the people who truly, the middle class, the lower-income class, who have a home, who need to hold onto that home.

I do believe that this is germane to the underlying bill. I respectfully request that we consider this amendment.

The Acting CHAIR. Does any other Member wish to speak to the point of order? If not, the Chair is prepared to rule.

The gentlewoman from Illinois makes a point of order that the amendment offered by the gentlewoman from California violates clause 10 of rule XXI by proposing an increase in mandatory spending over a relevant period of time.

Pursuant to clause 10 of rule XXI and clause 4 of rule XXIX, the Chair is authoritatively guided by estimates from the chair of the Committee on the Budget. The Chair directs the next, the provisions in the amendment would increase mandatory spending over a relevant period of time as compared to the bill.
Accordingly, the point of order is sustained and the amendment is not in order.

AMENDMENT NO. 14 OFFERED BY MR. INSLEE

Mr. INSLEE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

SEC. 4. ENFORCEMENT OF FORECLOSURE LAWS.

The Attorney General of the United States, in consultation and coordination with the Secretary of the Treasury, the Federal Deposit Insurance Corporation, the Director of the Federal Housing Finance Agency, the Secretary of Housing and Urban Development, the Board of Governors of the Federal Reserve System, the Director of the Bureau of Consumer Financial Protection, the Federal Deposit Insurance Corporation, the Department of Housing and Urban Development, the Department of Commerce, and the Securities and Exchange Commission, shall pursue, to the fullest extent of the law, criminal prosecution of directors and officers of any financial institutions that the Attorney General, in such consultation, determination or investigation, determines have failed to comply with State laws relating to foreclosure of mortgages on residential real property and shall provide appropriate assistance to such State Attorneys General in such prosecutions.

Mrs. BIGGERT. Madam Chairman, I reserve a point of order against this amendment.

The Acting CHAIR. A point of order is reserved.

Mr. INSLEE. Thank you very much.

Madam Chair, one thing that I think is universal anger about, Republicans, Democrats and independents alike in this country, is the lack of responsibility that has been shown, criminal responsibility, for the huge malfeasance and criminality that got us into this economic pickle that we are in. This knowledge, there has been not one person go to jail as a result of the economic collapse precipitated by the shenanigans and outright criminality in the highest financial places in the land. All Americans, I think, are very angry, with justifiable reasons, about that. If you read any of the books about the collapse on Wall Street, you will share that anger, if you read any of those books.

We do not want to see that replicated in the scandal regarding the mortgage servicing situation. We are now advised that there are multiple cases of people knowingly signing affidavits that were false. We are told there are numerous occasions of this robo-signing situation. These nefarious acts have resulted in losses by Americans that should not have happened.

We want to send a message, on a bipartisan basis, that the criminal laws need to be respected. My amendment would simply call upon the attorneys general, both Federal and State, to prosecute, as appropriate, these criminal violations. The amendment does not change the responsibility under the criminal statutes for any officers or directors if they are not personally responsible for these wrongful acts. There's no criminal liability. But we do think there were violations of these criminal statutes, they ought to be prosecuted.

This Nation has been brought to the brink of financial ruin because of many, many instances of violation of these standards. The least we can ask is that we prosecute these cases where it is appropriate.

We think it's the right thing for us to do on a bipartisan basis to make that statement today. I hope that Members will join me in making that statement and make sure justice in fact is meted out here where it has not been in other instances.

I yield back the balance of my time.

POINT OF ORDER

Mrs. BIGGERT. Madam Chairman, I package a point-of-order against the amendment because, in my opinion, it violates clause 7 of rule XVI, which requires that an amendment be germane to the matter it is amending. It is not germane to the bill because it is outside the scope of the bill.

The Acting CHAIR. Does any other Member wish to speak to the point of order?

The Chair recognizes the gentleman from California.

Ms. WATERS. I do think this amendment is germane, for a number of reasons. The gentleman talked about the fact that this country was almost brought to the brink of total disaster because of the subprime meltdown. He pointed to things, that have already been identified, that we can put squarely on the shoulders of the servicers who are responsible for the management of these mortgages after they have been packaged, securitized, and then sent on their way to be collected on.

This gentleman is talking about the fact that many of these servicers when they are trying to collect on these mortgages can see that fraud has taken place and not do anything about it. They can see that amendments have been slipped in that the homeowners did not know about. They can see that sometimes the signature does not even belong to the homeowner, but they continue to try and collect on these mortgages.

I think that this amendment is germane. I would ask that the Chair rule in favor of this amendment. It is time somebody paid a price for what has been done to the American public.

The Acting CHAIR. Does any other Member wish to speak to the point of order? If not, the Chair is prepared to rule.

The gentleman from Illinois makes a point of order that the amendment offered by the gentleman from Washington is not germane.

The bill addresses repeal of a Federal Housing Administration program that provides for refinancing of a specified set of mortgages.

One of the fundamental principles of germaneness is that the amendment relates to the subject matter of the underlying bill. The bill is confined to a specific type of refinancing program. The amendment seeks to address foreclosures generally, a matter outside the confines of the subject addressed by the bill.

The amendment is therefore not germane. The point of order is sustained.

Mr. HIRONO. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Hawaii is recognized for 5 minutes.

Ms. HIRONO. Madam Chair, an amendment offered earlier directing the Secretary of the Department of Housing and Urban Development (HUD) and the Secretary of the Treasury to study the negative impacts of underwater mortgages on the housing market and on the U.S. economy and to report the findings of this study to Congress, including recommendations on how to mitigate the effects of these mortgages, makes eminent sense to me.

About 12 million to 15 million home-owners, nearly one quarter of home-owners in this country, are currently underwater on their mortgages, meaning that they owe more on their mortgages than their homes are worth. These borrowers are diligently making their mortgage payments but need some kind of lifeline to reduce their debt burden.

We all agree that we need to look at ways to cut government spending to address our country’s fiscal crisis, but what is the purpose of this underlying bill? Why are my colleagues on the other side of the aisle trying to end programs that were established to assist families suffering from the foreclosure crisis without offering any plan or remedy to help the millions of Americans who are trying to stay in their homes?

Families in every single one of our congressional districts are desperately seeking help to stay in their homes, the American Dream. Last year, I met with an owner of a car dealership in Kihel, Maui. This constituent had a successful business until the economic downturn reduced the number of her car sales. Increasingly, former customers of hers were returning to her dealership to return the cars that they had purchased from her, handing back their keys because they could no longer afford to make their car payments.

This car dealer eventually found herself in dire straits, so much so that her lender wanted to put her dream home up for a short sale. She didn’t understand why the lender was only considering a short sale and didn’t want to work with her to help her keep her house.

It was only when my office contacted the lender on her behalf that she was receptive to the repayment portion of the principle and get a permanent modification. Sadly, stories like hers are commonplace these days.
The Federal foreclosure mitigation programs, which unfortunately have not helped as many homeowners as we would like, still provide a lifeline. Without these programs, many more lenders would be pursuing short sales and foreclosures rather than trying to help meet homeowners halfway in helping them keep their homes.

The FHA Refinance Program, also known as the FHA Short Refinance Option, assists underwater borrowers by facilitating voluntary mortgage principal write-downs and refinancing the loans into a new stable FHA-insured mortgage, thereby enabling borrowers to have a reduced monthly payment and a mortgage that is more aligned with actual property values.

FHA just started implementing this program a few months ago; we need to give the agency time to get it off the ground. We should also focus on what can be done to make the programs more efficient so that the maximum number of underwater borrowers who are eligible for the program can benefit.

Instead of coming up with new initiatives to assist thousands of homeowners, I propose to improve existing foreclosure mitigation programs, bills like this will only serve to destabilize an already fragile housing market and further delay our economic recovery.

With bills like this, the House majority continues to turn their backs on the nation, and 600,000 in New Jersey, of this Congress I introduced the Universal Homeowner Tax Relief Act that would impact 30 million Americans nationwide.

And I must add that if we can, in this House and in this Congress, give tax breaks to the richest 1 percent of Americans in the way that we have done, certainly we can support these homeowners who are underwater, these homeowners who have been tricked into mortgages that they didn’t understand, these homeowners who are the victims of fraud. And I think this is germane.

The Acting CHAIR. The gentleman from California must confine her remarks to the point of order.

Mrs. BIGGERT. Madam Chairman, I rise to support the amendment. The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

SEC. 4. MODIFICATION OF REAL PROPERTY STANDARD DEDUCTION.

(a) Extension.—Subparagraph (C) of section 63(c)(1) of the Internal Revenue Code of 1986 is amended by striking “in 2008 or 2009” and inserting “after December 31, 2007, and before January 1, 2010”.

(b) Adjustments for Inflation.—Subparagraph (B) of section 63(c)(4) of such Code is amended by striking “and” at the end of clause (i), by striking the period at the end of clause (ii), by striking “, and” and inserting “, and”, and by inserting after clause (ii) the following:

“(iii) ‘calendar year 2010’, in the case of dollar amounts contained in paragraph (7)(B).”.

(c) Effective Date.—

(1) In General.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2009.

(2) Inflation Adjustment.—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 2011.

Mrs. BIGGERT. Madam Chair, I reserve a point of order against this amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from New Jersey is recognized for 5 minutes.

Mr. HOLT. Madam Chair, instead of focusing on job creation, innovation, and refocusing on security or tax credits today, we’re considering legislation that would terminate a program that has the potential to help struggling homeowners stay in their homes. We are not here to reauthorize or to consider replacing it with a more effective alternative; but, rather, we’re here to end the program that is only a few months old, to declare it a failure and go home. This is not good government.

It will not help the middle class. This is not what my constituents sent me to Washington to do.

New Jerseyans, as so many around the country, are burdened by high property taxes. While we allow individuals who itemize their Federal taxes to deduct State and local taxes, many non-itemizers—particularly retirees on fixed incomes—feel the impact of high rates. The amendment before us that I present would provide real help to millions of homeowners, especially senior citizens, across the country and, yes, in central New Jersey, my district.

Specifically, my amendment would renew for 5 years the property tax deduction for American homeowners who don’t itemize on their Federal taxes. It would allow single filers to deduct $500 and joint filers to deduct $1,000 on top of the standard deduction and index these additional deductions for inflation. This provision is based on legislation that I wrote and was signed into law by former President Bush in 2008 and was extended through the 2009 tax year—would continue that.

Unfortunately, although the extension of this tax credit for 2010 was passed by this House, it failed to become law. So that is why on the first day of this Congress I introduced the Universal Homeowner Tax Relief Act. And while that was a step in the right direction, we have the opportunity to pass my legislation to provide an estimated 30 million people nationwide, and 600,000 in New Jersey, with a few extra hundred dollars that I’m sure they could use. In these uncertain economic times, it is no small matter. And unlike the bill before us today, my amendment would provide real help for American homeowners.

I urge passage of the amendment.

Mrs. BIGGERT. Madam Chairman, I make a point of order against this amendment because in my opinion it violates clause 7 of rule XVI, which requires that an amendment be germane to the matter it is amending. And it is not germane because it’s outside the scope of the bill.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Madam Chair, I recognize that under the structure of this bill this amendment is not in order. I only say it should be.

The Acting CHAIR. Does any other Member wish to speak to the point of order?

The Chair recognizes the gentleman from California.

Ms. WATERS. Thank you very much. Madam Chair, I rise to support the amendment. I’m opposed to the point of order. I think it is absolutely germane. Not only do we have a bill before us that will eliminate taxpayers’ ability to have their homes that are underwater refinanced; this also impacts their taxes. They will continue to have to be taxed on those homes at the same rate. So I believe this is germane because it is the Universal Homeowner Tax Relief Act that would impact 30 million Americans nationwide.

And I must add that if we can, in this House and in this Congress, give tax breaks to the richest 1 percent of Americans in the way that we have done, certainly we can support these homeowners who are underwater, these homeowners who have been tricked into mortgages that they didn’t understand, these homeowners who are the victims of fraud. And I think this is germane.

The Acting CHAIR. The gentlewoman from California must confine her remarks to the point of order.

Mrs. BIGGERT. Madam Chairman, I rise to support the amendment. The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

SEC. 4. TREATMENT OF BONUSES FOR FINANCIAL SECTOR EMPLOYEES.

(1) require all new employees of any institution, company, or entity regulated by such institution, company, or entity regulated by such regulatory agency, upon hiring, to sign a contract stipulating that any bonus income or obligations that such institution, company, or entity, or any other person regulated by such agency, grants, awards, or otherwise provides to such employee will be paid in securities or obligations that such institution, company, or entity has issued.
company, or entity creates or deals in its regular course of business;

(2) require that any such bonuses paid shall be held in escrow for such period as may be necessary to determine whether such securities or obligations created or dealt with by such institution, company, or entity are of substandard quality or cannot be readily identified as an asset or a liability;

(3) require such escrow accounts to be portable so that an employee may change jobs without hindrance; and

(4) prohibit us from any such bonuses to hedge against future losses.

Mrs. BIGGERT. Madam Chair, I reserve a point of order against this amendment.

The Acting CHAIR. A point of order?

Mr. BACHUS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. BACHUS. Madam Chair, there seems to be some confusion on what the underlying bill does and what the amendments are trying to accomplish. In fact, in certain cases, it’s quite evident that some of my colleagues don’t understand the bill.

This bill authorizes $8 billion to go towards the FHA refinance plan. It has already disbursed $50 million. Now we’re hearing these claims of $10 million and 42 cents out of every dollar that we’re probably closer to 12 million homeowners that are underwater than 11. I think the numbers are underestimated. So let’s assume 12 million.

This Federal program that we’ve disbursed $50 million to, how many American families have their mortgages refinanced? Forty-two.

Now, who refinanced those? Who paid for that? Was it the lenders who loaned the money? No. Was it the borrowers who borrowed the money? No. It was the children, because it was taxpayer money.

Now you say they’re not taxpayers. No, but they’re going to have to pay this back because we’re spending $8 billion more every day than we’re taking in in revenue.

It was announced earlier this week—I think the American people, and I don’t blame them, don’t want to really put their arms around this—but we just announced a deficit for the month of February, 28 days, that was more than the deficit 4 years ago for the entire year. We’re hemorrhaging red ink.

Are we better off than our parents? Most of us are. Are these children going to be better off than we are? Not if we don’t start cutting spending. And the American people, those who are parents and grandparents, are crying out for this Congress to address this. And that’s what we’re on this floor today to do.

Now, if I were one of the 12 million homeowners who was underwater, I might say, Why those 42? But if I were the taxpayers, I would say, Why are you taking money from me that we have to borrow from other countries—42 cents out of every dollar that we’re putting into this program—why are you paying this mortgage down? Isn’t that the lender—if a loan gets in trouble, is it up to the taxpayers to bail that lender out?

Somebody mentioned Bank of America. Somebody mentioned Citibank. If I were Citibank or Bank of America and someone who was making their payments who was underwater who may
walk off, yeah. I’d say if the taxpayers will come in and take that obligation off my hands, I would love that.

My district, the average home is worth $212,000. And it’s the highest—one of the highest in the State. And actually when I say that, let me say the community I live in, which is one of the more—it’s above average in income.

But the average loan here that people borrowed was $313,000—the loan itself. That’s quite a loan. And to say that the taxpayers need to pay that mortgage down makes no sense when these are the children, this is the generation that’s going to have to pay it back.

We need to get serious. We need to get out pictures of our children and our grandchildren and we need to say, do we really need to come to the rescue of these banks when they’ve overextended loans?

How about all of those Americans who are making their payments and didn’t buy a house and are not underwater? Should you ask those Americans to pay to banks money that they didn’t obligate themselves to? The answer is “no.” “No” to more government spending.

Mr. GARAMENDI. Madam Chair, I move to strike the last word.

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

Mr. GARAMENDI. Yes, we ought to look to the children. Last Sunday on “60 Minutes” was a report about our children in America today. Twenty-five percent of our children in America today are hungry, and many of them are homeless because their parents have lost their homes.

Forty-two families. Yes, this program hasn’t yet kicked into its full potential. Families are in their homes today, and those children are not out on the street homeless.

Listen to America. Listen to the 25 percent of children in America today that are hungry, and a large percentage of them are homeless. Listen to their cry. Listen to them. Yes, we have an obligation as good citizens of this Nation to see to it that our neighborhoods, even if they are the high-end neighborhoods in Alabama, that those problems are addressed.

Ten months ago, the new majority took this floor and they said, Listen, listen to Americans that want jobs. Not one job bill has passed this House. The only bill that’s passed this House that dealt with jobs was H.R. 1, the continuing resolution, that destroyed 700,000 jobs and will put more of those children homeless, will destroy more families. Yes, we ought to be listening to the generations ahead of us. But if we do not listen to today’s problems, those problems in the future will only be worse.

And $8 billion, yes, that’s a lot of money. But it happens to be 8 percent of what we spend every year in the Afghan war. Get our priorities straight here on this floor. You bet I’m worried about the children of today. But 25 percent of Americans’ children are hungry, and a large percentage of them are homeless because their parents have been unable to meet the mortgage commitments.

This program is one of four that is going to be terminated by the Republican majority.

So what is it that you are offering those children? The children of today, what is it that you are offering them? The opportunity to be homeless. That’s what you’re offering.

Come to this floor and talk to me about tomorrow’s generation. Yes, do that. And that’s my concern also. But I’m concerned about those that are homeless and hungry today.

So don’t eliminate this program. Make it work. Don’t eliminate the other three programs that are an effort to try to keep people in their homes so that they don’t go homeless.

Madam Chair, I know my colleagues on the Republican side care about the children of America, today’s children. Why would they put four bills forward this week and next week that eliminate the opportunity for those parents to stay in their home I do not understand. We need compassion. We need to be aware of the deficit. We need to make choices. If our choice is to force more families to be homeless, that’s the wrong choice.

I yield back the balance of my time.

Ms. WATERS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. Madam Chair, I rise because I want to make sure that the chair of our committee, who just took the floor, understands that we understand the bill. When our chairman first took the floor to talk about what this legislation is all about, he did not think that we really understood what the bill was all about. I would like to assure you that the Members on this side of the aisle understand this legislation. I would like to assure you that those of us who work on the Financial Services Committee, who put these bills into operation, who organized these bills, who presented these bills, who got these bills passed into law to help homeowners, understand what is now happening.

We understand that the bill before us would eliminate this program. This is an FHA program that’s designed to provide refinance opportunities for those homes that are underwater.

What do we mean when we say “underwater”? We mean that when middle class homeowners, hardworking citizens went and signed for that mortgage where they were paying $250,000, $300,000, $400,000 for a home, they signed that mortgage, that was supposed to be a home for that family. That’s what it was assessed at at the time. That was what it is supposed to be worth.

Now, because of this crisis that we are in, the subprime meltdown that we are in, this economic difficulty, these homes have lost their value. They are no longer the homes that they signed that mortgage for. The value has changed. That $400,000 home, that middle class citizen that citizens were now buying is 35 percent less, or 50 percent less in some areas.

Mr. BACHUS. Will the gentlewoman yield?

Ms. WATERS. No, I will not yield. These homeowners are saying, Will you please help me? Will you please do something about the fact that I am working every day, paying a mortgage amount for a home that’s 35 to 50 percent less than what I signed up for? Will my government please help me? This is not fair. They’re simply saying, Can’t you do something? And we said, Yes. We put into play legislation, FHA, that would help to refinance these homes. Let’s get the amounts right.

Come to this floor and talk to me about tomorrow’s generation. Yes, do that. And that’s my concern also. But I’m concerned about those that are homeless and hungry today.

So don’t eliminate this program. Make it work. Don’t eliminate the other three programs that are an effort to try to keep people in their homes so that they don’t go homeless.

Madam Chair, I know my colleagues on the Republican side care about the children of America, today’s children. Why would they put four bills forward this week and next week that eliminate the opportunity for those parents to stay in their home I do not understand. We need compassion. We need to be aware of the deficit. We need to make choices. If our choice is to force more families to be homeless, that’s the wrong choice.

I yield back the balance of my time.

Mr. BACHUS. Will the gentlewoman yield?

Ms. WATERS. Reclaiming my time, I am focused on the homeowner who was supposed to be protected by the regulators that have been appointed and given the jobs of regulation so that they could make sure that our consumers are being treated fairly. We failed them. We let them down. We allowed them to get into mortgages where fraud was quite evident. We did not do the job. And so now they have these homes that are underwater, and they’re saying, Help us. And we did.

That’s what this FHA legislation would have done, helped to refinance so that they could lower their mortgage payments.

Now, my friends on the opposite side of the aisle are saying to the taxpayers, we were there, we were there, we’re not going to help you. We know your home is underwater. We know this information. We know what the servicers have done to you. We know that you are working every day to pay a mortgage for a home that you thought was worth an amount that is no longer.

So we are saying please don’t do that. We’re saying please don’t do that. Don’t strip the homeowners of this opportunity to refinance this home.

In addition to stripping the homeowners of this opportunity, the other programs that you are going to hear about, the other three programs, the HAMP program, the NSP program,
program for homeowners who have lost their jobs who simply want a loan, we’re saying no to all of this. We’re saying, No, homeowners, we’re not going to help you.

I yield back the balance of my time.

Mr. BACHUS. Thank you.

Ms. WATERS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new section:

SEC. 4. PUBLICATION OF MEMBER AVAILABILITY

Not later than 5 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall publish to its website on the World Wide Web in a prominent location, large point font, and boldface type the following statement: "The FHA Short Refinance Program, which would have provided borrowers who are current on their mortgage with a way more than their home is worth, has been terminated. If you owe more on your mortgage than your home is worth, please contact your Member of Congress for assistance.".

Ms. WATERS. Madam Chair, I ask unanimous consent that amendment No. 6 be modified with the modification that is at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 6 offered by Ms. Waters.

Strike all after the section heading and insert the following:

Not later than 5 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall publish to its website on the World Wide Web in a prominent location, large point font, and boldface type the following statement: "The FHA Short Refinance Program, which was intended to provide borrowers with refinance opportunities, has been terminated. If you are having trouble paying your mortgage and need help contacting your lender or servicer for purposes of negotiating or acquiring a loan modification, please contact your Member of Congress to assist you in contacting your lender or servicer for the purpose of negotiating or acquiring a loan modification."

The Acting CHAIR. Is there objection to the modification?

Without objection, the amendment is modified.

There was no objection.

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

Ms. WATERS. Madam Chair, this amendment that I’ve worked on with my colleagues on the opposite side of the aisle is simply about transparency. It is simply about making ourselves available to the homeowners who are trying to get some help because they are underwater. This amendment would simply say that the program is no longer in existence and that you may call us to help you to get to your lender or to get to your servicer in some way.

It is certainly not what I would prefer to have to do, but I understand we’re going to lose. The Members on the opposite side of the aisle have made up their minds, and they have decided that, but that is what they’re going to do.

So I would simply like our citizens to know that this program that they may have started to hear about is no longer in existence and that, if they call us, we will work as hard as we can to help them, in some modest way, to get to their servicers or to their lenders.

I yield back the balance of my time.

Mr. BACHUS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. BACHUS. Let me say this: I would prefer that this amendment notify all Americans, particularly taxpayers who are paying FHA programs that we are stopping a program that authorizes $8 billion worth of spending.

Having said that, I think this is a good amendment. I know there may be Members who say they don’t want to be contacted, but I will tell you this: People do call us from time to time, and they say, I’m having trouble paying my mortgage, I’m facing foreclosure, and I can’t get in touch with my lender or my servicer, and I’m not sure who I should talk to.

We put them in communication many times with the servicer or the lender. We go further and actually help some of them with their applications. On 18 occasions this last year, we helped citizens with applications to lenders for modifications.

I think it’s a good service, particularly with the recession we have now. I think it’s a far, far better approach than a government program that uses taxpayer dollars, because we are contacting the lender or the servicer, and that is who ought to talk to the borrower. That’s who could have an obligation or who has an interest in working it out. On almost every occasion with the mortgages, it is in the interest of the borrower and the lender to work it out.

Ms. WATERS. Will the gentleman yield?

Mr. BACHUS. I yield to the gentlewoman from California.

Ms. WATERS. Thank you so much.

First of all, Mr. Chairman, I would like to thank you for your cooperation on this amendment. I know that there are other words that you would, perhaps, use to explain to the homeowner or to the citizen your point of view; but you did work with me on this, and you showed that this kind of transparency was good.

I do commend you because I know that you work directly with some of your constituents. We found out, as we talked with you, that you had helped 18 people with loan modifications and that you were willing to contact the servicers. As you know, there are those who tell us that we shouldn’t be doing any of this, but I think you and I agree that we should offer some assistance to the homeowners who contact us.

I would like to thank you for that.

If I continue to have time, let me say this in closing: I do want to caution Members that it is not an obligation of Congress or of Members of Congress— and I think Ms. Waters would agree— to coerce or influence that outcome. We simply put them in communication. Now, we will help them with the applications, but I think it is important, in all our dealings, that we do not try to intervene in legal obligations or in any way appear to coerce or influence that outcome.

I think this is a very good amendment, and I would encourage Members to support it. There are also VA programs and FHA programs that we can put borrowers in touch with. This, I believe, is an amendment I will support.

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

The Acting CHAIR. The question is on the amendment, as modified, offered by the gentlewoman from California (Ms. Waters).

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

Mrs. BIGGERT. Madam Chair, I demand a recorded vote.

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

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in the CONGRESSIONAL RECORD on which further proceedings were postponed, in the following order:

Amendment No. 3 by Mr. LYNCH of Massachusetts.

Amendment No. 6 by Ms. WATERS of California, as modified.

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

Amendment No. 3 offered by Mr. LYNCH.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Massachusetts (Mr. LYNCH) on which further proceedings were postponed on the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.
The vote was taken by electronic device, and there were vote—aye—278, noes—147, not voting 7, as follows:

**AYES—278**

CHAFFETZ) having assumed the chair, nature of a substitute, as amended.

No. 169 I was unavoidably detained. Had I agreed to.

Hurt

Griffith (VA)
Graves (GA)
Gohmert
Frelinghuysen
Franks (AZ)
Foxx
Flores
Fleming
Fincher
DesJarlais
Cooper
Conaway
Chabot
Chabot
Campbell
Carter
Carter
Chabot
Chandler
Coble
Cofman (CO)
Conaway
Cooper
Culberson
Denham
DesJarlais
Diaz-Balart
Dally
Duncan (SC)
Ellmers
Fincher
Fleischmann
Fleischmann
Flores
Fox
Franke (AZ)
Frelinghuysen
Garrett
Gibbs
Gingrey (GA)
Gohmert
Gosar
Gowdy
Graves (GA)
Graves (GA)
Griffin (VA)
Griffiths (Marchant)
Hurt
Mamullo
Resolution 150, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is order, So the amendment, as modified, was agreed to.

The Acting CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to. The SPEAKER pro tempore. Is the gentleman opposed to the bill? Mr. DEUTCH. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk reads as follows:

Mr. DEUTCH moves to recommit the bill, H.R. 830, to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendments:

In section 3(b), before “shall continue” insert the following: “, and any amounts made available for use under such Program pursuant to subsection (d),”.

In section 3(c), after “such enactment,” insert “or pursuant to a commitment to insure made pursuant amounts available for use under such Program pursuant to subsection (d),”.

In section 3, strike subsection (d) and insert the following new subsection:

(d) CONTINUATION OF PROGRAM FOR SENIOR HOMEOWNERS.—

(1) IDENTIFICATION OF AMOUNTS FOR REFINANCE PROGRAMS FOR SENIOR HOMEOWNERS.—Not later than the expiration of the 180-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall report:

(A) determine the amount necessary to provide assistance under the FHA Refinance Program described in subsection (a) to senior homeowners (as such term is defined in paragraph (1) of this subsection); and

(B) submit notice of such determination to the Congress that specifies such amount.

(2) AUTHORIZATION OF APPROPRIATIONS.—Effective upon the submission to the Congress by the Secretary of Housing and Urban Development of the notice required under paragraph (1), there is authorized to be appropriated, for assistance under the FHA Refinance Program referred to in section 2 only for mortgages for senior homeowners, the amount identified in such notice.

(3) SENIOR HOMEOWNER.—For purposes of this subsection, the term “senior homeowner” means a homeowner who is a member of a household composed of one or more persons at least one of whom is 62 years of age or older.

Mr. DEUTCH (during the reading). Mr. Speaker, I ask unanimous consent to dispose of the amendment to the amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?
And yet they don’t get the message, my Democratic colleagues. They simply do not realize this money goes to the lender, this goes to the banks, and people who do not realize this money goes to the country has a record deficit for American families. Do that math. It authorizes a billion and it has only helped 42 American families. This program has already allocated $50 million and it has only helped 42 American families. This program is broken, and to think that somehow suddenly—miraculously—it’s going to work for seniors is outrageous. And I have to tell you, I cannot, in good conscience, go back to my district, go back to those senior centers, look those seniors in the eye and tell them that I supported another failed program because someone stood up and said, well, it’s for seniors. You can label it any way you want, you can put anything you want on this, but at the end of the day it’s a failed program.

And for that reason, I strongly urge my colleagues to support the chairman and end this reckless spending.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question on the motion to recommit.

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

RECORDED VOTE

Mr. DEUTCH. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—aye, 185, noes 243, not voting 4, as follows: (Roll No. 170)

AYES—185


Bachus.

Mr. Speaker, I rise in opposition to the motion to recommit. The SPEAKER pro tempore. The question on the motion to recommit.

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

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ANNOUNCEMENT OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote), There is 1 minute left in the vote. 1637

Mr. McIntyre changed his vote from 'aye' to 'no'. The bill was passed.

The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 830, FHA REFINANCE PROGRAM TERMINATION ACT

Mrs. Biggert. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 830, the Clerk be authorized to correct section numbers, punctuation, and cross-references, and to make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois? There was no objection.

UNEMPLOYMENT IN AMERICA

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

Mr. Jackson of Illinois. Mr. Speaker, last month our Nation created 200,000 new jobs. That's good news. But our country needs to create 335,000 jobs per month to keep up with population growth and to reduce unemployment to what it was before the recession. In communities like mine, unemployment is at least 15 percent, and the numbers do not include those who stopped looking for a job.

In order to hear the stories of the unemployed Americans, I have asked them to send me their resumes to resumesforAmerica@mail.house.gov so I can submit them for the RECORD.
I heard from Peter Haas of Parlin, New Jersey, who said, “I am sending out resumes every day. No response from any company out there. I think no company is hiring at all. No response, not even an e-mail.”

Ms. Christine Stumpf of Chicago said she’s had only one phone interview in a year of looking, and she can hardly believe it.

Why is it so hard to find work? Maybe it’s because the unemployed are not being considered for many jobs. It’s been reported that some companies will not even accept applications or grant interviews to those currently without a job.

I hope unemployed Americans will send me their resumes and stories to resume@americaca@mail.house.gov to keep stories of the unemployed in front of our government, in front of Democrats and Republicans.

PETER HAAS
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Parlin, NJ 08859
Cell: (949) 878-1953,
Home: (732) 588-5145,
E-mail: ph@phpeterhaas.com

SIGNIFICANT EXPERIENCE:
11/89–03/2006 THE WALDORF-ASTORIA IN NEW YORK
HILTON HOTEL
Director—Food & Beverage Operations (6 years)
Assessed company staffing needs and recruited staff through various methods.
Coordinated the successful and complete training for 140 or more employees within the establishment.
Successfully trained team members on customer service, teamwork, and leadership in the hotel.
Assisted with training, monitoring, and developing employee skills within all service departments.
Implemented policies and procedures for the restaurants, bars, and banquet facilities.
Monitored compliance with health and fire regulations regarding food preparation and services, and building maintenance in lodging and dining facilities.
Performed all aspects of marketing and promotions for restaurants, bars, cocktail lounge, and banquet facilities.
Reviewed operational procedures to determine ways to improve services, performance, and safety.
Estimated food, liquor, wine, and other beverage consumption to anticipate amounts to be purchased and used for food & beverage operations within the hotel.
Successfully maintained and updated food, wine, liqueur, and equipment inventories in a monthly timely manner.
Monitored budget and payroll records and reviewed financial transactions to ensure that expenditures are authorized and budgeted.
Restaurant Manager—Managed restaurants, bars, fine dining, and casual dining (5 years)
Coached assistant managers and supervisors on management and communication skills.
Successfully maintained all service standards according to Hilton Restaurant services and policies.
Trained, supervised and evaluated new staff in restaurant, operation and service.
Monitored restaurant sales activities to ensure customer satisfaction and service.
Maintained quality control by evaluating satisfaction reports with restaurant sales and constantly sought new ways to improve employee performance and service.

Banquet Manager—Managed all banquet functions, liquor purchase, inventory, and sales (5 years)
Directed recruitment and retention of new employees or potential supervisors and current employees.
Monitored all sales distribution throughout the hotel and customers satisfactory in banquet services.
Successfully improved banquet operations and customer satisfaction within the banquet department.
Monitored the budget for any banquet function within the client’s arrangement and negotiated event.
Quickly and effectively solved customers’ questions, comments, and concerns.

Steward Department Manager—Managed restaurant, banquet, and kitchen supplies (2 years)
Assigned employees to specific duties to maintain quality service throughout the hotel.
Ensured all health regulations are maintained and updated within the establishment.
Tracked inventory stock and reordered as inventory dropped to a specific level.
Responsible for restaurant, kitchen, and banquet supplies within the Waldorf Astoria.
Coached steward supervisors on management and communication skills within the department.
Responsible for scheduling, budgeting, and training employees for safety regulations, standards within the steward department.
Performed weekly department meetings to evaluate ways to improve service standards.
Ensured that all requisitions and services are completed according to Hilton Hotel policies and standards.
Maintained acknowledged all sanitation, dishwashing maintenance, and safety standards.

(MOST RECENT EXPERIENCE: 04/06–03/09)
04/2006–01/2008 ECOLAB CORPORATION IN AUSTRIA—VIENNA
(Moved to Vienna to be near family when mother ill)
http://www.ecolab.com/
District Manager—For Hospitality Services & Business Development
Contacted strategic business and operational projects, managed public and investment relationships, prepared presentation, and developed business plans directly for the CIO.
Managed 90–110 employees and engaged in frequent customer contact, collaboration, and feedback.
Planned and directed staffing, training, and performance evaluations to develop and control sales and service programs.

Appointed as lead trainer for all company products and services within the establishment.
Recommended the correct use of proper chemicals and products in customers’ environments.
Maintained basic knowledge of operation, cleaning, and maintenance of various dishwashing machinery and equipment.
Reviewed operational records and reports to project sales determine profitability.
Formulated plans to extend business with new established customers.
Managed all customer accounts in sales and marketing for better business development.
Arranged weekly department meetings to improve customer service and satisfaction.
Reviewed monthly reports and reports how to expand customer’s needs and solutions.

02/2008–03/2009 PC-MALL CORPORATION IN IRVINE, CALIFORNIA
(Took position due to downturn in hospitality employment opportunities. Although successful, too much travel involved.)

http://resources.bnet.com/topi/ pc+mail+inc.html.com
Senior Account Manager—For Sales & Marketing Research and Business Development
Conducted research to identify potential markets for products and services within the United States.
Consistently demonstrated excellent communication skills, customer service, teamwork, and leadership.
Successfully refined and implemented new projects to improve operation and customer service.
Prepared and profiled current customers’ account information through any previous projects.
Formulated plans to extend business with new and established customers.
Negotiated contracts with customers and vendors to manage product distributions.
Marketed hardware and software products for customer solutions via e-mail and telephone.
Directed and coordinated activities involving sales of manufactured products or other subjects of sale.
Visited franchise dealers to stimulate interest in establishment or expansion of leasing programs.
Represented company at trade association meetings to promote products and company services.

SCHOOL EDUCATION AND CERTIFICATIONS
Hotel & Resort Hospitality Administration, Graduate School—Manhattan College, New York City
New York Hotel & Motel Trades Council—Professional Labor & Delegate Training Program
Master’s Degree in Electrical Engineering, Institute of Electrical Engineering College, Austria—Graz
Professional Sales & Marketing Asset Management, Graduate School, Germany—Hamburg BMG
Professional Institute of Graduate School, Masters of Electrical Building Engineering, Austria—Graz

SPOKEN LANGUAGES:
German & English—Some Spanish

PROFESSIONAL EXPERIENCE
2010 TO PRESENT—EXAMINE.COM, CHICAGO, IL
Chicago Community Life Examiner
Write online articles about events, places and people in Chicago.
2007 TO 2010—INTERPARK (RETAIL PARKING COMPANY, A SUBSIDIARY OF GENERAL ELECTRIC), CHICAGO, IL
Executive Assistant
Supported six key executives including the general counsel and the heads of asset management, acquisitions and dispositions, and engineering.
Made travel, meeting and conference call arrangements; managed calendars for everyone in the department.
Processed expense reports and check requisitions for each member of the team; performed billing and collection projects.
Created marketing presentations, forms, directories, typed documents and correspondence for the team.
Processed legal, real estate and human resources issues.
Did on-going research projects related to company’s many real estate holdings; assisted with closings by coordinating and typing large volumes of legal documents.

Key Accomplishments:
Reorganized, catalogued and maintained confidential departmental electronic and hard files (legal and corporate documents).
Created online picture gallery of properties for company-wide use.
Reduced costs by finding ways to save money, including subscription consolidation and bulk ordering.

Oversaw implementation of IT processes (i.e., Instant Messaging) to boost team efficiency and trained team.

2005 TO 2007—FISHER AND SHAPIRO, LLC (BANKRUPTCY AND FORECLOSURE LAW), CHICAGO, IL
Executive Legal Secretary
Supported attorneys, helped head account-ant, processed evictions and assisted with real estate clients; planned events; maintained office needs
Opened files; prepared court documents; billed clients; sent out mailings; handled calls
Served as a closing assistant: Opened and processed closing files, interacting with cli-ents, title companies, real estate brokers, at-torneys; closed; created and maintained hard files and database; ordered title and other pertinent documents; typed closing documents; billed and closed files
Served as an eviction specialist: Opened and processed eviction cases from start to finish, interacting with clients, attorneys, title companies, real estate brokers, county clerks at the sheriff’s office. To research cases and prepare hard files; created a database and have access to client websites; calculated bills and invoiced clients; closed cases

Key Accomplishments:
Saved thousands of dollars by identifying accounting errors while assisting head ac-countant with monthly balancing of the books.

2000 TO 2004—MID-NORTH FINANCIAL SERVICES, INC. (COMMERCIAL MORTGAGE LOANS), CHI-CAGO, IL
Assistant Loan Servicing Officer
Processed insurance portion of new mort-gage loans and served as liaison between company, borrowers and insurance agencies
Gave loans and served as liaison between company, borrowers and banks

2001 TO 2005—NEAR NORTH INSURANCE/NEAR TITLE, CHICAGO, IL
Sales Assistant/Marketing Representative
Supported Director of Marketing and staff in promoting and generating business
Participated in sales calls, presentations, meetings and oversaw successful client events; distributed client gifts/promo items; sent out mass mailings; handled client or-ders

Key Accomplishments:
Reduced the problem of work overload in the typing pool by volunteering to type title commitments and policies during slower times
Reorganized the hard files in the Mar-keting Department
2000 TO 2004—U.S. BANCORP PIPER JAFFRAY (INVESTMENT BANKING), CHICAGO, IL
Executive Assistant
Supported two investment bankers and an analyst in the public finance sector by gener-ating municipal transaction and sales bul-lets
Tended calendars; arranged travel, meet-ings and conference calls
Prepared check requisition and expense reporting
Typed correspondence, regulatory con-tracts and proposals
Prepared marketing presentations

Key Accomplishments:
Reorganized the bankers’ filing systems
Performed special research projects uti-lizing the Internet and Bloomberg terminals

1997 TO 2000—TMP WORLDWIDE (FORMERLY L.AI) (EXECUTIVE SEARCH), CHICAGO, IL
Administrative Assistant
Coordinated travel, meetings, conference calls; scheduled candidate interviews; main-tained recruiters’ calendars
Handled expenses for consultants, can-didates; invoiced clients; paid bills
Prepared marketing presentations; typed correspondences, resumes, contracts
Assisted partner with entrepreneurial start-up businesses including extensive Internet research and study

1995 TO 1997—RUSSELL REYNOLDS ASSOCIATES (EXECUTIVE SEARCH), CHICAGO, IL
Administrative Assistant
Coordinated travel, meetings, conference calls; scheduled candidate interviews; main-tained recruiters’ calendars
Handled expenses for consultants, can-didates; invoiced clients; paid bills
Prepared marketing presentations; typed correspondences, resumes, contracts

Education
Associate’s Degree in Science, Clinical Dis-crete Technology, Kettering College of Med-i-cal Arts, Kettering, OH
Northern Illinois University, 2 years
DeKalb, IL
Trinity College, 1 year, River Grove, IL

Skills
Computer programs and applications in-clude: Windows MS Office (Word, Excel, PowerPoint, Outlook); Lotus Notes; DOS WordPerfect; DeltaView, Workshare; CMS, PerfectPractice, Mortgage Computer, Vantage, AS 400, Database IV; Etrack; Bloomberg; RE/Xplorer, eMLS; Internet research (including Munistratements), etc.
Typing speed 80+ wpm
Transcription: shorthand, dictaphone

1640

THE U.S. ECONOMY

The SPEAKER pro tempore (Mr. HULTGREN). Under the Speaker’s an-nounced policy of January 5, 2011, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the desig-nee of the majority leader.
Mr. AKIN. Thank you, Mr. Speaker.
We are going to talk for a little while here on this afternoon about a subject that is on, I think, everybody’s minds regardless of their political affiliations. The more we look at it, the more significant it seems to be—in fact, the more frightening it seems to be. It is the simple situation with our economy and the level of what the gov-ernment is doing in the “spending money” depart-ment. This, of course, ties into the job situation in America. The many people who are looking for work, some of the businesses that are struggling as well as the families who are struggling, all of it is tied together in the economy. It is also, of course, tied to the Federal Government and its spending.

What I’m going to try to do is paint a picture in simple terms. Sometimes economists make things seem a little bit too complicated. This doesn’t have to be that complicated. In fact, the less complicated it is, the less frightening it becomes. So, first of all, I’d like to talk about some words that we use in

Washington that we maybe aren’t fa-miliar with here, particularly our freshman Members. The first word is “entitlements.”

I’m an engineer by training, so “entitlements” you could think of as a machine. In fact, it’s a little bit like those machines in bathrooms, and when you put your hands in front of them, they spit out those brown paper towels you see. In fact, the entitlements we’re talking about here spit out dollar bills. What happened is a legislative body or legis-lature maybe 30 years ago created some bill which automatically gives money to certain people who come and put their hands in front of the machine. Of these entitlements, the big-gest ones are Social Security, Medicare and Medicaid. These are programs that have been around for quite a while, but they’re a little bit like that, if you think of them as things that spend money automatically. So those of us on this floor can’t stop and talk about whether we’re going to fund this or fund that or how we’re going to run the government. These things were created a long time ago, and they just keep on running and spending money.

There is another thing that is like the entitlements, and it is the interest on our debt. When the U.S. Government issues a Treasury bill, the Treas-ury is supposed to pay some interest. It’s a little bit like that machine that it spits out some dollar bills. It, like an entitlement, is something that’s spending money.

Now, here is the thing that I think is frightening, and I think you’ll think it’s frightening as you give this a little bit of thought, and this isn’t sometime way out in the future but, rather, just this year. If you add up the Social Se-curity, the Medicare, the Medicaid, and the other entitlements, you add up some other smaller entitlements—and if you put those together with the interest on our debt, it comes to $2.2 trillion. I don’t know what $2.2 trillion is in terms of trying to put some con-ceptualize money. It’s very easy to visualize this: $2.2 trillion is also the total revenue that the Federal Government brings in in taxes, so that makes it easier to see. In other words, these entitlements and the interest on the debt, $2.2 trillion, is the same thing as the revenue that we get in from taxes.

Now, why is that frightening? It’s because it doesn’t include two other things: the defense budget and what’s called non-defense discre-tionary.

So what are these two things over here?

The defense budget is pretty obvious. Obviously, it’s tanks and airplanes and ships. It’s men with rifles, and it’s our national security. That’s a piece of that, and you can see that it’s almost $700 billion. Then non-defense would be things like the building they live in. It would be the Capitol building. It would be the Federal parks. It would be the Federal prisons. It would be the Department of Energy or Commerce or
Justice or Education. All those different government things that we spend money on are in this non-defense. In other words, if you want to balance the budget today, what do you have to do? What you have to do would be to cut defense to zero: not one soldier, not one rifle left, not one uniform. You cut that to zero, but that’s not enough. Then you’d cut the rest of the stuff the government is spending money on. You’d close this building down, the Capitol. You’d close the Senate and the House down. You’d close down the Federal parks. You’d close down all of those different departments, those of Commerce, Justice, Education, Energy, and all those things. You’d close them all down. When those are all zero, you will have a balanced budget.

How is that going to work? Not very well.

That’s why I say what we’re dealing with is a far bigger problem than, I believe, most Americans are aware of. If you think about that, you ask: How in the world can our government and how can America continue when we’re doing this? As I said, I’m a conservative Republican. These aren’t Republican or Democrat numbers. These are just the numbers. This is just our country. This is a country that we inherited. This is really our country, and these are the meters that we move. So this is pretty frightening. What that means is we’re going into debt, deeper and deeper into debt at an incredible rate right now, trying to do something that mechanically, economically, mathematically just will not work. That’s the nature of the problem.

So, if anybody has a little bit of sense of intuition, if anybody has a good American spirit, one of the first things you ask when you see a good problem is: Oh, how can we fix the problem? Because this is something all of us have to deal with. Let’s take a look at what the possibilities are.

The real possibilities remind me a little bit of all of these kinds of funny weight-watching programs that are out there. I always think it’s sort of interesting when people say they’re going to go on a low-carb diet or this diet or that diet or something. When you come to be a little bit older, such as I am, you get really involved with two complexities. You either get more exercise or you don’t eat so much. It’s about that simple. You don’t have to have a lot of fancy dietary programs.

This situation suggests that it’s kind of simple. It’s either don’t eat as much more or tax everybody a whole lot more. The trouble is, in this situation, the “tax everybody a whole lot more” doesn’t really work. Let me explain why it doesn’t. We’ll take a look at another setup.

What happens to our economy is that we have these different taxes that we run. In spite of all the different taxes—even times we raise them and sometimes we lower them—what the experience of the Federal Government has been is that our revenue kind of comes in at this 18 percent average. So you say, Well, look. We’ve got too much spending and not enough revenue. What we could have done is raise extra $1.5 trillion in revenue, so we’re going to just raise taxes about 30 percent. The trouble is, if you do raise the taxes, you don’t get more revenue coming in. That’s sort of a weird thing, isn’t it? Let’s talk about this just for a minute.

Why would it be that if you raise taxes the government wouldn’t get more revenue?

The reason is, if you tax the economy to a certain degree, then you start to collapse the jobs and the economy. The economy goes south. When it goes down, it stalls, and you don’t get as much tax revenue. Think about it this way. I’d like to explain it by just having you picture yourself, if you will, as being King for a year and that your job is to try to raise some tax revenue for your kingdom.

And the only thing you can do is to tax a loaf of bread. And so you start thinking in your mind about this. You say, well let’s see, in my kingdom they eat a lot of bread. So I could just tax a loaf of bread for just 1 penny a loaf. Or you could say to yourself, ha, I know how to get a lot of taxes. I am going to put a $10 tax on every loaf of bread. But you think, yeah, but I bet nobody would buy any bread if we did that.

So your common sense would say somewhere between a penny and $10 for that loaf of bread, there is going to be an optimum tax. If you raise it or lower it either way, you won’t get as much money raised in taxes, and that’s what’s going on here.

You can raise the tax rate, but what happens is people find out ways to avoid it. The economy stalls and so, in fact, you’re not getting just a tax that, and you don’t get any more money in. Of course, the problem is your spending is still going like mad.

So the solution to this problem isn’t even as easy as trying to lose weight. You really don’t have two alternatives. What you have is really one alternative, and that alternative is you have got to get these entitlements under control.

Now, the point of the matter is that even if you look at a snapshot of this year, you have to get the entitlements under control, but particularly this graph shows that the entitlements here, these are just three of them, the big ones, Medicare, Medicaid, Social Security, that these entitlements are growing rapidly over time.

So even if we went to the scenario up here, and we got rid of defense and non-defense spending, and we balance the budget, you’re still left with extra $1.5 trillion in revenue, even if we did that, in a couple of years these entitlements are going to eat our lunch.

The problem is you can’t fix it by getting more revenue in. And so what’s your alternative?

The alternative is the uncomfortable fact that America cannot continue to afford these entitlements. You don’t have to be radioactive to say that politically. I am surprised I haven’t been hit by lightning yet. But that is, unfortunately, the pure mathematics of it. Now, there are some people in politics, they like to sugarcoat things and may not tell you absolutely the whole truth, but these are the facts. That’s where we are.

Now, how are you going to deal with these things? None of us really know. We have a bunch of ideas. We are struggling with how you are going to do it, but there are a lot of people that are dependent on these entitlements. Yet, the money is not going to be there.

We can’t keep borrowing money from the Chinese to pay for these things because sooner or later, getting to happen, the interest rates will go up on that money, and the whole Nation will be bankrupt.

And I don’t quite know what that would look like. What does it look like if you picture, you get out one morning and find out that the dollar bill doesn’t work any more? You go to your grocery store and it seems like everything stopped moving. The trucks aren’t moving and you can’t get food for the shelves because the trucks that have got gas. Then the whole thing just kind of comes to a stop because the dollar bill, the whole country has gone bankrupt.

I don’t know what that looks like. I don’t think it’s particularly pretty, but that’s going to be the picture if we don’t deal with this problem.

What I am suggesting is that, first off, what we have to do, every one of us as Americans, we have to educate ourselves on the simple facts. You don’t have to be a wizard on the budget or economics; all you have to realize is that the entitlements are using up all of the tax revenues. That’s a problem. Plus the entitlements are also growing, and you don’t really have flexibility to raise the taxes too much more.

Let’s take a look at the problem a little bit more closely. This is a picture of what’s going on relative to the national defense. I am on the Armed Services Committee. We have spent 10 times too much, or 5 times more, or whatever it is, for our national defense. But there is a lot of people that are not so sure, what the Chinese are doing, what the Chinese are doing, what the different threats are, and also understanding the logic of why America has a strong national defense, why that buys us a good deal.

You might ask yourself why in the world do we have nuclear aircraft carriers. What exactly do they do, because other countries that are allies of ours, they don’t have ships like that. Why would we have? Well, the reason is because if you think about America and the globe you find that America is sitting there a little bit to a degree by itself, a little bit of an island. And our two main
trading partners, which is Europe and all the way around to China and Japan and India, those trading partners are a considerable distance around the world.

And it is in our interest because of all the things that we buy that are traded that we protect those trade routes from some hegemon that might want to cause trouble. So we have things like our Navy and our nuclear-powered aircraft carriers so that we can go to the other side of the world and conduct operations and not worry about fueling these things up. That’s the reason why we have a lot of national defense. This started a long time ago, and you can see this blue line here talks about our defense and what’s going on with defense spending, and then what’s going on with entitlements.

You see entitlements back here in 1965, this is just Medicare, Medicaid, and Social Security. This chart says it’s a 2 trillion GDP. You see defense is much, much higher, it’s jumped up to above 9 here.

But then over time these entitlements are going up. That 9.9 percent is low because it doesn’t add all of the entitlements, just three of the big entitlements, and defense spending is going down. So people that say, well, aren’t you open-minded, shouldn’t we be cutting defense and cutting other things as well? The answer is no, not really. Because if you see any freedom that you enjoy in this country isn’t worth anything if we are being attacked by an enemy and there are bombs falling and there is chaos all around us. Our national defense provides us with what we enjoy in a peaceful and decent world to live in.

As you see, the defense budget is going down and yet the entitlements are going up. So this gives you a sense, again, that you can’t fix this by cutting defense. You could cut defense to zero and you still are not going to deal with the problem here.

Here is another way of saying that you can’t really fix the problem by raising taxes. This is a curve of the very highest marginal income rate, back here in 1960. If you were very well-to-do, your tax rate is 90 percent. So if you earn $1, you give 90 cents to the government.

Well, you can imagine the people that are in a whole, whole lot of money aren’t dumb enough to give 90 cents out of a dollar away. So what they find a way to do is move to another country, or they find different tax shelters and things to avoid paying this. But, anyway, you have this very high tax rate here on the people that are very well-to-do.

These lines show how much revenue comes into the Federal Government. You see, as this highest tax rate is decreased, that’s the red line, what you see is that actually the revenue that the government is collecting goes up. This is reflecting that same idea that we talked about, the loaf of bread.

If the loaf of bread is overtaxed, people won’t buy much of it, and you won’t get that much tax. If you put a thousand-dollar tax on a loaf of bread, nobody would buy any. Golly, you have got nice, high taxes. Should you have a lot of money coming in? No, because it doesn’t make sense. That’s what this chart is showing: That as the taxes actually come down, you actually get more revenue with the government.

Has this actually been proven to happen? Yes, it has been proven. Of course, there are several times when it did.

And those times were, first of all, when JFK inherited not a very good economy, I mention this because JFK was obviously a Democrat, a Democrat President. He understood these principles, and when the economy was bad, what JFK did was he decided to cut taxes.

Now, doesn’t that seem like an odd thing? The economy is bad. The government needs more money, and yet he cuts taxes. What an odd thing to do. Yet it certainly worked. It worked beautifully.

So how did it work? Well, over a period of time by putting more money back in the economy, the people that were small business owners took the money, invested in their businesses, and they built warehouses, new factories, new technology, new research to develop better products.

As their businesses grew, they hired more people. And as they hired more people the government got more tax revenue. The economy got better and better, and people got better, they made more money. So the result was, by actually cutting taxes, particularly cutting taxes in certain ways, that is you cut taxes on the people that own the businesses, when you do that, you can actually pick an economy up and get it going so you get more revenue coming in.

What we’re getting at is the part of the solution to the problem that we talked about in the very beginning. And the solution is two-fold. The first is fairly obvious: We have to cut spending. And particularly we must cut these entitlements in some way. The second thing, though, is that you don’t have to cut them entirely. What you can do probably is also to some degree grow your way out of the problem.

In May of 2003 when those tax cuts went into place, they were called the Bush tax cuts, as you recall. Here’s the chart on employment, job creation, before and after tax relief. You see here, these lines, anything going down means we lost jobs, and so you’re seeing we’re losing a lot of jobs in the front end when we were in the recession. Then as we did some tax cuts in here, it helped a little bit. But still when we do this tax cut, take a look at how things turn around; and this is the average loss of 100,000 jobs per month, this is a gain of 168,000 jobs a month after this tax cut goes into place.

So, you can see where I’m going. I’m starting to get to a solution to this problem, and there are really two pieces of solution. And so let’s take a look at the final chart here. This is government revenues. Again, May of 2003: Capital gains, dividends and death tax. So this tax goes into effect.

This is the Federal revenues coming down here from 2 trillion down to 1.9 down to 1.8. Revenues are going down. The country is in a recession. We do the tax cuts. And take a look at government revenue. Government revenue takes off. Because the economy is starting to strengthen now, so are the revenues for the Federal Government, 4 straight years of increases right after the tax cut. What an odd thing. You might not have expected this.

What does that say then about our problem overall? Coming back to our first chart here then, the problem is that the entitlements are eating our budget. Entitlements are taking everything that the Federal Government has. And so the solution is what? Well, it’s two-fold. First of all, we’re going to have to reduce the amount of spending here, reduce spending anywhere we can, for that matter, particularly in this sector, because a lot of the spending over here creates a tremendous
amount of red tape and regulations for businesses. If we can reduce the red tape and regulations on businesses, if we can also cut taxes on businesses in certain specific ways, you can start to get this economy growing again.

And then what starts to happen is instead of having 2.2 trillion in terms of receipts from the Federal Government, they will start to go up. We will get more tax revenues so we have less debt, and so we both reduce here, but we also grow our way out of the problem.

And so that's the general strategy that I think most any economist would say that you're going to have to do faced with the problems. Now, of course, there's a whole lot of politics, as you can imagine, that's involved in these questions and these issues.

The politics are, the main political questions would be, first of all, what should the Federal Government do? Is it really the Federal Government to get involved in education per se? Or is that something that should be done at the local level? Is it really the Federal Government's job to get involved in flood insurance? Is the Federal Government to be involved in providing health care? Is that really the job of the Federal Government? What really is the job of the Federal Government? That is the biggest political question here and what we argue about quite a lot, and with good reason, because it's the big question.

As you recall, there was a nation that believed that the job of their federal government was to provide you with a good education, to provide you with health care, to provide you with a home and some food, provide you with a job and a future. It was the federal government's job to do those things. And that particular nation went into the dustbin of history.

And we thought, as the Soviet Union collapsed, oh, that will never work. That's communism. Communism doesn't work very well. Socialism doesn't work very well. And yet, here, years later, in America, we're thinking the Federal Government should be providing health care, the Federal Government should be providing housing, the Federal Government should be providing food, the Federal Government should make sure that you have a job, the Federal Government should be doing this and that and the other thing. And so we're wondering why we're starting to get in trouble.

Now that's a debate. What should the Federal Government be doing? Should it be doing all these entitlements? Well, if you go to the U.S. Constitution, you would find out, well, no, in fact, a lot of these things are unconstitutional. The Constitution says that the only things the Federal Government can do are the things which are specifically enumerated. Well, that's one thing, because that's what our Constitution lays out.

Well, you don't have to read past that, not only the first page, it's in the first paragraph, it's in the Preamble. As a Federal Government, we're supposed to provide for the common defense. First of all, the job of the Federal Government is to protect our country. Any other rights you have mean nothing if you're being bombed and people are attacking you.

The main job of the Federal Government is to provide for the national defense. A lot of these other things, they might be nice. They're probably, even though they've been around for generations, not constitutional because they're not specifically enumerated powers of the Federal Government. And what we're seeing happening, what was a safety net has become a way of life for huge blocks of our citizens.

And we're getting to the point where, in fact, we are and have arrived at the point where the numbers don't work. America's solvency, everything you and I think of as America, is up for grabs. This is a very, very sober moment for our country.

I would ask you if you will, just pretend in your mind, pretend that you were a Congressman or a Senator in the year 1850. In the year 1850, you might recall, there was this 10,000-pound gorilla in the tent. People politically, they had this huge gorilla that they didn't know what to do with it. It was called the issue of slavery. And the way politics was working, they decided to make a compromise instead of dealing head-on with a massive problem that they had.

In 1852, there was a book, "Uncle Tom's Cabin," and it increased the rhetoric and the tension of the slavery issue. So the issue of the gorilla was now glowing, and he is there and he is threatening. By 1857, the terrible decision from the Supreme Court, the Supreme Court again decided to act like legislators, instead of just interpreting the law, they decided to create law. They decided in Dred Scott that Dred Scott was not really a person, he had to go back to slavery, et cetera, he was property. They made other decisions that the Congress couldn't decide whether your standing in which slave or free. So now this whole great big slavery gorilla was really ready to storm out and cause trouble.

President Lincoln, the first Republican President, is elected. The South knows he is against slavery. He gets on the train, he's gotten here to Washington, D.C., and the Southern States start to secede. America, like a train going off a cliff, starts in the Civil War. After 4 years, Abraham Lincoln writes his second inaugural address, and he references the fact this war is more miserable, there has been more suffering, and it has been much, much worse than anybody imagined it would be.

So what's the point? The point was that there is this gorilla in the room that the leadership failed to deal with, and the results were absolutely horrifying. Statistics don't lie. But statistics also are helpful to know. Six hundred thousand Americans died in the battles of the Civil War. That is more than all of the Americans killed in all the wars of our people other than the Civil War.

But the stories that come from that war are even more compelling. I recall one that every time I think of it, it puts a face on the Civil War. There was a Northern unit that was trying to take a Southern officer, dropped dead on the higher ground by a Southern unit. The Northern unit seemed like they had the South just wavering. They were about to be able to take the hill, and there was a young officer at the top of the hill who would not worried about his own safety. He would reposition his Southern troops, and they would settle down and fight the North back. They fought back and forth a number of times until the officer of the Northern unit remembered he had an older man who was an excellent shot with a rifle. He said: There is a young officer up there that is really the one who is holding this hill, and I want you to use your great marksman-ship ability, and I want you to take that officer out.

So the next time that young officer showed himself, this crack marksman shot him. And the young officer, the Southern officer, dropped dead on the spot. The Northern troops moved up and by the time they took the position, the marksman went over to see who he shot. He realized he had shot his own son. He was so distraught that he just stood up and ran across the field where the Southern army was shooting, and he was killed by rifle fire.

That is a little personal tragedy. The Civil War was full of those. But they are full of them because there was a leadership failure to deal with the crisis that America had to deal with, and they didn't do it, for whatever reason.

Today, we also have a crisis that is right here in front of us. And as Americans start to understand that we are with the budget, we also have to deal with this thing. The face on our entire economic system collapsing could be very ugly indeed.

And so my point of being here on the floor today is not to be particularly partisan, but simply to acknowledge that the numbers don't work. Now I have to be somewhat partisan because our President submitted the 2012 budget. The 2012 budget is irresponsible because it refuses to deal with these mathematics. It pretends that it is a budget but it never deals with entitlements, for whatever particular reason,
very flat and cold. The idea would be you could bring drilling rigs when it is frozen solid, drill down there and pull them out before it is thawed. You have a pipe, and you would pump the oil out of that area. And you could pull the pipes out later after the oil is tapped out. Why are we silent? Why? Well, because there is an environmental lawsuit on almost that area in Alaska called ANWR. It is basically like Oklahoma only frozen. It is

and tries to kick the can down the road, pretending that the gorilla is not there. That we cannot do. The fact is that we are overspending. We are overspending at a horrendous rate, and something has to be done. So I am glad that the President of the United States, as he said in his State of the Union, has decided that the United States will be energy independent, all kinds of coal to last us for hundreds of years. We have the resources in America, but we are not developing them. We don't have drilling rigs going out and drilling where we know there is oil. Those drilling rigs are silent. Why? Well, because there is an environmental lawsuit on almost every promising well—the big, heavy wells that could really bring in oil. Or, if it is not, there are reasons that say you can't drill. There is an area in Alaska called ANWR. It is basically like Oklahoma only frozen. It is

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I think we need to be praying now for great leaders in America, people who understand the problem, are not going to turn their tail and run away from it; they’re not going to pretend it doesn’t exist but take it straight on, because I believe the public, when they understand the nature of what we’re dealing with here, I think they’re willing to roll their sleeves up and say, Let’s do what Americans have always done so well. Let’s just move forward and solve this problem. Let’s figure out what each of us can do, what’s reasonable, and let’s move forward and get this thing done.

It was my father’s generation. My father served with General Patton, and there was that phrase, everybody did their bit. That was kind of the speak of the day. We, likewise, are challenged now that we have to do our bit. We have to be making the wise decisions to put our business and industry back in place.

Now, that’s very controversial. You might be surprised here on the floor of the U.S. Congress—you wouldn’t be surprised if I said Republicans and Democrats are pretty polarized on the abortion issue, and they are. But you might be surprised to know that in terms of voting, Republicans and Democrats are more polarized on the energy issue than they are on the abortion issue. But I believe that the fact that the foreign oil is starting to become very expensive and is going to tip the balance of that argument. And I believe that America is going to start developing our own supplies of energy, and I think that’s the way we have to go. I think we have to get rid of the red tape and the ridiculous regulations like rogue dust and spilled milk in the dairy barn and things like that that just don’t make any sense. There’s a Clean Water Act, also, that has incredible kinds of regulations and things that don’t make any sense at all, from an engineering point of view.

We have to look at those things. We’re going to have to trim out some of those things in this budget in order to create that environment, a good, strong environment for business. But we’re going to also have to look at this spending. We’re going to have to figure out ways to reduce that spending.

As a member of the Armed Services Committee, I’m a chairman of the subcommittee that deals with the Navy, the Marine Corps and projection forces—that would be things like bombers and long range—we realize that there is not a whole lot we dare to cut here because of the various other nations and the rate that they’re spending on defense and the threat they could be to our country. This money is not always spent as wisely as it should be, but, again, the Navy right now, the American Navy, has the same number of ships as we had in the year 1916. That’s not enough ships to do what we need to do in order to try to create a peaceful and free trade area where we can trade back and forth across the oceans of the world.

And so there’s not going to be a lot here to be able to solve this problem. We can spend this money more efficiently probably, but we’re not going to be able to cut a whole lot there. The solution to this is, once again, pretty straightforward: We have to cut particularly the amount of spending we’re doing on entitlements, and particularly we have to reduce the growth where the entitlements, as the years go out, we’re going to become more difficult. This growth is induced because of the fact that the population is getting older and the older people are taking up more of these entitlement programs, so it becomes more expensive.

So people like me, I’m a baby boomer, as the baby boomers get older, then they’re going to get onto these programs. It’s going to cost a lot more, and there’s not as many younger workers to be able to pay. That’s part of the reason why they get to be able to bring that curve down, and we have to cut the level of spending in that area.

So we have to do the cutting on the one hand and on the other hand is the thing we have to grow the economy. We know how to do it. It’s been done by other Presidents. We understand the economics of it. But it’s just a big challenge. The sooner that Americans across the board understand what we’re dealing with, say, “Okay, let’s roll up our sleeves. Let’s get to work on this thing.” I have tremendous confidence. Americans in the past have always rolled up into challenges. They’ve done well, and we’ve gotten through many things.

I think the way we’ll get through them, also, is something we can learn from the past. That was what the Pilgrims did when the Pilgrims first landed. They had a dream of creating a nation that was going to do entirely different way than the European countries. They arrived here, and in the first couple of months half of them died. The Mayflower, in the time spring came around, up anchor, was headed back to England. The captain said, Come back to England with me, but 50 Pilgrims said—52 or 53—said, No, we felt like God called us to this country to do something new and different and unique, and they stayed, and that dream started the great American Dream.

Later on, 160-some years later, there was a general by the name of General Washington at Valley Forge. He also was forced to his knees looking to God for help in America’s time of crisis. He saw the answer to his prayers. In fact, there was this old guy with bifocal spectacles when the first Constitution was going to be ratified that talked about those days when George Washington ran the army. He rose to speak and had this disagreement with each other at the Constitutional Convention, and old Ben Franklin with his glasses down on his nose, 80-something years old, which of course was very old in those days, stood to address George Washington.

He said: I have lived through a long time, and the longer I have lived, the more convincing proofs I see of this truth, that God governs in the affairs of men. And if it be true that the sparrow cannot fall to the ground without His notice, is it probable that a nation can rise without His aid?

Then he goes on to say that in the recent war we saw frequent instances of God guiding Providence. And he closed by saying: We need to be in prayer as a Constitutional Congress here as we look at adopting the new U.S. Constitution.

Well, Washington called the first day of Thanksgiving as America adopted the U.S. Constitution, but that tradition that when we got in a jam that we looked to God continued. General Eisenhowen, recognizing that trend, decided to add it to our Pledge of Allegiance. And so it was that he added words that came from Lincoln, from his Gettysburg address, the words “one nation under God.”

And so Eisenhower, just on the front steps behind me of this Capitol, recited for the first time the new pledge, which included “one nation under God, indivisible.”

And so as we approach this crisis in our history, I have faith, faith in the American people that we will take a look at the problem, that we will solve it, we will do the right thing, and that we will recognize that the problem is bigger than we are, and that we will have the wisdom to also ask God’s blessing on our efforts, and that by His help we will be able to overcome and put America back on a more solid fiscal footing.

I thank you for allowing me to do, I suppose you could call it, a 30,000-foot view of the budget, not a lot of details, but the big picture, a very sober, a very serious big picture, one that we all have to think about, we all have to become engaged in and take part in.

Mr. Speaker, I thank you for your indulgence. I thank you for your attention and the attention of my colleagues and friends. God bless you all and God bless America.

A TRIBUTE TO PUBLIC EMPLOYEES

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 5, 2011, the gentlewoman from the District of Columbia (Ms. Norton) is recognized for 60 minutes as the designee of the minority leader.

Ms. NORTON. Mr. Speaker, I rise to lead a Special Order this evening in tribute to public employees everywhere, and especially our Federal employees here in the United States, 83 percent of whom do not work in Washington. I hope that my colleagues and I will be able to offer some little
known facts about Federal employees today so that the word “Federal employee” gets a face and you know who it is we’re talking about.

Today I introduced a resolution supporting the right of all workers to bargain collectively. At this time, public and private, there are fewer workers. I’m grateful that Representative DONNA EDWARDS cosponsored this resolution with me and invite others to cosponsor the resolution. The resolution reminds us of what our grandparents feared and fought for. This has been under attack for decades, and the decline of unions in the United States is directly attributable to the difficulty in organizing workers today because the National Labor Relations Act is a figment of another century.

I think we will see in some of the statistics coming out of Wisconsin and out of the country at large that the decline of unions today does not mean that unions are not prized institutions in our country, and I will have some statistics that show that.

What I think most Americans recognize is that they owe to the American trade union movement much that they take for granted today, even if you are not a member of a union movement. Unions could have been content to bargain at the table for health and safety conditions, for a 40-hour week and the rest of it. Instead, they led the country in making laws that require a 40-hour workweek, OSHA, labor laws, require health and safety conditions, require overtime pay, and encourage health insurance and pension insurance. Those matters which began at the bargaining table now many Americans enjoy, and yet we have seen targets especially placed on the backs of public employees.

I’d like to open by giving you an idea of who a public employee is by speaking of a public employee in my own district. Anthony Hutchinson, of Columbia, I don’t know Anthony Hutchinson, but I’ve heard about him. He is an example of an exceptional Federal employee, I understand. He is a husband and a father of two. He lives on Savannah Street in southeast Washington. He is a Transportation security officer, and he has worked at the Ronald Reagan National Airport for the last 6 years. He is also a member and shop steward of his union, the National Treasury Employees Union. He has been named the Transportation Security Officer of the Year. He has received outstanding ratings from his employer. He was once the chair and once the vice chair of the Safety Committee. He is on a team that has designed ways to keep transportation security officers up to date on techniques for identifying weapons and prohibited items through x-ray machines. He is a member of the Emergency Readiness Team—that’s a team that deploys within 24 hours in the event of an emergency or national disaster. Anthony Hutchinson is a Federal employee.

When you speak of Federal employees, it seems to me we owe them at least the courtesy of recognizing them for what they do for the American people. But you would not have understood that if you have been watching over the last few weeks the episodes in Wisconsin. These were shocking. And many I think thought, well, maybe it has come to this. Unions aren’t very popular and maybe people are ready to bash unions in just this way. But look at what the polls are showing us.

The polls show, following Wisconsin, when there have been national polls about the standing of public employees and public employee unions, that Americans don’t take for granted their bargaining rights. Only a huge margin, by a margin of 2-to-1, 60 percent to 33 percent. Only a slim majority, just a slim majority of Republicans favored taking away bargaining rights. How many Americans understand a right when they see one.

Now, bargaining rights are not like the rights of freedom of religion or freedom of speech.

But they’re right up there on my list of six or seven rights that Americans believe, once you get, you are entitled to because you have gotten them democratically. You had to go worker by worker. You had to organize. And it looks as though there has been a horrific backlash from Wisconsin.

Indeed, whenever asked how they would choose to reduce their own State deficits, having watched Wisconsin, say they prefer tax increases over benefit cuts for State workers by a margin of 2-to-1. That is what Wisconsin has given the country. It has laid bare what a frontal attack on a basic right means. And what it means is Americans are not for it.

We saw what happened in Wisconsin overnight, that through the tricks of parlance and maneuver they were able to, in fact, weaken the bargaining rights of Wisconsin workers. There is going to be a price to pay in Wisconsin, I believe, and I’m going to point to why.

The present Governor of Wisconsin came in with a six-point margin of victory. His polls show seven points behind now. Forty-five percent strongly approve of his performance. The man has only been in office a little more than 6 months. Public employee unions, including those in Wisconsin, now have favorable, positive ratings, 16 points higher than Walker’s ratings.

The turnaround in Wisconsin I think tells us where the country is headed when they see the overreach here in Washington and when they see the overreach at the State level.

The Wisconsin results are just astounding. They fly in the face of everything that Walker was going to do. They are the classic backlash to overreach. The State’s population now believes that Walker should reverse course and raise taxes on those making $150,000 a year. That’s by a 72 percent to 27 percent margin.

There you have it. A kind of incubator in one State that I think, writ large, tells us where the country stands when it comes to public employees.

Now, the national poll found, not unexpectedly, that 71 percent of Democrats opposed weakening collective bargaining rights. But there was also almost as strong opposition from Independents—71 percent Democrats, 62 percent of Independents. And only a bare margin of Republicans were for weakening collective bargaining rights.

We know that when it came to Walker, there was no doubt what he was after, because the unions, seeing that the State was indeed in trouble, had a huge deficit, gave him what he desired in savings. And still he would not compromise. He held his ground, and in holding his ground, appears to have lost his State.

This is a turning point moment for the country. This is a moment that is sorting out those who lurger on the extreme from those who have fought to find their way to the mainstream. And Wisconsin is a harbinger of what overreach will reap here in the House of Representatives as polls in Wisconsin show it has already done there.

We look at what we have. The President already announced a freeze, a 5-year spending freeze, on Federal employees in the State of the Union. They didn’t like that. But that seems to have whet the appetite of Republicans for more and even more.

They come to the floor with bills that would furlough Federal workers for the 2 weeks, would impose an additional 1-year pay freeze, and cut 200,000 Federal jobs. There’s another bill that would limit the ability of Federal workers to bargain collectively.

The bills just roll out of Republicans—a freeze, a cut in the Federal workforce by 15 percent. Don’t you think somebody would want to look and see who the workers are before coming up with a number like that? Cutting agency funding to 2008 levels in 2012, as H.R. 1 does, and then to 2006 levels for the next 9 years. That would reduce most agency budgets by 40 percent.

I see that my good friend who has always cosponsored this resolution paying tribute to America’s public paying tribute to America’s public employees has come to the floor, and I am pleased to grant her such time as she may desire.
Ms. EDWARDS. I want to thank the gentlewoman from the District of Columbia.

Mr. Speaker, I’m here today because I’m here on behalf of—and with the 150,000 Federal workers who live in the Fourth Congressional District in Maryland. But, in the Washington metropolitan region, we know that there are some 700,000 Federal workers just in the Washington metropolitan region who do so much to protect this country, to keep our neighborhoods, our communities safe, to keep our food safe, to make sure that we know what the weather is; 2.7 to 2.8 million Federal workers all around the country and around the globe. That means that they’re not all here in Washington. So I’m always troubled when I hear people who, for the last couple of decades, have just gone on an all-out attack against the great work of Federal workers.

And I would say to the gentlewoman from the District of Columbia, I know a little bit of something about Federal workers. I grew up in a household with two Federal workers. My mother and my father both worked for the Federal Government. In fact, it was working for the Federal Government that really helped them become a part of the middle class in this country. It was the work that they did as Federal workers that saved taxpayers lots of money. It was the work that my father did in uniform in this country protecting and honoring all of us by his service.

And so there’s such a wide range of the Federal workforce, and yet some who want to go after Federal workers—and I say “go after”—and I mean that very directly—do it without actually knowing what it is that Federal workers do.

Well, I want to tell you about some of the Federal workers in my congressional district. They are workers who work at the Food and Drug Administration. They’re doing some of the most cutting-edge research that is out there. They are looking to make sure that our—that the food and the drugs that are in our marketplace are safe for children and families and consumers.

I want to talk about the Federal workers at the National Oceanic and Atmospheric Administration.

Today in the Washington region, and up and down the east coast, we have actually had flood warnings for communities, including communities around the District of Columbia metropolitan area, that are under flood warnings and watches today. It’s Federal workers who actually helped us to analyze the data coming from the satellite that was put up into our atmosphere by Federal workers that help us understand what’s happening in our environment with our climate and our weather.

It’s the Federal workers at NASA who took the charge that President Kennedy gave to them to explore space, to discover that new frontier, who have been at the cutting edge of all kinds of research that benefit us in every capacity. I like to say to people it was actually a Federal worker and the Federal workforce who really hit the ground running. It’s the kind of technology and experimentation that they could create materials that would lead to the creation of air bags and seat belts in our space program. And those are the same air bags that I know saved my life one time when I was in a car accident, and have saved many lives all across this country. Well, that’s the product of what happens when you make an investment in our Federal workforce.

It’s a Federal worker who works at Andrews Air Force Base in my congressional district looking out for the protection of the President and for diplomats who fly in and out of Andrews, making sure that we safeguard the protected space in this capital region, that we have an Air Force and personnel who are deployed to as far away places as Afghanistan and Iraq looking out for improvised explosive devices, training some of our great other servicemembers, those German shepherds and other service dogs that we see. It’s the Federal workforce that’s doing those things.

So I am often shocked, Mr. Speaker, when I hear people targeting the Federal workforce. Let’s just be clear. Federal workers have actually absorbed and been willing to absorb and to take, not liking it, as the gentlewoman from Maryland pointed out to you know, what is it that they do? And as the gentlelady has pointed out, our food is safe because of Federal workers. The drugs that we take, whether they come over the counter or they’re prescription drugs, they’re safe because of a Federal worker. When that worker is coming through for severe weather that hits the middle of our country in the most oppressive way, it’s a Federal worker who analyzes that data and works really hard and really quickly to get this kind of information to the public.

Federal workers also work in some of the most dangerous fields, in addition to being some of the most skilled fields in this country. You mentioned the work, the gentlelady did, the work of our nuclear scientists that Federal workers do, in our laboratories all across this country, not just in Washington, D.C., in States like Colorado and California and New Mexico, some of the highest level of scientific work that’s going on for our country, for our safety. Federal workers do.

So when I think about the range of things that Federal workers do that no one else does, it’s really extraordinary. People try to compare, the gentlewoman knows this, try to compare wages and salaries to wages and salaries in the private sector; but it’s not a direct match. I mean, imagine, if you would, that we could get away in the private sector with paying a top-notch engineering researcher $100,000 to work for us. But it is Legislatures in the Federal Government, even though those salaries may be significantly higher than that.

Ms. NORTON. The gentlewoman is shocked about this story that we have heard evolving in Wisconsin and the struggle of Wisconsin workers for collective bargaining rights that indeed on the committee on which we serve in Transportation, just a couple of weeks ago we were looking at an authorization for the Federal Aviation Administration. In that authorization we actually focused legislation in the Senate which would say that if you didn’t show up for a union vote, maybe you were sick, maybe you didn’t want to vote, for whatever reason, your not showing up would be counted as a “no” vote.

Can you imagine if any of us actually conducted elections like that? All those folks who decided to stay home for whatever reason would be counted as “no” votes? I daresay there would be a lot of Members of this Congress who wouldn’t be Members of this Congress under those kinds of rules. Yet those are the kinds of rules that are being promoted by the Republican majority.

So these comparisons that you speak of, I say to the gentlelady, could not be more important to us to understand really who is the Federal worker, who is the Federal worker for every 78 residents. Today, there is one for every 147. How did you go from one Federal worker for every 78 residents to one for every 147 residents? Productivity. This is a knowledge workforce. It is a workforce to die for.

I yield to the gentlelady from Maryland.

Ms. EDWARDS. I want to thank the gentlelady, because I think it’s really important for us to understand really who is the Federal worker, who is the Federal worker for every 78 residents to one for every 147 residents? Productivity. This is a knowledge workforce. It is a workforce to die for.

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through our continuing resolution, through our authorization that really go at the heart of taking the feet out from under the Federal workforce.

Ms. NORTON. I thank the gentlelady, and I hope she will remain with us, because the gentlelady is pointing out that the public is largely unaware of. Some of these job categories that my friend from Maryland points to ought to be instructive: rocket scientists, VA nurse, park ranger, cancer researcher, prison guards.

It’s interesting that the cooks in the Bureau of Prisons are probably paid more than the cooks in the private sector because they have supervision of prisoners, who also work in the kitchen. How do you measure that? You don’t do it by throwing out a bunch of statistics, public versus private, and believe that that tells the whole story.

Now we are very pleased to be joined by the gentlewoman from Hawaii, our new Member from Hawaii, and I am pleased to grant her 5 minutes.

Ms. HIRONO. Thank you. Relatively new Member. I am really glad to join the two of you in honoring and acknowledging the work of our Federal workers. Ms. EDWARDS and I sit on the same Transportation and Infrastructure Committee; and, yes, it was quite revealing to talk about the kinds of changes some people were proposing to the FAA bill that would have totally changed the way you count votes. It is a way to count votes that doesn’t happen in Hawaii.

Certainly, if we had to count votes where all the people who were registered to vote didn’t vote would be counted as a “no” vote, I would say that most of us here, including our friends on the other side of the aisle, would not be here.

That’s very telling to me, the kind of perspective that’s reflected, any kind of an effort that goes after government employees. And today we are here to talk about thousands and thousands of Federal employees who are doing the job every single day to keep our government going.

Who do we think keeps government going but our workers? We need to acknowledge that and honor them.

When you go to the Social Security office, for example, as I have, and when you see the Federal employees processing the paperwork, that needs to happen so that our seniors can get the benefits that they’ve worked hard for and that they deserve. When you go to an unemployment line, you see State workers helping and thousands and thousands of Federal employees who are doing the job every single day to keep our government going.

Mr. Speaker. The SPEAKER pro tempore. The gentlelady has 25 minutes remaining.

Ms. EDWARDS. I do.

Too often we hear: Let’s cut Washington. We don’t care if the Federal Government shuts down because it’s just a bunch of Federal employees. In fact, only 1 quarter of Federal employees works in the Three-State Region that comprises the Washington Metropolitan Region. The other 75 percent of Federal employees works somewhere else.

I love this idea of exploring what it is that Federal employees do because I’m often fascinated by the many jobs that they do which provide so many important resources for us:

Meteorologists. Well, could we do without meteorologists? Ask the people in California and in these other earthquake zones. In the gentlelady’s home State of Hawaii, we need meteorologists in that sector. Aerospace engineers, who are exploring these 21st century new technologies and horizons that are not here on this Earth, who develop things, keeping us safe at all times, who have skill translations, and it has greatly increased productivity and efficiency, saving taxpayers—that’s all of us—a lot of money.

Bill Parsley was a 2008 Federal Member of the Year. He works for the Transportation Security Administration at Maui County Airports. Under Bill’s guidance and leadership, over dozens of officers have been promoted to lead, supervisor and master positions. Bill’s very calm and convincing demeanor has earned him the respect of airport employees and leaders, and he has had a significant impact on keeping us safe.

These are just a few of the 4.6 million Federal workers and retirees in every State in our country who have not only provided services to us over the years and who have earned their retirements, but they’re continuing to, as we have referred to in so many of our committees, step up to do more with less. They have been doing that for years now, and I am proud of them. I am proud of the Federal workers in Hawaii.

Ms. NORTON. Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentlelady has 25 minutes remaining.

Ms. HIRONO. Will the gentlewoman yield?

Ms. NORTON. I am glad to yield to the gentlewoman from Hawaii.

Ms. HIRONO. Thank you. When we think about the kinds of resources in our country that everyone enjoys, think about our national parks. What a tremendous resource for all of us, and so many families go to all of our national parks. Guess who is there to make sure that families, individuals—all of us—have a lovely time? Who is protecting our endangered species, these national parks? We have a lot of national parks in Hawaii. In fact, you may have seen the pictures recently of the eruption of Kilauea on the Island of Hawaii, which is part of my district.

So there are just so many areas in which we could not do without the commitment of our Federal employees. Truly, I feel as though they’re getting picked on for basically political reasons, and it’s unjustifiable to do that and to scapegoat our workers in that way.

Ms. NORTON. They deserve just the opposite.

Ms. HIRONO. Yes.

Ms. NORTON. Far from scapegoating, it seems to me we ought to stand up
and salute Federal employees for what they’re doing for this country now.

Ms. HIRONO. You mentioned Ms. EDWARDS and about exploration and about meteorologists. Well, the astronaut program, that’s a Federal program. We had a wonderful astronaut from Hawaii, Ellison Onizuka, who tragically lost his life in the Challenger disaster.

This is part of what we need to do to educate all of us and the young people and our students. In fact, I was visited by a group of students in my district yesterday here with the Close Up program, and were here to learn about the Federal Government and what keeps the Federal Government going. It’s not just us. It’s all those 4.6 million people out there who are helping.

Ms. NORTON. Ms. EDWARDS, you are probably also aware that we hear about the best and the brightest. The Federal workforce, now with many baby boomers, is eligible to retire, and there is about 50 percent of them who will retire. We will ever see a workforce as good as the workforce we got in the post-Kennedy period. Those were people who came fresh with all of the notions of the Kennedy era that public service was a wonderful thing, and they made their careers in the Federal service. Ninety percent of them could retire in the next 10 years. Now the whole world is open to them. They could go to the high-tech companies. They could go to Hawaii. They could go anywhere.

Will we attract the best and brightest right when we most need them—in an era when the country needs, on this side as well as on the military side, the very best talent we can find?

Ms. EDWARDS. The gentlewoman from the District of Columbia raises yet another really interesting point and question. They are being recruited outside of the United States, because we know that we have the talent here, and what better place to absorb that talent in public service than in service in the Federal sector.

I am just so proud. I think about the time that I met a scientist, a researcher over at the National Institute of Standards and Technology. Let me tell you what they do at NIST.

Any piece of the electronic equipment that you might have, and maybe it’s in your doctor’s office, it’s a piece of your home equipment in your home, or maybe it’s the iron, or it’s the toaster, or it’s the microwave, the National Institute of Standards and Technology sets a standard for those. They produce the product and tests those to meet standards. It means that no matter where you go, no matter what store you shop in, that that equipment is calibrated in the same way. Now, you may not think that matters for a toaster, but it surely matters for an MRI machine.

Those are the kinds of jobs that our Federal employees do. Those are jobs that you really can’t translate into the private sector, and they are so necessary to safeguard the public.

Ms. NORTON. That’s such an important point about translating them. Unlike what the Federal Government is required to do, those who have been throwing around the comparisons don’t do what the Bureau of Labor Statistics does. Now, this is very, very difficult work.

When the Bureau of Labor Statistics compares workers in the public and private sector, they have, for example, look beyond the title of budget analyst. In the Federal Government, they may be dealing with a budget analyst who has oversight over multimillion-dollar agency budgets.

In the private sector, that may be somebody who is sitting in an office pushing papers, is qualified, but nowhere near the same kind of responsibility. What the Bureau of Labor Statistics does, and only the government can do, that the government has the resources, is to literally get into the weeds so that when you see the government statistics, those are the statistics to be trusted.

I have got to ask my good friend to help me with the great distortions, and that is on Federal benefits.

I think most Americans do not know that Federal employees pay for 30 percent of the cost of their health care. If you get dental and vision, you pay 100 percent.

If you have group life insurance, the employee pays 66 percent of the premium and the full cost of any additional coverage, and if you have, and many do, long-term care, 100 percent.

The Federal Government, yes, is a decent employer. It is by no means an overly generous employer. Just compare that to Fortune 500, Fortune 1000 companies. You pay your own health care, but it is a decent employer, but it is by no means an overly generous employer. Just compare that to Fortune 1000, Fortune 500 companies. You pay your own health care, but it is a decent employer, but it is by no means an overly generous employer.

As you say, the Federal Government is a decent employer, but it is by no means the best employer when it comes to providing benefits, as some of those Fortune 500, Fortune 1000 companies point out. Now, it’s the Federal worker who contributes to her own benefit, contributes to her pension, contributes to her health insurance, contributes for her family members across the board.

The gentlewoman makes an important distinction for us to know that, in fact, the Federal workforce, because they sometimes work alongside contract employees who are paid different rates, who have different benefits, but are in some cases doing very, very similar kind of work. I applaud the Obama administration for trying to get a handle on what is uniquely government work and shouldn’t be contracted out because we need much greater oversight.

I know. I mentioned earlier to the gentlewoman that I come from a family of Federal workers. I want to tell you about one of those workers, because I bet if anybody goes back, they would say that my mother saved the Federal Government a boatload of money.

She was a steward of the taxpayer. She worked in the Department of Defense doing military housing, overseeing contracts. She in a minute if a contractor was violating a contract. She would tell you in a minute if they were overspending where they didn’t need to overspend, and she would save the taxpayer money because she viewed herself as a steward of the taxpayer, as a public servant.

I know that my mother is not alone. She is joined by millions of Federal workers all across this country who take pride in the work that they do for the taxpayer, the work that they do in service to this Nation, whether it’s processing Social Security disability claims, or it’s making sure that our veterans get appropriate medical and
mental health attention, or whether it’s making sure that our airways are safe and clear, that our planes are landing and taking off safely, protecting us in our parks.

After all, if someone gets lost, a child gets lost in a park, it’s a Federal worker that goes to find that child and unite him or her with their parents. The Federal workforce is varied, it’s diverse, it’s efficient. It’s becoming more efficient every day. Federal workers are really contributing to the livelihood of the country.

So I think for those who want to get about the business of cutting spending where it’s appropriate, let’s do that responsibly. But let’s not make the Federal worker the scapegoat for budget-cutting and for ending deficit spending. Let’s continue a strong and vigorous Federal workforce that really is working to the best benefit of the taxpayer.

Ms. NORTON. This is such an important point. I would say to my friend from the House, remember in Wisconsin, the public employees said, look, we will do our share. Yet the Governor insisted upon going at collective bargaining. Anyone who thinks public employees are not willing to do their share does not understand how unions operate.

□ 1820

If you have a workforce that needs to be downsized, if you have a workforce that needs to give up some of what it has for a period of time, the best way to deal with that workforce is through an agent that the workers trust. If the employer has no agent and simply goes in and dictates it, that becomes a deflating, morale-sapping exercise. Unions are very sophisticated. Unions operate within our capitalist system. They know when there’s money on the table and when there’s not. Unions are said to have been the major agent in creating the middle class. What do we mean by that? After all, there were businesses, automobile companies and managers. What we mean by it is that when that money was coming, when that revenue was coming to business, it was sitting across from a union who said, workers help produce this product, the revenue from this product should be shared with workers. Out of that came the great American middle class. That is why an automobile worker, for example, who didn’t have a college education, could get a pension and could support a family.

And unions did this, yes, across the bargaining table; but in doing it for their own members, they spread it through the society, because then competitors had to meet the union wage. And so what happened was you got a great American middle class that you did not have before the unionization of American workers. And they deserve credit for that. Unions deserve credit for that. They don’t deserve to be bashed.

I have to say to my good friend, I was never so gratified to read what the polls show us. And I indicated some of those figures when we began this special hour that 2-1, Americans oppose weakening the bargaining rights of public employees. After all that has happened in Wisconsin, instead of their reaping the whirlwind for it, American people understand that it means to take away a precious right, even a right some of them don’t enjoy. And so they say they would rather have their taxes raised than to even weaken—weakens the collective bargaining rights of public employees.

If that is not a lesson for the other side of this Chamber, which is over-reaching in 1,000 different ways, nothing is. It is a bellwether of what is to come.

Ms. EDWARDS. I want to thank the gentlelady and my friend because I think what you’ve done is you’ve brought the connection from the public sector worker in Wisconsin and throughout our States to the Federal workforce and to the private sector workforce.

I think what we’ve seen over these last couple of decades, and I think it is evidenced in the poll and the support that all workers are showing for the unions in favor for the idea of collective bargaining rights, is that we all recognize as workers whether you’re in the public sector or the private sector, whether it’s State or municipal government or it’s the Federal government, that it’s a government that or- ganizing and the ability to organize and the ability to bargain that has helped so many of us to achieve a place in the middle class. And I think that there is an understandable fear of losing that given what’s transpired over the years.

In fact, you look at wages in the private sector, and private sector wages have, in fact, remained stagnant for about the last decade. And so you can understand that private sector worker is actually feeling that strain, but they understand the position of the public sector workers, of the Federal workers. And so we’re all united as workers together to make sure that we can lift all of us into the middle class. And I think the Federal workforce is particularly important because the Federal workforce then becomes sort of a bellwether for what can happen in other sectors in our workforce. Thank you for that full circle.

Ms. NORTON. I want to thank the gentlelady for coming down. You make a very important point about the stagnation of the American standard of living. It correlates with the stagnation of the American labor movement. The stagnation of what in American labor movement has everything to do with the difficulty under the National Labor Relations Act of organizing a union today.

When unions were first legalized in the 1930s, they were encouraged. Today, it is very difficult under the existing statute to organize a union; and I’m amazed that unions are still alive and kicking. But I must say what we’ve seen from Wisconsin is a national reawakening of the American trade union movement. I think unions are going to be able to organize in ways they would never have been able to organize without Wisconsin. Thank you, Governor Walker.

As I close this hour, I want to particularly thank my two friends from Hawaii and from Maryland for coming down to share this special hour with us. We think the lesson is to do is to, every once in a while, say to Federal employees and to public employees, we appreciate what you’re doing.

President Obama perhaps said it best. I don’t think it does any good, he said, when public employees are denigrated or vilified or their rights are infringed upon. We need to attract the best and the brightest to public service. These times demand it.

Again, I thank the gentlelady for coming forward.

The Future of Education in America

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 5, 2011, the gentleman from Illinois (Mr. JACKSON) is recognized for 30 minutes.

Mr. JACKSON of Illinois. Mr. Speaker, let me first begin by associating myself with the remarks of the distinguished gentlelady from the District of Columbia and the gentlelady from Maryland on a very thoughtful presentation that they offered the body this evening.

Mr. Speaker, there has been some controversy in the blogosphere and on conservative talk radio shows about some comments I made last week regarding my belief that every child in this country should have the constitutional right to an education of equal high quality. Let me be clear. Last week, I raised the possibility that such a right might lead to a national standard in this country of an iPad for every child just like it could lead to standards of class sizes and athletic facilities and music classes and other important resources for our children.

Let me be clear on a few things. These devices are revolutionizing our country, and they will fundamentally alter how we educate our children. Mr. Speaker, this is an iPad. It is an incredible device, so incredible, in fact, because you could open it up after I recently purchased it, Apple came out with the iPad 2.

Mr. Speaker, this is the Kindle, a device from Amazon that allows you to download books and to read them. Before I could open it up after I recently purchased it, Apple came out with the new Kindle. Kindle came out with an even smaller Kindle, neither of which has been activated at this time.

Mr. Speaker, it will not be very long before every child in this country is educated using one of these devices or something similar. Why? Just go to your local Borders bookstore, that is, if there’s one left.
Recently, Borders announced it was closing 200 of 508 stores, including one in my congressional district. If the recent history of the music business is any guide, then other bookstores and libraries, both private and public, may not be far behind them. That’s because the trend is toward digital and away from hard copy books any more or magazines or newspapers. It’s all digital. The iPad, the Kindle, the Nook, and other similar devices make it possible to access any book, any periodical at any time and place.

As digital downloadable music has gained in popularity, we’ve seen a fundamental shift in the music industry. Now there are hardly any physical stores where we can buy CDs or other music products anymore. We’ve gone from the 78 to the 45 to the long-playing LP to DVDs, and now to downloadable music. The same will be true for publishing. Books will soon become obsolete. So the school library will not only become obsolete, but obsolete.

Schools are likely in the future to use that space for more classrooms. Maybe it will help alleviate our classroom size problems. But for certain, architects in the future will likely be designing future schools without a library.

Hard copies of textbooks will become obsolete. Instead of incurring the cost of buying them and storing them and instead of forcing our children to lug around huge backpacks full of heavy books, we’ll just download them onto a device just like one of these. This is going to happen in the future. In fact, it is happening right now.

In my district, at Chicago State University, thanks to the innovation of President Wayne Watson, the freshmen class of students this past fall, every single freshman received an iPad. Over time as new classes enroll, the adoption at Chicago State University hopes that all students will use electronic devices for textbooks and to submit assignments. It could be a textbookless campus within 4 years. Imagine the cost savings for schools,” President Watson said, “Give a child an iPad, a Nook or a Kindle or any of these devices when they are in the first grade, and he or she could use it all of the way through college. All of the cost of buying hard copy books for the course of that child’s educational career would be simply wiped out.”

Now, Mr. Speaker, because I suggested this idea, I have been called a communist and a socialist and any number of other things, but let me tell you why that is misleading and malicious. Let me go back to what I talked about last week.

Last week from the House floor, I talked about the greatest capitalists in the history of our world. In my opinion, capitalists in the history of our world were the men who founded our country, our Founding Fathers. They were engaged in all manner of trade and commerce that ranged from farming cotton and beans and corn. And even before the Constitution of the United States was ratified in 1788, even before the Bill of Rights in 1791, even before the Declaration of Independence, from 1492 until 1776, and even before the more tragically in 1619, 19 scared Africans arrived on the shores of Jamestown, Virginia, 157 years before the Declaration of Independence. Their desire for commerce had them trading people. They traded among themselves and with others across the world. And when they rebelled against the government of England and established their own country, they had a choice in an unregulated, unfettered free market system or a system of government with checks and balances and regulations and rules. So much for the antigovernment movement in our Nation. Our Founding Fathers were not antigovernment, they chose government, but they chose government with an overall structure of freedom and personal liberty along with regulation and rules, which leads us to the Bill of Rights.

Mr. Speaker, the First Amendment is one of the great landmarks in human rights and personal freedom. It certainly is that not only in domestic history but in world history. It protects free speech, freedom of religion, the right to assemble and to petition the government. It also happens, and often not talked about in our country, it also happens to be the greatest economic program in the history of our country. Think about it.

I asked the Congressional Research Service and their experts responded by saying to a specific question: How many jobs in the United States of America are tied to the First Amendment? Initially they said: It is practically incalculable. They said that there were 250 million people in the country and that this could include any job, and I quote, “with a public presence” could be considered protected under the First Amendment. And, therefore, the Congressional Research Service conservatively estimated that approximately 50 percent of all jobs in the United States are tied to the First Amendment. Imagine, or just stop and think about it. Every newspaper in this Nation and the jobs that emanate from those newspapers are tied to the First Amendment. Books, Internet publications, the first amendment includes all media, public speaking, Sirius Network, AM/FM radio, advocacy, lawyers, movies, CDs, DVDs, VHRs, VHSs, Comcast, Blu-ray, MP3 players, Democrats and Republicans, telephone services, cell phones, Droid phones, iPods, iPhones, iPads, computers, art, museums, colleges and schools, theaters, plays, musicals, and on and on and on, they have their basis in the First Amendment.

That doesn’t even include freedom of religion, the churches, the synagogues, the mosques, all religions, nonprofit organizations, 501(c)(3)s, 501(c)(4)s, charitable giving. All of this is First Amendment activity.

Mr. Speaker, the First Amendment, with its allowances for innovation through time, from the founding of our country to this very day has unleashed over time the greatest economy that the world has ever known. The Founding Fathers set in place a system that gave us the most important jobs in the United States of America. And that system has worked remarkably well for a long, long time.

But now there is a problem, Mr. Speaker. These devices will cause the loss of jobs at bookstores. Borders is closing almost 50 percent of its stores. It is going to cost the jobs of librarians and libraries, publishing houses, printers, book binders.

Where do we think these devices are made? They are not made here in the United States. They are most likely made in China or other places. So if you are not an American and if you believe in the value system that emanates from the First Amendment, including all of the jobs that emanate from the First Amendment, and you are outside of America and you are looking in, you need only wait for American innovation as a result of our open system to take advantage of selling to the United States at some cheaper labor costs a product that helps strengthen our First Amendment. It comes, however, at the cost of jobs. Significant jobs.

So the First Amendment, the amendment that has unleashed such great economic activity and brought about such amazing innovation and helped America become the greatest economy in the world, is now known for helping the Chinese economy to create jobs and prosperity and, ironically, challenge America’s place in the global economy.

We all know our economy has struggled over the past few years. The financial and economic crises have been devastating for many Americans. The unemployment rate still hovers near 9 percent. And in communities like mine, it is near 15 percent.

How do we turn our economy around? I say we establish, as Mr. Speaker, that we follow the mold of the greatest capitalists and turn to our Constitution; turn to our bylaws, the bylaws of the American enterprise. That is what President Roosevelt did as he began his fourth term in office.

Mr. Speaker, here is what President Roosevelt said on January 11, 1944, in his State of the Union address. January 11, 1944, unemployment is beginning to come down, but throughout President Roosevelt’s administration, we saw the highest levels of unemployment in the history of the United States, the period known as the Great Depression.
“This Republic had its beginning”—1788, 1791—“and grew to its present strength, under the protection of certain inalienable political rights.”

Here Roosevelt is giving deference to the idea that the First Amendment through the Great Depression is responsible for forming the Nation’s political rights. Among these rights, President Roosevelt says, “is the right of free speech, free press, free worship, trial by jury, freedom from unreasonable searches and seizures. They were our birthright.”

As our Nation has grown in size and stature, however, the President acknowledges, “as our industrial economy expanded, these political rights proved inadequate to assure us”—that is, every American—“equality in the pursuit of happiness.”

“We have come to a clear realization of the fact that true individual freedom cannot exist without economic security and independence.”

Necessitous men are not free men. People who are hungry and out of a job are the stuff of which dictatorships are made.

“In our day, these economic truths have become accepted as self-evident. We have accepted, so to speak, a second Bill of Rights under which a new basis of security and prosperity can be established for all, regardless of station, race, or creed.”

“Among these are:

“The right to a job, the right to earn enough food to provide for one’s family; the right to every farmer to raise and sell their products; the right of every businessman, large and small; the right of every family to a decent home; the right to adequate medical care; the right to adequate protection from the economic fears of old age and sickness and accident and unemployment; the right to a good education; all of these rights.

“And after this war is won,” he said, “they spell security. We must be prepared for the future—one generation—a whole generation—forward.”

Mr. Speaker, what if we amended the Constitution, if we amended the bylaws of America, to include the right of every citizen to an education of equal quality? What would that do for our architects, and roofers, and bricklayers, and manufacturers, as school districts across this country seek to meet the equal quality standard by building new schools and improving existing ones?

What would it do for the NASDAQ, as schools improve their technological capabilities with laptops and computers and iPads and Nooks and Kindles and other devices? There are 60 million children in the Nation’s public school system. We don’t like that, like the First Amendment over time, an amendment guaranteeing every American the right to a quality education for all students would provide a huge economic boost for our country, just like the First Amendment at the inception of our country was reasonable for 50 percent of all jobs, if we truly want to compete with China, with India, with other countries around the world, if we truly want a population that is better educated than any other population on planet Earth, capable of paying more taxes, eliminating unemployment, rebuilding schools, rebuilding bridges, rebuilding hope in our communities, and by definition every time we build a newer first-class school, we change the property values of every home around that school. In America we just don’t sell housing anymore, we sell housing plus schools at the same time.

I wish every Member of Congress, Mr. Speaker, every home State would visit New Trier in the northwest suburbs. New Trier High School represents quality of education that is provided unlike any other high school in the Nation. There are state-of-the-art classrooms, with small class sizes. It has top quality athletic facilities including two aquatic centers. That’s swimming. The school rents it out for fees, raising revenue to help offset some of its cost. There are 17 varsity athletic teams for boys and 17 varsity athletic teams for girls. New Trier is noted for its drama, for its music, for its visual arts programs. Students are given the opportunity to develop all of the aspects of their talent. They are given a full educational experience that molds boys and girls into young men and women.

The academics at New Trier are unrivaled. In 2006, the mean SAT verbal score was 620, and the mean SAT math score was 650, meaning that 1370 was an average score at New Trier. The school literally churns out Ivy Leaguers.

Mr. Speaker, I think we need more New Triers. We need all of our schools to have the facilities, the resources, the rigor of New Trier. I certainly need it in my congressional district on the south side of Chicago. And if there is someone out there in America who wishes they had a school like that in their congressional district, I wish they would just go on television and say “amen.”

But we can’t get there, Mr. Speaker, under local property tax regimes that funnel our tax dollars to the 50 States and territories, there are 95,000 public schools in 15,000 school districts, in 20,000 cities—all different, all separate, all unequal and all funded differently.

At New Trier, roughly $15,000 is spent on every child per year, which is nearly double the State average. That’s because New Trier is located in one of the wealthiest areas in my State and, therefore, has the resources to fund such a high quality education.

Let’s hear what our President had to say: “It is now our duty to begin to lay the plans and determine the strategy for winning a lasting peace and the establishment of an American standard of living higher than we have ever known before. We cannot be content, no matter how high the general standard of living may be, if some fraction of our people”—and this is January 11, 1944—“whether it be one-third or one-fifth or one-tenth is ill-fed, ill-clothed, ill-housed and insecure.”

Mr. Speaker, what if we amended the First Amendment to make it read: “America’s own rightful place in the world depends in large part upon how fully these rights and similar rights are carried into practice by our citizens.”

Mr. Speaker, what if we amended the Constitution, if we amended the bylaws of America, to include the right of every citizen to an education of equal quality? What would that do for our architects, and roofers, and bricklayers, and manufacturers, as school districts across this country seek to meet the equal high quality standard by building new schools and improving existing ones?

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Mr. Speaker, I think we need more New Triers. We need all of our schools
wars in Iraq and Afghanistan, if we can find money to bail out Wall Street, if, as Martin Luther King, Jr. said, we can find money to put a man on the Moon, then we ought to be able to find money to put a man and a woman on their own two feet right here in America and guarantee our children an equal high quality education like that of New Trier.

Mr. Speaker, only the Constitution of the United States can guarantee that kind of education system and at the same time uphold incredible job growth and economic activity.

With the few minutes I have remaining, I have been dedicating this session of Congress to the unemployed. A lot of unemployed people have been sending me their resumes, and the cost of inputting their resumes into the House RECORD, for which I am asking them to continue to send me their resumes and stories, is astronomical.

Mr. Speaker, why the CONGRESSIONAL RECORD isn't digitized, why we still have to cut down trees to print all of these speeches as does members of Congress. Well, the cost would be significantly less if the Congress of the United States would catch up to the Nation's education system and start digitizing the CONGRESSIONAL RECORD. I'm not totally satisfied that we are dragging our feet into the future on purpose.

With that said, I want to read a few stories of some people who have been going through, well, a whole lot of hell, Mr. Speaker, in this economy. These are the stories of our men and women who have served. This is from John Bridges:

“Representative JACKSON, I appreciate your effort to show the country what’s happening to the veterans by entering these names in the CONGRESSIONAL RECORD. A bit of background for you: I was raised in Tilden, Illinois, and joined the U.S. Navy when I was 17. And after 22 years, I retired in the Dallas, Texas, area. I then went into the wireless telecommunications industry for over 12 years before being laid off at the end of August, 2010.

“I have not had any success with any position since that time. I’ve had one interview with the VA, and an upcoming one with the University of North Texas. However, I have not heard back from anyone, so I’m assuming that the positions have gone to other individuals. Thank you, and good luck with this effort, as well as your service to the Congress.”

Thank you, Mr. Bridges. We’re going to do what we can, I hope, one of these days in this Congress to find you a job.

How about a former sergeant from the United States Marine Corps, Robert Gobin: “Congressman JACKSON, Jr., thank you for your efforts. Whose sacrifice for our country should always be respected and honored the way one veteran honors another.

“My story is that after getting out of the Marine Corps in 1980 I landed a job as a welder working in Arizona on a power plant. I went to night school, obtained my certificate of completion for the trade I was working in and continued to use my benefits to add classes at the college level while raising my family and trying to live the American Dream. After nearly 30 years of work in the construction industry I found myself laid off.

“I had completed the degree program, but had the experience and enough credits for a 2-year degree in the industry. I had worked hard to establish a role of senior project manager on a construction project; yet without that degree, most companies will not even give me a call.

“It is my hope that this idea not only heightens the concern of veterans, but sheds light on the college industry’s business model that keeps people forever pursuing degrees that, despite their personal changes, nothing changes. Thanks again.” Former sergeant, United States Marine Corps, Robert Green.

“Congressman, I am currently a government contractor and a contract specialist at the 505th Training Squadron at Hurlburt Field, Florida. We’re undergoing a Research Management Decision, RMD 802, which includes the realigning of resources for fiscal year 2010 and 2014 to decrease funding for contract support and increase funding for approximately 33,500 new civilian manpower authorizations, 10,000 of which are for the defense acquisition workforce.

“I and three other 30-percent-or-more disabled veterans are being replaced by workers and will be terminated from employment effective the 25th of February, 2011. All three of us have served our country for over 20 years and have been an integral part of the 560th Combat Training Squadron for years. It’s going to be difficult to find work because of our age and our disabilities.

“I myself, having young children and limited opportunities for work, find myself wondering if everything that I have worked for and the American Dream of keeping my house and putting my kids through college has now become a nightmare. Thanks for promising to post the veterans’ resumes. And I believe that even though you’re not promising jobs, at least you’re trying to use your authority to help the right of our Nation’s veterans.” Mr. Tracy L. Palmer—put his life on the line for the United States of America. The least we can do is try and find Mr. Palmer a job.

“Good evening. My name is Thomas Gaddis. I recently read an article about this program in the Marine Times. I served in the Marine Corps from 2001 to 2002 before receiving a medical discharge. I was separated after having a seizure disorder. During my time in the Corps I served as a middle class servant, and worked a complex entry control point while serving in Iraq in 2007. I’ve been searching for a job for over 1 year now, and my family and I recently relocated to Okinawa, Japan, where the job search still continues.

“I would like to thank you for starting this program. There are so many veterans out there that can be productive members of our society. If the Congress of the United States would just find something for them to do.”

Out of respect for your resume, which is going into the CONGRESSIONAL RECORD tonight, my hat is off to you, Thomas Gaddis. We’re going to do what we can to try and find you a job.

“I served as an active duty member, full time, in the 111th Fighter Wing of the Pennsylvania Air National Guard for over 20 years, Mr. Speaker, as an ordnance mechanic. I took advantage of the VA programs after retiring in 2000 to start a second career in the information technology field. I applied to all technology positions at a local VA medical center as they were available. Application was not even considered. I never gave up and tried for at least 10 more years.

“In my last job, I was making $44,000, but it was just enough for the both of us. Now I am forced to tell potential employers I will take a minimum of $15 per hour just to get interviewed. I see American companies wallowing in their greed, Mr. Speaker, to outsource jobs to other countries because it’s cheaper, and that’s what we’re getting into, cheap products instead of investing in the talents and the skills and the knowledge of the American worker. This has to stop somewhere. “Respectfully yours, Pasquale Filoromo, TSgt United States Air Force, retired.”

They go on and on and on.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to submit extraneous materials for the RECORD relating to the subject of this Special Order, including the names of these veterans that I specifically offered tonight.

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

There was no objection.

JOHN M. BRIDGES
(817) 846-9080

Profile:

Professional history:

Areas of expertise:

Innovative, resourceful and inventive with an extra-ordinary ability to identify opportunities, make things happen, and consistently achieve goals and objectives.
installation support, as well as customer information, documentation, and training. Completed all Do-EMS application installations for the CCMP equipment for the Verizon area.

GSM HLR Subject Matter Expert for Readiness group, responsible for implementing and advising staff’s and training for knowledge base to co-workers and customers to ensure satisfaction of quality and service. Coordinated work activities for 6 different HLR’s and 46 voice switches in absence of the Implementation Prime. Assisted with provisioning of equipment as well as monitoring of sites including resolution of difficult or non-existent procedures.

On-site Team Leader/Prime for HLR 200 commissioning and installation on over 30 HLR sites for Cingular Wireless, T-Mobile, and AWS.

NSN Prime for coordinating FP Decommissioning on HLR103’s for three major market customers as well as over 120 different DMS-MSC’s. This in addition to completing the procedure to remove the software itself.

Completed SDM-FT upgrades on various customer sites from GSM 10.1 to GEM12. GEM16 to GEM17 including software and CPU card upgrade, SBA applications, and associated paperwork.

Completed all NI acceptance testing requirements for iDEN CDMA and GSM DMS-MSC customers assigned within acceptable parameters and limits.

SPRINT PCS, Trouble Management Team Leader, Ft. Worth, Texas—Promoted rapidly to Team Leader. A position involving the utilization of knowledge of all other departments within the organization as well as a proven ability to interact with the general public. Combined proven market cognizance with a practiced business sense.

Coordinated efforts of 30 team members, as well as other department personnel, to fully understand all aspects of the telecommunications industry. Exercised planning, controlling and organizing skills to set priorities and determine the correct handling of difficult activities, report and resolution of network transmission issues.

THE ASSOCIATES, Customer Service Advocate, Irving, Texas—Contributed vision, planning and interpersonal expertise crucial to organizational efficiency and business growth.

Military service:


Managed up to 80 enlisted personnel and more than 300 volunteers in settings that ranged from a one-person office to a five-state directorate.

Chief in charge of Radio Communications aboard ships, which included acting as ship’s CMS custodian. Responsible for all UHF, HF, and Satellite communications.

Provisioned physical security for all assigned stations as well as electronic security to prevent unauthorized access to classified material.

Held a Top Secret Clearance for over 20 years.

Education:

Bachelor in Business Administration, Northern Arizona University—GPA 3.47, Management/Computer Information Management

ROBERT G. GREEN

Cell 480-297-4103, Scottsdale, AZ, rggreen@qwest.net

Profile:

Multi-project management—More than 14 years of successful management of small and large scale, complex construction projects, with a proven record of completing projects on time and to the client’s satisfaction. This encompasses schools, healthcare, warehouse, high rise, private and public sectors. My Completed Construction Dollar Volume Ranged from $500,000 to $100 Million.

Communication—Reputable as a confident leader with strong interpersonal and written communication skills that provides foundation for successful collaboration with architects, engineers, building officials, management and owners.

Safety—Experienced in developing projects specific to incorporate quality control specifications, OSHA safety standards and regulatory compliance to prevent accidents. Programs regularly exceeded and governing authorities’ expectations.

Leadership—Proven leadership ability to mentor project engineers and directly manage many projects and efforts of project workers in support of various aspects of the project. Leadership qualities include, honesty, integrity, and a commitment to safety.

Experience and achievements:


McCarthy Building Companies, Inc., 6/2003–10/2008, Project Manager—Employed as a Project manager for the Small Projects division, over the first assignment was the project manager for a large scale, high-profile LEED Green project with involvement from Preconstruction through completion. Performed tasks such as pre-construction schedule development, scope development, contract administration, constructability reviews, contractor coordination, and implementation of quality control and safety standards, damage assessments, generated daily activity reports, and monitored overall project flow. Upon completion developed multi-project skills as project manager for the Small projects division managing multiple school projects during the same period of time.

KSL Development, 9/2002–5/2003, Owners Representative—Responsible for advising the owner of all major construction issues, budget and schedule variances, and quality concerns during the construction of a ballroom and parking structure. Monitored the construction process as operations for the existing facility continued, including but not limited to requests for information, requests for change orders, contractor payment requests, testing, inspections, coordinated work stoppages with Resort events schedule, permitting and occupancy status, commissioning, close-out and turn over to operations management.

Target General, Inc., 1997-7/2002, Project Manager—Projects include a big box combo site, public library and community center, community college and elementary school.

Qualifications:

Project Manager Training Seminar McCarthy

Advanced Project Manager McCarthy OSHA 10 hour Safety Course

Red Cross CPR & First Aid Certified

Maricopa County Dust Control Compliance

LEED Certified Project Completed Certificate Of Crane Safety Trained

Certification as a journeyman Steam fitter Combat Engineer, USMC SGT.

PV–100 NABCP Certified

Completed PMP Training awaiting test

Work history—Projects:


6/2003–10/2008, Project Manager, McCarthy Building Companies, Inc.: Holdeman and Thew Elementary Schools—60,000 SF each Cost—$9.5 million each; Scales Elementary School—65,000 SF Cost—$2.9 million; Pilgrim Rest Wellness Center—38,000 SF Cost—$4.5 million; ASU Foundation Fulton Center—100,000 SF Cost—$35.5 million.

2/2002–5/2003, Owners Representative, KSL Development at the Arizona Biltmore (constructed by Hunt Const.)

1999–2002, Project Manager, Target General, Coconino County Community College, Flagstaff Cost—$27 Million; Peoria 25, Zuni Hill K-4, 208,000 SF Cost—$9.2 Million; Fountain Hills Library and Community Center, 55,000 SF Cost—$4.5 Million; Wal-mart Superstore. 268,000 SF Retail store Cost—$26 Million; Sam’s $6 Million; Valley Club, 135,000 SF Wholesale warehouse—Cost—(see above); Offices at Raintree, 11 building office park Cost—$8 Million.

1995–1999, Project Manager, Huber, Hunt & Nichols, Inc.: Anaasazi Office Park and Parking Garage, 110,000 SF office building and 100,000 SF parking garage. Cost—$7.5 Million; Medallic 1, Phase I Ambulatory Care Addition, 180,000 SF Cost—$29 million.

TRACY L. PALMER

reta@3@yahoo.com, 504 Rowan Circle, Crestview, FL 32536, H: (850) 758-0558.

Objective:

Seeking a challenging position with your Professional Business Unit

Summary of Qualifications and Career Highlights:

Twenty-three years of progressively responsible supervisory and technical experience while on active duty with the United States Air Force.

Secret security clearance NACLC as of October 15, 2007

Controlled Area Monitor, Security Monitor, Communication Security (COMSEC) custodian, Records Manager, Cost Estimate Coordinator, Office Manager, Database Manager, Training Instructor, Maintenance Coordinator, Project Manager.

Strong working background with Department of Defense Manuals, Regulations and Technical Orders

Knowledge of all Microsoft Office products

A.S. Degree, Information Systems Technologies, Community College of the Air Force

Currently enrolled in Northwest Florida State University pursuing a Computer Information Administration Degree

Professional Experience & Career Highlights:

Professional Experience:

11/2009, Professional Control Force Controller, TYONEK Compound, 585th Combat Training Squadron, 585th Command and Control Wing, Hurlburt Field, Florida—Provides air operations data through the Theater Battle Management Core System (TBMCs) and Air War Simulator (AWSIM) to the Air Operations Center (AOC) Joint Force Air Control Center (JFACC) as a simulated Wing Operations Center (WOC) controller during joint training events and experiments.

2008-present, written reports using the Theater Battle Management Core System (TBMCs) information operation communication tool to close air support/strike, intelligence surveillant, tank/air and air defense controllers through all phases of joint exercise training.
Provided command and control statistical forecasts and budget for the command post
Developed and implemented corrective action plans
Maintained a safe environment and created an atmosphere that had zero tolerance for sexual harassment
Ensured that all detainees were provided their constitutional rights with special concern for legal, medical and mental health issues
Developed and implemented a Home Detention Monitoring system that was used in two counties to track at risk youths
Provided supervision of a 24/7 operating United States Air Force command center directed over command, control, communication and information support to all agencies

LEAVE OF ABSENCE
By unanimous consent, leave of absence was granted to:
Mr. REYES (at the request of Ms. PELOSI) for today and the balance of the week on account of illness in the family.

ADJOURNMENT
Mr. JACKSON of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o’clock and 56 minutes p.m.), the House adjourned until tomorrow, Friday, March 11, 2011, at 9 a.m.
REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LEVIN (for himself, Mr. RAN-DEL, Mr. STARK, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NOLAN, Mr. BOSCHERT, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. KING, Mr. PASCHEN, Ms. BERKLEY, and Mr. CROWLEY):

H.R. 992. A bill to amend the Internal Revenue Code of 1986 to create jobs through increased investment in infrastructure, and for other purposes; to the Committee on Ways and Means.

By Mr. FLORES (for himself, Mr. BOLSTADT, Mr. BROWN, Mr. MENDOZA, Mr. LANDY of Texas, Mr. OLSON, Mr. GOHMERT, Mr. BRADY of Texas, Mr. HALL, Mr. CASSIDY, Mr. PIERCE, Mr. SMITH of Texas, Mr. HARPER, and Mr. PALAZZO):

H.R. 993. A bill to extend outer Continental Shelf leases to accommodate permitting for the development of offshore energy resources; to provide new drilling and safety requirements; to the Committee on Natural Resources.

By Mr. REHBERG:

H.R. 994. A bill to require Congress to lead by example and freeze its own pay for a fiscal year unless the Federal government did not run a deficit in the previous fiscal year; to the Committee on Oversight and Government Reform, and in addition to the Committee on Oversight and Government Reform, for a period

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. REHBERG (for himself, Mr. LANDY, Mr. BECERRA, Mr. PASCHEN, Ms. BERKLEY, and Mr. CROWLEY):

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By Mr. FLORES (for himself, Mr. BOSTADT, Mr. BROWN, Mr. MENDOZA, Mr. LANDY of Texas, Mr. OLSON, Mr. GOHMERT, Mr. BRADY of Texas, Mr. HALL, Mr. CASSIDY, Mr. PIERCE, Mr. SMITH of Texas, Mr. HARPER, and Mr. PALAZZO):

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REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 658. A bill to amend title 49, United States Code, to authorize appropriations for the Federal Admin- istration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other pur- poses; with an amendment; referred to the Committee on the Judiciary for a period ending not later than March 23, 2011, for consider- ation of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(i), rule X.
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. CARNAHAN (for himself and Mr. Rogers of Michigan): H.R. 995. A bill to improve transportation safety, efficiency, and operations; to the Committee on Transportation and Infrastructure.

By Mr. MCGOVERN (for himself, Mr. Issa, and Mr. Bost): H.R. 996. A bill to limit the use of cluster munitions; to the Committee on Armed Services.

By Mr. KING of Iowa (for himself, Mr. Gotfried, Mr. Jones, Mr. Turner, Mr. Ross of Florida, Mr. Westmoreland, Mr. Bachmann, Mr. Posey, Mr. Broun of Georgia, Mr. LaTourette, Mr. Wittman, Mr. Ro, Mr. Burton of Texas, Mrs. Blackburn, Mr. Long, Mr. Schrock, Mr. Coffman of Colorado, Mr. Buchanan, Mr. Mc Caul, Mr. Sam Johnson of Texas, Mr. Rokita, Mr. Tonko, Mr. Napolitano of Arizona, Mr. Nara, Mr. Tsongas, Mr. Norton, Mr. Van Hollen, Mr. Olver, Mr. Wasserman Schultz, Mr. Pallone, Mr. Waxman, Mr. Peterson, Ms. Pingree of Maine, Mr. Welch, Mr. Quigley, Ms. Woolsey, Mr. Richardson, Mr. Wu, Mr. Yarmuth, Mr. Cohen, Mr. Cummings, Ms. Eddie Bernice Johnson of Texas, Mr. Pascrell, Mr. Carson of Indiana, and Mr. Johnson of Georgia):

H.R. 997. A bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes; to the Committee on Education and the Workplace.

By Ms. SCHATZ (for herself, Mr. DeGette, Mr. Farr, Mr. Frank of Massachusetts, Ms. Lee of California, Mr. Lipinski, Mrs. Maloney, Mr. McCollum, Ms. Pingree of Maine, Ms. Woolsey, Mr. Honda of North Carolina, Mr. Serrano, Mr. Grijalva, Mr. George Miller of California, Mr. Stark, Mr. Payne, Mr. Waxman, Mrs. Capps, and Mr. Wiener):

H.R. 998. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PERULIS (for himself, Mr. Young of Alaska, Mr. Burton of Indiana, Mr. Towns, Mr. Faleomavaega, Mr. Serrano, Ms. Jackson Lee of Texas, Mr. Cleaver, Mr. Baca, Ms. Bordallo, Mr. Diaz-Balart, Mr. Grijalva, Ms. Wasserman Schultz, Mr. Sablan, and Mr. Gephardt):

H.R. 1000. A bill to amend title 10, United States Code, to increase the number of persons appointed to the military service academies from Puerto Rico from nominations made by the Resident Commissioner from Puerto Rico to nominations made by the Committee on Armed Services; to the Committee on Armed Services.

By Mr. McINTYRE:

H.R. 1001. A bill to amend title II of the Social Security Act to allow workers who attain age 65 in Federal fiscal year 1992 to choose either lump sum payments over four years totalling $5,000 or an improved benefit computation formula under a new 10-year rule governing the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes; to the Committee on Ways and Means.

By Ms. LOFGREN of California (for herself, Mr. Frank of Arizona, Mr. Smith of Texas, Mr. Cohen, Mr. Cole, Mr. Gutierrez of Texas, Mr. Sensenbrenner, Mr. Hall, Mr. Rogers of Kentucky, Mr. Ackerman, Mr. Barton of Texas, Mr. Hall, Mr. Stearns, Ms. Eshoo, Ms. Gene Green of Texas, Mr. Gutierrez, Mr. Hastings of Florida, Mr. Holden, Ms. Eddie Bernice Johnson of Texas, Mr. King of New York, Mr. Maloney, Mr. Roybal-Allard, Mr. Royce, Mr. Thompson of Mississippi, Mr. Lucas, Mr. Doggett, Mr. Doyle, Mr. Frelinghuysen, Mr. Jones, Mr. Latham, Mr. LoBiondo, Mrs. Myrick, Mr. Wij Hathaway of Texas, Mrs. McCarthy of New York, Mr. McGovern, Mr. Pascrell, Mr. Pitts, Mr. Rothman of New Jersey, Ms. Low-RETTA SANCHEZ of California, Mr. Nal, Mr. Shimkus, Mr. Meeks, Mrs. Bono Mack, Mr. Brady of Pennsylvania, Mr. Issler, Mr. Chaabut, Mr. Biggs, Mr. Holt, Mr. Simpson, Mr. Weiner, Mr. Crenshaw, Mr. Culhern, Mr. Graves of Missouri, Mr. Israel, Mr. Matheson, Mr. Platts, Mr. Riehberg, Mr. Rogers of Michigan, Mr. Ross of Arkansas, Mr. Tiberi, Mr. Forbes, Mr. Wilson of South Carolina, Mr. Sullivan, Mr. Alexander, Mr. Bers, Mr. Bost, Mr. Bower, Mr. Boucher, Mr. Burns, Mr. Carson of Indiana, Mr. Carper, Mr. Cole, Mr. Garrett, Mr. Grijalva, Mr. King of Iowa, Mr. Klein, Mr. Murphy of Pennsylvania, Mr. Ryan of Ohio, Mr. David Scott of Georgia, Mr. Boren, Mr. Boustany, Mr. Conaway, Mr. Costa, Mr. Dent, Ms. Foxx, Mr. McCaul, Mrs. McMorris Rodgers, Mr. Mack, Mr. Marchant, Mr. Poe of Texas, Mr. Reichert, Ms. Schwartz, Mr. Westmoreland, Ms. Matsui, Mr. Sires, Mrs. Bachmann, Mr. Heller, Mr. Jordan, Mr. McMiller, Mr. Smith of Nebraska, Mr. Richardson, Mr. LaTourette, Ms. Murphy, Mr. Scalise, Mr. Scalise of Louisiana, Mr. Goodlatte, Mr. Fleming, Ms. Myrick, Mr. Rigell, Mr. Harris, Mr. Johnson of Ohio, Mr. West, Mr. Walberg, and Mr. Bradley):

H.R. 1002. A bill to provide a state or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 1003. A bill to amend title 10, United States Code, to authorize spouses and dependents of such members and former members of a reserve component, former members of a reserve component, to authorize all available military aircraft for reserve members, former members of a reserve component, and unremarried surviving spouses and dependents of such military personnel; to the Committee on Armed Services.

By Mr. BOUSTANY (for himself, Mr. Larson of Colorado, Mr. Paulsen, Mr. Johnson of Illinois, Mr. Paulsen, Mr. Boehner, Mr. Boozman, Mr. Boswell, Mr. Buck, Mr. McCaul, Ms. McMorris Rodgers, Mr. Mica, Mr. Rogers of Texas, Ms. Blackburn, Mr. Boyarsky, Mr. Bost, Mr. Boozman, Mr. Joyce, Mr. Moats, Mr. Napolitano of Arizona, Mr. Nara, Mr. Tsongas, Mr. Norton, Mr. Van Hollen, Mr. Olver, Mr. Wasserman Schultz, Mr. Pallone, Mr. Waxman, Mr. Peterson, Ms. Pingree of Maine, Mr. Welch, Mr. Quigley, Ms. Woolsey, Mr. Richardson, Mr. Wu, Mr. Yarmuth, Mr. Cohen, Mr. Cummings, Ms. Eddie Bernice Johnson of Texas, Mr. Pascrell, Mr. Carson of Indiana, and Mr. Johnson of Georgia):

H.R. 1004. A bill to amend the Internal Revenue Code of 1986 to increase the current level of medical flexible spending arrangements; to the Committee on Ways and Means.

By Mr. BOUSTANY (for himself and Mr. Neal):

H.R. 1005. A bill to amend title XVIII of the Social Security Act to preserve access to ambulatory surgical care under the Medicare program; to the Committee on Energy and Commerce, and in addition to the Committee on
Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana (for himself, Mr. GARRETT, Mr. LAMBORN, Mr. WALSH of Illinois, Mr. TIBERI, Mr. SORDILLO, Ms. ROSE, Mr. LEHTINEN, Mr. MCKINLEY, Mr. ROSS of Florida, Mr. CHABOT, Mr. POMPEO, and Mr. GRIMM):

H.R. 1049. A bill to recognize Jerusalem as the capital of Israel, to relocate to Jerusalem the United States Embassy in Israel, and for other purposes; to the Committee on Foreign Affairs.

By Ms. CLARKE of New York:

H.R. 1007. A bill to amend the Homeland Security Act of 2002 to establish an appeal and redress process for individuals who are screened against the terrorist watchlist and wrongly delayed or prohibited from boarding a flight, or denied a right, benefit, or privilege, and for other purposes; to the Committee on Homeland Security.

By Mr. DUNCAN of Tennessee:

H.R. 1010. A bill to authorize the conveyance of a small parcel of National Forest System land in the Cherokee National Forest and to authorize the Secretary of Agriculture and Related Agencies, from that conveyance to acquire a parcel of land for inclusion in that national forest, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ESHOO (for herself, Mr. SHINKS, and Mr. DOYLE):

H.R. 1009. A bill to amend the Communications Act of 1934 to authorize 3 or more Commissioners of the Federal Communications Commission to hold nonpublic collaborative discussions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FORBES:

H.R. 1014. A bill to provide for expedited consideration by the Supreme Court of certain actions challenging the constitutionality of certain provisions of the Patient Protection and Affordable Care Act; to the Committee on the Judiciary.

By Mr. HASTINGS of Washington (for himself, Mrs. MCNORRIS ROGERS, Mr. LOWEY, and Ms. BRITTLE):

H.R. 1011. A bill to amend the Internal Revenue Code of 1986 to allow tax-exempt bond financing for fixed-wing emergency medical aircraft; to the Committee on Ways and Means.

By Ms. HERRERA BEUTLER:

H.R. 1012. A bill to provide for a 10 percent reduction in the number of members of Congress, the President, and the Vice President; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, 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. KEATING:

H.R. 1013. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to provide the New England Fishery Management Council additional resources to address research and monitoring priorities identified by the Council; to the Committee on Natural Resources.

By Mr. LATTA (for himself, Mrs. MCNORRIS ROGERS, Ms. KAPUR, and Mr. LUCAS):

H.R. 1014. A bill to amend title 10, United States Code, to recognize the dependent children of members of the Armed Forces who are serving on active duty or who have served on active duty through the presentation of an official lapel button; to the Committee on Natural Resources.

By Ms. LEE of California (for herself, Mr. JOHNSON of Georgia, and Ms. SPEIER):

H.R. 1015. A bill to provide for the honorary promotion of Charles Young to the grade of brigadier general in the United States Army; to the Committee on Armed Services.

By Ms. LEE of California:

H.R. 1016. A bill to measure the progress of relief, recovery, reconstruction, and development efforts following the earthquake of January 12, 2010, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MARKEY (for himself, Mr. OWENS, Mr. WELCH, Ms. DELAUBRO, and Mrs. CAPPS):

H.R. 1017. A bill to provide for the sale of light grade petroleum from the Strategic Petroleum Reserve and its replacement with refined petroleum product; to the Committee on Energy and Commerce.

By Mr. NUNES (for himself and Mr. CROWLEY):

H.R. 1018. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for mortgage insurance premiums; to the Committee on Natural Resources.

By Mr. ROONEY (for himself and Mr. HUNTER):

H.R. 1019. A bill to ensure that members of the Armed Forces and civilian employees of the Department of Defense who were killed or wounded in certain attacks in 2009 and 2011 directed at members or employees out of the line of combat zones treated in the same manner as members and employees who are killed or wounded in combat zones; to the Committee on Armed Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SABLAN (for himself, Mr. FALOMAYVARA, Mrs. CHRISTENSEN, and Mr. BIELD):

H.R. 1020. A bill to amend the Energy Policy Act of 2005 to include American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands in certain efforts to reduce diesel emissions; to the Committee on Energy and Commerce.

By Mr. SMITH of Texas (for himself, Mr. COHEN, Mr. COBLE, and Mr. CONVYER):

H.R. 1021. A bill to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts; to the Committee on the Judiciary.

By Ms. SPEIER (for herself, Mr. AUSTIN HUGHES, Mr. BURDALL, Mr. BUTTERFIELD, Mr. CONVYER, Mr. FARR, Mr. AL GREEN of Texas, Mr. JACKSON of Illinois, Mr. JACKSON of Texas, Mr. LIEZ of California, Mr. LEWIS of Georgia, Ms. ZOE LOFLOREN of California, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Ms. MOORE, Mrs. NAPOLITANO, Mr. RANGEL, Mr. REYNS, Mr. SHERMAN, Mr. THOMPSON of Mississippi, Ms. ESHOO, and Ms. CLARKE of New York):

H.R. 1022. A bill to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes; to the Committee on Natural Resources.

By Mr. THORNBERRY:

H.R. 1023. A bill to provide for equal access to COBRA continuation coverage; to the Committee on Education and the Workforce.
and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITFIELD (for himself and Mr. POLIS):
H.R. 1030. A bill to amend the Energy Employees Occupational Illness Compensation Act of 2000 to establish the Advisory Board on Toxic Substances and Worker Health for the contractor employee compensation program under subtitle E of such Act; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON LEE of Texas (for herself, Mr. CLEAVER, Mr. MEEKS, Mr. BROWY of Florida, Mr. GONZALEZ, Ms. EDDIE BERNEK J ohnson of Texas, Ms. LEE of California, Ms. FUDGE, Mr. JACKSON of Illinois, Mr. MURPHY of New York, Mr. CARSON of Indiana, Ms. SPEIER, Mr. ELLISON, Ms. CHU, Mr. RICHMOND, Ms. WARNER, Ms. MOORE, Ms. RICHARDSON, and Mr. AL GREEN of Texas):
H. Res. 160. A resolution honoring the 50th anniversary of the Houston Forward Times; to the Committee on Oversight and Government Reform.

By Mr. CROWLEY (for himself and Mr. King of New York):
H. Res. 161. A resolution honoring the 250th anniversary of New York’s St. Patrick’s Day parade; to the Committee on Oversight and Government Reform.

By Rep. MATT M. "MIKE" COLE:
H. Res. 162. A resolution expressing the sense of the House of Representatives that the constitutional authority on which this legislation is enacted is provided by Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. POLIS:
H. Res. 164. A resolution expressing the condolences of the House of Representatives to the people of the Islamic Republic of Pakistan upon the assassination of Shahbaz Bhatti, a Pakistani politician and human rights activist who courageously advocated for religious freedom and tolerance in Pakistan and calling on the United States to renew its efforts with international partners, such as the Human Rights Council and the United Nations General Assembly to promote religious freedom and tolerance in accordance with international human rights standards; to the Committee on Foreign Affairs.

CONSTITUTIONAL AUTHORITY STATEMENT
Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enable an accompanying bill or joint resolution.

By Mr. LEVIN:
H.R. 992. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3 of the Constitution of the United States.

By Mr. REHBERG:
H.R. 994. Congress has the power to enact this legislation pursuant to the following:
Clause 1 of Section 6 of Article I of the Constitution which states: “The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States;” and Clause 1 of Section 1 of Article I which states: “All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.”

By Mr. CARNAHAN:
H.R. 995. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3, the Commerce Clause.

By Mr. MCGOVERN:
H.R. 996. Congress has the power to enact this legislation pursuant to the following:
The Constitution’s instruction “to provide for the common defense;” and under Article I, Section 8, the clause stating, “To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”

By Mr. KING of Iowa:
H.R. 997. Congress has the power to enact this legislation pursuant to the following:
The Constitution’s instruction “to provide for the common defense;” and under Article I, Section 8, the clause stating, “To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”

By Mr. YOUNG of Alaska:
H.R. 998. Congress has the power to enact this legislation pursuant to the following:
Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enable an accompanying bill or joint resolution.

By Ms. SCHAKOWSKY:
H.R. 999. Congress has the power to enact this legislation pursuant to the following:
The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clause 3), which grants Congress the power to regulate commerce among the several states.

By Mr. PIERLIS:
H.R. 1000. Congress has the power to enact this legislation pursuant to the following:
The constitutional authority on which this bill rests is the power of the Congress to raise and support Armies, as enumerated in Article I, Section 8, Clause 12 of the United States Constitution, and to make all laws which shall be necessary and proper for carrying into execution such power as enumerated in Article I, Section 8, Clause 18 of the Constitution.

By Mr. McIntyre:
H.R. 1001. Congress has the power to enact this legislation pursuant to the following:
Section 5 of the 14th Amendment to the Constitution and Congress’ plenary power under Article I, Section 8, Clause 3 of the Constitution (commonly known as the “commerce clause”), in order to ensure that States and political subdivisions thereof do not discriminate against providers and consumers of mobile services by imposing new selective and excessive taxes and other burdens on such providers and consumers.

By Mr. YOUNG of Alaska:
H.R. 1003. Congress has the power to enact this legislation pursuant to the following:
The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for carrying out the foregoing powers.

By Mr. BOUSTANY:
H.R. 1004. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause I: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Sixteenth Amendment: The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

By Mr. BOUSTANY:
H.R. 1005. Congress has the power to enact this legislation pursuant to the following:
Clause 3 of Section 8 of Article 1 of the Constitution.

Clause 3 of Section 8 of Article 1 of the Constitution.
By Mr. BURTON of Indiana:
H.R. 1006.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8, Clause 14 and 18.
By Ms. CLARKE of New York:
H.R. 1007.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8 of the United States Constitution.
By Mr. DUNCAN of Tennessee:
H.R. 1008.
Congress has the power to enact this legislation pursuant to the following:
The constitutional authority of Congress to enact this legislation is provided by Article 1, Section 8 of the United States Constitution, particularly Clause 1 (relating to the power of Congress to provide for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).
By Ms. ESHTO:
H.R. 1009.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Article IV, Section 3.
By Mr. FORBES:
H.R. 1010.
Congress has the power to enact this legislation pursuant to the following:
Article III, Section 2, Clause 2.
By Mr. HASTINGS of Washington:
H.R. 1011.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1—The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts, and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.
By Ms. HERRERA BEUTLER:
H.R. 1012.
Congress has the power to enact this legislation pursuant to the following:
Congress is required by Article I, Section 6, of the Constitution to determine its own pay. This legislation is also consistent with the Tenth-Seven Amendment of the Constitution.
By Mr. KEATING:
H.R. 1013.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the United States Constitution.
By Mr. LATTA:
H.R. 1014.
Congress has the power to enact this legislation pursuant to the following:
This resolution is enacted pursuant to Article I, Section 8, Clause 1 of the United States Constitution.
By Ms. LEE of California:
H.R. 1015.
Congress has the power to enact this legislation pursuant to the following:
This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.
H.R. 1016.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the United States Constitution, as clarified and interpreted by the Supreme Court of the United States.
By Mr. MARKS:
H.R. 1017.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18 and Article I, Section 8, Clause 14.
By Mr. NUNES:
H.R. 1018.
Congress has the power to enact this legislation pursuant to the following:
Clause 1 of Section 8 of Article I of the Constitution of the United States.
By Mr. ROONEY:
H.R. 1019.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 (Clauses 12, 13, 14, 16, 18) which grants Congress power to raise and support an army; provide and maintain a navy; to make rules for the government and regulation of the land and naval forces; to provide for the organizing, arming and disciplining the militia; and to make all laws necessary and proper for carrying out the foregoing powers.
By Mr. SABLAN:
H.R. 1020.
Congress has the power to enact this legislation pursuant to the following:
Under Article I, Section 8, Clause 3 and Article IV, Section 2 of the Constitution.
By Mr. SMITH of Texas:
H.R. 1021.
Congress has the power to enact this legislation pursuant to the following:
The power of Congress to create inferior federal courts pursuant to Article III, Section 1. The power of Congress to enact uniform bankruptcy laws pursuant to Article I, Section 8.
By Ms. SPEIER:
H.R. 1022.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8. Congress shall have the power to regulate commerce among the states, and provide for the general welfare.
By Mr. THORNBERRY:
H.R. 1023.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the United States Constitution.
By Ms. TSONGAS:
H.R. 1024.
Congress has the power to enact this legislation pursuant to the following:
Clause 1 of Section 8 of Article I of the United States Constitution.
By Mr. WALZ of Minnesota:
H.R. 1025.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.
By Ms. WATERS:
H.R. 1026.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 7. The Congress shall have power to make all laws which shall be necessary and proper for carrying out the foregoing powers.
By Mr. WEINER:
H.R. 1027.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 13.
By Mr. WEINER:
H.R. 1028.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3 of the United States Constitution.
By Mr. WHITFIELD:
H.R. 1029.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18 of the United States Constitution.
By Mr. WHITFIELD:
H.R. 1030.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18 of the United States Constitution.

ADDITIONAL SPONSORS
Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:
H.R. 3: Mr. Rooney and Mr. Riehberg.
H.R. 27: Mr. Pastor of Arizona.
H.R. 35: Mr. Hueskamp and Mr. Hyroger.
H.R. 68: Mr. Hensarling.
H.R. 104: Mr. Clarke of Michigan.
H.R. 122: Mr. Huelksamp and Mr. Herger.
H.R. 174: Ms. Clarke of New York, Mrs. Christensen, Ms. Richardson, Mr. Richmond, Mr. Davis of Illinois, and Mr. Keating.
H.R. 198: Mr. Sessions and Ms. Hirono.
H.R. 217: Mr. Riehberg.
H.R. 218: Mr. Sahlan.
H.R. 219: Mr. Posey.
H.R. 283: Mr. Tsongas.
H.R. 276: Mr. Carter.
H.R. 280: Mr. Gary G. Miller of California.
H.R. 308: Mr. Richserrny, Ms. Clarke of New York, and Ms. Hanabara.
H.R. 365: Mr. Nune.
H.R. 399: Mr. Stark.
H.R. 412: Ms. Herrerra Beutter.
H.R. 432: Mr. Fars.
H.R. 440: Mr. Payne, Mr. Hastings of Florida, and Ms. Noet.
H.R. 459: Mr. Marchant, Mr. Wilson of South Carolina, Mr. Gosar, Ms. Berkley, Mr. Schock, Mr. Flack, and Mr. Lat.
H.R. 453: Mr. Lamborn and Mr. Sam Johnson of Texas.
H.R. 459: Mr. Rible, Mr. Stuttman, Mr. Sam Johnson of Texas, and Mr. Schader.
H.R. 469: Mr. Welch, Mr. McIntyre, and Mrs. Miller of Michigan.
H.R. 470: Mr. Royce.
H.R. 471: Mr. Ross of Florida and Mr. Neuberg.
H.R. 413: Mr. Duncan of South Carolina and Mr. Wilson of South Carolina.
H.R. 515: Mr. Cohen, Mr. Hastings of Florida, Mr. Doughett, and Mr. McIntyre.
H.R. 547: Ms. Hayworth.
H.R. 548: Mr. Stuttman and Mr. Sam Johnson of Texas.
H.R. 544: Mr. Eshto.
H.R. 606: Mr. Gardner and Mr. Pitts.
H.R. 610: Mr. Micah.
H.R. 623: Mr. Moran.
H.R. 625: Mr. Kissel.
H.R. 639: Mr. Gryffith of Virginia, Mr. Royal, Mr. Ross of Arkansas, and Mr. Schader.
H.R. 651: Mr. Frank of Massachusetts, Mr. Garamendi, Ms. Hirono, Ms. Jackson Lee of Texas, Ms. Pingree of Maine, Mr. Nadler, and Ms. Kaptur.
H.R. 665: Mr. Pitts, Mr. Schock, Mr. Rokita, and Mrs. Hartzer.
H.R. 574: Ms. Jenkins, Ms. Hayworth, Mr. Baldwin, and Mr. Chaffetz.
H.R. 592: Mr. Baca and Ms. Foxx.
H.R. 704: Mr. Shuler, Mr. Lamborn, Mr. Carter, and Mr. Rooney.
H.R. 714: Mr. Gary G. Miller of California.
H.R. 740: Mr. Ross of Florida and Mr. Polis.
H.R. 745: Mr. Pompeo, Mr. Bishop of Utah, Mr. Hensarling, Mrs. Adams, and Mr. Laxa.
H.R. 747: Mr. Liu.
H.R. 749: Mr. Kind.
H.R. 750: Mrs. Bachmann and Mr. Westmoreland.
H.R. 751: Ms. Bass of California, Mr. Berman, Mr. Payne, and Mr. Levin.
H.R. 754: Mr. Ross of Arkansas, Mr. Westmoreland, Ms. Jenkins, Mrs. Emerson, and Mr. Loebbke.
H.R. 758: Mr. Watt.
H.R. 759: Mr. Alexander, Mr. Platffts, Mrs. Capito, Mr. Kline, Mr. Davis of Kentucky, Mr. Duncan of South Carolina, and Mr. Wilson of South Carolina.
H.R. 816: Mr. Raskin.
H.R. 822: Mr. Gene Green of Texas, Mr. Wittman, and Mr. Harris.
H.R. 826: Mr. Olson, Mr. Gene Green of Texas, and Mr. Kissell.
H.R. 843: Mr. Loebbke, Mr. Shuler, Mr. Costello, and Mr. Peterson.
H.R. 849: Mr. Gohmert, Mr. King of Iowa, and Mr. Burton of Indiana.
H.R. 850: Mr. Chaffetz, Mr. Sires, and Mr. Faleomavaega.
H.R. 865: Mr. Boswell, Mr. Bracey of Iowa, Mr. Courtney, Mr. Filner, Mr. Lamborn, Mr. McGovern, Mr. Michaud, Mr. Bilirakis, Mr. Brown of Florida, Mr. Connolly of Virginia, Mr. Gonzalez, Mr. King of Iowa, Mr. Loebbke, Mr. Runyan, Ms. Brown of Florida, Mr. Holden, Mr. Ross of Arkansas, Mrs. Christensen, Ms. Roybal-Allard, Mr. Faleomavaega, Mr. Rahall, Mr. Larson of Connecticut, Mr. Blumenauer, Ms. Sutton, Mrs. Davis of California, Mr. Price of North Carolina, and Mr. McNearney.
H.R. 873: Mr. Sam Johnson of Texas.
H.R. 883: Mrs. Maloney, Ms. Kaptur, and Mr. Ensign.
H.R. 885: Mr. Upton and Mr. Carson of Indiana.
H.R. 896: Mr. Chabot and Mr. Rangel.
H.R. 903: Mr. Cole.
H.R. 909: Mr. Guinta, Mr. Manzullo, and Mr. Gohmert.
H.R. 916: Mr. Gardner, Mr. Sensenbrenner, Mr. Sam Johnson of Texas, Mrs. Schmidt, Mr. Walberg, and Mr. Camp.
H.R. 912: Mr. Moran and Mr. Fitzpatrick.
H.R. 923: Ms. Schakowsky, Ms. Bordallo, Mr. Schiff, and Mr. Posey.
H.R. 943: Mr. Grijalva, Mr. Rangel, Mr. Markey, and Mr. Hastings of Florida.
H.R. 952: Mr. Honda and Mr. Holt.
H.R. 973: Mr. Latta and Mr. McKinley.
H.R. 984: Mr. Hall, Mr. Posey, Mr. Duncan of Tennessee, Mr. McHenry, and Mr. Upton.
H.J. Res. 1: Mrs. Adams and Mr. Chaffetz.
H.J. Res. 2: Mrs. Norm.
H.J. Res. 47: Mr. Hastings of Florida.
The Senate met at 10 a.m. and was called to order by the Honorable Tom Udall, a Senator from the State of New Mexico.

PRAYER
The PRESIDING OFFICER. Today's opening prayer will be offered by the Reverend Joe Bates, Sr., from the Northwest Conference of the United Methodist Church of Alabama.

The guest Chaplain offered the following prayer:

Let us pray.

Eternal God, Father of all human-kind, we come before You with humble hearts to ask for Your blessings and guidance.

Pour out Your wisdom and discernment upon these elected representatives of Your people, and fill their hearts with peace and good will. Enable them, we pray, to practice just and merciful leadership that will bless and enhance the lives of all of our citizens.

We thank You, O God, for all the ways You have led us in the past. Bless us this day by helping us to walk in Your path of righteousness so that justice and peace may prevail in our Nation and in our world.

To You, dear God, we give our honor and our praise, even as we seek Your mercy, and we pray to You in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE
The Honorable Tom Udall led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Inouye).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 10, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Tom Udall, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, there will be a period of morning business until 2:15 p.m. today, with Senators permitted to speak for up to 10 minutes. At 10:30, Senator Moran will be recognized to speak for up to 15 minutes to deliver his maiden speech to the Senate. At 2:15 p.m., the Senate will proceed to executive session to consider the nomination of Max Oliver Cogburn, Jr., of North Carolina, to be U.S. District Judge for the Western District of North Carolina.

UNANIMOUS CONSENT AGREEMENT

Mr. President, I ask unanimous consent that there be a total of 45 minutes for debate on the nomination, with the provisions of the previous order remaining in effect, and that the vote on confirmation of the nomination occur at 3 p.m. today rather than at 2:30.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. As a result of the agreement just entered, there will be a vote on confirmation of the Cogburn nomination at 3 p.m. today.

Further, the Senate Small Business Committee reported S. 493, the SBIR and STTR Reauthorization Act of 2011. They did that yesterday, and we hope to begin consideration of that bill early next week.

ACTING TO STRENGTHEN THE ECONOMY

Mr. REID. Mr. President, it is time once again for us to get down to business. Yesterday’s budget votes didn’t bring us any closer to a conclusion, but it did bring to our minds a lesson, and it does that very clearly. That lesson is that one party alone will not reach a resolution without the other’s cooperation and consent.

We voted on the Republican budget proposal and on the Democratic budget proposal. Neither plan came close to the 60 votes needed to pass or even the 51 votes which would represent a majority of the Senate. But the exercise wasn’t in vain. We have demonstrated publicly and on the record that we know the answer lies somewhere in the middle. Now it is time to find that answer in a budget that will reflect our values, keep the country running, and create jobs.

I can speak only for my caucus when I say we accept the lessons of yesterday’s vote. We know we will have to make sacrifices to reach consensus, and we are willing to do that. Republicans have to be willing to move their position also. Perhaps they are willing to finally acknowledge that, given our deep debt, we can’t afford government giveaways to millionaires and oil companies making record profits. Both acknowledgments would help close the deficit gap. Both would be big pieces to the puzzle.

Perhaps Republicans are willing to offer more reasonable cuts that the Democratic caucus can support. By reasonable cuts, I mean cuts that don’t
arbitrarily kick Head Start students out of class or rob college students of their Pell grants—both cuts resoundingly rejected yesterday—and I mean cuts that don’t pull the plug on renewable energy jobs or cuts that fire thousands of workers at community health centers across the country. Americans should be willing to look at our country’s substantial budget and find cuts more worthy than those that would weaken law enforcement and border security to keep us safe. I hope they will.

I hope they will join Democrats in saving money by attacking waste, fraud, and abuse. I hope they will join us in making tough choices and avoiding the temptation to make counterproductive cuts. Let’s come together to cut in a way that strengthens our economy and doesn’t weaken our economy. Let’s cut in a way that makes our neighborhoods, our schools, and our borders stronger, not weaker.

As the negotiation process begins anew, I request my Republican friends that time is short. I also remind them that the deadline we face—a week from tomorrow—is the deadline they set. We didn’t set it. Democrats warned from the start that the process would take a month. Republicans would agree only to a period half as long as that—2 weeks. Those 2 weeks are up, as I said, next Friday.

So my message is this to my Republican colleagues: You set the deadline, and the responsibility of meeting it is as much yours as it is ours. Both parties also share a responsibility to be reasonable. So let’s get to work. We cannot negotiate this in the media. We cannot negotiate this if we are unwilling to give any ground. We cannot be stubborn and expect a solution. It is time to negotiate in good faith, it is time for all political posturing to end, and it is time for pragmatism, which is long overdue.

I would also say to my friends in the House, that the Senate has produced two very strong jobs bills. One is the FAA reauthorization, which is long overdue. That was a bipartisan bill. It passed overwhelmingly here in the Senate and would save or create 280,000 jobs—a pretty good step in the right direction. Just in the last 24 hours, we passed the patent reform bill. That will create 300,000 jobs. These two jobs bills need to be completed by the House of Representatives so we can send them to the President. These two jobs bills are important. The House should focus on jobs, not these arbitrary cuts they have been making. So I hope the House would right away work on the jobs bills that have already passed the Senate—patents and, of course, the FAA bill.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.
TRIBUTE TO DAVID BRODER

Mr. McCONNELL. Mr. President, sadly, we lost David Broder yesterday. A lot has been said in the last 24 hours about that distinguished journalist. I wish to add just a brief word of my own.

I will not pretend to have known him well, although we did talk from time to time over the years. I admired him greatly. One could not help but admire him, and a few things truly stand out. First of all, in a city that is full of people in a rush to make an impression, David was the guy who took the time to get to know people, and listen, and then get back to you, without bombast or pretense.

He wasn’t looking to make an impression as much as he was trying to do his job and to do it well. The notoriety, of course, took care of itself. He was a workhorse first and foremost—a reporter who seemed to enjoy the work more than any attention he got for it.

Everyone who ever worked with him seems to have a story about watching him knocking on doors while he was in his late seventies or earnestly listening to a Midwest voter out in the cold. It all points to a sort of sturdiness of purpose and to the old virtues of patience, fairness and hard work and a sense that other people’s opinions were at least as valuable as his own.

And to that a deep curiosity and thoughtfulness and a childlike appreciation for the mechanics of democracy, and we have a pretty good model for what political reporting is all about.

I hesitate to say he was conservative in temperament, if not in his politics, but that is what came through.

It became commonplace to say David Broder was the dean of American political reporters. But I think it is worth underscoring just how much — how much people meant by that. It doesn’t mean he was the most exciting guy in the room—he wasn’t. It doesn’t mean he had the most scoops—at least, I am not sure he did. I think what it means is that more than most reporters, he understood what people meant by the word ‘thoughtfulness.’

Broder was the dean of American journalism. Not in temperament, if not in his politics, but in thoughtfulness and a childlike appreciation for the mechanics of democracy, and we have a pretty good model for what political reporting is all about.

I yield the floor.

ENERGY

Mr. INHOFE. Mr. President, I was hoping to have a little bit more time, so I will cover this a little faster than I normally would. It is so critical.

I just got back from the Middle East, and I know the problems that are over there. A lot of people are saying the gas prices that are going up are a result, partially, of what is happening over there, but the real problem is a political problem.

First of all, let me talk about the commitment this administration has to cap and trade. Some people who have been around for a while can remember that way back at the Kyoto treaty I kind of let the opposition to ratifying that treaty. Later on—for the next 10 years—they tried to pass cap-and-trade legislation. Since I chaired the committee of jurisdiction at that time, we thought this was not going to work, even by the admission of the EPA. If it is going to pass cap-and-trade legislation, such as this in the United States, it wouldn’t have any effect on reducing greenhouse gases.

I still say this. Something is happening this morning in the House. They are going to pass the cap-and-trade bill. We have introduced legislation that has the EPA doesn’t have the jurisdiction to regulate greenhouse gases. I will get to that in a minute.

My message is simply that higher gas prices are simply a product of this administration’s goal. The minority leader, a minute ago, said something. He quoted Steven Chu, the Secretary of Energy. He said: “Somehow we have to figure out how to boost the price of gasoline to the levels in Europe.”

In the United Kingdom, gas is $7.87 per gallon; in Italy, it is $7.54; in France, it is $7.50; in Germany, it is $7.41.

That is what this administration wants to do with gas prices. They have a motive for doing that, I cannot stop talking about the cap-and-trade agenda until we realize how it does affect things. You might remember that back during the campaign, President Obama indicated when he was running for office—and he has stated it several times: “Under cap and trade, electricity prices would necessarily skyrocket.”

He had it right. The whole point of that is, it would skyrocket if we were to pass it. That also has an effect on all forms of energy. The House Energy and Power Subcommittee is voting this morning on the Energy Tax Prevention Act, which I introduced in the Senate, and it was introduced by Congressman Upman in the House. The bottom line of the Energy Tax Prevention Act is to make it so EPA doesn’t have the jurisdiction to do what they could not do legislatively. Starting with the Kyoto treaty and all the way up to the following 10 years, they tried to pass—in 2003 and 2005 and 2008 and 2009—a similar type of cap and trade.

What is the cost of cap and trade? The cost would be the go back to the Kyoto treaty and when we had the estimates from the Wharton School and MIT—between $300 billion and $400 billion a year. In Oklahoma, that translates to $3,000 a year for each family who files a tax return. What do we get for it? By the admission of the Obama EPA and Lisa Jackson, in response to a question I asked live on TV—I asked: What effect would this have on worldwide emissions of CO2? The answer was it would not because that only affects the United States. In reality, it could actually increase it, as our jobs go overseas, to places such as China and Mexico and other places where there are fewer emission controls. So it could have the opposite effect.

Nonetheless, I say this because there are people wandering around out there who say we should do something about emissions. Yet I wish to make sure they are listening. Even if we did this, it would not have any effect. They hope, if we restrict enough supply, the price will increase and we can simply shift to what they call green energy.

I think it is important people understand that the Republican position on the Kyoto treaty, yes, we want green energy, renewables, but we also want coal and natural gas and nuclear and oil. These are the products that can run America today. This is what we are doing. Back in Oklahoma, there are logical people. They ask: What would it be if they don’t want oil, gas or coal? How do we run this machine called America? The answer is, we can’t. Let me state this—I don’t have the time. It is not just the administration on the Kyoto treaty, but others in the administration, such as Alan Krueger, Assistant Secretary for Economic Policy, who said: “The administration believes that it is no longer sufficient to address our Nation’s energy needs by finding more fossil fuels.”

They are antifossil fuels. They admit the tax subsidies are currently provided in the oil and gas industry, and they lead to inefficiency by encouraging overinvestment in domestic resources, including oil, gas and coal.

This is critical. This is an administration official, Alan Krueger: “The small change in domestic producer costs [which I call a tax increase] could cause some production to shift from domestic to foreign suppliers.”

There it is, folks. That means we would have to depend on the Middle East—import more of our energy from the Middle East. By the way, I think it is important to note the Congressional Research Service—and I think we all respect their work—came out with a report, and they stated—and nobody has been able to refute this yet—that the United States of America now has
the largest supply of recoverable reserves in gas, oil, and coal. We keep hearing people say it is only 3 percent of the amount—we are using 25 percent of the energy and are producing just 3 percent.

That is flatly not true. I think people understand that because they use that as proven reserves. You can’t prove reserves until you drill. We have the political problem that the Democrats don’t want us to drill. In that case, we have to use the other way of looking at it; that is, recoverable reserves. I say this: We are in a position right now to have the recoverable reserves. This chart shows these are the recoverable reserves we have right now. This is America’s true oil potential. This is what we could produce. These are the proven reserves they talk about. The bottom line is, we have—and this is incontrovertible—the world’s largest supply of oil, gas, and coal.

This chart shows the amount of oil, gas, and coal we have is greater than that of China, Iran, and Canada—all three put together. This is what we have here. So people say: Wait a minute. That is a problem. Then why are we importing from foreign countries? Is it because we have a political problem. We have a majority in this Senate and they had a majority in the House and the President trying to continue this policy of not allowing us to develop our own resources. We are the only country in the world that doesn’t develop our own resources. I do know there are a lot of problems out there. Certainly, we have problems in the Middle East. But when I talk to my wife at home, the problem is what she is paying for gas. It is not going to get any better. How many people went to school and didn’t learn about supply and demand? We have all the supply we need in America—when we add what we get from Mexico and Canada—indeed, independent from the Middle East. They don’t let us develop it. Eighty-three percent of our Federal lands right now are off limits. It is a political problem.

I can remember when we had the oil spill down in the gulf, some of the far left environmentalists were rejoicing that it happened. They could parlay that into not allowing us to drill for our own natural resources.

First of all, the EPA issued its first permit for deepwater drilling in the gulf, due to a lot of political pressure being put on and the realization that the American people are not dumb. We can develop our own resources and resolve this problem we have. If we look at what we have right now in reserves, in terms of recoverable reserves in oil and gas, we have enough oil right now to run this country—for 90 years. Again, we have enough gas in reserves to run this country for 90 years. That is not including shale. We all know about the great shale deposits in the Western part of the United States. That is gigantic compared to what we have available to us. We also hear about methane hydrates. The reason I don’t include shale and methane hydrates is because they are not recoverable today. It is not something we use today. If we lifted all restrictions, gave us tomorrow, the shale reserves that are out there, nor the methane hydrates. What we would be able to do is start further developing those.

Even without them, we can run this country called America for 90 years on our own oil and gas. Then we go to coal and the significance of the oil reserves. Right now, we have 28 percent of the world’s coal and, in fact, the CRS states America’s recoverable coal reserves to be 262 billion short tons. For perspective, the United States only uses $1.2 billion of short tons of coal each year. So what we have is oil, gas, and coal.

The only problem is, we have an administration that, by its own admission, wants to kill oil, gas, coal, and fossil fuels. We can’t do this without a change in the administration or a change in policy. I think, as you can see, when the gas prices go up—and all energy prices—years ago America should listen—will they have to do is remember what this administration’s position is, and that, as Steven Chu said—as the Secretary of Energy told the Wall Street Journal in 2008: “Somehow we have to figure out how to drop the price of gasoline to the levels in Europe.”

This is President Obama’s position. If we take this position, we are going to have gas prices going up. You can talk around it all you want, but supply and demand is very simple. We have the potential supply to run this country for the next almost 100 years on just what we have developed.

I know the Senator from Kansas is anxious to make his statement. I yield the floor.

Mr. ROBERTS, Mr. President, I suggest the absence of a quorum. The ACTING PRESIDENT pro tempore. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Under the previous order, the Senator from Kansas is recognized for 15 minutes.

Mr. MORAN. Mr. President, I ask unanimous consent to speak to the Senate for up to 25 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMERICA’S FISCAL HEALTH

Mr. MORAN. Mr. President, I am humbled today to deliver my initial, my very first speech on the floor of the Senate and to discuss a topic of vital importance to our country’s future—our Nation’s fiscal health.

It is a privilege to join the distinguished Members of this Chamber and to work alongside my friend of nearly 40 years now, Senator PAT ROBERTS. I am also humbled to follow in the footsteps of Gov. Sam Brownback and the many who came before him and whose names are etched in this desk where I now stand. I am mindful of their service and particularly that of Senator Bob Dole who served Kansans for nearly three decades in this seat.

During nearly 36 years on Capitol Hill, Senator Dole became known as the leader who worked relentlessly to forge alliances in order to pass significant legislation. To me, he served as a role model for those who have dedicated their lives to public service. I thank Senator Dole for his call yesterday wishing me well today, but I thank him more for his distinguished service to our country and to Kansans. I know that those who knew him, and those of his hometown of Russell have for him. I will work to honor his legacy.

I grew up just down the road from Bob Dole’s hometown in a smaller town, Plainville, a place where folks know their neighbors and look after them. Much of what I know about people I learned early in my life by working at the local hardware store, the swimming pool, the drugstore, and on my paper route. I learned there is good in every person and that satisfaction in life comes from what you do for others rather than what you do for yourself. I learned that each family’s joys and sorrows are increased and diminished when they are shared with their neighbors and friends. And it means to put others first, as my mom and dad always have. I was fortunate to grow up with loving parents who taught me the value of hard work, the importance of education, and the necessity of integrity. In fact, they once made me return the 3 cents I had found when I turned in a pop bottle from my neighbor’s back porch.

My dad, a World War II veteran, worked in the oilfields of western Kansas. My mom, a part of the Depression, was the lady you paid your light bill to. They were my Sunday school teachers and my Boy Scout leaders, and they always encouraged me to do my best. My parents worked hard, avoided debt, paid their bills, and wanted to make sure my sister and I would have the chance to pursue our dreams.

I was also fortunate to have many teachers who instilled in me a love for learning and a desire to explore the world beyond our city limits. As a kid, I enjoyed reading about politics and history and government. People such as my fourth grade teacher Mrs. Pruter
helped me to develop an interest in our country and public service. Because of my teachers’ interest in me, I am part of the first generation in our family to attend and graduate from college.

Nothing in my background would suggest that I had the opportunity to serve as a Member of the Senate. That says something about our country and the opportunity we as Americans have to dream big and to pursue those dreams. It also says something about my home State and the special way of life we have created.

The pioneering spirit of those who settled our State 150 years ago and tamed the West lives on in Kansas today. We work hard, we come together to find commonsense solutions, and try to make a difference in our communities, our State, and our Nation. We also strive to provide a better future for our kids and grandkids so they can pursue their dreams and reach their goals. This is the reason I got involved in public service, and it is the reason I remain involved today.

Since coming to Congress in 1997, I made a priority to stay connected to the Kansans I represent, so I return home on the weekends. Whether I am at the grocery store, attending church, or filling the tank with gas, the conversations I have with Kansans matter to me and impact the work I do here in Washington. When I served in the House of Representatives, I held annual town hall meetings in each of the 69 counties in my district, following the lead of my predecessor, then-Congressman Pat Roberts. I have continued this tradition as a Senator. I have continued this tradition as a Senator and began traveling throughout all 105 counties in our State to hear directly from Kansans, and I am committed to making sure their voices are heard in our Nation’s Capital.

Last spring in Kansas, I watched our oldest daughter walk across her college graduation stage and it was another defining moment for me. Our country is facing enormous fiscal challenges and if we fail to act, our children’s future is at risk. I believe all Members of Congress, and in fact every American, has the responsibility to be a good steward of what has been passed on to us. So at that moment, that graduation event, I renewed my commitment to do my part to turn this country around.

I am one of many voices to express this concern. In 1985, President Reagan took the podium during his second inaugural address and spoke about one of his greatest concerns: our Nation’s deficit spending. He told the American people that 50 years of deficit spending had finally brought our Nation to the time of reckoning. He said:

“We’ve come to a turning point, a moment for hard decisions. We must act now to project future generations from government’s desired priorities to their available resources and put them into service when the bills come due.

I am here today, 26 years later, to issue, unfortunately, the same warning. We are again facing a turning point in our country’s history and we no longer can delay difficult decisions.

When President Reagan stood and spoke those words, our national debt was $1.8 trillion. Today, that number has soared to $14 trillion—slowing our economic growth and threatening the prosperity of future generations who will have to pay for our irresponsibility.

Our government borrows 40 cents of every dollar it spends and half our national debt is foreign owned, much of it by countries and people who do not share our interests. The simple truth is our Nation’s debt is the responsibility of several Congresses and Presidents who have allowed us to live well beyond our means for way too long. Members of both political parties have ignored this growing fiscal crisis and left it up to others in the future to deal with.

In my travels in Kansas I am often asked: How can Washington continue to spend and borrow so much? What will it mean for our kids and grandkids? I join Kansans in voicing these concerns. In the last 2 years, government spending has grown nearly 25 percent and we have had record trillion-dollar budget deficits. This year, the Federal Government will spend $3.7 trillion and collect $2.2 trillion. That is a shortfall of $1.5 trillion. Common sense—Kansas common sense—tells us that pattern cannot continue.

Some will say we need to raise taxes to get us out of this mess. But the reality is we don’t have a revenue problem, we have a spending problem. Experience shows us that money raised by Washington, DC, results in more spending in Washington, DC.

The debate about government spending is often seen as a philosophical, academic, or partisan issue, but the truth is out-of-control borrowing and spending has very real consequences on the daily lives of Americans. When we add to the already large deficit, it means increasing inflation, higher interest rates, and uncertainty in the economy, which results in less business investment and fewer jobs.

This is not an academic discussion. It is not a partisan discussion. It is about the future of our Nation. We were not elected to ignore these problems but rather to confront them. Congress can and should do what Kansans do: Make decisions based on solid values and be held accountable for those decisions.

A few weeks ago, the International Monetary Fund issued a report outlining how serious our financial situation has become. America wasn’t the only country that came under scrutiny by the IMF. Japan has also fallen behind in its deficit goals. To make matters worse, Standard & Poor’s downgraded Japan’s credit rating out of concern for the country’s ability to tackle their debt. If we do not face realities and take meaningful steps now to confront this challenge, we will find ourselves in a similar position. The impact will be disastrous, as it has been in Greece and Portugal and Ireland.

Unfortunately, this reality has not yet sunk in in enough places here in Washington, DC. President Obama asked Congress to increase the debt ceiling—allowing our country to take on even more debt. But it would be irresponsible to allow more spending without a serious plan in place to reduce the deficit. Americans are looking for leadership in Washington to help create jobs and get our economy back on its feet. But lately, all they have heard is a lot of partisan rhetoric, and all they have seen is more government spending.

It is time for our government to change direction and to change dramatically. We must work together to restrain spending and to put in place pro-growth measures that create jobs by saying both no to more spending and yes to pro-jobs measures. By saying both no to more spending and yes to pro-jobs, we will reduce the uncertainty in the marketplace, encourage business investment, become more competitive in the global economy, and—most importantly—create employment.

The best way to get our spending under control is to get a budget and stick to it. One of the basic responsibilities of Congress is to produce an annual budget, yet we are once again operating under a temporary spending measure called a continuing resolution because the Democratic leadership failed to pass a budget plan last year. Congress has taken virtually no step to address this deficit spending. We have to work together again, and that is what we do so, and we must pass a commonsense budget that reduces our deficit this year, next year, and well into the future.

Last month, President Obama sent his 2012 budget message to Congress. Instead of moving toward fiscal responsibility, the proposal contains more of the same borrow-and-spend mentality. It proposes $8.7 trillion in new spending, $1.6 trillion in new taxes, and doubles the national debt by the end of his 4-year term. At the same time, the President’s 10-year budget projection would our government spend less than it is taking in.

Rather than spend more, we must close the gap between what the government takes in and what it spends. Last month, I introduced the RESET Act to rescind $45 billion in unspent stimulus funds and direct those dollars toward paying down the deficit.

A temporary spending measure I have long supported is a constitutional amendment to require a balanced budget. Unfortunately, when Members of Congress are not required to prioritize their spending, they simply borrow more money and fund programs at a large percentage of Congress’s funding desires. This proposal—this constitutional amendment—would limit Federal spending to 20 percent of gross domestic product and require a two-thirds majority of Congress to raise the taxes. By forcing Congress to be disciplined, if we live within a budget, we will turn away from record deficits and back to fiscal responsibility.
In addition to living by a responsible budget, we must also address our long-term unfunded liabilities, including Social Security, Medicare, and Medicaid. Last year, mandatory spending made up 56 percent of our entire budget. This percentage will only increase in the years ahead as more Americans retire, and fewer workers are there to replace them. Already, Social Security pays out more than it collects and its total debt will increase over $1 trillion in the next 10 years. Medicaid spending consumed more than 17 percent of state budgets and will further burden States that are now required to pay for the vast Medicaid expansion found in the recent health care reform law. Furthermore, Medicare’s unfunded liabilities are $37 trillion. This staggering sum is nearly three times the amount of our current national debt.

This challenge cannot be ignored any longer. We must pursue change and reform, but it will take the leadership of President Obama to move the will of both political parties. We are ready to have that conversation with the President and we expect his leadership.

Finally, history shows economic growth starts with the private sector, so Congress must create an environ-ment where entrepreneurship and business can flourish. Small businesses are the backbone of the American economy and have generated 65 percent of the new jobs over the last two decades. They employ half our private-sector workers. Clearly, small business is the engine of job creation and critical to our country’s economic success.

As I tour plants in Kansas, business owners say: What next? What next harmful thing is Washington, DC, going to do that puts me out of business? For too long, Washington has increased the regulatory and tax burden on businesses at the expense of jobs. Mountains of government regulations and billions are undermining any efforts to create jobs and erode our global competitiveness, especially in the manufacturing, agricultural, and energy sectors. Rather than hiring new workers, businesses are spending their resources on complying with ever-changing regulations and increased taxes or, worse, those businesses are leaving our country.

We need to be doing all we can to put people back to work and grow the economy, and that includes replacing our convoluted Tax Code and eliminating bureaucratic intrusion into our free market economy.

Maintaining a strong business environ-ment at home must be coupled with opening new foreign markets for American goods and agricultural commodities, the next election or the latest fad. We must increase our market share to competing nations and have generated 65 percent of the manufacturing, agricultural, and service sector jobs, including more than one-fourth of all manufacturing workers in Kansas. By increasing our Nation’s exports, we will create jobs and opportunities for all Americans, without raising taxes or increasing the Federal budget. While our Nation’s unemployment rate hovers around 9 percent, it is simply inexcusable to not do what we know we can do that will create jobs in America.

One commonsense way to open more markets and reduce trade agreements is to open new markets for American goods and agricultural commodities. There is an opportunity to set aside the game of politics and to work together to confront the enormous challenges before us. Whether we have the courage to tackle our fiscal crisis now will determine the course of our country’s future for the next generation.

I stand ready to work with my colleagues in this chamber to do what it takes to get our economy back on track. Americans are known for their clear spirit to resolve, and, our country will recover when we begin to live within our means and create a pro-growth business and jobs environment.

Last month, we recognized the 100th anniversary of President Ronald Reagan’s birth. It was a fitting time for all Americans to honor the memory of a man whose leadership guided our country through many challenges. Our 40th President believed in the greatness of our men and women. He believed in the values of individual liberty, self-government and free enterprise. And he believed “there are no limits to growth and human progress when men and women are free to follow their dreams.” It is with that same optimism and hope for the future that I stand before you today. I didn’t come to Washington for personal glory. I came to Washington because I believe we have the responsibility to be good stewards of the blessings we have been given in our health care system, such as increasing competition in the insurance market, giving States the flexibility to address the health needs of their unique populations, enacting medical liability reform, and expanding small businesses to pool together to offer coverage at lower prices. These ideas have bipartisan support and are backed by the American people because we know they will work.

Congress should be an ally of the people, not an adversary. Congress has a responsibility to create an environment where the free market can succeed, so business can move forward with confidence and start creating jobs again.

In Washington, DC, it is often easy to forget what is most important in the midst of all the talk of partisan politics, the next election or the latest poll. When I need a reminder, I will talk a walk—a and I will walk from this magnificent Capitol to the Lincoln Memorial. Between those two points, I will walk by the Korean War Memorial. These memorials to our citizen soldiers help put everything in its proper perspective. Our freedoms are so important that our Nation’s sons and daughters were willing to risk their lives to defend and protect them. These brave men and women died before their Republicans or Democrats; they gave their lives for the greater good of our country and to ensure their children and grandchildren would also experience American freedom and liberty.

We must be the engine of global growth and entrepreneurship and put our country on a path of sustainable government spending that will bring prosperity and jobs to our children and grandchildren. And we must be the engine of global growth and entrepreneurship and put our country on a path of sustainable government spending that will bring prosperity and jobs to our children and grandchildren.

I yield the remainder of my time.
March 10, 2011

CONGRESSIONAL RECORD — SENATE

S1521

The PRESIDING OFFICER (Mr. Brown of Ohio). The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I congratulate our new Senator from Kansas for his inspiring first speech to his colleagues. I suggest that, it seems we have a new Senator from Kansas in the tradition of Bob Dole and Pat Roberts, and I congratulate our new colleague on a fine and inspirational first speech.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISCAL CRISIS

Mr. SESSIONS. Mr. President, we had two important votes yesterday on what we are going to do about the surging debt this Nation is incurring and the dangers that debt poses to the future health of our economy, the prosperity of our people, and the employment of our people.

We had a debt crisis, a financial crisis in 2007, that we still have not recovered from. It damaged us. It damaged American individuals. There are people unemployed in large numbers because of that. We are not yet, recovered from it. We have some growth, but we have not yet come out of it. We have to deal with it in a serious way.

So the proposal was, as passed by the House, to reduce the spending for the rest of the 7 months in this fiscal year ending September 30 by $61 billion. Our colleagues in the Senate basically proposed to do nothing, a $4.6 billion reduction in spending over the rest of this year. That is an unacceptable number. Perhaps we can disagree over where cuts ought to occur, but it is critically important at this time in history, as I will discuss, that we take real action that sends a message and actually saves money, not Washington speak about saving money, but real savings in money.

We can do that. Every city, county, and State is doing that all over the country, and far bigger reductions in spending plan we are discussing here. So the House proposal was to reduce discretionary spending $61 billion, which is about a 6-percent reduction in the planned spending level. That is not going to destroy our country. It is still well above the levels we were spending in 2009. But that $61 billion, when calculated over 10 years because it reduces the baseline of our government spending, would calculate a net savings of $862 billion, counting interest, because it is that $61 billion every year plus the interest. No interest on the debt we are running up.

We started out projecting a $1.3 trillion deficit this year, the largest in the history of the Republic. But now the scores have gone up, and we are looking at over 1.6. We spend $3.8 trillion, but we are bringing in only $2.2 trillion. This is why 40 percent of what we are spending this year is borrowed.

We believe that if we do not take decisive action, our Nation is in and it what it takes to get us out of it. They proposed some substantial changes in what we are doing. Just yesterday they said: We are facing a crisis, the most predictable the Nation has ever faced in its history.

In other words, we can see it coming. President Obama, oh, he opened to us. Well, they should probably pick up the book, “This Time Is Different,” by Professor Rogoff at Harvard and Reinhart at Maryland, one of our other great universities. And their book proposes and shows how governments, societies, get into trouble and how quickly bad things can happen. The title of it should tell you something. The title is, “This Time Is Different.”

The title suggests that all of these great financiers in these countries that ran up too much debt never thought it was going to happen to them, and when people raised questions, they said: Do not worry, this time is different.

Well, is this an extreme book? Is this a dangerous book? What would happen if we keep from our debt, based on history and worldwide studies, reaches 90 percent of your total economy, your total debt equals 90 percent of your GDP, your economy, on average, loses 1 percent growth and is that the end of a catastrophic adjustment, some sort of crisis.

Well, what percent of GDP are we now? We have gone over 95 percent. The experts tell us by September 30, when this fiscal year ends, we will be at 100 percent of GDP. So is this some sort of fearmongering talk or are we just dealing with reality? Are we really facing a crisis we can see plainly in front of us? I suggest it is.

Mr. Geithner, President Obama’s Secretary of the Treasury—unlike his Budget Director who also testified before the Budget Committee, Mr. Geithner was more frank when asked: Do you agree with the Rogoff study? Is that a sound study? ‘Yes, I believe it is.’

Then he said this, frankly: “I think it understates the risks.” Understates the risk. And when asked about that, he said, basically, there can be systemic, immediate shocks that occur that are unpredictable just like in 2007 when all of a sudden we went from a boom to a bust, and as things happened in Greece, Ireland, and Iceland these things can happen in this modern world with electronic financial transfers very quickly.

I believe we can prevent this. I believe we can prevent it. But we have to take action or we are heading in the wrong direction. Did you notice the news yesterday? Bill Gross, who runs the world’s biggest bond fund at Pacific Investment Management, he announced they had totally eliminated U.S. Government-related debt from their flagship fund, as the United States Government projected record deficits.

So that is a big development, frankly. I mean, he manages more money than anybody in the world—I guess in the history of the world. He has eliminated government debt from the Total
Return Fund, and that was just announced.

So is that something we should be concerned about? I think it is. Because who is going to buy our debt? Who will buy our Treasury bonds, now 10-year bonds, 30-year bonds? Or so I hear. People who get worried about their debt sell their bonds. Who is going to then buy them? Where are we going to get people to buy our bonds without paying higher and higher interest rates?

Well, is our crisis coming upon us? Let me share with you the testimony that Mr. Simpson and Mr. Bowles gave to the Budget Committee just 2 days ago.

This is what Mr. Bowles said, Co-chairman appointed by President Obama. He is very worried.

This problem is going to happen. It is a problem we're going to have to face up to in maybe 2 years, maybe a little less, maybe a little more.

He is talking about a crisis. He said it is the most predictable crisis the Nation has ever faced. He is pleading with us to get off the unsustainable path we are on.

What about Alan Simpson, the distinguished Senator from Wyoming who is so frank and articulate. He is also a delight to hear. He said:

"I think it will come before 2 years . . . I'm just saying at some point, I think within a year. He finished up the end of the year, if they [the people who hold our debt] just thought you're playing with fluff—5, 6, 7 percent of this hole—they're going to say, "I want some money on my paper." And if there is anything money guys love, it's money. And money guys, when they start losing money, panic. And let me tell you, they will. It won't matter what the government does, they'll say, "I want my money, I've got a better place for it . . .""

Just saying for me, it won't be a year.

Mr. President, we have a time agreement?

The PRESIDING OFFICIAL. The Senator's time expired some time ago. The time is limited to 10 minutes.

Mr. SESSIONS. I thank the Chair. I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICIAL. Without objection, it is so ordered.

Mr. SESSIONS. This is from the Washington Post, late January:

In an analysis of the U.S. debt last week, S&P analysts said the unthinkable could occur unless U.S. officials take action.

They go on to say:

U.S. officials must act quickly to control government deficits or face slower growth and even more difficult choices in the future, the International Monetary Fund said Thursday in a report criticizing the tepid U.S. response to its rising debt.

Admiral Mullen, Chairman of Joint Chiefs:

I believe that our debt is the greatest threat to our national security.

Secretary Hillary Clinton, Secretary of State:

Secretary of State Hillary Clinton waded into the nation's fiscal debate Wednesday, calling the expected $1.3 trillion U.S. deficit "a message of weakness internationally."

Clinton says the deficit is a national security threat. It was $1.3 trillion when she said that in September. The projected deficit now is $1.6 trillion-plus. Secretary Geithner said the same.

We have had a debate. We had 10 Democrats vote from the Democratic bill that did nothing—what we needed to go further. We had two Republicans defect. One Independent defected, probably thinking it was cutting too much. But the majority of Members seemed to be saying we need to reduce more.

I suggest senators get together. If there is a disagreement about where the reductions ought to occur, so be it. Let's work that out. But we need to reduce spending significantly. The House number is a minimal amount. I believe it will send a message to the Bill Grosses of the world who move billions of dollars around that this country is willing to take action, even tough action, to get off this unsustainable path.

I yield the floor.

Mr. President, we have a time agreement?

The PRESIDING OFFICIAL. The Senator from Vermont is recognized.

(The remarks of Mr. SANDERS pertaining to the introduction of S. 552 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions."

Mr. SANDERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICIAL. The clerk will call the roll.

The PRESIDING OFFICIAL. The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICIAL (Mrs. HAGAN). The Senator from Alaska.

Ms. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICIAL. Without objection, it is so ordered.

ENERGY POLICY

Ms. MURKOWSKI. Madam President, last week I spoke on five of the steps we need to take to increase domestic oil production. Today I wish to take a few moments to speak more broadly about our Nation's energy policy as a whole, what the proper goals for such a policy should be, and the false choice between increased domestic production and reduced oil consumption.

Energy policy has repeatedly been brought up as an area where this Congress and the American people are additional research can find common ground. Knowing something actually needs to be done, however, is no guarantee it will be done. The truth is most of us know we can improve in the area of energy. With oil prices at above $100 a barrel and the price at the pump heading toward $4 a gallon, we need to develop a coherent national energy policy to find that common ground, and that need has taken on even greater urgency.

So what makes for good energy policy and how can we ensure that agreement is finally reached on meaningful energy legislation? I think we should have essentially five goals, and those five goals are: an energy that is abundant, affordable, clean, diverse, and domestic. I realize these words, especially in combination with one another, don't lend themselves to a clever acronym or a catchy slogan, so maybe we need to rearrange them and find what may be make. But if we follow these as our guiding principles and make sure our legislative efforts reflect each and every one, I believe genuine progress can be within our reach. So let's start with the concept of affordable energy, because that is certainly the most relevant topic right now.

Times such as these serve as a wake-up call as to how important energy—and particularly affordable domestic energy—is to our Nation. Energy provides the base of everything we do; not just heat and power and light and transportation, but the food we eat, the clothes we wear—everything. Whether for a server farm or for a soybean farm, abundant and affordable energy is the foundation for a robust economy. But, unfortunately, there seem to be those who feel the key to clean energy is to make energy scarce and expensive. We don't need an experiment on an act of Congress to know an economic recession reduces emissions, and a depression, of course, would even do that more so. The current price of oil is a stark reminder that while making energy scarce and expensive may, indeed, reduce other greenhouse gas emissions, it's an even more effective way to crush an economic recovery. That is not good for us.

The President has proposed we should raise the taxes on oil companies, but in the middle of tough economic times, the American people are not open to those policies that will increase their energy costs. There is a better path that would do more to bolster our energy security, more to create, more to generate revenues and, equally, more to reduce our deficit. Instead of punishing one industry to promote another, let's use our tremendous reserves of conventional resources which account for more than 80 percent of our energy supply. Let's use these to fund the next generation of clean technologies. Let's prove up and produce our resources and then put these revenues toward—whether it is tax incentives, whether it is grants or an appropriate tax—whether it is studies at our universities, you name it, but let's use these wisely.

Speaking specifically to the regulatory burdens on energy, I think we all recognize the Clean Air Act has made our air cleaner and certainly improved our health. Carbon monoxide, SO₂, NOₓ, and a host of other pollutants have largely been removed from smokestack and tailpipe emissions. I think we recognize there is more we can do in terms of the regulation of HFCs and other gases which, while they emit much lesser quantities, they certainly have potent greenhouse effects. But the Clean Air
Act is not the proper legal framework for regulation of carbon dioxide, which is emitted in huge quantities by almost every human activity and whose effect cannot be confined to a nonattainment area, and which, in itself, is not harmful to health. All of us want a cleaner energy future, and the approach we’ve taken over the last several years seems to have been one of all or nothing instead of the all-of-the-above approach, and I think it has been counterproductive. We need to seek out and accept policies that will truly progress.

We don’t yet know the best way to provide energy that is clean and abundant and affordable, but what we do know is there is a whole myriad of opportunities. We have oil and natural gas; we have wind; we have solar; we have hydro; we have geothermal. We have coal, biofuels, fission, fusion. Just naming the types of energy and the subcategories within energy is a whole floor speech in and of itself. Whether it turns out that we collect in a bottle or something we simply haven’t even imagined yet, we don’t know what source or what combination of sources will actually turn out to be best for America. That should be cause for those of us here in Congress to reconsider carefully and in trying to pre-determine what sources should either win or lose. We are always talking around here about we need to steer clear of picking winners and losers, and yet it seems that is what we do all the time. Energy sources provide the best proving ground and insurance against overreliance on any one source, and a healthy economy provides the best demand for the cleanest sources available.

Winston Churchill once said:

On no one quality, on no one process, on no one country, on no one route, and on no one field must we be dependent. Safety and certainty in oil is in variety and variety alone.

Winston Churchill was talking about oil, but his words are just as applicable to our need for diversity in all of our types of energy.

Finally, the need to make our energy domestic to the greatest degree possible is something we have all known—we all know we need to do this—but we have failed to do anything about it for decades. It shouldn’t take an upheaval in North Africa to convince us that sending billions of dollars a day out of our economy to countries that are not our friends is a bad idea.

We know it is a bad idea. Yet we continue year after year after year. We need to focus on two parallel tracks: increased domestic production and decreased domestic consumption. We absolutely should reduce our dependence on oil. In our early days of the automobile, we saw a wide range of experiments as in-ventors and entrepreneurs strove to find the best approach. Again, I think we are on the verge of a renaissance in vehicle technologies where we explore electric vehicles, biofuels, fuel cells, efficient diesels, natural gas, propane, and other approaches. But for right now, today, we use 20 million barrels of oil a day, and for the vast majority of its uses there is no imminent substitute.

I said last week in my comments that for the sake of our national economy, it is essential to both our security, and for the sake of the world’s environment, we should produce at home the highest possible percentage of the oil we consume.

Domestic production is currently being subsidized to the degree in what I guess you would call magical thinking—that if only we stop producing oil in the United States, then the world’s need for oil is going to go away and Skittles are going to fall from the sky and unicorns will prance in the streets. It is just not real.

The harsh reality is our foreign oil dependence contributes to conflicts where young men and women die or come home without limbs, and we wreck our economy. There will always be further conflicts in the world, wheth-er in the Middle East or elsewhere. As a nation, we will have to decide on our proper role in each. We can and should do everything possible, however, to eliminate foreign oil dependence as a strategic concern.

Madam President, none of this is due to America running out of oil. In Alas-ka, my home State, we have estimated reserves in excess of 65 years’ worth of Persian Gulf imports. So, again, in Alaska alone, we have reserves in excess of 65 years of what we take from the Persian Gulf. There are also, of course, tremendous reserves in other States and, of course, offshore.

For decades, opponents of domestic production have argued that we should not produce more because we are not going to see this come online for years to come. If, 20 years ago, or even 10 years ago we had ignored those who had said ANWR was unacceptable because it would take too long to develop, we would now, at this point in time, be enjoying another 1 million barrels of domestic production per day. But we said, 10 years ago, 20 years ago, it is going to take too long to bring that ANWR oil online, so we just ought not do it. Look where it puts us today.

Opponents also like to say that a policy of increased domestic production will have no immediate effect on oil prices. We don’t even want to waste time trying to dismiss good national energy policy because it is long term. I also note that using the Strategic Oil Reserve to mitigate high oil prices—maybe push them back below $100 a barrel for a short term, a couple weeks—should be unacceptable to us. We need a viable long-term answer, not a short-term and shortsighted political alibi.

There is nothing that OPEC fears more than America committing to the twin tracks of increased domestic production and reduced consumption. Were we to do so, we would see OPEC doing everything in their power to drive down world oil prices to make us abandon our policies and, once again, hamstring ourselves and make us reliant upon them for our oil.

I want to offer an important perspec-tive. Even if we cannot accept that America increasing production and de-creasing consumption will affect global oil prices, remember, price is not the only reason to advance such a policy. Right now, the high price of oil works against America, and it works for every nation that deliberately pro-duces its reserves. Production provides them with jobs, it provides them with revenue for their government, and it provides better trade balances and national security, but all at our country’s expense.

The U.S. is the only country that has identified a huge resource base and then absolutely refused to produce it. So often we hear on this floor discus-sion about China eating our lunch in clean energy, about Japan and Ger-many outpacing us in wind and solar technology. But does anybody think if those countries had a Gulf of Mexico or an ANWR, they would not be drilling in those areas as we speak? Does anyone think those nations would not use their nuclear power or refuse to permit coal plants? Their energy policies are on a better track than ours. They are not just looking at what is happening today; they are looking at tomorrow, at ten years—they have an energy policy that carries them out.

There is an article in the Wall Street Journal of yesterday by Nansen Saleri. He concludes his article with this statement:

The U.S. does not have an energy problem. It has an energy strategy problem. Think about that. It is not lacking the resources; it is the strategy for how we develop our energy resources.

During his campaign, President Obama liked to quote Dr. Martin Lu-ther King and talk about ‘the fierce urgency of now.’ There are few issues more important or more fundamental to our Nation’s long-term success than a viable energy policy. People are very concerned when they consider this will take time, and parts will take a longer period of time. But now is never more fiercely urgent than when we have such an important and long journey ahead of us. If we are ever going to take control of our energy fu-ture, now is the time to come together and support policies that promote abundant, affordable, clean, diverse, and domestic energy. It is critically important to us.

I look forward to these conversations that we will continue on the Senate floor as we talk about ways we not only work to reduce our budget, ways we not only work to create jobs in this country, but ways that we truly build a strategic energy policy for the long-term for this country.

With that, I yield the floor and sug-gest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.
Mr. ENSIGN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GASOLINE PRICES

Mr. ENSIGN. Madam President, I wish to talk about gasoline prices and energy. Just a few years ago, this Nation was in the middle of an energy crisis not unlike the one we are in today. Back then Nevadans were confronted with record prices at the gas pump, and this body did nothing to relieve their burden.

When I joined my colleagues to demand that we explore our own domestic energy possibilities, the call fell on deaf ears. In May of 2007, I said that “moving America toward energy independence needs to be more than a bumper sticker and a campaign slogan.” Unfortunately, it remained just that.

Campaign promises to protect our Nation’s security interests remain on the campaign trail, and cheers at political rallies to increase America’s energy were left behind with deflated balloons and forgotten confetti. Well, here we are. My colleagues on this side warned against what an unstable Middle East could mean for our gasoline needs. Yet, today, what are we witnessing? Turmoil in that region and escalating gasoline prices at home once again.

Unfortunately, this time around, our economy is also in trouble. My State of Nevada has continued to suffer the most during this recession, and economists are not predicting a quick turnaround anytime soon.

The problem with this new energy crisis is that a record number of people in Nevada and around the country are now without jobs and without homes. So proposed to afford $1-a-gallon gasoline or maybe even $5-a-gallon gasoline at the pump? I will tell you simply, they cannot afford this.

Recent unrest in Egypt, Libya, and other countries has forced gas prices to rise nearly 40 cents a gallon in the recent weeks. For those struggling in my State, that is verging on unfavorable. For those who are worse off, it already is. The price of gas is at a 2-year high. The average price of a gallon of gasoline is now $3.22. When President Obama first took office, the average price for a gallon of gasoline was $1.84. That is a 91-percent increase. What are we doing? Nothing. In Nevada, gas prices are rising and are now above $3.60 a gallon. The biggest concern with the rising cost of gasoline is that it translates into higher prices at the grocery store, utility bills, and virtually everything we do.

I have spoken at length over the past few years about the people in my State who are being forced to decide between paying the rent or putting food on the table to feed their families. But what are they going to do if they can afford to do either? This is a sad thought for me but a reality for many others.

Throughout this economic downturn, Members from both sides of the aisle have come to the floor to talk about people in their home States who are suffering. Philosophical differences aside, it is both true and legislation that they believe will help the economic plight of many Americans. What have we done about energy prices that threaten to derail recovering families? Nothing.

Rising gas prices affect nearly every sector of our economy. Everywhere we look in America today, our economy continues to be directly affected by the skyrocketing price of fuel. At a time when unemployment is over 14 percent in my home State and Americans are already struggling financially, we can no longer allow this problem to be ignored or to be set aside. We need real solutions that develop our domestic energy and oil production, and we need those solutions without increase our dependence on dangerous foreign oil.

We send over $500 billion a year out of this country to buy foreign oil. A lot of that money ends up financing the very people who would do us harm. What are we doing but to increase our dependence on dangerous foreign oil? That needs to be our energy policy so that we can ensure that the price of gas does not further cripple our crumbling economy.

In 2007, I spoke on the Senate floor and said these following words:

The American people are looking to us for solutions. We have a responsibility to make decisions here in order to provide them much needed relief at home. For many months, Republicans have been working to provide that relief. We have been focused on a three-pronged approach: boosting renewable energy and alternative energy, encouraging energy efficiency, and growing our American energy surplus. This line of attack balances the need for us to be responsible stewards of our environment with the need for reliable, affordable energy to fuel our lives and our economy.

Again, that is what I said in 2008 when Republicans wanted to address the need for American energy independence. But the Democratic majority had other priorities.

We simply cannot continue to pass the buck on to another Congress and kick the can down the road. We need to take action, and we need to do it now. Take the American people seriously, and everything else needs to be on the table when discussing American energy independence.

By working to eradicate our dangerous dependence on foreign oil from the Middle East and Venezuela, we can protect Americans from choosing between paying the rent, providing food for their families, or paying for gas to drive to work.

What does an ‘everything but dangerous foreign oil’ approach look like? It means 10 billion barrels of oil from ANWR in Alaska; 23 billion barrels of deep-ocean exploration; 12 billion barrels from off-shore exploration; about 1.8 trillion barrels possibly from oil shale in Colorado, Utah, and Wyoming; trillions of cubic feet in American natural gas. It also means a 230-year supply of coal and great potential for nuclear energy. These are American sources of energy. If we combine those with conservation and aggressive investment in renewable and green energy, energy efficiency, wind power, fuel cells, and electric vehicles—they are all key to our American energy independence.

I recently visited a couple of different places in my home State of Nevada that are producing electric cars. Those are great, but you still have to produce the energy to produce the electricity to run those electric cars. That is why we need this “all of the above” approach for American energy independence.

My home State of Nevada is actually a shining example of many innovations being made on these fronts. Nevada Solar One in Boulder City is one of the largest capacity solar powerplants in the world. In Las Vegas, Henderson has Nevada’s first solar community, where each home has a rooftop solar electric system. Late in 2007, Ausra, Inc., selected Las Vegas as the site for the first U.S. manufacturing plant for small-thermal systems. The world’s third largest geothermal power producer is headquartered in Reno, NV. And Nevada is home to the only associate degree program in the Nation in energy efficiency. It is absurd to think that people in Nevada are going to be crippled by increasing prices at the gas pump at the same time that our State is leading the way in renewable energy innovation simply because Congress will not act to address this crisis.

I ask my colleagues to come to the realization that these solutions to decrease our dependence on foreign oil from dangerous countries are not unlike the one we are in today. It means 28 billion barrels from off-shore exploration; 1.8 trillion barrels possibly from oil shale in Colorado, Utah, and Wyoming; trillions of cubic feet in American natural gas. It also means a 230-year supply of coal and great potential for nuclear energy. These are American sources of energy. If we combine those with conservation and aggressive investment in renewable and green energy, energy efficiency, wind power, fuel cells, and electric vehicles—they are all key to our American energy independence.

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The Obama administration’s approach to developing domestic energy production has been to impose regulations, withdraw permits, and shut off access to lands that contain valuable oil and natural gas deposits. In addition, the EPA is currently regulating domestic resources under the Clean Air Act. We can no longer afford organizations, such as the EPA, claiming authority to cut off our access to resources because of arbitrary rules based on science. These backdoor climate regulations could increase the cost of gasoline and electricity by 50 percent. These policies work to promote our dependence on foreign oil, and they do nothing to reduce the cost for ordinary Americans.

Ten billion barrels in ANWR in Alaska means that not drilling is not an option. ANWR is roughly the size of South Carolina, but drilling in ANWR will only be about the size of McCarran Airport in the city of Las Vegas. That is about 2,000 acres out of the size of South Carolina. If I had a map here, it literally would be a dot on a huge map. That is how tiny an area we have to disturb to get this 10 billion barrels of oil out of ANWR. We can even access ANWR during the winter months. We can drive out on ice roads that are 6 feet thick, and then in the spring, when everything starts to melt and the animals need to come out for the springtime, we can cap the wells, take all of the equipment out, and let nature take its course in the summer months.

Additionally, at least 40 billion barrels of recoverable oil in the National Petroleum Reserve-Alaska and the Chukchi and Beaufort Seas means that Alaska alone can replace crude imports from the Persian Gulf for nearly 65 years. Let me repeat that. New oil in Alaska can replace what we import from the Persian Gulf for the next 65 years. If that is not in the interest of America—our national security interests and our national economic interests—I don’t know what is. I bet that is a statistic the Obama administration would rather keep hidden. As a matter of fact, they are keeping it hidden because the EPA is blocking the ability of Americans to go in and get those oil and natural gas reserves.

Also, in Louisiana, drilling for natural gas in the Haynesville Shale resulted in an estimated $5.7 billion in new household earnings for Louisiana residents in 2009, and it created over 50,000 jobs. I mention this because going after American energy produces American jobs. I think everybody in this chamber agrees we need American jobs today.

Now we are finding that there are more reserves located in central Louisiana and southern Mississippi, and they may contain 7 billion more barrels of natural gas, but we have also found many natural gas reserves in the rest of the country. Shale reserves in Pennsylvania, Ohio, New York, Oklahoma, and West Virginia could provide us with literally billions more barrels of natural gas.

Yet, in the midst of this abundance, the administration has strapped down these reserves with regulations and too-often-coercive permits. The solution to this situation is simple: We need to streamline the process to allow America to access its own resources without the hindrance of bureaucratic red tape. If we fully tap into the potential of these reserves, we will be one step closer to developing affordable and environmentally safe compressed natural gas vehicles. This will not only curb our reliance on dangerous foreign oil but also create even more jobs and put us at the forefront of alternative-fuel technology. By using our own natural gas reserves, we can build more powerplants, improve our transportation needs through buses and trucks that run on natural gas, power our fleets, and improve our country’s ability to manufacture steel, fabric, glass, and plastic that we need instead of outsourcing these jobs overseas, which is what has been happening.

Madam President, 28 billion barrels of deep-sea oil means that the Obama administration cannot continue to hold these reserves hostage by banning deep-sea drilling. The Gulf of Mexico and the Atlantic coast areas alone hold commercial oil reserves of 28 billion barrels of oil and up to 140 trillion cubic feet of natural gas. These are huge reserves.

Despite the administration lifting its moratorium on permits late last year, only one deepwater well permit has been issued in the last 11 months—only one. We can and we must do better than this.

Yesterday, it was reported that the Obama administration will issue another handful of deepwater drilling permits in the near future. Of course, this comes at a time when the administration is appealing a ruling from a Federal court that has ordered the administration to act on the permits that have been pending and that have been virtually ignored.

Secretary Salazar, in a Senate subcommittee hearing just yesterday, said oil production in the gulf will not drop significantly as a result of the administration’s delay. He said we “may see a blip.” Well, this country cannot afford to see a downward tick. As a matter of fact, we need a strong upward tick. We need to see more production coming out of the Gulf of Mexico.

Recently, Senator Vitter drafted his No Cost Stimulus Plan, as he calls it—or his 3 Ds. Those 3 Ds are domestic energy and domestic jobs. This plan would pay for the deficit. This bill aims to increase our ability to access domestic energy sources to increase our energy independence. It would use these domestic energy sources to create thousands of good-paying, private-sector, long-term jobs in areas such as my State, where we have the potential to lead the Nation in renewable energy.

In 2009, the Obama administration canceled 77 oil and gas leases in Utah, and in 2010 it canceled another 61 oil and gas leases in Montana. This is astounding to me because now, instead of acting on American energy independence, we are trying to stifle the people. Senator Vitter’s legislation would direct the Obama administration to reinstate oil and gas leases that were canceled and to open ANWR to oil production.

Senator Vitter’s legislation would also establish an ANWR alternative energy trust fund so we can pay for renewable energy development with our own money instead of borrowing money from China and Saudi Arabia and others to do it. The bill also restricts the EPA from imposing regulations that cut off our access to oil and gas resources instead of utilizing them.

We have been talking about the debt on this floor and overspending. We need legislation to go after American energy because, by the way, this legislation would not cost us any money. As a matter of fact, it brings in money to the U.S. Treasury because we get royalties off of American energy. That is the direction in which the Senate, the House, and the President needs to take our country—less dependence on foreign oil, more American security from an energy independence standpoint, more economic security, and more military security as well.

Reps have reservations and we are eager to start this debate, but we need the majority to bring these bills to the floor of the Senate. The issues are too critical for us to delay. We can’t afford to let gasoline continue to go up and up and up, to $1, $2, who knows where it is going to stop.

Unfortunately, President Clinton vetoed the bill that would have opened ANWR back in the mid-1990s. I think we were one vote short in passing the ability to open ANWR when President Bush was President and failed by one vote. That is unfortunate, because if we had opened ANWR, we wouldn’t be in nearly as bad shape as we are in today. But it isn’t just ANWR, it is many other places where we can have American energy and we need to act and we need to act now.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

DEBT AND NATIONAL SECURITY

Mr. THUNE. Madam President, I rise to talk about our Nation’s security and what the Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, recently said is the greatest threat to America’s future. He mentioned not too long ago that the greatest threat to America’s national security is our national debt, not al-Qaeda or the Iranian nuclear threat or instability in the Middle East or any other single threat.

That is a stunning statement, but I think it is backed up by the numbers.

We are more than $14 trillion in debt.
It took 220 years of American history, up to the beginning of 2009 and with 43 American Presidents, to pile up $6.3 trillion in publicly held debt. Under the Obama administration’s latest budget, we will double that in another 2 years and triple it in 10. That budget calls for a single deficit every year for the next 10 years. The smallest budget deficit we would face would be $607 billion in the year 2015, and then our deficits would start rising again.

That is what the White House calls a balanced budget. I would call it a joke, but it is no laughing matter. We just learned China holds even more of our debt than the Treasury had previously thought—26 percent of total U.S. debt held by foreigners. The President’s budget inevitably would add to that.

That crushing debt burden we are imposing on future generations will seriously limit their ability to live the American dream. For generations in this country, parents have sacrificed so their children could have a better life, but today we are standing that tradition on its head. Excessive spending and debt threaten to make the next generation the first in our history to have a lower standard of living than the one they came before. That is not what my parents did. My father fought in World War II. He worked hard as a teacher, a coach, he drove the schoolbus, ran a motel in my hometown, and basically did any job he could and made ends meet. He never made in order to keep our family fed, clothed, and sheltered. His father before him, my grandfather, traveled to this country from Norway and worked doing hard labor laying the railroad across the Plains. He started his own hardware store and ran it through the Depression and war until he couldn’t work anymore. He knew what it meant to sacrifice to take care of his family. But today, Washington seems to be saying to our future generations, ‘You will have to sacrifice so we will not have to make the tough choices. We don’t want to do the hard work of living within our means, so our children and our grandchildren will just have to get by on less. Every one of us in this Congress should be ashamed of that prospect.’

But more than shame for what we are doing to future generations, we should be alarmed about what we are doing to our economy. That skyrocketing spending and debt means a burden of uncertainty on our businesses, small and large alike. When businesses and people are uncertain if there will be a fiscal crisis, they limit their investment. Added to the stifling amount of overregulation coming out of Congress and the administration these past 2 years, it means businesses have one more reason to worry about whether they can afford to add another person to the payroll. That means fewer jobs.

One influential study, endorsed by none other than Treasury Secretary Geithner, found that countries with very high debt burdens suffer from lower economic growth rates. Median growth rates for countries with public debt above roughly the 90 percent of GDP threshold are about 1 percent lower than otherwise. The reasons for this are simple: Government borrowing crowds out private investment. The lack of resources that could and would be better used by the more productive private sector.

We have already crossed the dangerous 90 percent threshold—gross debt was 93 percent of GDP at the end of last fiscal year and will top the 100 percent barrier by the end of this fiscal year. Under the President’s budget, the debt will continue to grow rapidly, eventually reaching 107 percent of GDP—and that is even with the gimmicks and questionable assumptions the White House budget proposal contains, including what I believe are very unrealistic economic growth assumptions.

President Obama’s own economic advisers have estimated that a 1-percent increase in GDP translates into 1 million more jobs. Many more people would have jobs today if it weren’t for this crushing debt burden.

We do not have good news last Friday about private sector job creation. Nobody was happier than I to see that. But the fact remains that the labor force participation rate in the latest unemployment figures was unchanged at 64.2 percent, the lowest level it has been since the early 1980s. A lot of workers have been so discouraged with the lack of jobs they have simply stopped looking.

Let us not forget our recovery so far has lagged far behind past recessions. At this point after the 1981–1982 recession, the economy had already expanded to 10 percent. But the current recovery has only expanded the economy by 14 percent. That is not good enough. It should not take us another 10 years to get back on the path of prosperity.

For 2 years, the Pied Pipers of big government told us they could spend their way out of financial troubles: that the money was free and it would lead to jobs, jobs, jobs. Well, they were wrong, and 2 years of their policies have left us dramatically worse off. It is simple: Too much government spending means too much government debt. That means a weaker economy and fewer jobs.

I think we are finally at the point where most people, even here in Washington, are willing to concede we need to get a handle on our spending. Even the Obama administration—the biggest spending White House in history—has finally come around to the realization that just maybe we should let the credit card cool off a bit.

There is no better time in America’s history for a change course regarding Federal spending. We are at a moment when we are about to get hit by a succession of three budgetary waves. First, the end of the 2-week continuing resolution on March 18. Then we will have to address the debt limit sometime this spring. After we have dealt with those two matters, we need to take up the budget for fiscal year 2012 because the new fiscal year is only 6 months away.

None of those is a mystery. None of them snuck up on us. We have seen them all coming. We have had plenty of warning. We have no excuse for being unprepared. I am confident we can come together and solve all three of those issues. We showed we can do it with the 2-week CR, finding $4 billion of spending that we could agree was not our most important national priority right now and could be cut. Thanks to the great work of our friend and colleague, Dr. Coburn, the GAO has confirmed there are hundreds of billions of dollars in waste and duplication. We can begin to scrub out of our Federal budget.

As our short-term situation—those three challenges. But there has also been talk of a balanced budget amendment, and I am a cosponsor of two balanced budget amendments. That is not a short-term fix. That is a long-term fix. So that is the short term and the long term.

In the midterm, we need to come up with additional solutions to get us off what I call Federal fiscal irresponsibility, budgetary brinksmanship, and double-counting gimmicks. We need to get back on the path of prosperity, and that path cannot be built on borrowed money and reckless spending. Getting back on the right path will require us to fix our broken budget process.

To that end, I am proud to reintroduce a bill I introduced last year that would establish commonsense reforms to improve transparency and efficiency in our budgeting process. I am proud to reintroduce the Deficit Reduction and Budget Reform Act of 2011. If we don’t do something to fix this broken system and soon, we are going to keep getting hit by these budget waves, and sooner or later they are going to sink us.

My proposal has three main parts. The first is budget reforms. I propose we start by reforming pay-go rules to prevent the double-counting gimmicks that too often are used around here, particularly with regard to our trust funds. We saw that double counting occur during the health care debate last year, when hundreds of billions of dollars were—as we now know—essentially spent twice—during the health care debate.

My proposal would make the Federal budget a binding joint resolution signed into law by the President. That is a binding joint resolution and routinely gets waived.

My proposal calls for a biannual budget timeline. There is more time...
March 10, 2011

CONGRESSIONAL RECORD — SENATE

S1527

for oversight and to see what is working doing a budget every other year—during the odd-numbered years—and then during the even-numbered years doing oversight. So instead of looking for ways to spend taxpayer dollars, we look for ways to save taxpayer dollars.

My proposal also calls for a legislative line-item veto. Governors have it; the President should too.

My proposal would prevent the abuse of emergency spending designations, which, again, have become all too routine and all too frequent around here, to get around spending caps.

My proposal calls for the creation of a new CLASS Act trigger, if that new entitlement program is not solvent over a 75-year timeframe.

I would also modify the Medicare cost containment trigger to have honest accounting with respect to revenues and savings in the new health care bill.

My proposal also would update the Credit Reform Act to score the purchases of debt, stock, equity, and capital using a discount rate that incorporates market risk rather than the procedure that has been used in the past which, in my view, completely understates the cost of many of these programs.

I call for a new standing joint committee of Congress for budget deficit reduction. If you can believe this, there are 26 committees or subcommittees that spend tax dollars and not one that saves tax dollars. That joint committee would be responsible for producing a bill to cut the deficit by at least 10 percent every budget cycle without raising taxes. This bill would get expedited consideration in both Chambers of Congress and use only spending reductions, not tax increases. Tax increases would be off the table. A standing committee—not just issuing one report and closing up shop—its recommendations would get an up-or-down vote in Congress.

There is a precedent for doing this. I see the Senator from West Virginia on the floor. Back in the 1940s, there was a Senator from West Virginia named Harry Byrd. As they were debating whether to raise taxes to fund World War II, he came up with an idea and that committee achieved a great many things. It was in existence for about 30 years.

What this would do is draw on that precedent and create a joint standing committee in the Congress that would be bicameral—10 House Members, 10 Senate Members—bipartisan—10 Republicans and 10 Democrats—and would have a statutory requirement each budget cycle for coming up with a specified amount of savings in deficit reductions through spending reductions.

What would we do in the short term? This proposal would freeze and cap spending for a 10-year spending freeze at 2008 levels adjusted for inflation. After all, nondefense discretionary spending has increased at an alarming rate since 2008—a 22-percent increase, when inflation has been roughly 2 percent. In other words, non-defense discretionary spending has grown in the last 2 years at 10 times the rate of inflation.

As I said, this is not a quick fix. No plan is going to solve our problems overnight, and I hope we do not take seriously anyone who claims to have a plan that will. But just the same, I do not think we should take seriously any plan that claims that an annual deficit of $900 billion is the same as a balanced budget. It is not and it is not good enough. The only thing that is good enough for our children and for the future prosperity of this great country is for us to get our fiscal house in order and adopt a responsible budgeting. We cannot continue to spend money we do not have. We have to learn. Like the American people have learned to live within their means, we have to learn how to tighten our belts.

I wish to close with a couple of statements.

I mentioned earlier the statement by the Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, to the greatest threat to our national security being our national debt, but I also want to quote what Secretary of State Hillary Clinton called the unexpected $1.3 trillion U.S. deficit. She referred to it as a “message of weakness internationally.” and she went on to say:

It poses a national security threat in two ways: it undermines our capacity to act in our own interest and constrain us where constraint may be undesirable.

That is Secretary of State Hillary Clinton with regard to these year-over-year massive deficits we continue to run.

Just today, we heard that PIMCO, one of the largest mutual funds in the country, has decided to dump government debt—its government debt. In that story that came out today that was discussing that particular move on their part, quoted from a gentleman, Jim Rogers, who is the co-founder of the Quantum Fund. He said: U.S. Government bonds are not a safe haven. I cannot conceive of lending money to the U.S. Government for 30 years.

Think about that—the United States of America is being viewed increasingly as an unsafe investment because of this massive debt we are running and what it could mean to the future with regard to inflation and interest rates. Growth of our economy and its attractiveness to people not only here at home but around the world as a place for investment.

We have a major problem. These are serious times. These are serious problems. These are serious challenges. They require serious solutions and serious leadership. I hope here in the Senate we are up to that.

As I said before, it starts on several levels. In the near term, we need to get the spending under control. We are trying to do that with the discretionary spending bill that is in front of us. We need to deal with the longer term issue. I hope we can pass a balanced budget amendment. We have had votes on that in the past here in Congress, unsuccessfully, narrowly. But we need to put in place what so many States have that require them on an annual basis to balance their budgets. Then we need to put in place budget process reforms that, in my view, will put more of a straitjacket on the Congress and force us to make these hard decisions.

I think, frankly, because we do this every year, this budget every year, we get very occupied with 12 appropriations bills in the budget—although last year we did not even pass a single appropriations bill, nor did we pass a single appropriations bill, which is a major failure of this Congress when you are running a $3.7 trillion enterprise called the Federal Government. But in our annual schedule, we need to provide time to do oversight, time to look at what we can be doing not to spend more money but to save money.

If we had a biennial budget process where we are spending money in odd-numbered years and doing the appropriations bills in those years, and then in the even-numbered years, when people go home to run for election, instead of looking for ways to spend money, we are actually looking for ways to save money, I think these reforms are long overdue.

I hope my colleagues will take seriously this issue of budget process reform. I know it is not glamorous subject. In fact, most people’s eyes glaze over when we talk about budget process reform. But, in my view, there is not anything we could do that would more fundamentally change the way Washington works than reforming this budget process because it drives everything else. If we do not start there, we are never going to get this issue of spending and debt under control in the long term.

I thank my colleagues who have co-sponsored this bill. I hope there will be more colleagues who will jump on this bill—if not this one, something like it—that will once and for all change the way Washington works by undertaking reforms in our budget process that will lead us to greater fiscal responsibility and greater prosperity for future generations.

I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from West Virginia.
Mr. ROCKEFELLER. Mr. President, tomorrow is March 11. For most of us, this date carries no particular significance. It does, however, reflect exactly 6 months before September 11. That date is one we remember and will not forget. It is 6 months from the very sorry, the worst terrorist attack ever and a day that we as a nation can never forget. It is 6 months from the date we will honor the memory of those whose lives were lost to that and the way we came together, at least for a short period of time, as a nation.

With that historic date approaching, I think it important that we honor the tremendous bravery of all public safety officials. I believe this is one of the most important issues facing the country, and it is one we can do something about very quickly and reduce the budget deficit by doing so.

Our police, our firefighters, our emergency medical technicians, and the countless others who fought that day to keep us safe and who work every day to protect us from harm—we have essentially forgotten about them. The 9/11 Commission specifically said that we have a system that connected all law enforcement across this Nation in an interoperable wireless system. Obviously, therefore, that is a way of saying that the best and simplest way to honor them is to give them the tools they need to be successful, to be safe, and to do their job in a way that does not expose them to needless dangers. Right now, we are not doing that.

Much as in the first gulf war, when the Army and the Navy and the Marines and the Air Force could not communicate with each other because they were all on different systems of communications—and we all kind of laughed at that as being kind of pathetic, but solved that, sort of, but we have not solved this one at all, involving every single American and every single firefighter, policeman, and law enforcement officer, deputies, sheriffs, all across America. When it comes to public safety communications, these everyday heroes do not have the networks that they could so easily have and that they so desperately need because we have not acted. It is the 10-year anniversary coming up 6 months from now, and we have not acted.

Too often, first responders lack that interoperable network that is essential to providing an effective response in emergencies, all kinds of emergencies—a lot of them very desperate, not all of them catastrophic, but there is always that potential. They don’t have the ability to communicate with one another. They don’t have the ability to communicate with other agencies. They don’t have the ability to communicate with other cities and States across the country. They cannot do that. It is kind of pathetic in the age of the Internet. We have chosen to do nothing. Instructed by the 9/11 Commission to do something a long time ago, we have done nothing. This hampers our ability to respond to a crisis, this lack of equipment. Whether that crisis is a terrorist attack or a natural disaster, it puts lives in unnecessary peril.

I believe it is time to do something about it. In the Commerce Committee, we happen to take that approach. That is why I introduced S. 28, the Public Safety Spectrum and Wireless Innovation Act. This legislation does two things. First, it sets aside the 10 megahertz of spectrum known as the D-block. I don’t know why it is called the D-Block, but it is the D-Block. Its 10 megahertz adds on to the 10 megahertz they already had, making 20, which means they could do the whole thing, completely connect with each other, every sheriff, police person, law enforcement, Federal, State, county, municipal. They would all be on one system and talk to each other from a common communications base and a common database. It is an interoperable wireless broadband network that we have to have, and it is that which we do not have. We do not have it because we have not made the effort.

Secondly, it gives the Federal Communications Commission the authority to do something very interesting: to hold incentive auctions based on the voluntary return of spectrum which is not necessarily being used by a whole entire bunch of radiowaves, but rather to hold on to it. It is better to hold on to something than to give it, but we give them an incentive on a voluntary basis—crucial word in this legislation—on a voluntary basis to return that spectrum. In turn, these auctions will provide the funding to support the construction and maintenance of the public safety network which they need and which I have been speaking about, and they free up additional spectrum for innovative commercial uses.

In short, this helps carry resources for the first responders with good commercial uses. It can keep us safe and help our economy grow. That is why the legislation has the support of absolutely every major public safety organization across this country, obviously including those of my State. That is why this bill also has strong support from all Governments and all mayors across this country. They have to deal with this. We do not; they do. That is why we have the support of the administration.

I urge my colleagues to support the Public Safety Spectrum and Wireless Innovation Act. To those who say we cannot afford to do this now, obviously I would say we cannot afford not to. The role of intelligence reveals all kinds of things going on not only outside the country but inside the country, implying there is a target, or many of them, within this country. It is a time where we need to act. It is a time where we need to do something. I think it is important for people to know this. This legislation pays for itself, plus does not cost a dime. According to the White House and even the industry itself, the telecommunications industry, incentive auctions will bring in revenue so much above what funding public safety requires, it will leave billions over that amount for, for example, deficit reduction. I am very, very confident this legislation will result in the whole lot of deficit reduction. Billions and billions. So it is a win-win.

I close. Let me say we have a once-in-a-generation opportunity to provide our public safety officials with the spectrum they need to communicate when tragedy strikes. We have chosen not to do that. Now there is this sort of malicious pressure of the 911 Commission’s directive to us to do our duty as a country to the people who keep us safe.

More than that, we do need to keep this country safe, and it is not always going to be safe. We do not know when the next attack will come. So we have the incentive auctions, which are voluntary, but they will work. They can be sold for lots of money, and we will have, therefore, lots of money over and above what it costs to build this interoperable wireless broadband system across the entire country, connecting every law enforcement official to every other one.

To my colleagues I say, let’s seize this moment. This is not Republican, this is not Democrat, it is simply the right thing to do. I ask people to think back to those images of 9/11, of that day, do not just the 9/11 Commission report that emanated from that, why we could not stop that, but to think of the images of that day, of what those people absorbed in their lungs, the natural instinct for firefighters to come from all over the country, policemen to come from all over the country, ambulance people to come from all over the country, to New York City, a city which they do not start out loving generally out there in the hinterlands. But they saw this, this very re-acted, they saved lives, they imperiled their own, and many of them lost their lives.

Let’s do something historic, and let’s do it together, and let’s do it here in this Congress. And, certainly, let us get this all done before the 10th anniversary of September 11.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

FISCAL RESPONSIBILITY

Mr. KIRK. Mr. President, We are borrowing over $5 billion per day.

That’s $35 billion borrowed per week to run our government, totaling over $1.5 trillion in borrowed money just to run for a year.

Harvard’s great economic historian, Niall Ferguson, noted that the decline of a country can be marked when it borrows too much money to pay for its army. His classic case comes from the French monarchy of the 1780s who failed to make interest payments on
their debt, causing the financial collapse that triggered the Revolution. Recently, Carmen Reinhard and Kenneth Rogoff wrote a brilliant book called “This Time is Different, Eight Centuries of Financial Folly.” Their vast study revealed that most governments, regardless of their unique and different, causing them to make the same mistakes that crippled past nations and empires.

Using Ferguson’s tipping point, where are we today? Thrus, the total cost of maintaining our army will equal $137 billion. This same year, we will pay $225 billion in interest to our money lenders for the use of $14 trillion borrowed from China, Japan and elsewhere. The starting conclusion is that we have already passed Ferguson’s tipping point by paying America’s money lenders more than our own Army.

It gets worse. In just 6 years, the administration says that we will have to pay over $561 billion to our money lenders for interest on our rapidly expanding debt. With the expected cost of our Army at $195 billion, our Air Force at $201 billion and our Navy/Marines at $217 billion, the total bill for just our military for our common defense will be smaller than the $561 billion due to the money lenders. In simple economic terms, we will be forced to pay our lenders their interest money first, before caring for our own society, or risk seeing the value of the dollars in our own wallets disappear.

Remember, these numbers are optimistic. They assume no severe spike in interest costs and no other war.

Recently, the Senate agonized over a short-term, 2-week spending bill that made a $4 billion cut to spending. We should see that bill’s cuts as modest knowing that we already pay $616 million daily in interest and over $4 billion per week. To that extent, the cuts of a 2-week bill saved just 1 week of interest payments.

As dire as this situation is, there is a bright side. Our country has seen this movie before. Washington, Lincoln and Roosevelt all accumulated economy-crushing debts as the fate of the United States hung in the balance.

But there is one difference between us and other nations. From the dawn of our revolution, the United States became the greatest force for human liberty and individual dignity ever known. The U.S. ended slavery, gave women and women the right to spread freedom across Europe, Latin America and Asia. We are now challenged by 21st century world views in the Middle East and China that do not hold the value of the individual as high as we do. It is therefore doubly important for us to reduce spending and balance the books so that we restore the vitality of a free people and their cause of expanding liberty and individual dignity.

Next time you talk to a member of the Greatest Generation, do not just say thank you. Ask them for advice on how to trim budgets and restore growth in the face of extraordinary debt, just as they did.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I too take the floor. The President of the Senate to urge all of us, Democrats and Republicans alike, to focus on the single biggest domestic threat to our country, our single greatest challenge in the eyes of every American and every American I know, and that is to stop this runaway spending and debt.

Americans all around the country, certainly Louisianans all around my State, understand this is a grave threat to our economic future. It is not some vague threat to generations two and three and a quarter from us. This is an immediate threat because the path of spending and debt we are on is completely unsustainable.

For example, we must come together in a bipartisan way. We must act. We must solve this real and pressing problem before it is an immediate crisis. We should clearly do that well before any need for an increase in the debt limit arises, well before this Congress passes its next legislative measure that may extend the need for an increase in the debt limit.

For all of these reasons, I have joined with many of my colleagues. I sent the majority leader a letter today. First, let me thank my colleagues who joined me in the letter: Senators Sessions, Rubio, DEMINT, Paul, Lee, Toomey, and Ensign. The letter is very simple and straightforward. It says this is the greatest challenge we face. It says because of that, we need to face it. We need to debate and talk about it and act. We need to start doing that now, well before any significant deadline like when the debt limit may have to be increased.

The letter says: Mr. Leader, we are going to oppose moving to any other bill that doesn’t directly address this crisis when we need to act on this grave threat.

Let me read relevant portions that go right to the point:

Dear Leader Reid,

Yesterday, the Senate voted on two proposals to fund the government for the rest of the fiscal year. This debate gave only a limited (three hour) opportunity to debate what many Americans believe is the issue of our time—cutting government spending and dramatically reducing our national debt. Additionally, no members were permitted to offer amendments under the structured process, which in our opinion prevents a full, open, and robust debate.

We believe our national debt, poised to reach its $14.3 trillion limit in the very near future, taxpayers expect Congress to work together to reduce wasteful and unnecessary spending and be more vigilant about how we spend public funds. The American people want Congress to deal with the tough issues of cutting spending, and almost every member of the Senate has agreed that we must address our fiscal situation immediately.

While there are certainly many issues that worry the Senate’s consideration, we feel that the Senate must not debate and consider bills at this time that do not affirmatively cut spending, directly address structural budget reforms, reduce government’s role in the economy so businesses can create jobs, or directly address this current financial crisis.

The American people resoundingly rejected the way the Senate waited until Christmas Eve as a mechanism to force hurried debate on President Obama’s massive health care legislation. Voting to escalate on another legislative measure effectively runs away from the central issues of spending and debt and repeats that flawed process.

We, therefore, are notifying you of our intention to object to the consideration of any legislation that fails to directly address this crisis in a meaningful way. Our objections would be withheld if another legislative measure to dedicate significant floor time to debate this issue well in advance of the federal government reaching our statutorily mandated debt limit.

It is signed “Sincerely” from both myself and Senators Sessions, Rubio, DEMINT, Paul, Lee, Toomey, and Ensign, to the majority leader.
The statement is clear. This is a crisis. We need to act before we reach the statutory debt limit. So what are we waiting for? Let’s act now. Let’s move away from the taking and winning, and move toward the people’s business. Let’s move to the absolute top challenge we face domestically. Let’s come together and debate, vote on, and hopefully begin to solve this problem of unsustainable spending and debt.

To do that we also need leadership, ideas, suggestions. I believe we have provided that on this side of the aisle, and we would welcome ideas, suggestions, and concrete proposals from all Members.

Let me list the more than two dozen pieces of legislation that go directly to this issue:

S. 14, by Senator ENSENCE, establishes a commission on congressional budgetary accountability and review of Federal agencies.

S. 81 is an Isakson bill to direct un-used appropriations for Senate official personnel and office expenses to be deposited in the Treasury and actually used to reduce the Federal debt.

S. 259 is a Vitter bill which requires OMB to transmit to Congress a message with specified information requesting any rescission the President proposes under the procedures instituted under that act.

S. 163, by Senator TOOMEY, is the Full Faith and Credit Act to prioritize principle and interest payments when and if the debt limit is reached.

S. 178, by Senator DEMINT, reduces Federal spending by $2.5 trillion through fiscal year 2021.

S. 245 is a Corker bill, the CAP Act, to create a discretionary spending cap for Congress.

S. 250 is my bill to prioritize Social Security payments if and when the debt limit is reached.

S. 360, by Senator INHOFE, creates a point of order to exceed nonsecurity discretionary limits and to create spending limits for fiscal years 2017 to 2021.

S. 389, by Senator KIRK—and Senator HATCH has a similar bill—establishes a commission to review cost control.

S. 391, by Senator MORAN, rescinds all unobligated balances of President Obama’s stimulus bill.

S. J. Res. 3, by Senator HATCH, is a balanced budget amendment.

S. J. Res. 4, by Senator SHELBIE, is on the same topic.

And S. J. Res. 5, by Senator LEE, is on the same topic.

This is a long list, but it is certainly not exhaustive. I have read a partial list to make the point. We are coming up with ideas, proposals, and solutions. We encourage Senator of both parties to come up with ideas, proposals, and solutions. Let’s actually talk about the greatest threat we face.

Let’s talk about it now. Let’s debate it now. Let’s exchange ideas in a positive atmosphere now, well before we reach any crisis atmosphere over the debt limit.

I respectfully urge the distinguished majority leader, Senator REED, to heed the call to lead our letter and to react by creating an identified time on the Senate floor, well before we reach the statutory debt limit, to debate and pass solutions on this crucial topic.

I don’t believe there is debate that this isn’t the greatest challenge we face, that this isn’t the greatest economic threat we face. Quite simply, what are we waiting for? We need time to bring forth these ideas and exchange them and debate them and act. We need time to do this well before the statutory debt limit is reached. We need to do the people’s business in a reasonable way, in a sober atmosphere, not in an atmosphere of hysteria or threats when the debt limit would be reached.

I urge all colleagues to join us in this effort, to come to the floor with their ideas, their proposals. Let’s do the people’s business.

I ask unanimous consent that a partial list of Republican solutions and proposals be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 14—an Ensign bill to establish the Commission on Congressional Budgetary Accountability and Review of Federal Agencies. Directs the President to designate two Commission co-chairpersons.

S. 81—an Isakson bill to direct unused appropriations for Senate Official Personnel and Office Expense Accounts to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt.

S. 102—a McCain bill which requires OMB to transmit to Congress a message with specified information requesting any rescission the President proposes under the procedures established in this Act.

S. 162—a Paul bill to cut $500 billion in federal spending from FY 2011.

S. 163—Toomey’s FAIR Act to prioritize principle and interest payments when the debt limit is reached.

S. 178—DeMint bill to reduce federal spending by $2.5 trillion through 2021.

S. 245—Corker’s CAP act to create a discretionary spending cap on Congress.

S. 246—Vitter bill to prioritize Social Security payments when the debt limit is reached.

S. 250—Inhofe bill to create a point of order to exceed nonsecurity discretionary limits and to create spending limits for fiscal years 2017 to 2021.

S. 389—a Kirk and Hatch bill to establish a commission to review cost control.

S. J. Res. 3—Hatch’s balanced budget amendment.

S. J. Res. 4—Shelby balanced budget amendment.

S. J. Res. 5—Lee balanced budget amendment.

Mr. VITTER. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.
of total U.S. oil production and 13 percent of natural gas production. By failing to take full advantage of that resource, we are putting our energy security on the line.

Mr. President, 400,000 jobs across the gulf coast are tied to the offshore energy industry. Nearly a year after issuing its moratorium and months since the moratorium was lifted, the Department of the Interior last week approved its first, its one and only, deepwater and shallow water lease—one in a year. It's one and one only. There are thousands of idled leases, people sitting in the Gulf of Mexico idle that should be able to be at least exploring to determine if it is worth drilling. Yet the gulf is facing a recession.

My constituents know the pain of this “permitorium.” One unfortunate case is the Houston-based Seahawk Drilling Company. Seahawk Drilling used to be the second largest shallow water drilling contractor in the United States. It provided high-paying jobs to men and women in Texas and across the Gulf of Mexico. I say “used to” because in February bureaucratic delays in shallow water permitting forced Seahawk Drilling to declare bankruptcy. They could not continue to have the costs associated with their employment levels, and with their company being there without the opportunity to drill energy ideas and keep their employee base, they declared bankruptcy. It destroyed 1,000 high-paying Texas jobs.

I received a letter describing the pain and distress the company felt when it had to inform the dedicated Seahawk employees they no longer had a job. According to the letter, on the day Seahawk was forced to sell its assets and lay off workers, the chief operating officer had to “fight back the emotions of the day” and he had to leave the conference room for a room full of Seahawk employees to tell them that their company was bankrupt.

These are real people with real families—real jobs—American jobs—and it could have been prevented.

Since the moratorium was enacted, at least 13 rigs—deepwater and shallow water—have departed the Gulf of Mexico, taking with them good American jobs, and furthermore, putting us in the position of having to import now from the foreign countries where these rigs have gone, not only taking away American jobs but forcing us to be even more dependent on foreign imports for our energy needs.

Offshore energy production is expected to decrease by 13 percent in 2011, due to the slow pace of permitting. This is unacceptable, and we must do something to make it productive.

Yesterday, Senator LANDRIEU and I introduced the LEASE Act, the Lease Extension and Secure Energy Act of 2011. All our bill does is extend the offshore leases that are impacted by the moratorium and the lack of permitting for 1 year.

The LEASE Act returns to lessees the lease time taken from them during the moratorium. This will increase domestic energy production and protect some American jobs—those that have not already left. Despite being unable to explore for energy resources, the leaseholders are continuing to pay the expenses, as time ticks away on their lease.

The LEASE Act will prevent leases from running out, and it gives the lessees the certainty they deserve that they will have the full amount of the lease for which they have paid bonus payments, royalties, and tax collections.

In 2009, the industry accounted for $70 billion in economic value and provided $20 billion in revenue to Federal, State, and local governments through royalties, bonuses, and tax collections. I hope our bill will be noncontroversial. It would seem to me that anyone would agree that if you paid for a 10-year lease, and you have the expenses of exploring to see if that lease has potential, before you drill to see if the lease has potential, you have the lease for full 10 years, and not 9 years because you have not been able to use the year we have had the moratorium and the lack of permitting.

There has been another suggestion by the administration that perhaps we should be proposing energy taxes—up to $90 billion over the next 10 years. The President suggested that in his State of the Union message. Much of the taxes that would go on the oil and gas industry for expenses—that any industry, any business can write off, but would single out the oil and gas industry not to be able to expense their exploration and drilling costs—what would happen? If the prices go up, of course, who is going to pay those high prices? The families and businesses that are having to fill their cars with gasoline.

In fact, the administration, through the EPA, is trying to bring more expenses to the oil and gas industry purporting to regulate greenhouse gas emissions. The administration is also adding to the refiners by saying they should not get the manufacturing tax credit.

We have been trying to encourage manufacturing in America because we want manufacturing jobs in America, and so many of those have gone overseas. But the administration proposes to tax refiners who are manufacturing the gasoline from the oil and add more expenses to the product, which is gasoline, and, oh, by the way, take away the capability for these refiners to have the same treatment as any other manufacturer in our country.

Raising taxes on our domestic oil and energy industry is wrong, particularly at this time. We need to assure that we are not going to drive our energy jobs overseas. Yet what the administration is doing is counterintuitive if we all agree we want to keep the jobs in America.

So here we are with gas at $3.52 a gallon, and the summer driving season is upon us. We are looking now at estimates from the experts that gasoline could be $4 a gallon. What is that going to do to the family who wants to take a vacation at a reasonable price? What is that going to do to the workers who have to get to work and who are already strapped, and, for Heaven’s sake, the people who are employed who are trying to go and interview for jobs with gas at $4 a gallon?

We cannot sit here and let this happen. It is time we get together with the President of the United States and have productive solutions, and solutions that are going to keep jobs in America, that will allow us to use our natural resources to begin to set the stage if we have upheaval in the Middle East that causes the supply to go down at a great rate. We need to have our supply go up to meet the test we should have of lowering energy prices for our people with our own natural resources. It is not to put the SPR out and put us in an even more vulnerable situation. It is to use our resources, with Americans to take the jobs, and increase our supply so the price of gasoline at the pump goes down for the American people, and so we can have the jobs we should have in America stay in America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

HARRIET TUBMAN

Mr. CARDIN. Mr. President, 12 years ago this very day, the Senate passed a joint resolution that honored Harriet Tubman, with Harriet Tubman Day, on March 10. That resolution was sponsored by Senator CARPER and then-Senator BIDEN. In the House of Representatives, I served and I cosponsored a similar resolution.

Harriet Tubman was a remarkable woman. She was born in Dorchester County, MD, 1820. She was a slave for greater than 25 years of her life. At age 25, she married John Tubman. She escaped slavery in 1849. She returned to the eastern shore of Maryland, not once but 19 times that we know of within a 10-year period, in order to rescue slaves and to set them free.

She rescued slaves in Dorchester County and Caroline County in Maryland, and throughout the entire Northeast. She was known as the modern day “Moses” for the Underground Railroad. During the Civil War, she organized the Union forces as a spy, a scout, and as a nurse, operating in Virginia, Florida, and South Carolina.

After the Civil War was over, she settled in Auburn, NY, and was very active in the women’s suffrage movement, and she established one of the first African-American homes for the aged.

She died in 1913.

Harriet Tubman embodies the American spirit. She was a strong-willed person who fought for the rights and freedom of those who were oppressed in the barbaric institution of slavery.
Her personal freedom was not enough for her because she recognized there was injustice in this country, and she wanted to be involved. As the joint resolution that passed the Senate 12 years ago said: Harriet Tubman—whose courageous and dedicated pursuit of the promise of American ideals and common principles of humanity continues to serve and inspire all people who cherish freedom.

A major part of learning and understanding the significance of history is being able to experience the places where that history occurred. From Fort McHenry in Baltimore, MD, to the Lincoln Memorial here in the Nation's capital, we have preserved our history for future generations. Millions of visitors and schoolchildren visit these iconic places in American history.

The Harriet Tubman National Historical Park and the Harriet Tubman Underground Railroad National Historical Park is legislation I have filed so we can preserve the history of Harriet Tubman with these historic places for future generations.

I am joined in this effort by Senator MIKULSKI, Senator SCHUMER, and Senator GILLIBRAND. The natural landscape on the eastern shore that existed during Harriet Tubman's day exists today. Her homestead, where her father was born, Ben Ross, exists today. Stewart’s Canal, where her father worked, exists today. The Bredessa Farm, where Harriet Tubman worked as a slave, exists today. Right adjacent to it, and including part of that property, is the Blackwater National Wildlife Refuge. So we have the landscape in which the Underground Railroad was operating to free slaves in the 19th century. It exists today on the eastern shore of Maryland.

In Auburn, NY, the home in which Harriet Tubman lived still exists, the home for the aged that she started still remains. The Thompson Memorial AME Zion Episcopal Church is still there, and the Fort Hill Cemetery, where she is buried. They are all intact, and all are available for preservation.

The legislation we have filed will preserve these places in American history under our National Park System for future generations. I urge my colleagues to support this legislation, to honor a great American, and to preserve our heritage for future generations.

ASThma AND THE IMPACT OF HEALTH Disparities

Mr. CARDIN. Mr. President, I rise to speak about asthma and the impact of health disparities. I have pointed out on the floor before that race and ethnic health disparities exist in America. I have talked on the floor before about sickle cell disease. Well, the same thing is true with the chronic inflammatory diseases of the body’s airways that impede breathing, such as asthma.

As I pointed out before, the Affordable Care Act includes a provision I helped write that establishes the Institute for Minority Health and Health Disparities at NIH. The purpose for including this information about asthma in the Record is to point out that we still have challenges that need to be met. I look forward to working with my colleagues on that issue.

Asthma is a chronic inflammatory disease of the body’s airways that impairs breathing and affects more than 20 million Americans. People with this condition have sensitive airways that constrict in response to allergens, temperature changes, physical exercise, and stress. During asthma attacks, the airways spasm and prevent oxygen from getting to the lungs. This leads to chest tightness, shortage of breath, wheezing, and mucus production. Severe attacks can require intubation and even result in death. Of the 20 million Americans affected by asthma, about 7 million are children. In fact, about 10 percent of all American children have asthma.

Genetics play a significant role in the development of asthma in children and adults, but asthma is also influenced by environmental factors and racial, ethnic, and socioeconomic factors. Asthma is more prevalent in certain minority groups, particularly among Blacks, Native Americans, and Puerto Ricans. To be more precise, research indicates that asthma is 30 percent more prevalent in American Indians and Alaska Natives. Asian children are 20 percent more likely to have asthma than Whites; Asian/Pacific Islander children are three times more likely to have asthma than White children; and Puerto Rican Americans have twice the asthma rate as the Latino American population overall.

In addition to occurring more often, asthma is also more severe in minority populations, and this leads to higher mortality among Americans. Asthma accounts for more than 4,000 deaths in the United States each year. Blacks are 2.5 times more likely to die from asthma-related causes than Whites. Among children, this ratio is even more staggering—Black children are 7 times more likely to die from asthma-related causes than White children. Interestingly, although Latino Americans and American Indian/Alaskan Natives are more likely than Whites to have asthma, they have a 50 percent lower poverty rate.

As I noted earlier, the gap in asthma outcomes is also influenced by several socioeconomic factors. Health disparities can be attributed to differences in education level, independent of race or ethnicity. Research shows that children whose mothers have not completed high school are twice as likely to develop asthma as children whose mothers have a high school diploma, and this difference remains significant even when controlling for race and ethnicity.

Economic status also influences the incidence of asthma. Studies have shown that unemployment is correlated with increased incidence, and that people with incomes below the Federal poverty level are 30 percent more likely to develop asthma as those who are above the Federal poverty level.

One reason is that income level is correlated with quality of housing, and substandard housing is strongly associated with poor asthma outcomes. Substandard housing exposes residents to environmental triggers for asthma such as dust mites, roaches, mold, and rodents.

A study in the journal Pediatrics showed that eliminating these indoor pollutants could prevent 39 percent of asthma cases in children. Other studies have shown that substandard housing accounts for up to a 50-percent increase in asthma cases.

In addition to indoor triggers, outdoor pollutants are also contributing factors. Researchers have found that among people living within 50 yards of major car traffic, people living near a road traveled by 30,000 vehicles per day are three times more likely to develop asthma that those who live near a road traveled by 10,000 vehicles per day. To put these figures into perspective, the average segment of I-95, our Capital Beltway, carries about 200,000 cars per day.

The built environment comprising roads, factories, and other human-made surroundings is a substantial risk factor for asthma. Many people are stuck in unhealthy living conditions because they can’t afford to move elsewhere, particularly in the case of public housing projects, which are often situated in the most polluted locations. Initiatives such as the Healthy Homes Program run by the U.S. Department of Housing and Urban Development are encouraging, but greater effort must be devoted to raising the quality of the built environment for people living in poverty.

Whether due to one or more of these factors, the impact of disparities in asthma is profound because asthma is such a crippling condition. Untreated or inappropriately treated, asthma makes it difficult to concentrate at school and work, limits physical activity, and often results in absenteeism. It also reaches beyond the patient to family members, as parents are often required to miss work to care for sick children. The Nation’s 20 million asthma patients account for more than 100 million days each year in lost productivity due to absence from school and work, according to the American Academy of Allergy, Asthma, and Immunology. Yearly, asthma patients account for more than 11 million office visits and 500,000 hospitalizations. That is an annual cost of more than $6 billion in direct and indirect medical expenditures. Much of this expense could be avoided with proper asthma management.

Patients who are diagnosed at an early age and whose conditions are well
managed by a primary care physician and an asthma specialist can avoid many of the complications associated with the condition. The ability to secure medications, such as an albuterol inhaler to alleviate attacks and steroids to suppress inflammation, can allow patients to play sports and live normal lives.

But patients who lack access to specialists or can’t afford needed medications will frequently miss school, must forgo physical activity, and can be hospitalized. So the effect of access to affordable, comprehensive care is apparent.

Even so, coverage is not enough. Asthma disparities have multiple interrelated causes, as I have outlined. We often view health disparities through the narrow lenses of genetic differences and differences in medical care. But upstream determinants such as social inequalities and neighborhood conditions can have a significant impact on these outcomes as well.

Even though we know this, national policies have not effectively addressed the problem of health disparities pertaining to asthma. National asthma guidelines that are supported by the National Heart, Lung, and Blood Institute and ensuring that the focus of biomedical research sufficiently addresses health disparities. We must encourage participation in clinical trials, particularly for underrepresented populations, so that we can speed the discovery of the most effective treatments. Provisions to encourage physicians to practice in underserved areas can improve access to care. The Office at AHRQ can help translate these findings into practice, and the Office at CMS can be instrumental in ensuring that eligible CHIP and Medicaid beneficiaries are enrolled in these programs and that they receive the care they need. With the Affordable Care Act, we have the momentum and the tools needed to make a difference in asthma health disparities.

I look forward to returning to the floor soon to explore the issue of health disparities further by focusing on another condition that disproportionately affects minorities.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TOXIC TEA

Mr. LAUTENBERG. Mr. President, everyone is aware of how deeply concerned the American people are about staying in their homes, about having adequate health care, and about providing education and a better path for the lives of their children. But everyone also knows there is a group calling themselves the tea party, and they are busy trying to eliminate those opportunities.

In Wisconsin, a tea party Governor is trying to take away workers’ collective bargaining rights to be represented. It is like going into a courtroom without a lawyer.

In Florida, another tea party Governor has killed the critical high-speed rail project by rejecting Federal grants of $2.4 billion to move it along. He threw it away, threw it back—$2.4 billion. Here in Congress, tea party activists have seized control of the Republican Party and create chaos for our schools.

And ultimately bring shame to our country.

We know cutting critical programs now brings sky-high prices later—in more illnesses and a less educated society. So we look at the future, we say we have to invest in our children, our environment, and medical research.

But every time they hear something we need, they say no. They insist on saying no to 200,000 little kids who now go to Head Start. They insist on saying no to 218,000 Head Start kids from disadvantaged families which will help them get an education. They insist on saying no to 200,000 little kids who now go to preschool, which will help them get an education. They are holding 218,000 Head Start kids from disadvantaged families and 200,000 kids in preschool, which will help them get an education. They are holding 218,000 Head Start kids from disadvantaged families which will help them get an education.

They insist on saying no to Pell grants, because they want to slash $2.4 billion to move it along. They threw it away, threw it back—$2.4 billion. Here in Congress, tea party activists have seized control of the Republican Party and create chaos for our schools.

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year-old sister. Thanks to the GI bill, I attended college at Columbia and later cofounded a company with two other fellows—a company that was started with nothing. We had zero in funding. We put together a few hundred bucks. Now that company employs 45,000 employees in 23 countries, based in New Jersey. Jobs in this country. We built the “greatest generation” out of those educational opportunities we had in the military, and we were moving America to the top of the economic ladder.

Government investment in my education made all the difference in my life, and now the 45,000 people who work for ADP. Now Republicans want to take away opportunities such as that from young people. These are people who go into a business, have an education, learn something about how to operate a business, but also learn how we ought to be creating job opportunities and economic development for all in our country.

That is not all the House Republicans have in store for our country. We have to protect women’s health, but they won’t listen. They want to wipe out funding for title X. Title X offers women access to critical health services, including cervical cancer tests, breast cancer screenings, encouragement to think about family planning and how they are going to get by. But these people on the other side don’t want to hear it. They don’t care. They don’t care that title X offers women access to care of their health at all times.

 Millions of poor women benefit from title X. So killing it will take care away from those who need it most. Title X funding for women’s health: House GOP, tea partiers, lots of them, eliminate $1 billion for women’s care. They cancel funding for 2 million breast cancer screenings. How cruel is that? You have a breast lump—where does your money go? If you have money, you can take care of yourself. If you don’t, too bad. That is not the way we want to do it. That is not the way we want to do it on this side of the aisle. They are cutting off resources for 2.2 million cervical cancer screenings. What a horror that is.

What did these women do to deserve higher health risks during their lifetime?

But it gets worse. The Republicans are also cutting medical research. We say we must invest in finding cures and treatment for millions of children suffering from asthma, diabetes, autism, and pediatric cancer, to name a few of those health-damaging afflictions. To these children they say, You know what? If you don’t feel good, maybe you should go to an emergency room with your parents. Stand in line. Too bad. We would like to help, but we can’t do that.

The National Institutes of Health is making strides in fighting childhood diseases, but the Republicans want to reduce NIH’s ability to do their research by taking $1 billion out of their budget. If you want to see bravery, look into the eyes of a child struggling with leukemia, and look in the parents’ eyes, and you will see tears, often no hope.

Look at what the Republicans want to do. We say we must invest in the Clean Air Act, a law that spares millions of children from suffering from asthma, and the Republicans say, No can do. They say you can’t restrict polluters with regulations. It is too cumbersome. And if you don’t want regulations, for instance, take a look at this bothersome thing we have in America called red lights. They are cumbersome. They stop traffic. These people don’t want regulations, so we ought to get rid of the red lights and let the traffic move, but watch yourself when you get to the intersection.

Maybe they want to get rid of the air traffic control system. Pilots have to wait for some government bureaucrat to tell them where and when they can fly? What a nerve that is to interfere with these regulations and rules.

The Republicans also want to let mercury back into our air. Mercury is brain poisoning for children. They also want to deregulate soot pollution. Look at the picture. Soot is ugly when it is pouring from a smokestack, but it is even uglier inside a child’s lungs. This is a picture we see in many places in our country.

Several years ago, we wrote a law called the Right to Know. It says to people who live in areas where there are chemicals present—either manufacturing, chemicals being stored or transported—so people could know if they hear a particular alarm, they have to respond to it and report it to the fire department. We had an incident in Elizabeth, NJ, some years ago when a group of firemen responded to a chemical fire and, in some instances, their lungs were damaged. That is the kind of situation we want to avoid. We want people to know what is being stored, what is being released into the air in case of a fire.

Finally, when we say we have to clean the water our children drink, the Republican answer is, Oh, we can’t handle that. It costs too much. So they cut the funding that helps States protect our drinking water from E. coli, arsenic, and other dangerous substances. The water is not safe for dishwashing, much less consumption.

The House GOP keeps on brewing their toxic tea for America. Ask any parent if they want their kids to drink from that teapot. They don’t, and we shouldn’t make them do it. We need to gather together for things such as birthday parties and school graduations and lots of smiles instead of their toxic tea parties.

Let’s reject the House Republican tea party approach to funding our government. When they say, hey, join us for a cup of toxic tea, we must say, no, we have had this long enough, and we are not going to stand for it anymore.

Mr. President, you know very well that what we are looking at is very constricted budgets. One doesn’t have to be an economist or a business executive to know that when there is a financial statement, it comes in two parts. One part is the expenses you normally write off, which in this case is the revenues that permit the companies and the organizations to function. What we are looking at is revenues. I know the Chair shares that position with me. We have discussed it. We are talking about people who have the means, who have the good fortune to make lots and lots of money—we saw something this afternoon on a chart that had janitors in New York City at some locations paying a higher tax rate on their earnings than those who earn a million dollars or more. That is not fair. So if we want to do the right thing, we have to introduce revenues into the budget. We have to restore the cuts they want to make on the other side. We want to restore children’s health. We want to make sure the NIH is producing as much as it can, and we want to turn America back to a lot more smiles than we have seen.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Kansas is recognized.

Mr. ROBERTS. It is my understanding that at 2:15 morning business expires. I ask unanimous consent to proceed as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASSAULT ON THE NATION’S ECONOMY

Mr. ROBERTS. Mr. President, I rise today to once again speak out against what I consider to be and many others consider to be a regulatory assault on our Nation’s economy. I have previously discussed my concerns with regulations having a negative impact on our agriculture community. That was last week. Earlier this week, I spoke about what I consider to be the egregious regulations that are being promulgated by the EPA, or what Senator GRASSLEY calls the “end of production agriculture agency.”

Today, I rise to talk about health care regulations that patients and providers have brought to my attention. I have listed a number of these regulations in a letter I sent earlier today to President Obama. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. Senate, Washington, DC, March 10, 2011.

President BARACK OBAMA.

The White House, Washington, DC.

Dear President Obama: I write you today to express my sincere appreciation for the Executive Order that you issued on January
18, committing all federal agencies to review regulations and remove any that place unreasonable burdens on our nation’s business community and/or impact the ability of our economy to grow. In light of our current economic crisis, establishing a regulatory environment that promotes growth and job creation should be the number one priority for all agencies and stakeholders. Administratively, to that end, I would like to offer some suggested areas related to health care that patients and providers have communicated are of the most concern to them, and would urge you and your Administration to consider these and their impact when implementing your Executive Order.

While the purpose of this communication will focus on regulations already on the books, I would also like to take this opportunity to share with you what seems to be an even greater concern within the patient, provider and stakeholder community. When discussing regulations in general and your Executive Order more specifically with my constituents and those representing the patient and provider community, the number one concern that I hear is related to a fear of the impact of future regulations. While there is still work with the burden of regulations that have already been issued, I have heard time and again that there is an even greater concern with the uncertainty of future regulations that especially threaten individuals for implementing the “Patient Protections and Affordable Care Act” (PPACA) and their potential to have a further and greater impact on jobs and the economy. While I regularly hear concerns about the compounding costs related to implementing any and all of these regulations, the specific areas that are mentioned the most include, but are not limited to:

- Individual Mandate and related penalties
- Employer Mandate and related penalties
- Preexisting condition exclusions
- Health Care Organizations
- New taxes and fees including the “Cadillac Tax” and new excise taxes on industries

Additionally, I hear often that patients and providers feel that they do not have a voice in the regulatory process above and beyond specifically, that a number of regulations are being issued through a shortened process. This shortened process allows limited or no input from those most affected by the regulations, prior to their implementation, and may result in greater costs and economic impact if changes are necessary based on comments from the Administration (receiver). It is my understanding that the PPACA rules that have been issued as interim final rules, and therefore with limited input are:

- National Provider Identifier
- Web Portals Requirements
- Early Retiree Reinsurance Program
- Coverage of Children to Age 26
- Magnetic Resonance Imaging (MRI) and Radiation Therapy Providers
- Grandfathered Health Plans
- Pre-Existing Condition Exclusions
- Preventive Services
- Internal Claims/Appeals and External Review Processes
- Pre-Existing Condition Insurance Plan Program
- Amendment to Grandfathered Health Plans Rule
- Medical Loss Ratio Requirements
- While there may have been instances in which the expedited process was necessary or appropriate I would strongly encourage your Administration to limit the use of this regulatory process and take every available opportunity to provide input from all stakeholders.

In these communities, the primary care physicians are often (and sometimes exclusively) members of Medicare-certified “rural health clinics.” Patient’s care may be significantly delayed or face the possiblity of being unable to receive payment.

Two sets of regulations and guidance—one for the health clinics and one for providers to do their jobs and provide care for patients would be a rural health clinic physician, Medicare

The regulations that have been hearing about have serious economic impacts and I would suggest you review are:

The 2011 Medicare Physician Fee Schedule Final Rule, which requires that laboratory requisition forms are signed by the ordering physician. This rule could have potentially serious implications on patient care and business practice. Under this new policy, laboratories will face a difficult decision when they receive a patient specimen with an unsigned requisition. Laboratories will have to decide not to provide their needed services and therefore be unable to provide a physician with information that makes health care decisions—or—provide the services without a guarantee of payment and possibly lose Medicare beneficiaries. Laboratories who serve a high percentage of Medicare beneficiaries could spend a large amount of time contacting providers to gather the required signatures and could see their payments delayed or face the possibility of being unable to receive payment.

On November, 17, 2010, CMS issued a final rule, as directed by PPACA (P.L. 111–148), Defining conditions for home health and hospice services based upon a face-to-face encounter between patients and their physicians or certain non-physician practitioners prior to certification for home health or hospice services. This is resulting in burdensome requirements for our rural home health and hospice patients.

Accordingly, it is important that the Administration continue to be a concern. We originally had over 400 DME providers in KS; however, now that Round 1 has been implemented, any costs incurred, especially in rural areas, are facing issues related to access.

Finally, patients and providers have expressed a number of concerns related to the regulatory burdens that they face. Generally the compliance burden and negative disruption to States and consumers, “Annual and Lifetime limits” and the concern that the calculation of the standard will increase costs of coverage and are too cumbersome and don’t comply with “the early requirements over a period of time”;

“Medical Loss Ratio” and the concern that it has resulted in the loss of child-only insurance markets in over 20 states;

“Grandfathered” health plan regulation and a concern that is drafted too narrowly to allow businesses to keep their current coverage and maintain current costs of coverage and are too cumbersome and don’t comply with “the early requirements over a period of time”;

“Rate Review” and the concern that this requirement will do nothing to control costs and that there are a number of areas within that have significant and negative disruption to States and consumers;

“Annual and Lifetime limits” and the concern over the impact on businesses and individuals, that the more than 1,000 waivers already issued will have.

Additionally, I have heard that the combination of the regulations being issued to implement the PPACA statute have resulted in an increase in premiums for individuals and businesses, which as you know results in increased costs and tough choices. Related to this, I have received signals from your Administration that regulations being issued to implement the PPACA statute will not be held under the scrutiny of your Executive Order. I would strongly encourage your Administration to review all of the regulations that have been issued, past, present and future, while considering their impact on our economy and jobs. Finally, patients and providers have expressed a number of concerns related to the regulatory burdens that they face. Generally the compliance burden and negative disruption to States and consumers, “Annual and Lifetime limits” and the concern that the calculation of the standard will increase costs of coverage and are too cumbersome and don’t comply with “the early requirements over a period of time”;

“Medical Loss Ratio” and the concern that it has resulted in the loss of child-only insurance markets in over 20 states;
Mr. ROBERTS. As I have already discussed, on the Senate floor, an executive order was issued by the President on January 18. It was a good order. I applauded that order. It committed all Federal agencies to review regulations and then to try to remove any that placed unreasonable burdens on our Nation’s businesses and/or impact the ability of our economy to grow, to recover.

I agree that, in light of our current economic crisis, establishing a regulatory environment that promotes growth and job creation should be the No. 1 priority for this Congress and the administration. I applaud what the President said when he issued the Executive order—that there are some regulations that are duplicative, costly, and unnecessary and, as he said, “just plain dumb.” There was loud applause in farm country, manufacturing, health care, education—you name it. However, after reviewing the Executive order, I remind my colleagues that I was left— and I hope if you read it you are left— with some larger concerns. Specifically, the order left open a number of very large loopholes. It was an Executive order without teeth.

When I was in Kansas over this last work period, I talked to virtually all of our Kansas patients, providers, and advocates about the President’s Executive order and my legislation, which is called the Regulatory Reform for Our Economy Act. I held a stakeholder roundtable in our State Capitol, in order to get feedback from patients and provider groups on their thoughts related to health care reform. I was not surprised to hear that every representative at that roundtable was concerned with regulations, but the sheer volume of regulatory concerns as seen by my staff and myself was truly extraordinary.

I was already aware of regulations, such as those put forth by the Department of Health and Human Services, along with the Department of Labor and Treasury, that have resulted in the child-only insurance market effectively disappearing in 20 States. Which I believe is the result of overregulation or overrequirements.

I have already sent letters to the administration detailing my concerns with regulations, such as—stick with me now—first, the 2011 Medicare physician fee schedule, which requires that laboratory requisition forms are signed by the ordering physician. This rule could have potentially serious implications on patient care and business practice.

Second, on November 17, 2010, CMS, the Center for Medicare and Medicaid Services, issued a final rule which, as required by the new health care law, the acronym for that is PPACA—conditions payment for home health and hospice services based upon a face-to-face encounter between patients and their physicians or certain nonphysician practitioners prior to certification for home health or hospice services. On top of about a $1 billion cut to hospice, which I believe is the result of overregulation or overrequirements.

Third, the anti-switching rule in Medicare’s competitive bidding program—the acronym is CBP; there is an acronym for everything—for durable medical equipment, prosthetics, orthotics, and supplies. Specifically, that proposal to enforce the rule in subsequent rounds of the competitive bidding program, but not round one, may compromise beneficiary access to appropriate diabetes testing supplies and leave beneficiaries vulnerable to pressure from suppliers to switch testing systems. I am going to try to get rid of the gobbledygook and say that during the initial round of competitive bidding for medical equipment, some of the suppliers didn’t know know there was an initial round of competitive bidding. In Kansas City, there were 424 suppliers, and 20 submitted bids this time around. We delayed it to this year because it was so onerous. Then this year came around and CMS selected 20. What happened to the other 404? What happened to the people who depended on pharmacists and home health care providers for that walker, that crutch, or whatever they need to get up and down the stairs, for that matter? We are left with huge holes in the home health care industry and a need for providing DME equipment.

I was surprised to hear that every representative at this stakeholder meeting—and all representatives groups were invited, including hospital administrators, doctors, nurses, pharmacists, and hospice folks. I believe it was the first time they met at the same time. I was surprised to hear that every representative at this stakeholder meeting to discuss the impacts of health care reform had concerns with regulations, some of which are buried in the health care reform debate. At the end of every day, and many that defy comprehension.

When discussing the President’s Executive order and regulations with my constituents and contacting the patient and provider community, the No. 1 concern I heard was a fear not just of the current regulations, which they are trying to keep up with, but of future regulations.

While there is considerable concern with the burden of regulations that have already been issued, I heard time and again that there is an even greater concern with the uncertainty of future regulations, especially those implemented under the Patient Protection and Affordable Care Act, or PPACA, and their potential to have further and greater impact on jobs and the economy and health care—even greater than the impacts we discussed during the health care reform debate. At the stakeholder meeting we had meaningful dialog about that. This is akin to a second health care reform earthquake. If you are a health care provider, hang on.

Additionally, I have heard that the combination of the regulations being issued to implement the PPACA statute has resulted in an increase in premiums—to repeat that, an increase in premiums, not cost savings—for individuals and businesses, which, as you know, results in increased costs and very tough choices.

Related to this, I am concerned by reports that I am hearing that staff at the Health Information Technology for Economic and Community Health Act (HITECH Act) which I am hearing are creating uncertainty and confusion, jeopardizing the goal of the rapid adoption of electronic health records. Without policy changes, innovation will be marginalized and job creation threatened.

Privacy and security regulations adopted by HHS under the Health Insurance Portability and Accountability Act (HIPAA) and the HITECH Act expand the accounting of disclosures requirement to include all disclosures, even daily, routine disclosures. While policy changes are needed, businesses are concerned that maintaining detailed records would require an overwhelming amount of information to be stored.

The short amount of time to comply with new ICD10 and 5010 coding requirements impose an incredible administrative burden that I believe is the result of overregulation or overrequirements.

CMS regulations that restrict the ability of non-physician practitioners to meeting the CMS requirement for supervision for cardiac and pulmonary rehab. These rules are limiting access to cardiac and pulmonary rehab, particularly in rural and Critical Access Hospitals.

Second, this year CMS gobbledygook and say that during the initial round of competitive bidding, some of the suppliers didn’t know there was an initial round of competitive bidding. In Kansas City, there were 424 suppliers, and 20 submitted bids this time around. We delayed it to this year because it was so onerous. Then this year came around and CMS selected 20. What happened to the other 404? What happened to the people who depended on pharmacists and home health care providers for that walker, that crutch, or whatever they need to get up and down the stairs, for that matter? We are left with huge holes in the home health care industry and a need for providing DME equipment.

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Additionally, I have heard that the combination of the regulations being issued to implement the PPACA statute has resulted in an increase in premiums—to repeat that, an increase in premiums, not cost savings—for individuals and businesses, which, as you know, results in increased costs and very tough choices.

Related to this, I am concerned by reports that I am hearing that staff at the Health Information Technology for Economic and Community Health Act (HITECH Act) which I am hearing are creating uncertainty and confusion, jeopardizing the goal of the rapid adoption of electronic health records. Without policy changes, innovation will be marginalized and job creation threatened.

Privacy and security regulations adopted by HHS under the Health Insurance Portability and Accountability Act (HIPAA) and the HITECH Act expand the accounting of disclosures requirement to include all disclosures, even daily, routine disclosures. While policy changes are needed, businesses are concerned that maintaining detailed records would require an overwhelming amount of information to be stored.

The short amount of time to comply with new ICD10 and 5010 coding requirements impose an incredible administrative burden that I believe is the result of overregulation or overrequirements.

CMS regulations that restrict the ability of non-physician practitioners to meeting the CMS requirement for supervision for cardiac and pulmonary rehab. These rules are limiting access to cardiac and pulmonary rehab, particularly in rural and Critical Access Hospitals.

Second, this year CMS gobbledygook and say that during the initial round of competitive bidding, some of the suppliers didn’t know there was an initial round of competitive bidding. In Kansas City, there were 424 suppliers, and 20 submitted bids this time around. We delayed it to this year because it was so onerous. Then this year came around and CMS selected 20. What happened to the other 404? What happened to the people who depended on pharmacists and home health care providers for that walker, that crutch, or whatever they need to get up and down the stairs, for that matter? We are left with huge holes in the home health care industry and a need for providing DME equipment.

I was surprised to hear that every representative at this stakeholder meeting—and all representative groups were invited, including hospital administrators, doctors, nurses, pharmacists, and hospice folks. I believe it was the first time they met at the same time. I was surprised to hear that every representative at this stakeholder meeting to discuss the impacts of health care reform had concerns with regulations, some of which are buried in the health care reform debate. At the end of every day, and many that defy comprehension.

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Those are his words. CMS is exempted? Health care is exempted? That is unreal.

I believe otherwise, and this belief is being verified by personal stories from Kansans. In my letter to the President today, I strongly encouraged him to re-examine all of the regulations that have been issued, past, present, and future, while considering their impact on the economy and jobs. Sure, it would be a tough job. It is time, with the “Katrina” of regulations pouring out of the various agencies in Washington. Understanding this, last month, I, along with Senators BARRASSO and COATS, and with the support of 38 Senate colleagues—have introduced the Regulatory Responsibility for Our Economy Act, S. 398. I urge my colleagues on the other side, who I am going to engage in the next week. We will go face to face and I will try to convince you.

My bill moves to codify and strengthen President Obama’s January 18 Executive order that directs agencies within the administration to review, modify, streamline, expand, or repeal those significant regulatory actions that are, in the President’s words, duplicative, unnecessary, burdensome, or would have significant economic impacts on Americans. I have given President Obama credit for saying that, but I don’t give him credit for including the loopholes.

While I agree in principle with the President that we need to take a serious look at both current and proposed Federal regulations, I don’t think his Executive order actually does what it purports to do. I have some loopholes listed. In Dodge City, where I come from, coming close to the truth is coming pretty close, but it still ain’t the truth. I think this is where this fits.

The Executive order states—and I want everybody in the Senate, if you are listening or if your staff is listening, provide this to your member. Figure this out:

In applying these principles, each agency is directed to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.

That is a good thing.

Where appropriate and permitted by law, each agency may consider (and discuss qualitatively)—

and this is the point where I had the most concern, and I hope somebody can explain it.

values that are difficult or impossible to quantify, including equity, human dignity, fairness, and distributive impacts.

What is that? “But,” as the Wall Street Journal captured so eloquently in their response to President Obama’s editorial, “these amorphous concepts are not measurable at all.” They are not.

On the surface, I feel this language has the potential to be a very large loophole—probably is already. I believe this is the loophole being used to exempt the PPACA regulations from this review. That is unfortunate. In fact, upon reading and rereading it, it could be better described as gobbledygook.

As a matter of fact, it got my gobbledygook award of the month this past month. My legislation would close the loopholes in President Obama’s Executive order and would close other existing loopholes, including those the administration has been using—or the Secretaries for the various agencies have been using—to bypass valuable stakeholder input on regulations. In fact, I hear often that patients and providers who are most affected by the regulations prior to their implementation—that is wrong—and they may result in an even greater confusion and burden which then results in greater costs and economic impact, especially if changes are necessary based on later comments that the administration does receive.

It is my understanding the PPACA rules that have been issued as interim final rules and, therefore, with limited input—and they will probably become final—will allow governments, which allows limited or no input from those most affected by the regulations, to short-circuit the regulatory process. More specifically, I hear that a number of regulations are currently being issued through a shortened process which allows limited or no input from those most affected by the regulations prior to their implementation—that is wrong—and they may result in a significant burden and confusion which then results in greater costs and economic impact, especially if changes are necessary based on later comments that the administration does receive.

While there may have been instances in which a shortened process was necessary or appropriate, this lengthy list is why passage of my legislation is so critically important. I ask the Presiding Officer if I have exceeded my time. If I have, I would like 2 additional minutes to close.

The PRESIDING OFFICER. The Senator has 20 seconds remaining.

Mr. ROBERTS. May I have 2 additional minutes, and I will close.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. In my letter to the President today, I have encouraged the administration to implement this shortened regulatory process and take every available opportunity to get feedback from those who would be most affected by these regulations—that just makes sense—and allow for ample time to review and consider that feedback prior to implementing the future regulatory priorities. We are going to have better regulations if, in fact, you ask folks: Is this going to work? Maybe tweak it, maybe repeal it. Who knows. The President himself said that.

In addition, I have encouraged the administration to review any comments received on these regulations that have already been issued for any concerns that indicate a potential to further our economic problems and crises.

In closing, I invite my friends on both sides of the aisle to sign on as a cosponsor of my legislation, realizing this important opportunity it creates for meaningful review and possible revocation of regulations counter to our Nation’s growth.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his suggestion of the absence of a quorum?

Mr. ROBERTS. I will be delighted to.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF MAX OLIVER COGBURN, JR. TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA

The PRESIDING OFFICER. The previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Max Oliver Cogburn, Jr., of North Carolina, to be United States District Judge for the Western District of North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I wish to talk about Max Oliver Cogburn, Jr., judicial nominee for the U.S. district court in the Western District of North Carolina.

Judge Cogburn was nominated for the second time by President Obama on January 25, 2011, and was favorably reported out of the Judiciary Committee by voice vote on February 3, 2011. It is extremely important to me that North Carolina has highly capable representation on our Federal courts. Judge Cogburn is exactly the type of legal mind we need as a judge on North Carolina’s Western District Court.

Since coming to the Senate, I have worked to increase the number of North Carolinians on the Federal judiciary. Unfortunately, it has turned out to be a rather slow and arduous process. After months of making the case that North Carolina deserves more representation on the Fourth Circuit last year, Judges Jim Wynn and Al Diaz were confirmed unanimously by the Senate.

North Carolina is better off because Judges Jim Wynn and Al Diaz—highly qualified, experienced, and fairminded jurists—are now sitting on the Fourth Circuit. It is my hope that very soon North Carolina will have another Federal judge with the confirmation of
Judge Cogburn. All of these judges have received bipartisan support, and I am pleased that Senator BURR has joined with me in recommending these judges.

I recommended Judge Cogburn because of his distinguished record as a jurist and attorney in both the public and private sectors. After earning degrees from Samford University Cumberland School of Law and UNC Chapel Hill, he entered private practice.

Judge Cogburn also served as an assistant U.S. attorney from 1980 to 1992 where he prosecuted murder cases, drug trafficking, voter fraud, and a wide variety of Federal crimes.

During his time with the U.S. Attorney's Office, Judge Cogburn served as the lead attorney of the Organized Crime Fighting Task Force, as well as the chief assistant U.S. attorney.

From 1995 to 2004, Judge Cogburn served as a magistrate judge on the U.S. District Court for the Western District of North Carolina. As a magistrate judge, he served on cases involving sexual harassment, racial discrimination in employment, fraud, age discrimination, products liability, and medical malpractice.

Judge Cogburn has received the American Bar Association's highest rating of "well-qualified." He has the skills and legal experience this position requires.

I am pleased to speak about Judge Cogburn's outstanding qualifications to serve on the U.S. District Court for the Western District of North Carolina. I am confident that Judge Cogburn will serve on the bench with clarity and distinction. I have worked steadily to see that he is confirmed quickly. I look forward to casting that vote shortly. I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BUR. Mr. President, I also wish to talk about this historic day. It is historic because we are actually going to confirm Max Cogburn faster than it took for the nomination to come through. Today, in this austere body, that is an accomplishment. But in large measure it says a lot about the President's nominee.

Max Cogburn has been nominated to the Federal bench in North Carolina's Western District. He is an excellent choice and I believe will be a needed but great addition to the court.

The Cogburn family roots are in western North Carolina's mountains, and they run deep. It is an impressive family. Max Cogburn has made his name for himself in his legal career and his public service: Assistant U.S. attorney, chief assistant U.S. attorney, magistrate judge, and in private practice.

In addition to his legal career, which certainly qualifies him for the bench in his own right, the Cogburn's other business cannot help but be a benefit. You see, Max Cogburn ran a dude ranch outside of Asheville, NC.

I thank the Members of the Senate Judiciary Committee, as I said, for acting so quickly on this nomination. Nominees to the Federal bench are bestowed with a high honor but also a high amount of uncertainty and stress as they and their families go through a sometimes never-ending process. I am grateful this process has been relatively short and sweet for Max.

He was nominated in May of 2010, had his hearing during the lameduck session, and was reported out in December, still during the lameduck session. I am sorry this body missed the opportunity at that time to finalize his confirmation. He did not get a vote in the last Congress, but that, of course, is not unusual for a nominee of either party who is reported by the committee late in the process.

He was reported out again in February and is actually getting a vote in the Senate for the first time. It took the White House to nominate him, especially following the departure and retirement of Judge Thornburg.

I appreciate the Judiciary Committee's commitment to move quickly. I join my colleague, Senator HAGAN, in encouraging all of our colleagues to unanimously support this appointment to the Federal bench.

I may say, in conclusion, the underlying reason Max Cogburn should get the overwhelming support of all the Members of the Senate and should be the newest member of our court in the Western District is because Max Cogburn is a good man. He comes from good stock, but on his own he is a good man. He has served the country more than any other Federal judge in the Western District of North Carolina. He deserves this House to unanimously support this nomination.

Mr. LEAHY. Mr. President, I congratulate Senator HAGAN on the Senate's consideration of the nomination of Max O. Cogburn.

Max O. Cogburn is nominated to sit on the U.S. District Court for the Western District of North Carolina, the very district where he has served for 9 years as a magistrate judge and for 12 years as a magistrate judge. Mr. Cogburn is currently a partner in the Asheville, NC, law firm of Cogburn and Brazil, and also serves as an appointed member of the North Carolina Education Lottery Commission.

This nomination could—and in my view should—have been considered and confirmed last year. Instead, it was unnecessarily returned to the President without final Senate action, despite the nominee's qualifications and the needs of the American people to have judges on the bench to hear cases in the Federal courts. The President has had to renominate him, the Senate Judiciary Committee has had to reconsider him and now, finally, the Senate is being allowed to consider him.

I suspect the Senate will now confirm him unanimously or nearly so. He has the support of both his home state Senators, one a Democrat and the other a Republican. The nomination of Max Cogburn to fill a vacancy in the Western District of North Carolina is one that was reported without opposition by the Judiciary Committee both last year and, again, earlier this year.

But this nomination, there are two nominees ready to fill vacancies in the District of Columbia. Recently, Seth Stern reported in Congressional Quarterly criticism from Chief Judge Lambeth of the U.S. District Court for the District of Columbia, who warned that the breakdown in the judicial confirmation process is "injuring the country." The two judicial nominees to fill longstanding vacancies for his court are still waiting for final consideration by the Senate. They, too, were reported unanimously by the Judiciary Committee last year and again this year. They, too, are being needlessly delayed. The Senate should consider and confirm them without further delay. I will ask that a copy of the article be printed in the RECORD.

Also reported from the Judiciary Committee and before the Senate are nominees to fill a judicial emergency vacancy in New York, a judicial emergency vacancy on the Second Circuit and a vacancy on the United States Court of International Trade. They should be debated and confirmed without delay, as well. Earlier today, the Judiciary Committee moved forward to vote on two additional Federal circuit nominees and four additional district court nominees. They are now available to the Senate for its consideration, as well.

After the confirmation of Mr. Cogburn, there will be 11 judicial nominees left waiting for Senate consideration who have been reported to the Senate by the Judiciary Committee. We are holding hearings every two weeks and hope finally to begin to bend the curve and start to lower judicial vacancies across the country. We can do that if the Senate continues to consider judicial nominations in regular order as they are reported by the Judiciary Committee.

Federal judicial vacancies around the country still number too many and the American people to have a fair hearing in court. They are now available to the Senate for its consideration.

Nearly one out of every eight Federal judgeships remains vacant. This puts at serious risk the ability of all Americans to have a fair hearing in court. The real price being paid for these unnecessary delays is that the judges who remain are overburdened and the American people who depend on them are being denied hearings and justice in a timely fashion.
Regrettably, the progress we made during the first 2 years of the Bush administration has not been duplicated, and the progress we made over the 8 years from 2001 to 2009 to reduce judicial vacancies from 110 to a low of 34 was reversed. The vacancy rate we reduced from 10 percent at the end of President Clinton's term to less than 4 percent in 2008 has now risen back to over 10 percent. In contrast to the sharp reduction in vacancies we made during President Bush's first 2 years when the Democratically controlled Senate confirmed 100 of his judicial nominations, only 62 percent of President Obama's judicial nominations were allowed to be considered and confirmed during his first 2 years. We have not kept up with the rate of attrition, let alone brought the vacancies down. By now they should have been cut in half. Instead, they continue to hover around 100.

The Senate must do better. The Nation cannot afford further delays by the Senate in taking action on the nominations pending before it. Judicial vacancies on courts throughout the country hinder the Federal judiciary's ability to fulfill its constitutional role. They create a backlog of cases that prevents people from having their day in court. This is unacceptable.

We can consider and confirm this President's nominations to the Federal bench in a timely manner. President Obama has worked with Democratic and Republican home state Senators to identify superbly qualified, consensus nominations. None of the nominations on the Executive Calendar are controversial. They all have the support of their home State Senators, Republicans and Democrats. All have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution.

During President Bush's first term, his first 4 tumultuous years in office, we proceeded to confirm 265 of his judicial nominations. We confirmed 100 of those during the 17 months I was Chairman during President Bush's first 2 years in office. So far in President Obama's third year in office, the Senate has only been allowed to consider 71 of his Federal circuit and district court nominees. We remain well short of the benchmark we set during the Bush administration. When we approach it we can reduce vacancies from the historically high levels at which they have remained throughout these first three years of the Obama administration to the historically low level we reached toward the end of the Bush administration.

Mr. President, I ask unanimous consent to have printed in the Record the article to which I referred.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From CQ Today Online News—Legal Affairs, Feb. 28, 2011]

**JUDGES: 'TOTALLY BROKEN' CONFIRMATION PROCESS CAUSING 'DIRE' CASE BACKLOGS**

(By Seth Stern)

Two federal judges criticized the slow pace of judicial confirmations today, saying cases are backlogged and judges overwhelmed at the trial court level.

Speaking at a Brookings Institution event on judicial nominations, Chief Judge John G. Roberts Jr. had also emphasized the “persistent problem” of vacancies in his district in western Texas.

“Each political party has found it easy to turn on a dime from decrying to defending the blocking of judicial nominations, depending on their changing political fortunes,” Roberts wrote in the report.

Only 67 percent of Obama's judicial court nominees were confirmed during his first two years in office, compared to 92 percent for George W. Bush and 87 percent for Bill Clinton, according to statistics compiled by the liberal-leaning Brookings Institution, and 83 of 677 district court seats were vacant as of Feb. 25.

The Senate has confirmed six district court judges since including two more: Amy Totenberg and Steve C. Jones to the Northern District of Georgia.

On Wednesday, the Senate Judiciary Committee will hold confirmation hearings for President Obama's most controversial judicial nominee: Goodwin Liu, who was first nominated for a seat on the U.S. Court of Appeals for the 9th Circuit. The University of California law professor has faced intense criticism from Republicans for his liberal views and for repeatedly amending the amendments the Senate has provided to the Judiciary Committee.

**Mr. LEAHY. I yield the floor.**

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to speak as in morning business, with the understanding that I will yield the floor if anyone comes to the floor to speak on the Bogert nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

**BELARUS RESOLUTION**

Mr. LIEBERMAN. Mr. President, I rise to speak in support of a bipartisan resolution that has been submitted by our colleague, Senator DURBIN, and of which I am proud to be a cosponsor, which concerns the situation in the country of Belarus.

As the winds of democratic change have been sweeping now across North Africa and the Middle East ousting autocratic rulers who have been long entrenched there, it is important for us to remember there is still one remaining dictatorship in Europe, and that is in the country of Belarus.

The 20 years since the fall of the Soviet Union, Belarus's neighbors to the north and west have become successful, prosperous democracies. But, tragically, while Poland, Lithuania, and Latvia have broken the chains of tyranny and joined the flagstaff institutions of the Euro-Atlantic world, NATO, and the European Union, Belarus and its people have been left behind—held back by its despot ruler Alexander Lukashenko, who has ruled his country through repression and rigged elections for nearly two decades.

Some in the United States and Europe had hoped in recent years that Lukashenko might be prepared to open up Belarus and change his ways. These hopes, however, came to an abrupt end on December 19, 2010, when Belarus held Presidential elections. As it quickly became clear that the votes in those elections were neither free nor fair, thousands of Belarusian people took to the streets of Minsk in protest, the Lukashenko government responded with violence and brutality.

This resolution would put the Senate on record in response to the crackdown launched in Belarus on December 19—a crackdown, I add, that continues in significant ways to this day.

More than 600 people were swept up by Belarusian security forces on election day and its immediate aftermath—among them journalists, civil society representatives, political activists, and several presidential candidates. It is hard to believe this kind of behavior still exists in this world today. The detained continue to be denied access to family, lawyers, medical treatment, and open legal proceedings, while their relatives and attorneys endure harassment by Lukashenko's security forces.

This resolution will do several significant things. First, it will send a strong and clear message to Lukashenko that his actions are unacceptable and will carry significant costs. It tells him we do not consider the December 19 election to be legitimate and that he is, therefore, not the legitimately elected leader of Belarus, and that there should be new elections that are free and fair, and meet international standards.

I would add that the European Parliament passed a resolution not long ago that says precisely the same thing that I have just said here in the Senate. Perhaps even more important, this resolution will send a message to the people of Belarus who were struggling to secure their fundamental freedoms.
It tells the dissidents there that we have not and will not forget them or their cause; that we remember their names, in fact, and we will stand in solidarity with them until they achieve their goal, which is a free and democratic Belarus.

Last month, Senator MCCAIN and I and others traveled to Vilnius, Lithuania, where we met with Belarusian students and opposition military leaders. This was an extremely powerful experience for all of us. We heard directly from the survivors of the repressive tactics of the KGB last month, to the civil society activists who are being harassed by the KGB in jail, to the students we met in Vilnius and others traveled to Vilnius, Lithuania, that we should simply accept the reality of Lukashenko’s dictatorship after all these years. But if the historic events in Tunisia and Egypt have taught us anything about our foreign policies, it is that the United States does best when we stand with those who have not and will not forget them or their cause. I hope we can come together and yield the floor to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, soon we will be voting on another nominee for district court. We continue our rapid pace in which the Senate has been confirming President Obama’s judicial nominees. This vote will mark the 11th judicial nominee to be confirmed this year alone, more than double the number confirmed in the 108th Congress, which only saw five confirmations at this point. Obviously, actions speak louder than words. So far, our actions have had concrete results.

The Judiciary Committee met this morning and reported six more judicial nominees. That puts the total at 22 nominees reported favorably so far. We continue to hold hearings every 2 weeks and have heard from 31 nominees currently pending before the Senate. As I have said in the past, we will continue to move consensus nominees through the confirmation process. However, we will continue to do our due diligence in evaluating the nominees. What we will not do is put quantity confirmed over quality confirmed. These lifetime appointments are too important to the Federal Judiciary and the American people to allow rubber-stamping.

Just this past Monday, the Senate confirmed three district court judges. In his statement for the record, the chairman of the committee, Senator LEAHY, stated: “Nearly one out of every eight Federal judgeships is vacant. This puts at serious risk the ability of all Americans to have a fair hearing in court.”

However, what the chairman neglected to mention is the fact that President Obama has not put forth a nominee for every vacancy the court currently faces. In fact, of the 95 judicial vacancies, the Senate only has 45 nominees. That is 53 percent of vacancies without a nominee from the White House.

Today, we vote on a nominee to sit on the Western District of North Carolina. While this is an important vacancy, and a vacancy we need to fill, it is not a judicial emergency. However, there is a judicial emergency in the Eastern District of North Carolina. That seat, which has been vacant since 2005, does not have a nominee currently pending. President Bush nominated Thomas Alvin Farr to that seat twice, but he was never afforded a hearing, let alone an up-or-down vote. I am happy this side of the aisle is not repeating the same regrettable treatment Mr. Farr received.

With regard to Mr. Cogburn, the nominee we will be voting on, the American Bar Association has rated him “majority well qualified, minority qualified.” He received his B.A. from the University of North Carolina at Chapel Hill and his juris doctorate from Cumberland School of Law. Mr. Cogburn is an accomplished trial and appellate lawyer. Through his work in private practice, he has worked on a wide range of issues, including criminal litigation, personal injury, civil litigation, and a significant amount of mediation.

As an assistant U.S. attorney for over a decade, Mr. Cogburn gained substantial appellate experience. While there, he also served as drug task force attorney and chief assistant U.S. attorney. Mr. Cogburn also holds judicial experience. He was appointed to serve an 8-year term as a U.S. magistrate judge by the U.S. District Court for the Western District of North Carolina.

After careful evaluation, the Judiciary Committee reported this nominee by voice vote on February 3, 2011. I congratulate Mr. Cogburn and his family on this important lifetime appointment and his willingness to continue in public service.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. ENSIGN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCAASKILL). Without objection, it is so ordered.

Mr. ENSIGN. Madam President, I ask unanimous consent that all time be yielded back in order to start the voting.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. 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, Will the Senate approve and advise and consent to the nomination of Max Oliver Cogburn, Jr., of North Carolina, to be United States District Judge for the Western District of North Carolina?

The clerk will call the roll.

The assistant editor of the Daily Digest called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from New Mexico (Mr. UDALL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 38 Ex.]
Kate Puzey was a Peace Corps volunteer from Georgia, who went to Benin in Africa. On that tragic day, a young lady by the name of Kate Puzey was tragically murdered in her sleep in her house at night.

Kate Puzey was a Peace Corps volunteer from Georgia, who went to Benin with all the dreams, hopes and aspirations of the program John F. Kennedy created over a half century ago. She had served there for months. She was teaching young African children. She was sharing wisdom. She was sharing her love of mankind. She was representing the United States in the way the Peace Corps intended it. Unfortunately, her life was lost. I did not know Kate Puzey before her death. I only know her after her death. But I know her through her parents, through her classmates, and through other fellow Peace Corps volunteers in Africa who told me the story of Kate Puzey, and also, tragically, stories of other Peace Corps volunteers who have lost their lives or have sacrificed in the service of our country.

Tomorrow night, at 6:30, on the steps of the Capitol, there will be a candlelight vigil, acknowledging the second anniversary of the death of Kate Puzey. Kate's mother will be here, as well as Peace Corps volunteers, as well as people from the Peace Corps organization. It will be a solemn moment, but it will also be a very sacred moment.

As the ranking member of the Africa Subcommittee, I have traveled to Africa on a number of occasions, and I have been in a number of African countries. On each visit, I arrange either a breakfast or lunch, where I host the Peace Corps volunteers from the United States in that country.

Without exception, and in every case, these are the finest of Americans. Just 2 years ago, when I was in Tanzania, I met a couple—73 and 72 years old—who in their retirement decided they wanted to give back and help their country and serve their mankind. They volunteered to Tanzania, and build a library where there was not even a library, a book or a school, and they built it.

In Kenya, I visited with young people who went to Kenya to help carry the message of democracy, to help share, in the terrible slums of Kibera, the promise and hope of education, of good nutrition, of knowledge, of hard work, and of democracy.

We as a country are blessed to have men and women, who serve us in many capacities—those who may serve in the House or the Senate, those who serve in the branches of the military overseas in harm’s way—but equal to their service is the service of our Peace Corps volunteers. Kate Puzey is an example of what those Peace Corps volunteers do—at its height.

When I attended her funeral, I sat and listened, for over 2 hours, to her fellow volunteers, her former classmates. They all knew Kate Puzey they all knew: the academic genius, the committed volunteer, the person who loved life and loved people and wanted to share that love wherever she could.

The volunteers in Benin told of her countless sacrifices to help young people and children in their troubled land, in their difficult country, to understand better their life’s future and to not look to poverty as a lifetime of shackles but to look to opportunity as a lifetime of hope.

Tonight, when the vigil takes place on the steps of the Capitol, I will not be here, unfortunately, but I will be saying a special prayer for the life of Kate Puzey, for her family, and for what she and all volunteers who have sacrificed in the Peace Corps have done for the United States of America, and, better than that, for mankind.

We have many great people to be thankful for in this world, but tomorrow, at 6:30 p.m., on the steps of the Capitol, there will be a pause to recognize the life, the legacy, and the sacrifice of Kate Puzey and I will be there in spirit and I will be with her in prayer.

I yield back and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUYE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESTORING DISCIPLINE TO THE BUDGET PROCESS

Mr. INOUYE. Madam President, today our Nation faces a very difficult political landscape when it comes to addressing the major challenges to our country, such as unemployment and the deficit. The American public is demanding that the House and Senate work with the President to address these concerns.

I believe the American people's understandable and growing concern over the national debt is shared by every Member of this body. But in order for the Congress to address our fiscal crisis, we must fix our broken budget process.

Today, with fiscal year 2011 nearly halfway over, as a result of the Congress's inability to finish its work, the Federal Government is still operating on stopgap funding designed to avert a government shutdown.

This is no way to govern. Continuing resolutions make a mockery of constitutional responsibility to allocate taxpayer funding wisely. Putting the country on budgetary autopilot is simply unacceptable. It is well past the time to cast aside the blistering campaign rhetoric of the fall and find the means to compromise.

Many new Members of this body were elected on the promise of a return to fiscal responsibility. I would suggest that returning to regular order in our budget process is a necessary component to achieve this goal.

The Appropriations Committee produces 12 individual bipartisan spending...
bills, but when the Congress fails to act on them through regular order, we wind up with a $1 trillion omnibus bill or a $1 trillion continuing resolution that cedes the power of the purse to the executive branch.

Neither the most liberal nor the most conservative Member of this body should prefer an omnibus or a CR over the regular order in our budget process. Several weeks ago, I had the opportunity to sit down with the new chairman of the House Appropriations Committee, Congressman Hal Rogers of Kentucky, to congratulate him on his new position.

During our discussion, we both agreed that the Congress needs to reestablish regular order in the appropriations process. Both Chambers need to pass its bills and allow us to work out our differences in conference.

I believe if we adopt this approach, we can do our part to help this Nation regain its health.

The first step in the process is the adoption of a budget to provide the framework for appropriations bills. The House must step up to the plate with a budget that is workable. It cannot hide behind vague rhetoric and arbitrary spending cuts.

The Senate floor eliminated any further consideration of 11 of the 12 appropriations bills. The House bill proposed cuts in non-defense discretionary spending, and in that area alone. Simple math suggests that we cannot meaningfully reduce the deficit in this manner. These programs represent less than 15 percent of the total budget. Not surprisingly, then, the Republican proposal would reduce our projected budget deficit this year by only a token amount. As a matter of fact, it would reduce our budget deficit this year by less than 1 percent.

The Republican plan fails the test of seriousness about the deficit, but it would have done significant damage to programs that Americans depend on. It would have cut more than $1 billion from Head Start. It would have eliminated early childhood education programs for more than 200,000 American children. It would have cut or eliminated Pell grants for hundreds of thousands of students, and it would have cut $61 million from the budget request for food inspections, despite the fact that thousands of Americans every year suffer from foodborne illnesses. It would have cut $1 billion from the Child nutrition and WIC programs. It would have cut $154 million from Pell grants, $91 million from Head Start, and $67 million from the Children’s Health Insurance Program. It would have cut nearly $290 million from the Veterans’ Administration efforts to provide better service to our veterans.

The House budget would have cut $1 billion of funding for community health centers, eliminating their primary care for millions of Americans.

The proposal of the House of Representatives, which I soundly defeated here yesterday, would have cut $550 million from National Science Foundation research, more than $1 billion from the Energy Department, and $100 billion from the Commerce, Justice, and Science budget. That proposal would have cut $61 million from the Department of Education, and it would have eliminated Pell grants for hundreds of thousands of college students. It would have cut $1 billion from Pell grants and $2 billion from student loans. It would have cut $17 billion from the Department of Energy, and it would have eliminated Pell grants for hundreds of thousands of college students. It would have cut $2 billion from Pell grants, $3 billion from Pell grants for low-income students, and $1 billion from Pell grants for students with exceptional need.

The House budget would have cut $2 billion from clean water programs, putting public health at risk, and it would have cut $250 million from the Great Lakes restoration efforts.

The House proposal would have cut more than $120 million from the President’s request and more than $350 million from the fiscal 2010 level from border security efforts. That is the very issue—border security—which the Republicans, including the Speaker of the House, have called their No. 1 priority. Yet their budget would have cut more than $350 million from the 2010 level for border security.

We need to make spending cuts, and I think all of us know that. We have to reduce and remove redundancy and inefficiency in the government, and it exists. The President has proposed cuts. We need to seek more cuts and we need to act. But the cuts the Republicans proposed aren’t about increasing efficiency. Their proposal, as Senator MANKIN pointed out yesterday, blindly hacks at the budget with no sense of our priorities or of our values as a country. So we wisely rejected that plan.

We also rejected a second proposal, and I voted against that one as well. I rejected it because while it avoided the
stand too. We can craft a plan now that ensures all Americans share in the sacrifice and the fairness in making the necessary sacrifices we are going to have to make on future generations. But they come and yet pay a lower tax rate than their secretaries pay.

We should not allow hedge tax havens. We should not allow corporations and wealthy individuals to avoid U.S. taxes by hiding assets and income in offshore tax havens. The cost of the government to consumers has more than doubled their share of total U.S. income in the last few decades—from 8.2 percent in 1980 to 17.7 percent in 2008. Meanwhile, median household income—the income of the typical American family—is now 5 percent lower than it was in the late 1990s. To eliminate programs that are critically important to working families while maintaining tax cuts for those whose incomes have soared would be a grave injustice.

There are also other revenues we could look to if we are truly serious about deficit reduction. There are a number of tax loopholes we can close. For example, we should not continue to give corporations a tax deduction when they send American jobs overseas. We should not allow corporations and wealthy individuals to avoid U.S. taxes by hiding assets and income in offshore tax havens. We should not allow hedge fund managers to earn enormous income at a lower tax rate than their secretaries pay.

The American people are looking to us. They are concerned about the size of the deficit and the effect it might have on future generations. But they also reject the notion that Draconian cuts—cuts that fall hardest on working families—are the answer. They see the wisdom and the fairness in making sure all Americans share in the sacrifices that will be required as we seek to reduce our deficit.

We have an opportunity now to show the American people that we understand their sacrifice. We can craft a plan now that preserves vital programs, that makes prioritized and necessary cuts in spending, but also a plan that recognizes the need for comprehensive approaches that address revenue as well as spending. In the coming days, we need to adopt such a comprehensive approach. I ask the Majority Leader to put the quorum call on the floor, and I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRANKEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

Mr. FRANKEN. I thank the Chair. (The remarks of Mr. FRANKEN pertaining to the introduction of S. 555 are located in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. FRANKEN. I yield the floor and suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Mr. FRANKEN. Without objection, it is so ordered.

SBIR/STTR REAUTHORIZATION ACT OF 2011—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 17, S. 493. The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 17, S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

Mr. REID. I have a cloture motion at the desk. I ask that it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

Cloture Motion

Mr. REID. We, the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 17, S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.


Mr. REID. I now ask unanimous consent that the cloture vote occur immediately following the Senate’s action in executive session on Monday, March 14, further, that the mandatory quorum call under rule XXII be waived. The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ETHANOL SUBSIDIES AND TARIFFS

Mrs. FEINSTEIN. Mr. President, I have introduced legislation, with my
colleague Senator WEBB, to repeal corn ethanol subsidies and reduce ethanol tariffs.

This legislation has two major provisions.

First, it repeals the 45 cent per gallon corn ethanol blender subsidies under 26 U.S.C. 4245(b) and 26 U.S.C. 40(h)—as of July 1, 2011, eliminating the corn ethanol subsidy six months early and saving approximately $3 billion for American taxpayers.

The bill would not affect the credit for renewable fuels. Second generation "advanced biofuels" through 2011.

Second, the bill would lower the tariff on imported ethanol to the per gallon level of ethanol subsidies, to reestablish parity between the subsidy and the offsetting tariffs.

This removes the real trade barrier on imported ethanol, but also prevents foreign producers from benefitting from U.S. subsidies.

This legislation is necessary because the 54 cent-per-gallon tariff on ethanol imports and the 45 cent-per-gallon corn ethanol subsidy are fiscally irresponsible and environmentally unwise.

And their recent, 1-year extension in December 2010 made our country more dependent on foreign oil.

Subsidizing blending ethanol into gasoline is fiscally indefensible.

If the current subsidy were to exist through 2014 as the industry has proposed, the Federal Treasury would pay oil companies at least $31 billion to use 69 billion gallons of corn ethanol that the Federal Renewable Fuels Standard already requires them to use under the Clean Air Act.

We cannot afford to pay industry for following the law.

According to this month's Government Accountability Office report on "Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue" the ethanol tax credit and the renewable fuel standard can be duplicative in stimulating domestic production and use of ethanol, and can result in substantial loss of revenue to the Treasury.

GAO found that the ethanol tax credit, which will cost about $5.7 billion in 2011, is largely unneeded to ensure demand for domestic ethanol production.

The agency recommends that Congress reconsider the necessity of the tax credit, given the effectiveness of the renewable fuel standard, which is administered by EPA.

This legislation would simply implement the GAO's recommendation by repealing this wasteful subsidy 6 months early.

In addition, this legislation would address the tariffs on ethanol that make our country more dependent on foreign oil.

The combined tariffs on ethanol are 11 to 15 cents per gallon higher than the ethanol subsidy it supposedly offsets, and this lack of parity puts imported ethanol at a competitive disadvantage against imported oil.

This discouages imports of low carbon biofuel from Brazil, India, Australia, and other sugar producing countries, and it leads to more oil and gasoline imports from OPEC countries that enter the United States tariff-free.

Reduction of the tariff will diversify our fuel supply, replace oil imports from OPEC countries with low carbon biofuel from our allies, and expand our trade relationships with democratic states.

The data overwhelmingly demonstrate that the costs of the current corn ethanol subsidy and tariff far outweigh the benefits.

The Center for Agricultural and Rural Development at Iowa State University recently estimated that a 1-year extension of the ethanol subsidy and tariff would lead to only 427 additional direct domestic jobs at a cost of almost $6 billion, or roughly $14 million per job. A recent study by the Congressional Budget Office, ethanol tax credits cost taxpayers $1.78 for each gallon of gasoline consumption reduced, and $750 for each metric ton of carbon dioxide equivalent emissions reduced.

The ethanol subsidy and the ethanol tariffs also threaten our environment. They support and protect significantly more corn production in the Mississippi River watershed, which experts believe is a primary cause of a "dead zone" in the Gulf of Mexico.

The current ethanol subsidy lacks any requirement that the subsidized fuel lead to a reduction in greenhouse gas pollution.

And the tariff on ethanol imports also prevents greater use of imported ethanol made from sugarcane.

Both the U.S. Environmental Protection Agency and the California Air Resources Board agree that putting sugarcane ethanol in our current cars and trucks results in the least greenhouse gas pollution, of all widely available options.

In contrast, the legislation I am introducing would—for the first time—limit subsidies only to "advanced biofuels" that reduce pollution at least 50 percent and are produced from noncorn biomass, such as cellulose, switchgrass, or algae.

And it would level the playing field for low carbon biofuel imports, which must compete against dirty oil from OPEC.

Historically our government has helped a product compete in one of three ways: subsidize it, protect it from competition, or require its use.

To my knowledge, corn ethanol is the only product receiving all three forms of support from the U.S. government at this time.

By eliminating ethanol subsidies and trade barriers, this legislation would produce a smaller budget deficit; a healthier Gulf of Mexico ecosystem; less global warming pollution; and reduced dependence on imported oil.

I look forward to working with my colleagues to advance responsible energy tax policies that reduce pollution, create jobs, and improve our international relationships.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 530

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

SECTION 1. ETHANOL ELIGIBLE FOR BLENDER INCOME TAX AND FUEL EXCISE TAX CREDITS.

(a) INCOME TAX CREDIT.—Section 40(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(7) ETHANOL ELIGIBLE FOR CREDIT.—In the case of any sale or use for any period after June 30, 2011, this subsection shall apply only to ethanol which qualifies as an advanced biofuel (as defined in section 211(o)(1)(B) of the Clean Air Act (42 U.S.C. 7545(o)(1)(B)))."

(b) EXCISE TAX CREDIT.—Section 6426(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(7) ETHANOL ELIGIBLE FOR CREDIT.—In the case of any sale, use, or removal for any period after June 30, 2011, the amount of the excise tax credit shall be determined under this subsection with respect to an alcohol fuel mixture in which any of the alcohol consists of ethanol unless the ethanol qualifies as an advanced biofuel (as defined in section 211(o)(1)(B) of the Clean Air Act (42 U.S.C. 7545(o)(1)(B)))."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any sale, use, or removal for any period after June 30, 2011.

SEC. 2. ETHANOL TARIFF-TAX PARITY.

Not later than 30 days after the date of the enactment of this Act, and semiannually thereafter, the President shall reduce the temporary duty imposed on ethanol under subheading 9901.00.50 of the Harmonized Tariff Schedule of the United States by an amount equal to the reduction in any Federal income or excise tax credit under section 40(h), 6426(b), or 6427(e)(1) of the Internal Revenue Code of 1986.

No action necessary to ensure that the combined temporary duty imposed on ethanol under such subheading 9901.00.50 and any other duty imposed under the Tariff Schedule of the United States is equal to, or lower than, any Federal income or excise tax credit applicable to ethanol under the Internal Revenue Code of 1986.

CONTINUING APPROPRIATIONS

Ms. KLOBUCHAR. Mr. President, I rise today to speak out the Senate votes on H.R. 1 and Inouye amendment No. 149 regarding spending levels for the remainder of this fiscal year.

I opposed H.R. 1 because it called for severe cuts with little or no thought to the economic consequences. By cutting programs that support our seniors and veterans, as well as programs that contribute to our economic activity, H.R. 1 would have jeopardized our economic recovery at a critical time.

I voted for the necessary spending cuts included in the Inouye amendment because I saw it as a start, not an end. I believe additional cuts are needed to address our fiscal challenges. I am very
supportive of the bipartisan negotiations that are taking place for a longer term comprehensive deficit reduction plan and I would like us to move forward with the more difficult task of addressing our long-term fiscal challenges.

AMERICA INVENTS ACT

Mrs. McCASKILL. I would like to discuss my amendment, No. 139, to S. 23, the America Invents Act, on pending claims in false marking cases. I want to raise the issue so we can consider it in the future as this legislation progresses.

The Patent Act provides a cause of action against those who falsely claim that their products are patented. A successful false-marking claimant must prove two elements: first, that an unpatented article has been marked as patented; and second that the marking was done with intent to deceive the public.

The amendments can hurt small businesses, start-ups and inventors who will be deterred from competing with such products.

The underlying bill alters the false marking provision by stipulating that the marking must be privately enforced by a person who has suffered a competitive injury. In addition, damages would be limited to those that are adequate to compensate for the injury.

However, the legislation would also apply the newer rules to pending claims. These include claims that are now in the court system and under negotiation. By changing the rules in pending claims, the legislation allows potential wrongdoers to use the new law to protect themselves from past conduct.

This sets a bad precedent for our legal system and could abrogate potential wrongdoers. My amendment would simply require that the changes to false marking provisions to apply only to prospective cases going forward. Small businesses and inventors that have expended considerable resources to protect themselves should not be penalized by a provision that retroactively eliminates pending claims.

My amendment is not an attempt to gut or strike the false markings provision. It is simply a modification to address the concerns of current litigants, consumers and small businesses. I urge my colleagues to strongly consider this issue going forward.

EYE DONOR MONTH

Mr. BROWN of Ohio. Mr. President, March is National Eye Donor Month—a month—to honor those who have restored sight to blind or vision-impaired Americans across the country.

For the last 28 years, since National Eye Donor Month was first established in 1983, the eye donor community has raised public awareness about the need for eye donation.

Every March for each of the past 28 years, our Nation has honored dedicated individuals who work tirelessly at hospitals, medical centers, doctors' offices, and eye banks across the country to educate the public on the need for cornea donations and work with the transplant teams.

We continue to give thanks to eye donors—and their families—who offered one last remarkable gift because they had the foresight to become organ donors.

Eye donation provides a precious second chance to see for those with ocular diseases. Approximately 11.4 million Americans experience severe visual problems that are not correctable by glasses. A parent or grandparent cannot see their children or grandchildren play a little league game or walk across the stage at graduation. And many children experience momentous life events—and everyday happenings—without the eyesight that many of us take for granted.

Thankfully and miraculously, through eye donation and corneal transplants, vision that has been lost to disease or injury or infection can be restored. Since 1961, more than 700,000 corneal transplants have been performed to restore sight to children as young as 1 day old and adults as old as 103. And corneal transplants are highly successful; 90 percent of all corneal transplant operations effectively restore sight to the patient. Each year, eye banks across the country provide 52,000 corneal grafts for transplantation.

Ohio's Central Ohio Lions Eye Bank, COLEB, in Columbus performed corneal transplants for 340 patients in 2010. COLEB gave these 340 patients an opportunity to regain their sight and, with that, the ability to see their loved ones again—or for the first time. In southern Ohio, the Cincinnati Eye Bank for Sight Restoration, Inc., partnered with physicians at the University of Cincinnati to conduct research programs for public and professional education as well as conduct ocular medical research. The Cincinnati Eye Bank is able to serve 35 hospitals in southwestern Ohio, northern Kentucky, and eastern Indiana. In northern Ohio, the Cleveland Eye Bank, which serves nearly 5 million people and more than 60 hospitals in northern Ohio, created the Lasting Legacy program to honor the families of eye donors by publicly recognizing the donors' amazing gift of sight.

Simply put, corneal transplants—made possible through eye donors—change people's lives.

But more must be done. Some 1,600 Ohioans each year could have their sight restored through corneal transplants but are unable to do so because there are not enough organ donors.

I encourage all Americans to consider becoming eye donors. Even those with 20/20 vision or who have cataracts must donate. In Ohio, you can become an eye organ donor when you renew your driver's license. It is that easy.

I also urge my colleagues to work with local eye banks and the Eye Bank Association of America to promote the precious gift of eye donation. While 700,000 people have had their sight restored since 1961, tens of thousands more are waiting.

During this year's Eye Donor Month, I thank all those who continue to promote and advocate for eye donation and the gift of sight it gives.

ADDITIONAL STATEMENTS

TRIBUTE TO JD WAGGONER

Mr. ROCKEFELLER. Mr. President, today I pay tribute to a dedicated professional who has worked at the West Virginia Library Commission for 40 years, including 9 years as its executive director, Mr. JD Waggoner.

JD Waggoner is a true leader and effective advocate for libraries. I have been extraordinarily proud to work closely with him over many years, and I understand and appreciate the special role that libraries play in communities across our State. In addition to his leadership at the commission, it also has been a volunteer fireman which is another sign of his community service.

Thanks to the leadership of JD and others, our libraries are connected to the Internet and provide quality services to West Virginians. We worked together on the program I helped to create in the 1996 Telecommunications Act known as the E-Rate. This discount program provides $2.25 billion in discounts for telecommunications, Internet access and internal connections to libraries and schools nationwide. In West Virginia, it provides over $10 million each year to libraries and schools. JD Waggoner and his team have done an amazing job in managing this program and helping the smaller, rural libraries deal with the paperwork and challenges. Thanks to this access, our libraries now provide access to thousands of current publications for patrons to enjoy and learn.

The Library Commission also has a special initiative known as Learning Express. This program provides access to practice tests on a wide range of programs from the GED, ACT and SAT, and other professional licenses. This means that individuals can visit their libraries and, for free, take practice online exams to prepare for the real tests rather than pay expensive fees. This is a truly wonderful opportunity to help West Virginians advance their education.

The director and the Library Commission are the support network for our libraries and the services range from Internet access to story hours and literacy efforts to hosting community groups and special events include movies or presentations. Libraries are hubs of activity and recent studies indicate people feel more comfortable looking for work online at the library rather than an employment office.
Our West Virginia libraries are true treasures because of the dedication and leadership of JD Waggoner, his team and local librarians across our state. While JD Waggoner will be deeply missed, he most certainly deserves that chance to relax and enjoy his retirement. I wish him the very best and wanted to share his history with my Senate colleagues.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:04 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that pursuant to 15 U.S.C. 1024(a), and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Joint Economic Committee: Mr. Hinckley of New York, Mrs. Maloney of New York, Ms. LoBetti Sanchez of California, and Mr. Cummings of Maryland.

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–856. A communication from the Attorney Advisor, Office of the Secretary, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Procedures Relating to Awards Under the Equal Access to Justice Act” (RIN0005–AAE), received in the Office of the President of the Senate on March 9, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–857. A communication from the Assistant Secretary of Defense (Homeland Defense and Americas’ Security Affairs), transmitting, pursuant to law, a report relative to the Mitigation of Power Outage Risks for Department of Defense Facilities and Activities; to the Committee on Armed Services.

EC–858. A communication from the Executive Director and Designated Federal Officer of the Military Leadership Diversity Commission, transmitting, pursuant to law, a report entitled “From Representation to Inclusion: The Role of Diversity Leadership for the 21st Century Military” and the accompanying executive summary; to the Committee on Armed Services.

EC–859. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Suspension of Community Eligibility” (44 CFR Part 64(Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on March 9, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–860. A communication from the Deputy to the Deputy Legal Office, Federal Depository Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled “Assessments, Large Bank Pricing” (RIN0068–AD6) received in the Office of the President of the Senate on March 9, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–861. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Standards Governing the Re–lease of a Suspicious Activity Report” (RIN1550–AC28) received in the Office of the President of the Senate on March 9, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–862. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Confidentiality of Suspicious Activity Reports” (RIN1550–AC28) received in the Office of the President of the Senate on March 9, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–863. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled “Implementation of the National Correct Coding Initiative in the Medicaid Program”; to the Committee on Finance.

EC–864. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles that are controlled under Category I of the United States Munitions List sold commercially under contract in the amount of $1,000,000 or more; to the Committee on Foreign Relations.

EC–865. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical data exchange agreement for the export of defense articles, to include technical data, and defense services for the support of an Airborne Intelligence and Surveillance System under contract to the Ministry of Defense (MOD) in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–866. A communication from the Director, Office of SAFETY Act Implementation, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “The Support Anti–terrorism by Posing the Effective Technologies Act of 2002 (the SAFETY Act)” (RIN1691–AA15) received in the Office of the President of the Senate on March 9, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–867. A communication from the Acting Protected Critical Infrastructure Information (PCII) Program Manager, National Protection and Programs Directorate, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Procedures for Handling Critical Infrastructure Information” (RIN1691–AA14) received in the Office of the President of the Senate on March 9, 2011; to the Senate Committee on Homeland Security and Governmental Affairs.

EC–868. A communication from the Deputy to the Deputy Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled “Regulations Implementing the Surface Transportation Disaster Relief Act” (RIN0068–AD6) received in the Office of the President of the Senate on March 9, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–870. A communication from the Acting Director, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Relief Fatigue” (RIN1006–AA16) received in the Office of the President of the Senate on March 9, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–871. A communication from the Deputy to the Deputy Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled “Assessments, Large Bank Pricing” (RIN0068–AD6) received in the Office of the President of the Senate on March 9, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–872. A communication from the Deputy to the Deputy Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled “Regulations Implementing the Surface Transportation Disaster Relief Act” (RIN0068–AD6) received in the Office of the President of the Senate on March 9, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–873. A communication from the Deputy to the Deputy Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled “Assessments, Large Bank Pricing” (RIN0068–AD6) received in the Office of the President of the Senate on March 9, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–874. A communication from the Deputy to the Deputy Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled “Assessments, Large Bank Pricing” (RIN0068–AD6) received in the Office of the President of the Senate on March 9, 2011; to the Committee on Banking, Housing, and Urban Affairs.
McCAIN, Mr. MENENDEZ, Mr. ENSON, Mr. NELSON of Florida, and Mr. BURR):

S. 543. A bill to restrict any State or local jurisdiction from adopting a new discriminatory tax on cell phone services, providers, or property; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 544. A bill to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado:

S. 545. A bill to amend the Energy Employees Occupational Illness Compensation Program to strengthen the ability control measures in place for B lung disease claims and part E processes with independent reviews; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TESTER (for himself and Mr. BAUCUS):

S. 546. A bill to extend the Federal recognition to the Little Shell Tribe of Chippewa Indians of Montana, and for other purposes; to the Committee on Indian Affairs.

By Mrs. MURRAY:

S. 547. A bill to direct the Secretary of Education to establish an award program recognizing excellence exhibited by public school system employees providing services to students in kindergarten through higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CHAMBLISS (for himself, Mr. MCCAIN, Mr. COYNE, Mr. CHAMBLISS, Mr. McCaIN, and Mr. BURR):

S. 548. A bill to provide for the effective interdiction of unprivileged enemy belligerents and for other purposes; to the Select Committee on Intelligence.

By Mr. ENSIGN (for himself, Mr. BARRASSO, Mr. McCaIn, Mr. VITTER, Mr. ENZI, Mr. CHAPo, and Mr. MORAN):

S. 549. A bill to require the Attorney General of the United States to compile, and make publically available, certain data relating to the Equal Access to Justice Act, and for other purposes; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. Brown of Massachusetts):

S. 550. A bill to improve the provision of assistance to fire departments, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. McCaIn (for himself, Mr. GRAHAM, Mr. LIEBERMAN, Mr. CHAMBLISS, Ms. Ayotte, and Mr. Brown of Massachusetts):

S. 551. A bill to improve procedures for the detention and review of status of detainees of the United States in connection with the continuing armed conflict with al Qaeda, the Taliban, and affiliated groups; to the Committee on Armed Services.

By Mr. SANDERS (for himself and Ms. MUKULSKI):

S. 552. A bill to reduce the Federal budget deficit by creating a surtax on high income individuals and eliminating big oil and gas company tax loopholes; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. McCaIN, Mr. CHAMBLISS, Ms. Ayotte, and Mr. GRASSLEY, Mr. RUBIO, Mr. BURR, Mr. ENSON, Mr. ALEXANDER, Mr. JOHANNS, Mr. LIEBERMAN, and Mr. BROWN of Massachusetts):

S. 554. A bill to strengthen the Department of Justice funds for the prosecution in Article III courts of the United States of individuals involved in the September 11, 2001, terroristic attacks; to the Committee on the Judiciary.

By Mr. FRANKEN (for himself, Mr. HARKIN, Mr. KERRY, Mrs. MURRAY, Mr. KlobuCHAR, Mr. MERCkLEY, Mr. DURBIN, Mr. Lautenberg, Mr. BenNET, Mr. BlumentHAL, Mr. UDALL of Colorado, Ms. MikULski, Mr. LEARY, Mr. SCHUMER, Mr. BINGMAN, Mr. WHITEHOUSE, Mr. CARDIN, Mrs. BOXER, Mrs. GILLIBRAND, Mr. MENENDEZ, Mr. AKAKA, Mr. SCHUMER, Mr. WYDEN, Mr. BINGHou, Mr. CASEy, Ms. CANTwELL, Mr. Brown of Ohio, Mrs. SHAHRER, Mr. REED, and Mr. COONS):

S. 555. A bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself and Mr. PRYOR):

S. 556. A bill to amend the securities laws to establish funds for shareholder representation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER (for himself, Ms. SNOWE, Mr. BURR, Mr. KERRY, Mr. Brown of Ohio, Mr. LEVIN, Mr. JOHNson of South Dakota, Mr. PETERS, Mr. LEARY of Pennsylvania):

S. 557. A bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. LEARY, Mr. BINGMAN, Mrs. BOXER, Mr. Brown of Ohio, Ms. CANTWELL, Mr. CARDIN, Mr. CASEy, Mr. DURBIN, Mr. FRANKEN, Mr. HARKIN, Mr. JOHNson of South Dakota, Ms. KLOBUCHAR, Mr. MENENDEZ, Mr. MERCkLEY, Ms. MIKULski, Mrs. MURRAY, Mr. ROCKFELLER, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 558. A bill to limit the use of cluster munitions; to the Committee on Foreign Relations.

By Ms. KLOBUCHAR:

S. 559. A bill to promote the production and use of renewable energy, and for other purposes; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. Brown of Ohio, and Mr. AKAKA):

S. 560. A bill to amend title XVIII of the Social Security Act to ensure meaningful benefit and lower prescription drug prices under the Medicare program; to the Committee on Finance.

By Mr. ENZI (for himself and Mr. BARRASSO):

S. 561. A bill for the relief of Ashley Ross Fuller to the Committee on the Judiciary.

By Ms. MIKULski (for herself, Mr. CARDIN, Mrs. MURRAY, Mr. WARNER, and Mr. WEBB):

S. 562. A bill to authorize the Secretary of Transportation to establish national safety standards for transit agencies operating heavy rail on fixed guideway; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER:

S. 563. A bill to provide for equal access to COPEFA to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself and Mr. UDDALL of New Mexico):

S. 564. A bill to designate the Valles Caldera National Preserve as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KOHL (for himself, Mr. DURBIN, Mr. SCHUMER, Mr. HARKIN, Mrs. GILLIBRAND, and Mr. Brown of Ohio):

S. Res. 98. A resolution to express the sense of the Senate regarding the school breakfast program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DeMINT (for himself, Mr. BARRASSO, Mr. BURR, Mr. BLUNT, Mr. BOOZMAN, Mr. CHAMBLISS, Mr. COBURN, Mr. CORNYN, Mr. CHAPo, Mr. ENSON, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAkson, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. Kyl, Mr. Lee, Mr. McCaIN, Mr. MORAu, Mr. PAUL, Mr. Risch, Mr. RUBo, Mr. Sessions, Mr. Vitter, and Mr. WcKer):

S. Res. 99. A resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of families is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent; to the Committee on Foreign Relations.

By Mr. BENNET (for himself, Mrs. MURRAY, and Mr. MEEKLEY):

S. Res. 100. A resolution designating March 21, 2011, as “World Plumbing Day”; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 101

At the request of Mr. ENSIGN, the names of the Senator from Georgia (Mr. ISAkson) was added as a cosponsor of S. 101, a bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes.

S. 164

At the request of Mr. Brown of Massachusetts, the names of the Senator from Maine (Ms. COLLINS) and the Senator from South Dakota (Mr. Thune) were added as cosponsors of S. 164, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 185

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 185, a bill to provide United
States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 353

At the request of Mr. Rockefeller, the name of the Senator from Connecticut (Mr. Blumenthal) was added as a co-sponsor of S. 253, a bill to establish a commission to ensure a suitable observance of the centennial of World War I, and to designate memorials to the service of men and women of the United States in World War I.

S. 352

At the request of Mrs. Murray, the name of the Senator from Connecticut (Mr. Blumenthal) was added as a co-sponsor of S. 325, a bill to amend title 10, United States Code, to require the provision of behavioral health services to members of the reserve components of the Armed Forces necessary to meet pre-deployment and post-deployment readiness and fitness standards, and for other purposes.

S. 344

At the request of Mr. Reid, the name of the Senator from Rhode Island (Mr. Whitehouse) was added as a co-sponsor of S. 344, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 384

At the request of Mrs. Feinstein, the name of the Senator from Georgia (Mr. Isakson) was added as a co-sponsor of S. 384, a bill to amend title 38, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 398

At the request of Mr. Bingaman, the name of the Senator from New Hampshire (Mrs. Shaheen) was added as a co-sponsor of S. 398, a bill to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and for other purposes.

S. 429

At the request of Mr. Schumer, the name of the Senator from Pennsylvania (Mr. Casey) was added as a co-sponsor of S. 409, a bill to ban the sale of certain synthetic drugs.

S. 407

At the request of Mr. Durbin, the name of the Senator from South Dakota (Mr. Johnson) was added as a co-sponsor of S. 414, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 418

At the request of Mr. Harkin, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a co-sponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 424

At the request of Mr. Schumer, the name of the Senator from Vermont (Mr. Sanders) was added as a co-sponsor of S. 424, a bill to amend title XCVII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 425

At the request of Mr. Udall of Colorado, the names of the Senator from New Jersey (Mr. Menendez) and the Senator from Alaska (Ms. Murkowski) were added as cosponsors of S. 425, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 436

At the request of Mr. Schumer, the name of the Senator from Massachusetts (Mr. Kennedy) was added as a co-sponsor of S. 436, a bill to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale.

S. 466

At the request of Mr. Whitehouse, the names of the Senator from North Carolina (Mrs. Hagan) and the Senator from Vermont (Mr. Leahy) were added as cosponsors of S. 486, a bill to amend the Servicemembers Civil Relief Act to enhance protections for members of the uniformed services relating to mortgages, mortgage foreclosure, and eviction, and for other purposes.

S. 488

At the request of Mr. Cardin, the name of the Senator from Georgia (Mr. Isakson) was added as a co-sponsor of S. 488, a bill to require the FHA to equitably treat homebuyers who have re-paid in full their FHA-insured mortgages, and for other purposes.

S. 494

At the request of Mr. Lieberman, the name of the Senator from North Carolina (Mrs. Hagan) was added as a co-sponsor of S. 496, a bill to amend the Public Health Service Act to establish a national screening program at the Centers for Disease Control and Prevention and to amend title XIX of the Social Security Act to provide States the option to increase screening in the United States population for the prevention, early detection, and timely treatment of colorectal cancer.

S. 496

At the request of Mr. McCaskill, the names of the Senator from Massachusetts (Mrs. Boxer) and the Senator from New Hampshire (Mrs. Shaheen) were added as cosponsors of S. 496, a bill to amend the Food, Conservation, and Energy Act to repeal a duplicative program relating to inspection and grading of catfish.

S. 506

At the request of Mr. Casey, the names of the Senator from Washington (Ms. Cantwell) and the Senator from Minnesota (Mr. Franken) were added as cosponsors of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 511

At the request of Mr. Blunt, the name of the Senator from Wyoming (Mr. Enzi) was added as a cosponsor of S. 511, a bill to amend the Clean Air Act to provide for a reduction in the number of boutique fuels, and for other purposes.

S. 512

At the request of Mr. Bingaman, the name of the Senator from Idaho (Mr. Risch) was added as a cosponsor of S. 512, a bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out programs to develop and demonstrate 2 small modular nuclear reactor designs, and for other purposes.

S. 516

At the request of Mrs. Harkin, the name of the Senator from Alabama (Mr. Shelby) was added as a cosponsor of S. 516, a bill to extend outer Continental Shelf leases to accommodate permitting delays and to provide operators time to meet new drilling and safety requirements.

S. CON. RES. 4

At the request of Mr. Schumer, the name of the Senator from Illinois (Mr. Kirk) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

S. RES. 65

At the request of Mr. Wicker, the name of the Senator from Arizona (Mr. Kyl) was added as a cosponsor of S. Res. 65, a resolution expressing the sense of the Senate that the conviction by the Government of Russia of businessman Mikhail Khodorkovsky and Platon Lebedev constitutes a politically motivated case of selective arrest and prosecution that flagrantly undermines the rule of law and independence of the judicial system of Russia.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Cardin:

S. 538. A bill to amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act; to the
Mr. CARDIN. Mr. President, today I am introducing the Neotropical Migratory Bird Conservation Act. This bill promotes long-term conservation, education, research, monitoring, and habitat protection for more than 350 species of neotropical migratory birds that breed in North America in the summer and spend our winters in tropical climates south of our border. Through its successful cooperative, matching grant program, the U.S. Fish and Wildlife Service supports public-private partnerships to countries mostly in Latin America and the Caribbean. Up to one quarter of the funds may be awarded for domestic projects.

This legislation aims to sustain healthy populations of migratory birds that are not only beautiful to look at but help our farmers by consuming billions of harmful insect pests each year. These vulnerable bird populations face many environmental factors such as pesticide pollution, deforestation, sprawl, and invasive species that threaten their habitat and, ultimately, their survival. As good indicators of a healthy ecosystem, it is troubling that, according to the National Audubon Society, at least 29 species of migratory birds are experiencing significant population declines. For example, populations of the Cerulean Warbler and Olive-Sided Flycatcher have declined as much as 75 percent since surveys began in the 1960s.

The Baltimore Oriole, the State bird of my home state of Maryland, has been experiencing a decline in population despite being protected by Federal law under the Migratory Bird Treaty Act of 1918 and the State of Maryland’s Nongame and Endangered Species Conservation Act. Destruction of their domestic breeding habitat and tropical winter habitat, coupled with the toxic pesticides ingested by insects which are then eaten by the Oriole, has significantly contributed to this decline. It is essential that we invest in conservation efforts in our country as well as others along the migratory routes of the wide range of migratory birds. This legislation accomplishes this goal.

The Neotropical Migratory Bird Conservation Act has a proven track record of reversing habitat loss and advancing conservation strategies along the broad range of neotropical birds that populate the United States and the rest of the Western hemisphere. According to the U.S. Fish and Wildlife Service, between 2002 and 2010, this program has successfully supported 333 projects, coordinated by groups in 48 U.S. State/territories and 36 countries. Additionally, it is a great value for taxpayers as it leverages over $4.00 for each Federal dollar spent. Since 2002, the U.S. has invested more than $25 million in 262 projects and an additional $12 million in partner funds to support these projects. It also helps to generate $2.7 billion annually for the U.S. economy through wildlife watching activities.

This legislation is cost-effective, budget-friendly, and has been a highly successful Federal program. This simple reallocation bill will make sure that this critical program continues. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 538

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

SECTION 1. REAUTHORIZATION OF NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.

Section 10 of the Neotropical Migratory Bird Conservation Act (36 U.S.C. 6109) is amended to read as follows:

"SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) In general.—There are authorized to be appropriated to carry out this Act such sums as are necessary for each of fiscal years 2012 through 2017.

(b) Use of funds.—Of the amounts made available under subsection (a) for each fiscal year, not less than 75 percent shall be expended for projects carried out at a location outside of the United States."

By Mr. BEGICH:

S. 542. A bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, and for other purposes. Mrs. PEYTON. Mr. President, today I am pleased to introduce the Space Available Equity Act.

Members and retirees of the National Guard and Reserve, their families, and surviving military spouses make great sacrifices for our country. However, too often these individuals do not receive the benefits they have earned for their service.

In Alaska, the National Guard conducts more search and rescue missions in the most challenging terrain than any other state. They save lives every day in their state role and frequently deploy just like their active duty counterparts. The demands on our reserve component have been higher than ever before. Some reserve members have never been able to retire, and in fact, gray area retirees, National Guardsmen or Reservists are eligible for retirement but under the age of 60 have limited travel privileges on Department of Defense aircraft under current regulations. Their space-available travel benefits are restricted to the continental United States and are not extended to their dependents, unlike active military members and retirees.

Surviving spouses of a military member eligible for retired pay retain no space-available travel privileges at all after the death of their spouse, despite having made a lifetime commitment to the military or in many cases, lost their loved one in war. In Alaska, we understand how important surviving spouses are. The Tragedy Assistance Program, or as it’s more commonly known—TAPS, was founded in my state.

To correct these inequities, I am reintroducing the National Guard, Reserve, "Gray Area" Retiree, and Surviving Spouse Space-available Travel Equity Act. This bill will give these deserving individuals comprehensive and equitable space-available travel privileges on Department of Defense aircraft. The bill is endorsed by the National Guard Association of the United States.

I urge my colleagues to join me in giving parity to our reserve component members and surviving military spouses.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 542

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 "National Guard, Reserve, "Gray Area" Retiree, and Surviving Spouse Space-available Travel Equity Act of 2011".

SEC. 2. ELIGIBILITY OF RESERVE MEMBERS, GRAY-AREA RETIREES, WIDOWS AND WIDowers OF RETIRED MEMBERS, AND DEPENDENTS FOR SPACE AVAILABLE TRAVEL ON MILITARY AIRCRAFT.

(a) Eligibility.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2641b the following new section:

"2641c. Space-available travel on Department of Defense aircraft: reserve members, reserve members eligible for retired pay but for age; widows and widowers of retired members, and dependents. (a) Reserve Members.—A member of a reserve component holding a valid Uniformed Services Identification and Privilege Card shall be provided transportation on Department of Defense aircraft, on a space-available basis, on the same basis as active duty members of the uniformed services under any other provision of law or Department of Defense regulation.

(b) Reserve Retirees Under Applicable Eligibility Age.—A member or former member of a reserve component who, but for being under the eligibility age applicable to the member under section 2673 of this title, would be entitled to space-available travel under chapter 1223 of this title shall be provided transportation on Department of Defense aircraft, on a space-available basis, on the same basis as members of the armed forces entitled to retired pay under any other provision of law or Department of Defense regulation.

(c) Surviving Spouses.—Space-available travel benefits are restricted to the continental United States and are not extended to their dependents, unlike active military members and retirees.

In Alaska, the National Guard conducts more search and rescue missions in the most challenging terrain than any other state. They save lives every day in their state role and frequently deploy just like their active duty counterparts. The demands on our reserve component have been higher than ever before. Some reserve members have never been able to retire, and in fact, gray area retirees, National Guardsmen or Reservists are eligible for retirement but under the age of 60 have limited travel privileges on Department of Defense aircraft under current regulations. Their space-available travel benefits are restricted to the continental United States and are not extended to their dependents, unlike active military members and retirees.

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Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 542

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SECTION 1. SHORT TITLE. This Act may be cited as the "National Guard, Reserve, "Gray Area" Retiree, and Surviving Spouse Space-available Travel Equity Act of 2011".

SEC. 2. ELIGIBILITY OF RESERVE MEMBERS, GRAY-AREA RETIREES, WIDOWS AND WIDOWERS OF RETIRED MEMBERS, AND DEPENDENTS FOR SPACE AVAILABLE TRAVEL ON MILITARY AIRCRAFT.

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I urge my colleagues to join me in giving parity to our reserve component members and surviving military spouses.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
Mr. WYDEN. Mr. President, today I rise to introduce the Wireless Tax Fairness Act and I am delighted and honored to be joined in this effort by Senators SNOWE, GILLIBRAND, ENSIGN, Mr. NELSON of Florida, and Mr. BURR:

S. 544. A bill to authorize the Secretary of the Interior to conduct a study of alternatives for commemo- rating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I rise today on behalf of myself and Senator BOXER to introduce the Buffalo Soldiers in the National Parks Study Act. This legislation is an important step in preserving the legacy of the Army's first all-black infantry and cavalry units and their unique role in the creation of our National Park system.

The Buffalo Soldiers served bravely in campaigns both at home and abroad before becoming stationed at the military Presidio in San Francisco and being given charge of patrolling the National Park system. Although first tasked with taming the frontier, these troopers also took on the responsibility of preserving that wilderness for future generations. The Buffalo Soldiers traveled nearly 2000 miles from San Francisco to either Sequoia or Yosemite National Park, where they patrolled the backcountry, built trails, stopped poaching, and otherwise served in the roles later assumed by National Park rangers.

Although the experiences of the Buffalo Soldiers are an important piece of our national history, we are in danger of losing their legacy to the passage of time unless we take conscious steps to preserve the memory. This legislation will help ensure that the contributions of the Buffalo Soldiers will be remembered and shared by all. I urge my colleagues to join me in supporting this bill.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 544. A bill to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes; to the Committee on Energy and Natural Resources.

There being no objection, the text of the bill was ordered to be printed in the RECORD.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Buffalo Soldiers in the National Parks Study Act”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) In the late 19th century and early 20th century, African-American troopers who came to be known as the Buffalo Soldiers served in many critical roles in the western United States, including protecting some of the first National Parks.

(2) Based at the Presidio in San Francisco, Buffalo Soldiers were assigned to Sequoia and Yosemite National Parks where they patrolled the backcountry, built trails, stopped poaching, and otherwise served in the roles later assumed by National Park rangers.

(3) The public would benefit from having opportunities to learn more about the Buffalo Soldiers and their contributions to the management of National Parks and the legacy of African-American soldiers in the post-Civil War era.

(4) As the centennial of the National Park Service in 2016 approaches, it is an especially appropriate time to conduct research and increased public awareness of the critical role the Buffalo Soldiers played in the early years of the National Parks.

(b) PURPOSE.—The purpose of this Act is to authorize a study to determine the most effective ways to increase understanding and public awareness of the critical role that the Buffalo Soldiers played in the early years of the National Parks.

SEC. 3. STUDY.

(a) IN GENERAL.—The Secretary of the Interior shall conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks.
Mr. LIEBERMAN, Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, as follows:

S. 550—Fire Grants Reauthorization Act of 2011

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 “Fire Grants Reauthorization Act of 2011”.

SEC. 2. AMENDMENTS TO DEFINITIONS. Subsection (b) of section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(b) CONTENTS OF STUDY.—The study shall include—

(1) a historical assessment, based on extensive research, of the Buffalo Soldiers who served in National Parks in the years prior to the establishment of the National Park Service;

(2) an evaluation of the suitability and feasibility of national historic landmarks; and

(3) the identification of properties that could meet criteria for listing in the National Register of Historic Places or criteria for designation as National Historic Landmarks.

(c) REPORT.—Not later than 3 years after funds are made available for the study, the Secretary of the Interior shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing the study's findings and recommendations.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts).

S. 550. A bill to improve the provision of assistance to fire departments and other emergency service providers; to authorize a historic study of the Buffalo Soldiers; and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, today Ms. COLLINS, Mr. CARPER, and I am pleased to introduce the Fire Grants Reauthorization Act of 2011 to ensure that firefighters and emergency medical service personnel serving communities across the nation are rewarded for the sacrifices they make every day with the best possible training and equipment—particularly given the budget cuts many communities have been forced to make in these economically uncertain times.

The bill we present to the Senate authorizes the Assistance to Firefighters, AFG, program and the Staffing for Adequate Fire and Emergency Response program, SAFER, two highly successful programs I worked to establish as a member of the Appropriations Committee this legislation that has won overwhelming Senate support in previous years. As we all know, our first responders make great sacrifices for us. Firefighters in communities of all shapes and sizes have prevented a greater role in all national emergency preparedness since September 11 and the Hurricane Katrina catastrophe. They now serve as the frontline defense in many communities for disasters of all types. More than 30,000 firefighters need the training and equipment to deal not only with fires but also with hazardous materials; nuclear, radioactive, and explosive devices; and other potential threats.

The responsibilities placed on firefighters have only grown more demanding. Firefighters respond more and more to medical emergencies—15.8 million in 2008, a 213 percent increase from 1980. Right here in Washington, D.C., at Fire Engine Company 10—known as the “House of Pain” for its grueling schedule—80 percent of the calls are for medical emergencies. Our nation’s firefighters—like other first responders—have the last to leave whenever trouble hits. They deserve all the support we can give them.

Unfortunately, they do not always get it. Firefighters often lack the equipment and vehicles they need to do their jobs safely and effectively. In 2006 the U.S. Fire Administration reported that 60 percent of fire departments did not have enough breathing apparatuses to equip all firefighters on a shift, 65 percent did not have enough portable radios, and all fire engines were at least 15 years old.

We can and must do more for these brave men and women. We must make sure they have what they need to protect their communities and themselves as they perform a very dangerous job. Our bill takes much-needed steps to ensure that they do.

To start with, because career, volunteer, and combination fire departments all suffer from shortages in equipment, vehicles, and training, our bill requires that each type receives at least 25 percent of the available AFG grant funding. The remaining funds will be allocated based on factors such as risk and the needs of individual communities and the country as a whole. This creates an appropriate balance, ensuring that funds are directed at departments facing the most significant risks while guaranteeing that no department is left out.

We have also taken a number of steps in our bill to help fire departments in communities struggling with economic difficulties. In many cases, local governments have reduced spending on vital services, including fire departments. Among other things, these cuts have prevented many departments from replacing old equipment and forced them to lay off needed firefighters. To help departments rebuild, we have lowered the matching requirements for AFG and SAFER. Departments are required to match only 25 percent of their grant awards with funds of their own—ensuring they have some skin in the game—but the reduced amount will make it easier for them to accept awards.

We have similarly created an economic hardship waiver for both grant programs that will allow FEMA to waive certain requirements, such as requiring that grantees provide matching funds, for departments in communities that have been especially hard hit by tough economic times.

Our bill contains a number of other important provisions. It raises the maximum grant amounts available under AFG. As commonsense would suggest, large communities often require a substantial amount of equipment, and they will now be able to apply for funding in amounts more in line with what they need.

Our bill would provide funding for national fire safety organizations and institutions of higher education that wish to create joint programs establishing fire safety research centers. There is a great need for research devoted to fire safety and improved technology. The work these centers do will help us reduce fire casualties among firefighters and civilians and make communities safer.

But as important as it is to help our firefighters, we must also demand accountability when we spend taxpayer dollars. For this reason, we require that FEMA create performance management systems for these programs, complete with quantifiable metrics that will allow us to see how well they perform. Going forward, this will allow us to see what works in these programs and what does not so that we can make needed improvements when required.

We have also included provisions to prevent earmarks from being attached to these programs. AFG and SAFER have never been earmarked—an impressive accomplishment—and we want to keep it that way. The funding for these programs needs to go to firefighters, not pet projects.

This legislation authorizes $950 million each for these vital programs. This is actually less than what was authorized in the past. We believe that supporting our Nation’s firefighters and emergency medical service responders ought to be a priority, but we recognize that these tough fiscal times require some belt-tightening. Authorizing funding for AFG and SAFER at these amounts sends the message that Congress can direct funding where it is needed while also showing discipline.

This legislation ensures that fire departments get the support they need to protect their communities while also protecting taxpayer dollars. It addresses a vital national need while increasing accountability to the public. I urge my colleagues to join me in supporting the reauthorization of these important programs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD.
S1552
CONGRESSIONAL RECORD — SENATE
March 10, 2011

(1) in paragraph (3), by inserting ‘‘, except as otherwise provided,’’ after ‘‘means’’;

(2) in paragraph (4), by striking ‘‘Director’’ means and all that follows through ‘‘Agency’’;

(3) in paragraph (5)—

(A) designating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(B) by inserting ‘‘Indian tribe,’’ after ‘‘county,’’ and

(C) (y) ‘‘Indian tribe’’ has the meaning given therein that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 460b) and ‘‘tribal means of or pertaining to an Indian tribe’’;

(6) by redesigning paragraphs (9) and (10), as redesignated by paragraph (4), as paragraphs (10) and (11);

(7) by inserting after paragraph (8), as redesignated by paragraph (4), the following:

‘‘(9) ‘Secretary’ means, except as otherwise provided, the Secretary of Homeland Security.’’;

(8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

‘‘(10) The term ‘Secretary’ means—’’;

(11) striking ‘‘the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).’’;

12. CONFORMING AMENDMENTS.—

(1) ADMINISTRATOR OF FEMA.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by striking ‘‘Director’’ each place it appears and inserting ‘‘Administrator of FEMA’’.

(2) ADMINISTRATOR OF FEMA’S AWARD.—Section 15 of such Act (15 U.S.C. 2214) is amended by striking ‘‘Director’s Award’’ each place it appears and inserting ‘‘Administrator’s Award’’.

SEC. 3. ASSISTANCE TO FIREFIGHTER GRANTS.

Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

‘‘SEC. 33. FIREFIGHTER ASSISTANCE.

‘‘(a) DEFINITIONS.—In this section—

‘‘(1) AVAILABILITY.—‘‘The term ‘available grant funds’, with respect to a fiscal year, means those funds appropriated pursuant to the authorization of appropriations for fiscal year 2002 for such fiscal year that have not been obligated or otherwise used as determined by the Administrator of FEMA for such fiscal year.’’

‘‘(2) CAREER FIRE DEPARTMENT.—The term ‘career fire department’ means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighting personnel.

‘‘(3) COMBINATION FIRE DEPARTMENT.—The term ‘combination fire department’ means a fire department that—

(A) paid firefighting personnel; and

(B) volunteer firefighting personnel.

‘‘(4) FIREFIGHTING PERSONNEL.—The term ‘firefighting personnel’ means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

‘‘(5) NONAFFILIATED EMS ORGANIZATION.—The term ‘nonaffiliated EMS organization’ means a public or private nonprofit emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

‘‘(6) PAID-ON-CALL.—The term ‘paid-on-call’ with respect to firefighting personnel means firefighting personnel who are paid a stipend for each event to which they respond.

‘‘(7) VOLUNTEER FIRE DEPARTMENT.—The term ‘volunteer fire department’ means a fire department that has an all-volunteer force of firefighting personnel.

‘‘(b) ASSISTANCE PROGRAM.—

‘‘(1) AUTHORIZATION.—In accordance with this section, the Administrator of FEMA may, in consultation with the Administrator of the United States Fire Administration, award—

(A) assistance to firefighters grants under subsection (c); and

(B) fire prevention and safety grants and other assistance under subsection (d).

‘‘(2) ADMINISTRATOR OF FEMA.—The Administrator of FEMA shall—

(A) establish specific criteria for the selection of grant recipients under this section; and

(B) provide assistance with application preparation to applicants for such grants.

‘‘ASSISTANCE TO FIREFIGHTERS GRANTS.’’

‘‘(1) IN GENERAL.—The Administrator of FEMA may, in consultation with the chief executives of the States in which the recipients are located, award grants on a competitive basis directly to—

(A) fire departments, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the United States against fire, fire-related, and other hazards;

(B) nonaffiliated EMS organizations to support the provision of emergency medical services; and

(C) State fire training academies for the purposes described in paragraphs (G), (H), and (I) of paragraph (3).

‘‘(2) MAXIMUM GRANT AMOUNTS.—

(A) POPULATION.—The Administrator of FEMA may not award a grant under this subsection in excess of amounts as follows:

(i) In the case of a recipient that serves a jurisdiction with 100,000 or fewer people, the amount of the grant awarded to such recipient shall not exceed $1,000,000 in any fiscal year.

(ii) In the case of a recipient that serves a jurisdiction with more than 100,000 people but not more than 500,000 people, the amount of the grant awarded to such recipient shall not exceed $2,000,000 in any fiscal year.

(iii) In the case of a recipient that serves a jurisdiction with more than 500,000 but not more than 1,000,000 people, the amount of the grant awarded to such recipient shall not exceed $3,000,000 in any fiscal year.

(iv) In the case of a recipient that serves a jurisdiction with more than 1,000,000 people but not more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed $6,000,000 for any fiscal year.

(v) In the case of a recipient that serves a jurisdiction with more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed $9,000,000 in any fiscal year.

(B) STATE FIRE TRAINING ACADEMIES.—The Administrator of FEMA may not award a grant under this subsection to a State fire training academy in an amount that exceeds $1,000,000 in any fiscal year.

‘‘(C) AGGREGATE.—

‘‘(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B), the Administrator of FEMA may award a grant under this subsection to a State fire training academy in an amount that exceeds $1,000,000 in any fiscal year.

‘‘(ii) EXCEPTION.—The Administrator of FEMA may waive the limitation in clause (i) in the case of a State fire training academy with which the Administrator of FEMA determines that such recipient has an extraordinary need for a grant in an amount that exceeds the limit under clause (i).

‘‘(D) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

(A) To train firefighting personnel—

(i) firefighting;

(ii) communications, monitoring, and response to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction;

(B) To acquire additional firefighting vehicles, including fire trucks and other apparatus;

(C) To acquire additional firefighting equipment, including equipment for—

(i) fighting fires with foam in remote areas without access to water; and

(ii) communications, monitoring, and response to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction;

(D) To modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel;

(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel are able to carry out their duties as firefighters.

(F) To fund emergency medical services provided by fire departments and nonaffiliated EMS organizations.

(G) To acquire additional firefighting vehicles, including fire trucks and other apparatus.

‘‘(E) TO ACQUIRE ADDITIONAL FIREFIGHTING PERSONNEL.—The Administrator of FEMA may, on a competitive basis, award any of the training described under subparagraph (A).

‘‘(F) TO FUND THE CREATION OF A GRANT.—The Administrator of FEMA may award a grant for the purpose of coordinating, planning, and implementing the use of a weapon of mass destruction;

‘‘(G) TO ACQUIRE PERSONAL PROTECTIVE EQUIPMENT.—The Administrator of FEMA may acquire additional firefighting equipment, including personal protective equipment;

‘‘(H) TO FUND FIREFIGHTING PERSONNEL.—The Administrator of FEMA may, on a competitive basis, award any of the training described under subparagraph (A).

‘‘(I) TO AWARD MONEY TO FIREFIGHTING PERSONNEL.—The Administrator of FEMA may, on a competitive basis, award any of the training described under subparagraph (A).

‘‘(J) TO AWARD MONEY TO FIREFIGHTING PERSONNEL.—The Administrator of FEMA may, on a competitive basis, award any of the training described under subparagraph (A).

‘‘(K) TO FUND FIREFIGHTING PERSONNEL.—The Administrator of FEMA may award a grant under this subsection to a State fire training academy in an amount that exceeds $1,000,000 in any fiscal year.

‘‘(L) TO AWARD MONEY TO FIREFIGHTING PERSONNEL.—The Administrator of FEMA may, on a competitive basis, award any of the training described under subparagraph (A).

‘‘(M) TO SUPPORT OTHER ACTIVITIES, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

‘‘(F) FIRE PREVENTION AND SAFETY GRANTS.—

‘‘(1) IN GENERAL.—For the purpose of assisting fire prevention programs and supporting firefighter health and safety research and development, the Administrator of FEMA may, on a competitive basis—

(A) award grants to fire departments;

(B) award grants to, or enter into contracts with, or enter into cooperative agreements with, national, State, local, tribal, or nonprofit organizations that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and firefighting personnel programs, for the purpose of carrying out—

(i) fire prevention programs; and
"(1) IN GENERAL.—The Administrator of FEMA shall, after consultation with national fire service and emergency medical services organizations, appoint fire service personnel from nonaffiliated EMS organizations to conduct peer reviews of applications received under subsection (e)(1).

(2) ASSIGNMENT OF REVIEWS.—In administering the peer review process under paragraph (1), the Administrator of FEMA shall ensure that—

(A) applications submitted by career fire departments are reviewed primarily by personnel from career fire departments;

(B) applications submitted by volunteer fire departments are reviewed primarily by personnel from volunteer fire departments;

(C) applications submitted by combination fire departments and fire departments using paid-on-call firefighting personnel are reviewed primarily by personnel from such fire departments; and

(D) applications for grants to fund emergency medical services pursuant to subsection (c)(3)(F) are reviewed primarily by emergency medical services personnel, including—

(i) emergency medical service personnel affiliated with fire departments; and

(ii) personnel from nonaffiliated EMS organizations.

(3) REVIEW OF APPLICATIONS FOR FIRE PREVENTION AND SAFETY GRANTS SUBMITTED BY NONPROFIT ORGANIZATIONS THAT ARE NOT FIRE DEPARTMENTS.—The Administrator of FEMA shall review lists submitted under subsection (e)(1) by a nonprofit organization described in subsection (d)(1)(B), a peer reviewer may not recommend the applicant for a grant under subsection (d) unless such applicant is recognized for its experience and expertise with respect to—

(A) fire prevention or safety programs and activities; or

(B) firefighter research and development programs.

(4) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

(5) PRIORITIZATION AND ALLOCATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall—

(i) consider the findings and recommendations of the peer reviews carried out under subsection (e); and

(ii) consider the degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire-related and other hazards.

(6) FUNDING FOR FIRE PREVENTION AND SAFETY GRANTS.—Not more than 2 percent of the available grant funds for a fiscal year shall be awarded under this section.
non-Federal funds to carry out such activity in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(B) SECTIONS OF MATCHING.—An applicant for a grant under subsection (d) may meet the matching requirement under subparagraph (A) through direct funding, funding of cooperative agreements, or the provision of staff, facilities, services, material, or equipment.

“(C) MAINTENANCE OF EXPENDITURES.—An applicant seeking a grant under subsection (c) or (d) shall agree to maintain during the term of the grant the applicant's aggregate expenditure with respect to the purposes described in subsections (c)(3) and (d)(3) at not less than 80 percent of the average amount of such expenditures in the 2 fiscal years preceding the fiscal year in which the grant amounts are received.

“(4) WAIVER.

“(A) IN GENERAL.—Except as provided in subparagraph (c)(1)(E), the Administrator of FEMA may waive or reduce the requirements of paragraphs (1), (2), and (3) in cases of demonstrated economic hardship.

“(B) GUIDELINES.—In general, the Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of this paragraph.

“(1) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of this paragraph.

“(2) CONSIDERATIONS.—In developing guidelines under clause (1), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(i) Changes in rates of unemployment from previous years.

“(ii) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(ii) IN GENERAL.—The Administrator of FEMA shall consult with fire service representatives, and have consistently exceeded the annual national average rates of unemployment.

“(C) CERTAIN APPLICANTS FOR FIRE PREVENTION AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

“(i) is described in subsection (d)(1)(B); and

“(ii) is not a fire department or emergency medical services organization.

“(D) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.

“(E) TRAINING STANDARDS.—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards developed or promulgated by the applicable Federal agency, none of the funds appropriated pursuant to this section may be used for any congressionally directed spending item (as such term is defined in paragraph 2 of section 2 of the Administrative Procedure Act of 1946 (5 U.S.C. 551)) that is administered in a manner that is inconsistent with the applicable Federal agency's guidelines for such standards, or to purchase equipment not otherwise commercially available.

“(F) ENSURING EFFECTIVE USE OF GRANTS.—(1) AUDITS.—The Administrator of FEMA may conduct an audit of a grant awarded under this section to ensure that—

“(A) the grant amounts are expended for the intended purposes; and

“(B) the grantee complies with the requirements of subsection (j).

“(2) PERFORMANCE ASSESSMENT.—(A) IN GENERAL.—The Administrator of FEMA shall develop and implement a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, including protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards.

“(B) CONSULTATION.—The Administrator of FEMA shall consult with fire service representatives and with the Comptroller General of the United States in developing the assessment system required by subparagraph (A).

“(3) ANNUAL REPORTS TO ADMINISTRATOR OF FEDERAL EMERGENCY MANAGEMENT AGENCY.—The Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science, Innovation, and Technology of the House of Representatives a report that provides—

“(I) information on the performance assessment system developed under paragraph (2); and

“(II) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

“(B) ADDITIONAL INFORMATION.—The report due under subparagraph (A) on September 30, 2015, shall also include recommendations for legislative changes to improve grants under this section, including recommendations as to whether the provisions described in section 34 of the Fire Grants Reauthorization Act of 2011 should be extended to apply on and after the date described in such section.

“(C) AUTHORIZATION OF APPROPRIATIONS.—(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

“(A) $950,000,000 for fiscal year 2012; and

“(B) for each of fiscal years 2013 through 2016, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

“(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i).

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1), the Administrator of FEMA may use not more than 5 percent of such amounts for salaries and expenses and other administrative costs incurred by the Administrator of FEMA in the course of awarding grants and providing assistance under this section.

“(4) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirements in subsections (c)(1) and (d)(1)(C) that grants under those subsections be awarded on a competitive basis, none of the funds appropriated pursuant to this section may be used for any congressionally directed spending item (as such term is defined in paragraph 2 of section 2 of the Administrative Procedure Act of 1946 (5 U.S.C. 551)) that is administered in a manner that is inconsistent with the applicable Federal agency's guidelines for such standards, or to purchase equipment not otherwise commercially available.

“SEC. 4. STAFFING FOR ADEQUATE FIRE AND EMERGENCY SERVICES FOR COMMUNITIES.—(a) IMPROVEMENTS TO HIRING GRANTS.—

“(1) TERM OF GRANTS.—Subsection (a)(1)(B) of section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2228a) is amended by striking “4 years” and inserting “3 years”.

“(2) LIMITATION ON PORTION OF COSTS OF HIRING FIREFIGHTERS.—Subsection (a)(1)(E) of such section 34 is amended by striking “not exceed—” and all that follows through the period and inserting “not exceed 75 percent in any fiscal year”.

“(b) ELIGIBILITY FOR RETENTION GRANTS.—The second sentence of subsection (a)(1)(B) of section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2228a) is amended by inserting “organizations on a local or statewide basis” and inserting “national, State, local, or tribal organizations”.

“(c) MAXIMUM AMOUNT FOR HIRING FIREFIGHTERS.—Subsection (a)(1)(B) of such section 34 is amended to read as follows:

“(1) The amount of funding provided under this section to a recipient fire department for hiring a firefighter in any fiscal year may not exceed 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.

“(d) WAIVERS.—Such section 34 is further amended—

“(1) by redesignating subsections (d) through (j) as subsections (e) through (i), respectively; and

“(2) by inserting after subsection (c) the following:

“(e) WAIVERS.—

“(I) IN GENERAL.—In a case of demonstrated economic hardship, the Administrator of FEMA may—

“(A) waive the requirements of subsection (a)(1)(B)(ii) or subsection (c)(1); or

“(B) waive or reduce the requirements in subsection (a)(1)(E) or subsection (c)(2).

“(f) GUIDELINES.—

“(A) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines


for determining what constitutes economic hardship for purposes of paragraph (1).

“(B) CONSIDERATIONS.—In developing guidelines under subparagraph (A), the Administrator shall consider, with respect to relevant communities, the following:

(i) Changes in rates of unemployment from previous years.

(ii) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the national average of unemployment.

(iii) Changes in percentages of individuals eligible to receive food stamps from previous years.

(iv) Such other factors as the Administrator of FEMA considers appropriate.

(e) IMPROVEMENTS TO PERFORMANCE EVALUATION REQUIREMENTS.—Subsection (e) of section 34, as redesignated by subsection (d)(1) of this section, is amended by inserting before the first sentence the following:

“(1) IN GENERAL.—The Administrator of FEMA shall establish a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section.

“(2) SUBMISSION OF INFORMATION.—

“(f) REPORT.—

“(1) IN GENERAL.—Subsection (f) of such section 34, as redesignated by subsection (d)(1) of this section, is amended by striking the authority and all that follows through “Congress concerning” and inserting the following: “Not later than September 30, 2015, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on

“(1) CONFORMING AMENDMENT.—The heading for such subsection (f) is amended by striking “SUNSET AND REPORTS” and inserting “REPORT”.

(g) ADDITIONAL DEFINITIONS.—

“(1) IN GENERAL.—Subsection (i) of such section 34, as redesignated by subsection (d)(1) of this section, is amended—

“(A) in the matter before paragraph (1), by striking “in this section, the term”— and inserting “in this section”;

“(B) by striking paragraphs (i) and (ii) of paragraph (1), by striking “The authority” and all that follows through “Congress concerning” and inserting the following: “Not later than September 30, 2015, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on

“(2) CONFORMING AMENDMENTS.—Subsection (a)(1)(A) of such section 34 is amended by striking “career, volunteer, and combination fire departments” and inserting “career fire departments, combination fire departments, and volunteer fire departments”.

(h) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—Subsection (j) of such section 34, as redesignated by subsection (d)(1) of this section, is amended—

“(A) in paragraph (6), by striking “and” at the end;

“(B) in paragraph (7), by striking the period at the end and inserting “; and”;

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

“(2) An evaluation of the extent to which the amendments made by sections 3 and 4 have enabled recipients of grants awarded under such sections 3 and 4 after the date of the enactment of this Act to mitigate fire and related hazards more effectively.

Ms. COLLINS. Mr. President, I am proud to once again cosponsor the Fire Grants Reauthorization Act. I am pleased to join with Senators LIEBERMAN, BROWN, and CARPER in this effort to reauthorize these vital programs. I have always been an ardent supporter of our Nation’s fire services. In addition, as a cochair of the Congressional Fire Services Caucus, I was a cosponsor of the original FIRE Act, and an original cosponsor of the FIRE Act reauthorization bills in 2004 and in 2010. Unfortunately, last year’s bill did not become law.

The FIRE Act grants program provides fire departments with the support they need to purchase equipment and vehicles, and to conduct the training and exercises necessary to perform their jobs well. Indeed, this is one of the most successful programs administered by the Department of Homeland Security.

The FIRE Act grants program is an example of an effective model for delivering grant funding because it has a competitive process for evaluating applications, which are peer-reviewed. It is also successful because monies are provided directly to local fire departments. This provision would retain and build upon these aspects of the FIRE Act program that made it successful in the first place.

In visits across the State of Maine, I have seen first-hand how these grants have helped save the lives and capabilities of local fire departments. Maine has received more than $50 million through the FIRE Act grants program—a testament to the needs of our often rural, volunteer fire departments and proof that the program is succeeding in delivering funds to communities that need it most.

Independent analyses have confirmed that the FIRE Act grants program has been effective. To quote a 2007 study by the National Academy of Public Administration, “From the standpoint of administrative efficiency, there is broad agreement among stakeholders and observers that the program has been well run. It is an example positive case study in the management of a grant program by a government agency.”

I believe this bill will increase the capabilities of our Nation’s fire services, and protect the thousands of firefighters and EMTs who put their lives on the line every day.

By Mr. SANDERS (for himself and Ms. MIKULSKI):

S. 552. A bill to reduce the Federal budget deficit by creating a surtax on high income individuals and eliminating big oil and gas company tax
loopholes; to the Committee on Finance.

Mr. SANDERS. Mr. President, I will try to bring this budget debate down to Earth and talk a little bit about the reality of what is happening and go beyond the amount of numbers that are out there.

My good friend from Alabama who sits with me on the Budget Committee makes the point that this country has a severe budget crisis. He is right. The question is, How can we get to where we are today and how do we go forward in a way that is fair and responsible to address it? In that regard, the Senator from Alabama and I have very strong disagreements.

How did we get to where we are today when not so many years ago, the day George W. Bush became President, we had a significant surplus? We had a surplus when Clinton left office. Now we have a major deficit crisis. There are a number of reasons:

No. 1, in my judgment, we are fighting a war in Iraq which, by the time we take care of our last veteran, is going to cost us some $3 trillion. I didn't hear any of my Republican friends saying we can't go to war unless we figure out a way to pay for it.

No. 2, my Republican friends for years have been pushing huge tax breaks for the very wealthiest people. I didn't hear them ask how that was going to be paid for.

No. 3, under President Bush, with strong Republican support and against my vote, Congress passed a $400 billion Medicare Part D prescription drug program, written by the insurance companies and the drug companies. It drove up the deficit.

No. 4, against my vote, Congress voted for a massive bailout of Wall Street. I didn't hear too many people talking about how we would pay for that, $700 billion to bail out Wall Street. All they argued was that it was too much money and it would drive up the deficit.

Yesterday, the Republicans brought forth and voted on H.R. 1. Almost all of them voted for it. Those who did not actually wanted to go further.

The main point I wish to make is, A, we do have to address the deficit crisis, but, B, we have to address it in a way that is fair and responsible and not solely on the backs of working families. The middle class, the elderly, the sick, and the poor. That is immoral. That is wrong. That is bad economics.

To my mind, it is absolutely absurd when my Republican friends talk about deficit reduction, they forget to talk about the reality that the wealthiest people have never had it so good; that the effective, the real tax rate for the richest people is the lowest on record; and that the wealthiest people, the top 2 percent, have received many hundreds of billions of dollars in tax breaks.

I ask my Republican friends, why do they want to balance the budget on the backs of low-income children, low-income senior citizens, those who are sick, those who are vulnerable, without asking the wealthiest people who have never had it so good to put one penny into deficit reduction? I think that is wrong, and the American people think that is wrong. When we talk about deficit, I think it is talking about shared sacrifice, everybody playing a role, not just little kids, not just the elderly, not just the sick, but even—I dare say it—people who have a whole lot of money and who have never done so well.

I have not been impressed at how the media has been covering this issue. They have not made it clear to the American people how devastating the cuts are that Republicans want to impose on working families. Let me briefly tick off some of them.

The Republicans want to throw over 200,000 children off of the Head Start Program. Every working family in America knows how hard it is today to afford childcare, early childhood education. We have the highest rate of childhood poverty in the industrialized world. The Republican solution is to slash Head Start by 20 percent, cut 218,000 kids off of Head Start, and lay off 55,000 Head Start instructors.

The cost of college education today is so high that many young people are giving up their dream of going to college, while many others are graduating deeply in debt. Republican solution: The Republican solution is to slash Pell grants by $5.5 billion and reduce or eliminate Pell grants for 9.4 million low-income college students.

Middle-class families, working-class families, do they hear that? We are going to balance the budget by either eliminating or lowering Pell grants—the ability of young people to go to college—for over 9 million college students.

I know in my office we get calls every week from senior citizens, people with disabilities, widows who are having a hard time getting a timely response toward their Social Security claims. It takes too long to process the paperwork. What the Republicans want to do is slash the Social Security Administration, the people who administer Social Security for seniors and the disabled, widows and orphans, by $1.7 billion. That means half a million Americans who are legally entitled to Social Security Benefits will have to wait significantly longer times in order to receive them.

We have 50 million Americans with no health insurance today, and 45,000 Americans die because they don’t get to a doctor in time. Last year, as part of health care reform, I worked very hard with many Members to expand community health centers so that more and more low-and moderate-income people could walk into a doctor’s office, get health care, dental care, long-term mental health counseling. In H.R. 1, the bill they voted for yesterday, Republicans want to deny primary health care to 11 million Americans at a time when State after State is cutting back on Medicaid. What are you supposed to do if you are 50 years old, you have a pain in your chest, and you don’t have any health insurance? Where do you go? Republicans want to deny health care to 11 million Americans.

For the poorest people, community services block grants provide the infrastructure, the ability to get out emergency food help, emergency help to pay the electric bill, LIHEAP. They are the infrastructure of this country that protects the poorest and most vulnerable.

Republicans want to slash $405 million from the Community Services Block Grant Program. That is wrong. And the President’s proposed cut to the community services block grant is also wrong.

In real terms, 16 percent of our population today is really unemployed, if we add together the official unemployment—those people who have given up looking for work, those people who work part time and want to work full time. Republicans want to slash $2 billion in Federal job-training programs.

Republicans want to slash $400 million in LIHEAP. That is the program that my State and any State in the country enables people to stay warm in the winter. We have a lot of senior citizens in Vermont getting by on $13,000 or $14,000 a year in income. They need help. It gets cold in Vermont. It gets 20 degrees below zero. People don’t have good nutrition. Poverty is making us sick. The Clean Air Act has been an enormous success in cleaning up the air. Republicans want to slash $2 billion from the Community Services Block Grant Program. That is wrong. And the President’s proposed cut to the community services block grant is also wrong.

Republicans want to slash $100 million in LIHEAP. They want to slash the EPA by 30 percent. These are the people who have successfully enforced the Clean Air Act, the Clean Water Act, so that the air we breathe does not give us asthma, doesn’t provide us with the soup that makes us sick. The Clean Air Act has been an enormous success in cleaning up the air. Republicans want to slash that by 30 percent.

Republicans want to cut the WIC Program. This is the program that provides supplemental nutrition for women, infants, and children. They want to cut that by $750 million. Poverty in America is increasing. What we understand is that if pregnant women and little kids do not get good nutrition, the likelihood is that births might be low weight or the little babies might come down with illnesses if they don't have good nutrition. Poverty is increasing. Yet the Republicans want to cut the WIC Program by $750 million—10 percent.

I know the President is trying to solve this problem, but I think it is appropriate we have a balanced budget. Republicans want to cut $5 billion from the Department of Education. On and on and on it goes.

What do I think? Do I think it is appropriate we balance the budget on low-income pregnant women and infants who need nutrition? Do I think you should throw 200,000 kids off the
Head Start Program? Do I think we cut the Social Security Administration severely? Do I think we cut Planned Parenthood, which has done such a good job in preventing unwanted pregnancies? Does that make sense? I do not think so. I do not think that is good for America.

But I do believe we have to move toward a balanced budget. So what is one way to go forward, other than savage cuts for the most vulnerable people in this country? That is, I think we have to begin talking about revenue, not just cuts.

Today I am introducing legislation which does two things. No. 1, it creates a millionaire's surtax, which will be used strictly for deficit reduction. It will be a 5.4-percent surtax on income over $1 million. That says that all households that have income over $1 million will pay a 5.4-percent surtax on that. It will allow us to begin to fill the emergency deficit reduction fund. Just doing that—asking millionaires to pay a little bit more in taxes, after all the huge tax breaks they have received—will bring in approximately $50 billion a year.

I think that is a good idea, but it is not just me who thinks it is a good idea. Recently, last week, there was an NBC News/Wall Street Journal poll, and they asked the American people: What is the best way to go forward on deficit reduction? Mr. President, 81 percent of the American people believe it is totally acceptable or mostly acceptable to impose a surtax on millionaires to reduce the deficit.

The American people get it. They understand you cannot move toward deficit reduction just by cutting programs that working families, the middle class, and low-income people desperately need in order to survive in the midst of this terrible recession. They understand serious, responsible deficit reduction requires shared sacrifice. It is insane—and I use that word advisably—it is insane to be talking about deficit reduction, as my Republican friends do on one hand, and then say: Oh, yes, we have to give hundreds and hundreds of billions of dollars in tax breaks to the top 1 percent, the top 2 percent, when those guys are doing phenomenally well, are seeing an effective tax rate lower than it has been in decades and have received huge tax breaks already.

Why does anyone think it is moral or right to move toward deficit reduction on the backs of the weak and vulnerable? I understand—and I know something about politics—I do understand the parents of kids who are in Head Start do not make large campaign contributions. I understand that. I understand college students, desperately trying to go through college on a Pell grant, do not make large campaign contributions.

But there is a sense of morality we have to deal with. I think it makes no sense, I think it is immoral, I think it is bad economics to balance the budget on the backs of working families, while we give continued tax breaks to those people who do not need it.

So today we are introducing a piece of legislation which I hope will have strong support. I think it paves the way for us to go forward with serious deficit reduction in a way that is fair. Do we need to make cuts? Absolutely. But do we also need to ask the wealthiest people in this country to start contributing toward deficit reduction? I think we do.

Once again, the legislation I am introducing today creates a millionaire's surtax of 5.4 percent, which would bring in about $50 billion a year, to be used exclusively for an emergency deficit reduction fund.

We also end tax breaks for big oil and gas companies, which will bring in about $3.5 billion a year. Over the past decade, the five largest oil companies in the United States have earned nearly $1 trillion in profits. Meanwhile, in recent years, some of the very largest oil companies in America have paid absolutely nothing in Federal income taxes. In fact, some of them have actually gotten a refund, a rebate from the IRS.

So that is my plea. My plea is that, yes, the need for deficit reduction is real. It is urgent. Let's go forward, but let's go forward in a way that is fair and responsible and not simply on the backs of the most vulnerable people in this country.

By Mr. FRANKEN (for himself, Mr. HAYDEN, Mr. KERRY, Mrs. MURRAY, Ms. KLOBUCHAR, Mr. MERKLEY, Mr. DURBIN, Mr. LAUTENBERG, Mr. BENNET, Mr. BLUMENTHAL, Mr. UDALL of Colorado, Ms. MIKULSKI, Mr. LEAHY, Mr. SANDERS, Mr. BINGHAM, Mr. WHITEHOUSE, Mr. CARDIN, Mrs. BOXER, Mrs. GILLIBRAND, Mr. MENENDEZ, Mr. AKAKA, Mr. SCHUMER, Mr. Wyden, Mr. Begich, Mr. Casey, Ms. Cantwell, Mr. Brown of Ohio, Mrs. Shaheen, Mr. Reed, and Mr. COONS):

S. 555. A bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRANKEN. Mr. President, I wish to tell you about a teenager whom I think you know about—Justin Aaberg—from our home State of Minnesota. Yesterday should have been Justin's 18th birthday. Justin was a kind young man, friendly and cheerful, a budding composer, but he was also the target for bullies at his high school, who targeted him because he was different—because he was gay.

I never had the opportunity to meet Justin. His family lost him to suicide last summer. The Presiding Officer knows that. But you and I have been privileged to meet his mother Tammy. I have been privileged to meet her a few times. She is incredible. She has been speaking out to protect other kids. Because, unfortunately, there are a lot of other kids out there struggling with the same thing. They are more likely to skip school, they are less likely to perform well academically, and they are more likely to drop out before they graduate from high school.

In some tragic cases, such as Justin's, the harassment of LGBT students can even lead to suicide. We have seen this in all too many cases all over the country, because, sadly, this problem is so much broader than Justin. Disabling a child because they look like a third—of lesbian, gay, and bisexual youth have made a suicide attempt. More than a third. That is horrifying beyond belief.

We are failing these kids. That is why I, along with 29 of my Senate colleagues, including the Presiding Officer, have reintroduced the Student Nondiscrimination Act today. While Federal civil rights laws prohibit discrimination on the basis of race, color, sex, religion, disability, and national origin, they do not expressly cover sexual origin or gender identity. As a result, parents of LGBT students have lawed legal recourse when schools fail to protect their children from harassment and bullying.

You might be wondering why I am mentioning bullying and discrimination in the same breath. It is simple: When a school acts to protect kids with disabilities, or gay students, or kids who do not fit in the other way when LGBT kids are harassed by their peers, is discrimination. When school staff members participate in or encourage bullying of LGBT youth, that is discrimination. We cannot allow people who torment an LGBT kid with "boys will be boys," this is discrimination and needs to stop. It needs to stop before more kids are hurt.

The Student Nondiscrimination Act would prohibit discrimination and harassment in public schools based on sexual orientation and gender identity. It would give LGBT students similar civil rights protections against bullying and harassment as those currently apply to students based on characteristics such as race and gender.

This legislation would also provide meaningful remedies for discrimination in public schools based on sexual orientation or gender identity. It would give LGBT students similar civil rights protections against bullying and harassment as those currently apply to students based on characteristics such as race and gender.
avoid liability by taking proactive steps to prevent the discrimination and bullying of students protected by the bill.

I guarantee you that when this bill is passed, nearly every school district in this country is going to go to its lawyer and say, ‘‘Do we understand compliance?’’ I guarantee you that the U.S. Department of Education will issue regulations, as it has under Title IX, so that schools have guidance in how to protect these kids. The goal isn’t to be sued or for failing to protect kids from bullying and harassment. The goal isn’t for any school to come under Department of Education scrutiny. The goal is for schools to do all they can to ensure these incidents never happen in the first place.

Parents in Minnesota and across the country entrust their children to public schools with the understanding that these schools will do everything in their power to keep their children safe. When 16 LGBT kids are bullied at school, when they are three times more likely than straight kids to feel unsafe at school, when one-third of LGBT kids say they have skipped a day of school in the last month because of feeling unsafe, then we know that our public education system is not fulfilling its most basic obligation to parents to keep children safe. We have an obligation to do something about it.

Yesterday, Justin Aaberg from Minnesota celebrated his 16th birthday with family and friends. But instead, I know that his family and friends were missing him terribly—are still missing him terribly.

No child should have to go through the pain that Justin went through at school. No mom or dad should have to go through the heartbreaking pain that Justin’s family has gone through. It is time. It is time that we extend equal rights to LGBT students. We have the opportunity now, as we reform No Child Left Behind, as the ESEA, the Elementary and Secondary Education Act—to include this legislation. Our children cannot afford for us to squander this opportunity. I urge my colleagues to join me today in supporting the Student Non-Discrimination Act and demanding protection for all of our children under the law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

SEC. 1. SHORT TITLE.

This Act may be cited as the ‘‘Student Non-Discrimination Act of 2011’’.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Public school students who are lesbian, gay, bisexual, or transgender (referred to in this Act as ‘‘LGBT’’), or are perceived to be LGBT, or who associate with LGBT people, have been and are subjected to pervasive discrimination, including harassment, bullying, intimidation, and violence, of any kind is harmful to students and to the education system, actions that target students based on sexual orientation or gender identity represent a distinct and especially severe problem.

(2) While discrimination, including harassment, intimidation, and violence, at school has contributed to high rates of absenteeism, dropping out, adverse health consequences, and academic underachievement, among LGBT youth.

(3) Numerous social science studies demonstrate that discrimination, including harassment, intimidation, and violence, at school has contributed to high rates of absenteeism, dropping out, adverse health consequences, and academic underachievement, among LGBT youth.

(4) When left unchecked, discrimination, including harassment, bullying, intimidation, and violence, in schools based on sexual orientation or gender identity can lead, and has led, to life-threatening violence and to suicide.

(5) Public school students enjoy a variety of constitutional rights, including rights to equal protection, privacy, and free expression, which are infringed when school officials engage in or are indifferent to discrimination, including bullying, intimidation, and violence, on the basis of sexual orientation or gender identity.

(6) While Federal statutory provisions expressly address discrimination on the basis of race, color, sex, religion, disability, and national origin, Federal civil rights statutes do not expressly address discrimination on the basis of sexual orientation or gender identity. As a result, students and parents have often had limited recourse to law for remedies for discrimination on the basis of sexual orientation or gender identity.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure that all students have access to public education in a safe environment free from discrimination, including harassment, bullying, intimidation, and violence, on the basis of sexual orientation or gender identity;

(2) to provide a comprehensive Federal prohibition of discrimination in public schools based on actual or perceived sexual orientation or gender identity;

(3) to provide meaningful and effective remedies for discrimination in public schools based on actual or perceived sexual orientation or gender identity;

(4) to invoke congressional powers, including the power to enforce the 14th Amendment to the Constitution and to provide for the general welfare pursuant to section 8 of article I of the Constitution and the power to make all laws necessary and proper for the execution of the foregoing powers pursuant to section 8 of article I of the Constitution, in order to prohibit discrimination in public schools on the basis of sexual orientation or gender identity;

(5) to allow the Department of Education to effectively combat discrimination based on sexual orientation or gender identity in public schools and educational agency regulations and enforcement, as the Department has issued regulations under and enforced title IX of the Education Amendments of 1972 and other nondiscrimination provisions in a manner that effectively addresses discrimination.

SEC. 3. DEFINITIONS AND RULE.

(a) DEFINITIONS.—For purposes of this Act:

(1) EDUCATIONAL AGENCY.—The term ‘‘educational agency’’ means any educational agency, an educational service agency, and a State educational agency, as those terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) GENDER IDENTITY.—The term ‘‘gender identity’’ means the gender-related appearance, or mannerisms or other gender-related characteristics of an individual, with or without regard to the individual’s designated sex at birth.

(3) HARASSMENT.—The term ‘‘harassment’’ means conduct that is sufficiently severe, persistent, or pervasive to limit a student’s ability to participate in, or benefit from, a program or activity, or to create a hostile or abusive educational environment at a program or activity receiving Federal financial assistance through an educational agency, including acts of verbal, nonverbal, or physical aggression, intimidation, or hostility, if such conduct is based on—

(A) a student’s actual or perceived sexual orientation or gender identity; or

(B) the actual or perceived sexual orientation or gender identity of a person with whom a student associates or has associated.

(4) PROGRAM OR ACTIVITY.—The terms ‘‘program or activity’’ and ‘‘program’’ have the same meanings given such terms as applied under section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–4a) to the operations of public entities under paragraph (2)(B) of such section.

(5) PUBLIC SCHOOL.—The term ‘‘public school’’ means an elementary school (as the term is defined in section 9101 of the Elementary and Secondary Education Act of 1965) that is a public institution, and a secondary school (as so defined) that is a public institution.

(6) SEXUAL ORIENTATION.—The term ‘‘sexual orientation’’ means homosexuality, heterosexuality, or bisexuality.

(7) STUDENT.—The term ‘‘student’’ means an individual who is enrolled in a public school or who, regardless of official enrollment status, attends classes or participates in the programs or activities of a public school or educational agency.

(b) RULE.—Consistent with Federal law, in this Act the term ‘‘includes’’ means ‘‘includes but is not limited to’’.

SEC. 4. PROHIBITION AGAINST DISCRIMINATION.

(a) IN GENERAL.—No student shall, on the basis of actual or perceived sexual orientation or gender identity of such individual or of a person with whom the student associates or has associated, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(b) HARASSMENT.—For purposes of this Act, discrimination includes harassment of a student on the basis of actual or perceived sexual orientation or gender identity of such student or of a person with whom the student associates or has associated.

(c) RETALIATION PROHIBITED.—

(1) PROHIBITION.—No person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of actual or perceived sexual orientation or gender identity, or be refused the services of a public entity under paragraph (2)(B) of such section.

(2) DEFINITION.—For purposes of this subsection, ‘‘opposition to conduct made unlawful by this Act’’ includes—

(A) opposition to conduct reasonably believed to be made unlawful by this Act;

(B) any formal or informal report, whether oral or written, to any governmental entity, including public schools and educational agencies and employees of the public schools and employees of educational agencies, regarding conduct made unlawful by this Act or reasonably believed to be made unlawful by this Act;
(C) participation in any investigation, proceeding, or hearing related to conduct made unlawful by this Act or reasonably believed to be made unlawful by this Act; and

(D) procurement of any money furnished to any other person in the exercise or enjoyment of any right granted or protected by this Act.

If in the course of that expression, the person involved does not purposely provide information known to be false to any public school or educational agency or other governmental entity regarding conduct made unlawful, or reasonably believed to be made unlawful, by this Act.

SEC. 5. FEDERAL ADMINISTRATIVE ENFORCEMENT; REPORT TO CONGRESSIONAL COMMITTEES.

(a) REQUIREMENTS.—Each Federal department and agency which is empowered to extend Federal financial assistance to any education program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 4 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President.

(b) ENFORCEMENT.—Compliance with any requirement adopted pursuant to this section may be enforced by

(1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom such determination in effect, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made, and shall be limited in its effect to the particular program or part thereof, in which such non-compliance has been so found; or

(2) by any other means authorized by law, except that no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be obtained voluntarily.

(c) REPORTS.—In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement pursuant to this section, the head of the Federal department or agency shall file with the committees of the House of Representatives and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until 180 days have elapsed after the filing of such report.

SEC. 6. CAUSE OF ACTION.

(a) CAUSE OF ACTION.—Subject to subsection (c), an aggrieved individual may bring an action in a court of competent jurisdiction, alleging a violation of this Act. Aggrieved individuals may be awarded all appropriate relief, including equitable relief, compensatory damages, and costs of the action.

(b) RULE OF CONSTRUCTION.—This section shall be construed to preclude an aggrieved individual from obtaining remedies under any other provision of law or to require such individual to exhaust any administrative process or to provide a claim requirement before seeking redress under this section.

(c) STATUTE OF LIMITATIONS.—For actions brought pursuant to this section, the statute of limitations period shall be determined in accordance with section 156(b) of title 28, United States Code, unless the tolling of any such limitations period shall be determined in accordance with the law governing actions under section 1792 of the Revised Statutes (42 U.S.C. 1983) in the State in which the action is brought.

SEC. 7. STATE IMMUNITY.

(a) STATE IMMUNITY.—A State shall not be immune under the 11th Amendment to the Constitution or in Federal court for a violation of this Act.

(b) WAIVER.—A State's receipt or use of Federal financial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity under the 11th Amendment or otherwise, to a suit brought by an aggrieved individual for a violation of section 4.

(c) REMEDIES.—In a suit against a State for a violation of this Act, remedies (including relief in the form of an injunction or an order compelling performance of a governmental or instrumental function or the payment of money) shall be available for such a violation to the same extent that such remedies are available for such a violation in the suit against any public or private entity other than a State.

SEC. 8. ATTORNEYS FEES.


(b) FREE SPEECH AND EXPRESSION LAWS AND RELIGIOUS STUDENT GROUPS.—Nothing in this Act shall be construed to alter legal standards regarding, or affect the rights available to individuals or groups under, other Federal laws that establish or protect freedom of speech and expression, such as legal standards and rights available to religious and other student groups under the First Amendment and the Equal Access Act (20 U.S.C. 4071 et seq.).

(b) SEVERABILITY.

If any provision of this Act, or any application of such provision to any person or circumstance, is held invalid, the remainder of this Act, and the application of the provision to any other person or circumstance shall not be impacted.

SEC. 11. EFFECTIVE DATE.

This Act shall take effect 60 days after the date of enactment of this Act and shall not apply to conduct occurring before the effective date of this Act.

By Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN of Ohio, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mr. DURBIN, Mr. FRANKEN, Mr. HARKIN, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mrs. MURkowski, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 558. A bill to limit the use of cluster munitions; to the Committee on Foreign Relations.

Mrs. FEINSTEIN. Mr. President, I rise today with my friend and colleague from Vermont, Senator LEAHY, and 20 co-sponsors to introduce the Cluster Munitions Civilian Protection Act of 2011.

Cluster munitions are large bombs, rockets, or artillery shells that contain up to hundreds of small submunitions, or individual ’bomblets.' They are intended for attacking enemy troop formations and armor covering over a half mile radius.

But, in reality, they pose a deadly threat to innocent civilians. Before I discuss our legislation, I would like to share a few stories that show what these weapons can do.

Several months after the end of the Iraq war, Ahmed, 12 years old from Kehala, Iraq, was walking with his 9-year-old brother and picked up what he thought was just a shiny object, but was, in fact, a cluster bomb. It exploded and Ahmed lost his right hand and three fingers off his left hand. He also lost an eye and suffered shrapnel wounds to his torso and head.

A young shepherd, Akim, 13 years old, from Al-Radwaniya, Iraq, was playing on his parents’ farm when it was hit by a cluster bomb attack. He suffered burns to his lower limbs and multiple fractures to his right leg.

His wounds became infected and he developed pressure ulcers.

In 2003, 30 years after the Vietnam war, Dan, 9 years old from Phalanexay, Laos, was injured when he picked up and played with a cluster bomb. It exploded.

He suffered massive abdominal trauma, multiple shrapnel wounds, and a broken arm and leg.

Waled Thamer, 10 years old, is from Iraq. In 2003, he was wounded by a cluster bomb on his way to the local market.

He lost his right hand and suffered shrapnel wounds to his eyes, neck, torso, and thighs.

These stories are deeply distressing. But they show us why our legislation is necessary.

Our legislation places commonsense restrictions on the use of cluster bombs. It prevents any funds from being spent to use cluster munitions that have a failure rate of more than 1 percent; and unless the rules of engagement specify the cluster munitions will only be used against clearly defined military targets; and will not be used where civilians are known to be
This group includes key NATO allies such as Canada, the United Kingdom, France, and Germany, who are fighting alongside our troops in Afghanistan. It includes 33 countries that have produced and used cluster munitions. To date, 108 countries have signed the convention and 48 have ratified it. It formally came into force on August 1, 2010.

In 2007, Congress passed and President Bush signed into law a provision from our legislation contained in the fiscal year 2008 Consolidated Appropriations Act prohibiting the sale and transfer of cluster bombs with a failure rate of more than 1 percent.

Congress extended this ban as a part of the Omnibus Appropriations Act for fiscal year 2009 and the Consolidated Appropriations Act of 2010. These actions will help save lives. But much more work remains to be done and significant obstacles remain.

For one, the United States chose not to participate in the Oslo process or sign the treaty. The Pentagon continues to believe that cluster munitions are “legitimate weapons with clear military utility in combat.” It would prefer that the United States work within the Geneva-based Convention on Certain Conventional Weapons, CCW, to negotiate limits on the use of cluster munitions. Yet these efforts have been going on since 2001 and it was the inability of the CCW to come to any meaningful agreement which prompted other countries, led by Norway, to pursue an alternative treaty through the Oslo process.

A lack of U.S. leadership in this area has given cover to other major cluster munitions producing nations—China, Russia, India, Pakistan, Israel, and Egypt—who have refused to sign the Oslo Convention as well. Recognizing the United States could not remain silent in the face of international efforts to restrict the use of cluster bombs, Secretary of Defense Robert Gates issued a new policy on cluster munitions in June 2008 stating that after 2018, the use, sale and transfer of cluster munitions with a failure rate of more than 1 percent would be prohibited.

The policy is a step in the right direction, but under the terms of this new policy, the U.S. will still have the authority to use cluster bombs with high failure rates for the next 10 years.

That is unacceptable and runs counter to our values. The administration should take another look at this policy.

In fact, on September 29, 2009, Senator Leahy and I were joined by 14 of our colleagues in sending a letter to President Obama urging him to conduct a thorough review of U.S. policy on cluster munitions. On April 14, 2010, we received a response from then National Security Advisor Jim Jones stating that the administration will undertake this review following the policy review on U.S. landmines policy.

The administration should complete this review without delay. Let us not forget that the United States maintains an arsenal of an estimated 5.5 million cluster munitions containing 728 million submunitions which have an estimated failure rate of between 5 and 15 percent.

What does that say about us, that we are still prepared to use, sell and transfer these weapons with well-known failure rates? The fact is, cluster munition technologies already exist, that meet the 1 percent standard. Why do we need to wait 10 years?

This delay is especially troubling given that in 2001, former Secretary of Defense William Cohen issued his own policy on cluster munitions stating that, beginning in fiscal year 2005, all new cluster munitions must have a failure rate of less than 1 percent. Unfortunately, the Pentagon was unable to meet this deadline and Secretary Gates’ new policy essentially postpones any meaningful action for another 10 years.

That means if we do nothing, by 2018 close to 20 years will have passed since the Pentagon first recognized the threat these deadly weapons pose to innocent civilians. We can do better.

Our legislation simply moves up the Gates policy by 7 years. For those of my colleagues who are concerned that it may be too soon to ban cluster bombs with failure rates of more than 1 percent, I point out again that our bill allows the President to waive this restriction if he determines it is vital to protect the security of the United States to do so.

I would also remind my colleagues that the United States has not used cluster bombs in Iraq since 2003 and has observed a moratorium on their use in Afghanistan since 2002.

I introduce this legislation to make this moratorium permanent for the entire U.S. arsenal of cluster munitions.

We introduce this legislation for children like Hassan Hammad, 13-year-old Lebanese boy. Hassan lost four fingers and sustained injuries to his stomach and shoulder after he picked up an unexploded cluster bomb in front of an orange tree.

He said:

“Tied playing with it and it blew up. I didn’t know it was a cluster bomb—it just looked like a burned out piece of metal. All the children are too scared to go out now, we just play on the main roads or in our homes.”

I urge my colleagues to support this legislation. We should do whatever we can to protect more innocent children and other civilians from these dangerous weapons.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.
In 2003, Congress enacted the Medicare Modernization Act, which added a long overdue prescription drug benefit to Medicare. Senior citizens and people with disabilities were relieved to finally have coverage for this important aspect of their healthcare needs.

The way the program was structured under the original law, it included a coverage gap known as the “donut hole.” Once an initial coverage limit was reached, beneficiaries had to absorb 100 percent of their drug costs until coverage kicked in. That meant that approximately 3.4 million seniors nationwide with the heaviest reliance on prescription drugs faced the prospect of paying up to $4,000 out of pocket before they qualified for further assistance from Medicare.

When Congress passed the Affordable Care Act last year, we made significant improvements to the Medicare Part D program. Seniors who hit the “donut hole” in 2011 saved a one-time $250 check. This helped 109,421 seniors in Illinois pay for their prescriptions during the coverage gap. In addition, this year Medicare beneficiaries will receive a 50 percent discount on brand name drugs in the donut hole. By 2020, the donut hole will be fully closed.

This means that Illinois seniors will save $1.2 billion in out of pocket costs over the next decade.

The bill I am introducing today would make yet another improvement to the Medicare prescription drug benefit. The Part D program is not structured like the rest of Medicare. For all other Medicare benefits, seniors can choose whether to receive benefits directly through Medicare or through a private insurance plan. The overwhelming majority choose the Medicare-run option for their hospital and physician coverage.

No such choice is available for prescription drugs. Medicare beneficiaries must enroll in a private insurance plan to obtain drug coverage. In many regions, dozens of plan choices are available and each plan has its own premium, cost-sharing requirements, list of covered drugs, and pharmacy network. After you have identified the right drug plan, you have to go through the whole process again at the end of the year because your plan may have changed the drugs it covers or added new restrictions on how to access coverage. Given that Medicare is the largest purchaser of pharmaceuticals in the United States and spends more than $100 billion in drug costs each year, this is a problem.

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purchase cost of covered part D drugs for eligible part D individuals who enroll in such a plan.

(b) NEGOTIATIONS.—Notwithstanding section 1860D–2(a)(1)(A), for purposes of offering a Medicare operated prescription drug plan under this section, the Secretary shall negotiate with pharmaceutical manufacturers with respect to the purchase price of covered part D drugs in a Medicare operated prescription drug plan and shall encourage the use of more affordable therapeutic equivalents to the extent such practices do not override medical necessity as determined by the prescribing physician. To the extent practicable and consistent with the previous sentence, the Secretary shall implement strategies similar to those used by other Federal purchasers of prescription drugs, and other strategies, including the use of a formulary and formulary incentives in subsection (e), to reduce the purchase cost of covered part D drugs.

(c) MEDICARE OPERATED PRESCRIPTION DRUG PLAN DEFINED.—For purposes of this part, the term ‘Medicare operated prescription drug plan’ means a prescription drug plan that offers qualified prescription drug coverage and access to negotiated prices described in section 1860D–2(a)(1)(A). Such a plan may offer supplemental prescription drug coverage in the same manner as other qualified prescription drug coverage offered by other drug plans.

(d) MONTHLY BENEFICIARY PREMIUM.—

(1) QUALIFIED PRESCRIPTION DRUG COVERAGE.—Except as provided under paragraph (a), for qualified prescription drug coverage and access to negotiated prices described in section 1860D–2(a)(1)(A) to be charged under a Medicare operated prescription drug plan shall be uniform nationally. Such premium for months in 2012 and each succeeding year shall be uniform nationally. Such premium for months in 2012 and each succeeding year shall be uniform nationally. Such premium charged under paragraph (1).

(e) USE OF A FORMULARY AND FORMULARY INCENTIVES.—

(1) IN GENERAL.—With respect to the operation of a Medicare operated prescription drug plan, the Secretary shall establish and apply a formulary and may include formulary incentives described in paragraph (2)(C)(ii) in accordance with this subsection in order to—

(A) increase patient safety;

(B) increase appropriate use and reduce inappropriate use of drugs; and

(C) reward value.

(2) DEVELOPMENT OF INITIAL FORMULARY.—

(A) IN GENERAL.—In selecting covered part D drugs for inclusion in a formulary, the Secretary shall consider clinical benefit and cost.

(B) ROLE OF AHRQ.—The Director of the Agency for Healthcare Research and Quality shall be responsible for assessing the clinical benefit of covered part D drugs and making recommendations to the Secretary regarding which drugs should be included in the formulary. The Secretary shall make such recommendations, and making such recommendations, the Secretary shall—

(i) consider safety concerns including those identified by the Federal Food and Drug Administration;

(ii) use available data and evaluations, with priority given to randomized controlled trials, for assessing clinical effectiveness, comparative effectiveness, safety, and enhanced compliance with a drug regimen;

(iii) use the same classes of drugs developed by the United States Pharmacopeia for this part;

(iv) consider evaluations made by—

(D) the Institute of Medicine of the National Academies of Science; and

(III) other private and public entities, such as the Drug Effectiveness Review Project and Medicaid programs; and

(v) recommend to the Secretary—

(I) those drugs in a class that provide a greater clinical benefit, including fewer safety concerns or less risk of side-effects, than another drug in the same class that should be included in the formulary;

(II) those drugs in a class that provide less clinical benefit, including greater safety concerns or a greater risk of side-effects, than another drug in the same class that should be included from the formulary; and

(III) drugs in a class with same or similar clinical benefit for which it would be appropriate for the Secretary to competitively bid (or negotiate) for placement on the formulary.

(2) FORMULARY INCENTIVES.—The formulary incentives under clause (i) may be in the form of one or more of the following:

(I) Tiered copayments.

(II) Reference pricing.

(III) Prior authorization.

(IV) Step therapy.

(V) Medication therapy management.

(VI) Generic drug substitution.

(III) FLEXIBILITY.—In applying such formulary incentives the Secretary may decide not to impose any cost-sharing for a covered part D drug for which—

(i) the elimination of cost sharing would be expected to increase compliance with a drug regimen; and

(ii) compliance would be expected to produce savings under part A or B or both.

(4) LIMITATIONS.—In any formulary established under this subsection, the formulary may not be changed during a year, except—

(A) to add a generic version of a covered part D drug that entered the market;

(B) to remove such a drug for which a safety problem is found; and

(C) to add a drug that the Secretary identifies as a drug which treats a condition for which there has not previously been a treatment option or for which a clear and significant benefit has been demonstrated over other covered part D drugs.

(4) ADDING DRUGS TO THE INITIAL FORMULARY.—

(A) USE OF ADVISORY COMMITTEE.—The Secretary shall establish and appoint an advisory committee in this paragraph referred to as the ‘advisory committee’.

(i) to recommend changes from drug manufacturers, health care provider organizations, patient groups, and other entities for inclusion of a drug in, or other changes to, such formulary;

(ii) to recommend any changes to the formulary established under this subsection.

(B) COMPOSITION.—The advisory committee shall be composed of 9 members and shall include representatives of physicians, pharmacists, and consumers and others with expertise in evaluating prescription drugs. The Secretary shall select members based on their knowledge of pharmaceuticals and the Medicare population. Members shall be selected to provide a balance of expertise for purposes of applying the conflict of interest provisions under section 208 of title 18, United States Code, and no waiver of such provisions for such a member shall be permitted.

(C) CONSULTATION.—The advisory committee shall consult, as necessary, with physician or pharmacist organizations, drug companies, professional organizations, and other experts concerning the disease for which a drug is being considered.

(D) REQUEST FOR STUDIES.—The advisory committee may request the Agency for Healthcare Research and Quality or an academic or research institution to study and make a report on a petition described in subparagraph (A)(ii) in order to assess—

(i) clinical effectiveness;

(ii) comparative effectiveness;

(iii) safety; and

(iv) enhanced compliance with a drug regimen.

(E) RECOMMENDATIONS.—The advisory committee shall make recommendations to the Secretary regarding—

whether a covered part D drug is found to provide a greater clinical benefit, including fewer safety concerns or less risk of side-effects, than another drug in the same class that is currently included in the formulary; and

whether a covered part D drug has the same or similar clinical benefit to a drug in the same class that is currently included in the formulary and whether the drug should be included in the formulary.

(F) LIMITATIONS ON REVIEW OF MANUFACTURER PETITIONS.—The advisory committee shall review manufacturer petitions under subparagraph (A)(ii) with respect to a covered part D drug unless the petition is accompanied by greater safety concerns or a greater risk of side-effects, than another drug in the same class that is currently included in the formulary.

(G) INFORMING BENEFICIARIES.—The Secretary shall provide timely notice to beneficiaries about changes to the formulary or formulary incentives in subsection (e).

(H) NOTICE TO COMMUNITY.—The Secretary shall provide timely notice to members of the public and health professionals about changes to the formulary or formulary incentives.

(I) INFORMING BENEFICIARIES.—The Secretary shall take steps to inform beneficiaries about the Medicare operated drug plan or plans including providing information in the annual handbook.
March 10, 2011

Congressional Record—Senate

S1563

distributed to all beneficiaries and adding information to the official public Medicare website related to prescription drug coverage available through this part.

(6) [amended—

(7) [amend—

(8) [amend—

(9) [amend—

(10) [amend—

Section 1860D–13(c)(3) of the Social Security Act (42 U.S.C. 1395w–113(c)(3)) is amended—

(A) in the heading, by inserting "and Medicare operated prescription drug plans after "fallback plans"; and

(B) by inserting "or a Medicare operated prescription drug plan after a fallback prescription drug plan." before paragraph (3).

Section 1860D–16(b)(1) of the Social Security Act (42 U.S.C. 1395w–116(b)(1)) is amended—

(A) in subparagraph (C), by striking "and" after the semicolon at the end;

(B) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(E) payments for expenses incurred with respect to the operation of Medicare operated prescription drug plans under section 1860D–11A.".

Section 1860D–41(a) of the Social Security Act (42 U.S.C. 1395w–151(a)) is amended by adding at the end the following new paragraph:

"(19) Medicare operated prescription drug plan.—The term 'Medicare operated prescription drug plan' has the meaning given such term in section 1860D–11A(c)."

SEC. 3. IMPROVED APPEALS PROCESS UNDER THE MEDICARE OPERATED PRESCRIPTION DRUG PLAN.

Section 1860D–4(h) of the Social Security Act (42 U.S.C. 1395w–104(h)) is amended by adding at the end the following new paragraph:

"(4) [amend—

(5) [amend—

(6) [amend—

(7) [amend—

(8) [amend—

(9) [amend—

(10) [amend—

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(7) [amend—

(8) [amend—

(9) [amend—

(10) [amend—

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 "Valles Caldera National Preserve Management Act".
SEC. 2. DEFINITIONS.

In this Act:

(1) ELIGIBLE EMPLOYEE.—The term "eligible employee" means a person who was a full-time permanent employee of the Trust during the 180-day period immediately preceding the date of enactment of this Act.

(2) FUND.—The term "Fund" means the Valles Caldera Fund established by section 100(h)(2) of the Valles Caldera Preservation Act (16 U.S.C. 698v–4(h)(2)).

(3) PRESERVE.—The term "Preserve" means the Valles Caldera National Preserve in the State.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of New Mexico.

(6) TRUST.—The term "Trust" means the Valles Caldera Trust established by section 100(a) of the Valles Caldera Preservation Act (16 U.S.C. 698v–4(a)).

SEC. 3. VALLES CALDERA NATIONAL PRESERVE.

(a) DESIGNATION AS UNIT OF THE NATIONAL PARK SYSTEM.—To protect, preserve, and restore the fish, wildlife, watersheds, natural, scientific, scenic, geologic, historic, cultural, archaeological, and recreational values of the area, the Valles Caldera National Preserve is designated as a unit of the National Park System.

(b) MANAGEMENT.—

(1) APPLICABLE LAW.—The Secretary shall administer the Preserve in accordance with—

(A) this Act; and

(B) the laws generally applicable to units of the National Park System, including—

(i) the National Park Service Organic Act (16 U.S.C. 1 et seq.); and

(ii) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) MANAGEMENT COORDINATION.—The Secretary may coordinate the management and operations of the Preserve with the Bandelier National Monument.

(3) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 fiscal years after the date on which funds made available to implement this subsection, the Secretary shall prepare a management plan for the Preserve.

(B) APPLICABLE LAW.—The management plan shall be prepared in accordance with—

(i) section 12(b) of Public Law 91–383 (commonly known as the "National Park Service General Authorities Act") (16 U.S.C. 1a–7(b)); and

(ii) any other applicable laws.

(C) CONSULTATION.—The management plan shall be prepared in consultation with—

(i) the Secretary of Agriculture;

(ii) State and local governments;

(iii) Indian tribes and pueblos, including the Pueblos of Jemez, Santa Clara, and San Ildefonso; and

(iv) the public.

(d) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary may acquire land and interests in land within the boundaries of the Preserve by—

(A) purchase with donated or appropriated funds; and

(B) donation; or

(C) transfer from another Federal agency.

(2) ADMINISTRATION OF ACQUIRED LAND.—On acquisition of land under paragraph (1), the Secretary shall—

(A) enter into cooperative agreements with the New Mexico Department of Game and Fish—

(i) to permit hunting and fishing on land and water within the Preserve in accordance with applicable Federal and State laws; and

(ii) to designate zones in which, and establish periods during which, no hunting or fishing shall be permitted for reasons of public safety, administration, the protection of wildlife and wildlife habitats, or public use and enjoyment.

(b) ECOLOGICAL RESTORATION.—

(1) IN GENERAL.—The Secretary shall undertake activities to improve the health of forest, grassland, and riparian areas within the Preserve, including any activities carried out in accordance with title IV of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7301 et seq.).

(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with adjacent pueblos to coordinate activities carried out under paragraph (1) on the Preserve and adjacent pueblo land.

(c) EXCLUSION FROM SANTA FE NATIONAL FOREST.—

(1) IN GENERAL.—The Secretary may, on request of an Indian tribe or pueblo, temporarily exclude from the Santa Fe National Forest the natural, religious, archaeological, and recreational values of the area adjacent to the Preserve.

(2) AGREEMENTS.—The Secretary shall maintain prohibitions on the use of motorized or mechanized travel on Preserve land located adjacent to the Santa Clara Indian Reservation, to the extent the prohibition was in effect on the date of enactment of this Act.

(d) TRADITIONAL CULTURAL AND RELIGIOUS SITES.—

(1) IN GENERAL.—Not later than 3 fiscal years after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Agriculture, affected Indian tribes and pueblos, and the public, shall study the feasibility of establishing a hiking trail along the rim of the Valles Caldera on—

(A) land within the Preserve; and

(B) National Forest System land that is adjacent to the Preserve.

(2) AGREEMENTS.—On the request of an affected Indian tribe or pueblo, the Secretary and the Secretary of Agriculture shall seek to enter into an agreement with the Indian tribe or pueblo with respect to the Caldera Rim Trail that provides for the protection of—

(A) cultural and religious sites in the vicinity of the trail; and

(B) the privacy of adjacent pueblo land.

(1) VALID EXISTING RIGHTS.—Nothing in this Act affects valid existing rights.

SEC. 4. TRANSFER OF ADMINISTRATIVE JURISDICTION.

(a) IN GENERAL.—Administrative jurisdiction over the Preserve is transferred from the Secretary of Agriculture and the Trust to the Secretary, to be administered as a unit of the National Park System, in accordance with section 3.

(b) EXCLUSION FROM SANTA FE NATIONAL FOREST.—The boundaries of the Santa Fe National Forest are modified to exclude the Preserve.

(c) INTERIM MANAGEMENT.—

(1) MEMORANDUM OF AGREEMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary and the Trust shall enter into a memorandum of agreement to facilitate the orderly transfer of the administration of the Preserve.

(2) EXISTING MANAGEMENT PLAN.—Notwithstanding the repeal made by section 5(a), until the date on which the Secretary...
completes a management plan for the Preserve in accordance with section 3(b)(3), the Secretary may administer the Preserve in accordance with any management activities or plans adopted by the Trust under the Valles Caldera Preservation Act (18 U.S.C. 698v et seq.), to the extent the activities or plans are consistent with section 3(b)(1).

(5) PUBLIC USE.—The Preserve shall remain open to the public during the interim management period, subject to such terms and conditions as the Secretary determines to be appropriate.

(d) VALLES CALDERA TRUST.—

(1) TERMINATION.—The Trust shall terminate 180 days after the date of enactment of this Act unless the Secretary determines that the termination date should be extended to facilitate the transitional management of the Preserve.

(2) ASSETS AND LIABILITIES.—

(A) ASSETS.—On termination of the Trust—

(i) all assets of the Trust shall be transferred to the Secretary; and

(ii) any amounts appropriated for the Trust shall remain available to the Secretary for the administration of the Preserve.

(B) ASSUMPTION OF OBLIGATIONS.—

(i) IN GENERAL.—On termination of the Trust, the Secretary shall assume all contracts, obligations, and other liabilities of the Trust.

(ii) NEW LIABILITIES.—

(I) BUDGET.—Not later than 90 days after the date of enactment of this Act, the Secretary and the Trust shall prepare a budget for the interim management of the Preserve.

(ii) WRITTEN CONCURRENCE REQUIRED.—The Trust shall not incur any new liabilities not authorized or permitted by this Act without the written concurrence of the Secretary.

(3) PERSONNEL.—

(A) HIRING.—The Secretary and the Secretary of Agriculture may hire employees of the Trust on a noncompetitive basis for comparable positions at the Preserve or other areas or offices under the jurisdiction of the Secretary or the Secretary of Agriculture.

(B) SALARY.—Any employee hired from the Trust under subparagraph (A) shall be subject to the provisions of chapter 51, and subchapter III of chapter 51, title 5, United States Code, relating to classification and General Schedule pay rates.

(C) INTERIM RETENTION OF ELIGIBLE EMPLOYEES.—Any employee of the Trust who has not less than 180 days beginning on the date of enactment of this Act, all eligible employees of the Trust shall be—

(i) retained in the employment of the Trust; and

(ii) considered to be placed on detail to the Secretary; and

(iii) subject to the direction of the Secretary.

(D) TERMINATION FOR CAUSE.—Nothing in this paragraph precludes the termination of employment of an eligible employee for cause during the period described in subparagraph (C).

(4) RECORDS.—The Secretary shall have access to all records of the Trust pertaining to the management of the Preserve.

(5) VALLES CALDERA FUND.—

(A) IN GENERAL.—Effective on the date of enactment of this Act, the Secretary shall assume the powers of the Trust over the Fund.

(B) AVAILABILITY AND USE.—Any amounts in the Fund as of the date of enactment of this Act shall be available to the Secretary for use, without further appropriation, for the management of the Preserve.

SEC. 5. REPEAL OF VALLES CALDERA PRESERVATION ACT.

(a) REPEAL.—On the termination of the Trust, the Valles Caldera Preservation Act (16 U.S.C. 698v et seq.) is repealed.

(b) EFFECT OF REPEAL.—Notwithstanding the repeal made by subsection (a)—

(i) the authority of Agriculture to acquire mineral interests under section 104(e) of the Valles Caldera Preservation Act (16 U.S.C. 698v-2(e)) is transferred to the Secretary and any proceeding for the condemnation of, or payment of compensation for, an outstanding mineral interest pursuant to the transferred authority shall continue;

(ii) the provisions in section 104(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v-2(g)) relating to the Pueblo of Santa Clara shall remain in effect, and

(iii) the Fund shall not be terminated until all amounts in the Fund have been expended by the Secretary.

(c) BONDS.—The repeal of the Valles Caldera Preservation Act (16 U.S.C. 698v et seq.) shall not affect the boundaries as of the date of enactment of this Act (including maps and legal descriptions) of—

(1) the Preserve;

(2) the Santa Fe National Forest (other than the modification made by section 4(b));

(3) Bandelier National Monument; and

(4) any land conveyed to the Pueblo of Santa Clara.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. UDALL of New Mexico. Mr. President, today I join Senator BINGAMAN in reintroducing a bill to designate the Valles Caldera National Preserve in New Mexico as a unit of the National Park System. The Valles Caldera is one of the largest volcanic calderas in the world. The vast grass-filled valleys, forested hillsides, and numerous volcanic peaks make the area a treasure to New Mexico, and a landscape of national significance millions of years in the making. It is appropriate that an area of such value be protected in perpetuity as a unit of the National Park System.

Around 1.5 million years ago a series of explosive rhyolitic eruptions created the massive caldera and dropped hundreds of meters of volcanic ash for miles. This volcanic activity gave the Pajarito Plateau its distinctive cliffs of pink and white tuff overlaying the black basalts of the Rio Grande Rift.

In the millennia following the caldera’s explosive creation, erosion and weathering carved vibrant canyons and forests into a remote landscape stretching like fingers away from the massive crater. In time, magma and water drained from the great valley, and a diversity of plants and wildlife took their place. With such resources and natural beauty, it is no wonder that for millennia people have held the area sacred to the Native American people. The Valles Caldera is one of the largest volcanic calderas in the world and has been deemed the area of significant natural and cultural significance by many Native American tribes.

Today, the National Park Service has deemed the Valles Caldera to be of national significance because of its unique and unaltered geology, and its singular setting, which are conducive to public recreation, reflection, education, and research. By utilizing the resources and skills within the National Park Service, I believe the Valles Caldera National Preserve will continue to prosper as a natural wonder full of significant geology, ecology, history, and culture.

The bill that we introduce today reflects the comments and proposals that emerged through a successful committee process on a similar bill that Senator BINGAMAN and I introduced last year. In September 2010, the Committee on Energy and Natural Resources reported the bill favorably, and it is my hope that the Committee will act quickly to move this reintroduced bill to the Senate floor for a vote. I look forward to working with Senator BINGAMAN and all of the stakeholders who care about the future of this preserve to complete our efforts to establish Park Service management of the preserve.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 98—TO EXPRESS THE SENSE OF THE SENATE REGARDING THE SCHOOL BREAKFAST PROGRAM

Mr. KOHL (for himself, Mr. DURBIN, Mr. SCHUMER, Mr. HARKIN, Mrs. GILLIBRAND, and Mr. BROWN of Ohio) submitted the following resolution:

private ownership of the Caldera began with Spanish settlers who introduced livestock to the grassy valleys that continue to fatten elk and cattle in the summer months. After a series of owners managed the caldera, the Federal Government finally purchased the property in 2000 as the Valles Caldera Preservation Act, which I was proud to help shepherd through Congress with Senator BINGAMAN and then-Senator Domenici. The subsequent creation of the Valles Caldera National Preserve included establishment of a board of directors and the Valles Caldera Trust to manage the area, and mandates for stakeholder involvement and eventual financial self-sufficiency of the Trust.

I applaud the decade of work that both the Board of Trustees and the Valles Caldera Trust have dedicated to the preserve. The exceptional dedication of Caldera employees has led to the creation of a robust science and research program, to the development of incredible educational opportunities for visiting schools and universities, to a restoration of natural resources, and to an expansion of cutting-edge scientific research.

Since 1998, the National Park Service has deemed the area of significant national value because of its unique and unaltered geology, and its singular setting, which are conducive to public recreation, reflection, education, and research. By utilizing the resources and skills within the National Park Service, I believe the Valles Caldera National Preserve will continue to prosper as a natural wonder full of significant geology, ecology, history, and culture.
Whereas participants in the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) include public, private, elementary, middle, and high schools as well as rural, suburban, and urban schools;

Whereas in each of the school years beginning July 1, 2008, and July 1, 2009, approximately 100,000 students in more than 800 schools participated in the school breakfast program;

Whereas in each of the school years beginning July 1, 2008, and July 1, 2009, approximately 2,100,000 low-income children in the United States consumed free or reduced price school breakfasts on an average school day;

Whereas for every 100 children receiving free and reduced price school lunches, approximately 47 children receive free and reduced price breakfasts;

Whereas in each of the school years beginning July 1, 2008, and July 1, 2009, less than half of eligible low-income children received school breakfasts at school each day;

Whereas in fiscal year 2009, 62 percent of school lunches served, and 81 percent of school breakfasts served, were served to students who qualified for free or reduced priced meals;

Whereas the current economic situation (including the increase in families living below the poverty line) is causing more families to struggle to feed their children and to turn to schools for assistance;

Whereas implementing or improving classroom breakfast programs has been shown to increase the participation of eligible students in breakfast consumption dramatically, doubling, and in some cases tripling, numbers, as evidenced by research conducted in the States of Minnesota, New York, and Wisconsin;

Whereas making breakfast widely available through different venues and combinations, such as in the classroom, obtained as students exit a school bus, or outside the classroom, has been shown to lessen the stigma of receiving free or reduced price breakfasts, which often deter eligible students from obtaining traditional breakfasts in the cafeteria;

Whereas providing free universal breakfasts, especially in the classroom, has been shown to significantly increase school breakfast participation rates and decrease absences and tardiness;

Whereas studies have shown that access to nutritious meals under the school lunch program and the school breakfast program helps to create a strong learning environment for children and helps to improve the concentration of children in the classroom;

Whereas providing breakfast in the classroom has been shown in several instances to improve attentiveness and academic performance, while reducing tardiness and disciplinary referrals;

Whereas students who eat a complete breakfast have been shown to make fewer mistakes and work faster in math exercises than students who eat a partial breakfast;

Whereas studies suggest that eating breakfast closer to classroom and test-taking time improves student performance on standardized tests relative to students who skip breakfasts;

Whereas studies show that students who skip breakfasts are more likely to have difficulty distinguishing among similar images, show increased errors, and have slower memory recall;

Whereas children who live in families that experience hunger have been shown to be more likely to have lower math scores, face an increased likelihood of repeating a grade, and receive more special education services;

Whereas studies suggest that children who eat breakfasts have more adequate nutrition and intake of nutrients, such as calcium, fiber, protein, and vitamins A, E, D, and B-6;

Whereas studies show that children who participate in school breakfast programs eat more fruits, drink more milk, and consume less saturated fat than children who do not eat breakfast;

Whereas children who fail to eat breakfasts, whether in school or at home, are more likely to be overweight than children who eat a healthy breakfast on a daily basis; and

Whereas March 7 through March 11, 2011, is National School Breakfast Week: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) and the overall positive impact of the program on the lives of low-income children and families, as well as the effect of the program on the overall classroom performance of a child;

(2) expresses support for States that have successfully implemented school breakfast programs in order to improve the test scores and grades of participating students;

(3) encourages States—

(A) to strengthen school breakfast programs by improving access for students;

(B) to promote improvements in the nutritional quality of breakfasts served; and

(C) to inform students and parents of healthy nutritional and lifestyle choices;

(4) recognizes that the Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296) and amendments made by that Act provide low-income children with greater access to a nutritious breakfast nationwide;

(5) recognizes the impact of nonprofit and community organizations that work to increase awareness of, and access to, breakfast programs for low-income children; and

(6) recognizes that National School Breakfast Week celebrated from March 7 through March 11, 2011, helps draw attention to the need for, and success of, the school breakfast program.
Resolved, That it is the sense of the Senate that—


(2) the Convention would undermine proper presumptions of freedom and independence for families in the United States, supplanting those principles with a presumption in favor of governmental intervention without the necessity for proving harm or wrongdoing;

(3) the Convention would interfere with the principle of sovereignty, independence, and self-government in the United States that preclude the necessity or propriety of adopting international law to govern domestic matters;

(4) the President should not transmit the Convention to the Senate for its advice and consent.

WHEREAS Congress and the legislatures of the States should be governed by international legal standards in its domestic policy is tantamount to proclaiming that the Congress of the United States and the legislatures of the several States are incompetent to draft domestic law and determining regarding domestic law; and

WHEREAS the United Nations Committee on the Rights of the Child has repeatedly interpreted the Convention to ban common disciplinary measures utilized by parents;

WHEREAS the industry of plumbing plays an important role in safeguarding the public health of the people of the United States and the world;

WHEREAS 884,000,000 people around the world do not have access to safe drinking water;

WHEREAS 2,600,000,000 people around the world live without adequate sanitation facilities;

WHEREAS the lack of sanitation is the largest cause of infection in the world;

WHEREAS in the developing world, 24,000 children die before the age of 5 die every day from preventable causes, such as diarrhea contracted from unclean water;

WHEREAS safe and efficient plumbing helps save money and reduces water supply costs and infrastructure costs;

WHEREAS the installation of modern plumbing systems must be accomplished in a specific, safe manner by trained professionals in order to prevent widespread disease, which can be crippling and deadly to the community;

WHEREAS the people of the United States rely on plumbing professionals to maintain, repair, and rebuild the aging water infrastructure of the United States; and

WHEREAS Congress and plumbing professionals across the United States and the world are committed to safeguarding public health: Now, therefore, be it

Resolved, That the Senate designates March 11, 2011, as “World Plumbing Day”.

Mr. BENNETT. Mr. President, I am proud to rise today to submit a resolution designating March 11 as World Plumbing Day.

Water is our planet’s most precious resource, and it is also a resource the developed world often takes for granted. When we stop at a drinking fountain, or when we prepare dinner for our families, we expect that the water emerging from the tap is free of harmful and dangerous contaminants.

Yet a reliable supply of water needed to maintain life is not readily available to nearly one billion people around the world. In fact, the ravages of water insecurity and inadequate sanitation claim 6,000 lives every day. The majority of these casualties are children.

Nearly one in five child deaths worldwide is due to waterborne illness. Modern plumbing technologies can prevent deaths and combat sickness.

By supporting access to safe drinking water and proper sanitation through sound plumbing infrastructure and minimum plumbing codes, we can significantly raise quality of life and help to eliminate a historic cause of human suffering.

Today I stand in gratitude to our skilled, licensed plumbers and pipe fitters who work hard every day to ensure that the plumbing systems and infrastructure in our homes, places of business, and communities continue to function properly and provide us with water safe for consumption.

I would like to thank the International Association of Plumbing and Mechanical Officials, IAPMO, for raising awareness of this important issue. These individuals work diligently to create and maintain the Uniform Plumbing Code, which serves as the foundation for all plumbing installation and inspection activities for over half the world’s population.

IAPMO is the only model code developer in America utilizing an open consensus process accredited by the American National Standards Institute, ANSI, for plumbing and mechanical codes. Worldwide, IAPMO and its members are on the front lines of public health and safety in assisting cities, counties, states, and countries with developing plumbing codes and providing training that protects our communities and saves lives.

I submit this resolution in recognition of the importance of clean water and the important contribution to America being made every single day by those men and women who maintain our plumbing infrastructure.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 10, 2011, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 10, 2011, at 9:30 a.m. to conduct a hearing entitled The Fiscal Year 2012 Budget for the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 10, 2011, at 10 a.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on March 10, 2011, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to
meet during the session of the Senate on March 10, 2011, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled “Innovations in Child Welfare Waivers: Starting on the Pathway to Reform.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “Bridgepoint Education, Inc.: A Case Study in For-Profit Education and Oversight” on March 10, 2011, at 10 a.m., in 430 Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 10, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 10, 2011, at 3 p.m. to conduct a hearing entitled “Information Sharing in the Era of WikiLeaks: Balancing Security and Collaboration.”

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MARCH 14, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., on Monday, March 14; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, there be a period of morning business until 4:30 p.m., with Senators permitted to speak for up to 10 minutes each; that following morning business, the Senate proceed to executive session, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, Senators should expect two rollcall votes beginning at 5:30 p.m. on Monday. The first vote will be on confirmation of Executive Calendar No. 10, the nomination of James Emanuel Boasberg, of the District of Columbia, to be U.S. District Judge for the District of Columbia, and the second vote will be on a motion to invoke cloture on the motion to proceed to Calendar No. 17, the Small Business Reauthorization Act.

ORDER FOR ADJOURNMENT

Mr. DURBIN. Mr. President, I rise to speak about the issue of interchange fee reform. Last year, Congress enacted landmark reform of the swipe fees that Visa and MasterCard impose on the debit card system. I offered to Wall Street reform passed the Senate with 64 votes—47 Democrats, 17 Republicans—and was later signed into law. It was the first amendment out of the first 26 on that bill that was held to a simple majority. But I was lucky enough, when I offered the amendment, that there was an insistence that we had to reach 60 votes. We did it, 47 Democrats and 17 Republicans. It was a great victory, and one that came as a surprise to Wall Street, because Main Street—the retail merchants, the restaurants, the convenience stores, and many others—had worked hard for this amendment.

Never before had Visa and MasterCard, the duopoly of credit cards, and their big bank allies lost a vote such as this in Congress. Normally, the credit card companies and the big banks are used to getting their way in this town. Visa and MasterCard have such power that they control over 75 percent of all credit and debit card transactions in America. Last year, $1.39 trillion was transacted on Visa and MasterCard debit cards. According to the American Bankers Association, the U.S. banking industry is a $13 trillion industry. That is trillion with a “T.”

Many Members in this body are being lobbied right now by banks and card companies to repeal this law, to undo the interchange reform Congress passed last year. It is one of the most active lobbying efforts I have ever seen.

I want to explain why interchange reform is so important, not just for the concepts of competition and transparency but also for the people and businesses affected, for small businesses and consumers and the American economy.
A little background on the debit card industry: Debit cards are simply a way for accountholders to access funds stored in an account. They are the electronic version of a check.

Debit cards are issued by banks, such as Bank of America, where the account is held. They are also part of a card network such as Visa or MasterCard, which set certain fees and rules about using their cards.

The banks that issue the debit cards can make money in several ways. They make loans based on deposits and card interest. They charge fees to consumers for maintaining and accessing accounts such as ATM, monthly, overdraft, and transfer fees. They also receive interchange fees from merchants every time one of their debit cards is used.

If you look at any bank's Web site, you can find the loan interest rates and the account fees the bank charges customers. Banks compete with one another for that business. That competition keeps their fees in check. It is called the free market. But ask any bank to show you on their Web site where you can find the interchange fees that the bank charges merchants, restaurants, bars, groceries, convenience stores, ask them what they charge as an interchange fee for the use of their debit cards, the bank will say: Well, you will have to call Visa or MasterCard.

Card companies such as Visa fix the interchange fee rates received by issuing banks, the banks that have their name on the card next to the Visa symbol. In other words, thousands of banks that compete with one another in all other aspects of business do not compete with one another when it comes to how much in so-called swipe fees or interchange fees they get from merchants. The banks let Visa set the prices for all of them.

Visa is decided that every bank that issues Visa cards will get the same rate as every other bank, no matter how efficient a bank is, no matter how much fraud a bank allows. Rather than a competitive system, this is a system which subsidizes inefficiency. In fact, the only competition in the interchange system right now is the competition between card networks to raise interchange fees. They raise the rates in order to get banks to join the network and issue more of their cards. It is who banks and networks set up this system. It makes the banks happy because they get billions of dollars a year in high fees, and they don't have to worry about competition. It makes the networks happy because they get their own network fee each time a card is swiped, and high interchange means banks will issue more cards.

But it is unfair to those who are receiving the cards—such as, for example, the restaurants, the merchants, the shops, the book stores, universities, charities, convenience stores—because they have no power to negotiate this fee. They can't hold off and say: Wait a minute, if you want us to take Visa at our store, we want to know how much you are going to charge us every time a customer uses a Visa card. There is no way to have any conversation on that. Visa establishes what the swipe fee will be.

It is also unfair to consumers, particularly low-income consumers and those without banking accounts, who pay billions per year in hidden interchange fees that are passed on to them in higher prices and lower wages. How about that. I had some people in my office today talking about the price of gasoline. They said: Understand, every time a customer uses a Visa or a MasterCard, they are taking a percentage of that cost on the gallon of gasoline. Their percentage keeps going up, and in order to have a profit, to keep the lights on, we have to keep raising the price of gasoline to keep up with the credit card companies, let alone the mandates from Congress.

The Federal Reserve estimated that in 2009, about $16.2 billion was charged in debit interchange fees, a massive amount of money that is being paid to the banks by merchants and their customers, about $1.3 billion a month. I will get back to that number in a moment. It didn't used to be that way in America. It isn't that way in many other countries that use Visa and MasterCard.

Back when the debit card system was started several decades ago, debit fees were minimal. It wasn't until Visa entered the market in the 1990s that we started seeing debit card interchange fees that looked like credit card interchange fees.

They are two different worlds. When I use a credit card, ultimately, the bank and credit card company have to collect from me. If I dodge them or don't pay, there is a loss. A debit card comes directly out of my account. There is no money, there is the money is there. It is already there.

There is an excellent New York Times article by Andrew Martin from last year titled "How Visa, Using Card Fees, Dominates a Market." I ask unanimous consent to have that article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(The Card Game—How Visa, Using Card Fees, Dominates a Market

By Andrew Martin

Every day, millions of Americans stand at store checkout counters and make a seemingly random decision: after swiping their debit card, they choose whether to punch in a code, or to sign their name.

It is a pointless distinction to most consumers, since the price is the same either way. But by the scenes, billions of dollars are at stake.

When you sign a debit card receipt at a large retailer, the store pays your bank an average of 1 cent for every $100 spent, more than twice as much as when you punch in a four-digit code.

The difference is so large that Costco will not allow you to sign for your debit purchase in its checkout lines. Wal-Mart and Home Depot steer customers to use a PIN, the debit card norm outside the United States.

Despite all this, signature debit cards dominate debit use in this country, accounting for 73 percent of all debit transactions, even though PIN debit cards are less expensive and less vulnerable to fraud.

How this came to be is largely a result of a successful if controversial strategy hatched decades ago by Visa, the dominant payment network for credit and debit cards. It is an approach that has benefited Visa and the banks of all kinds, of merchants and, some argue, consumers.

Competition, of course, usually forces prices lower. But for products like Visa and MasterCard, competition in the card business is more about winning over banks that actually issue the cards than consumers who use them. Visa and MasterCard set the fees that merchants must pay the cardholder’s bank. And higher fees mean higher profits for banks, even if it means that merchants shift the cost to consumers.

Seizing on this odd twist, Visa enticed banks to embrace signature debit—the higher-priced method of handling debit cards—and promised an incentive to issue more Visa cards. At least initially, MasterCard and other rivals promised PIN debit instead.

As debit cards became the preferred plastic in American wallets, Visa has turned its attention to PIN debit too and increased its market share even more. Some merchants have succeeded—not by lowering the fees that merchants pay, but often by pushing them up, making its bank customers happier.

In an effort to catch up, MasterCard and other rivals eventually raised fees on debit cards too, sometimes higher than Visa, to woo bank customers.

“What we witnessed was truly a perverse form of competition,” said Ronald Congemi, the former chief executive of Star Systems, one of the regional PIN-based networks that has struggled to compete with Visa. “They competed on the basis of raising prices. What other industry do you know that gets away with that?”

Visa has managed to dominate the debit landscape despite more than a decade of litigation and antitrust issues high fees and anticompetitive behavior, including a settlement in 2003 in which Visa paid $2 billion that some predicted would inject more competition into the debit market.

Yet today, Visa has a commanding lead in signature debit in the United States, with a 73 percent share. Its share of the domestic PIN debit market is smaller but growing, at 42 percent, making Visa the biggest PIN network, according to The Nilson Report, an industry newsletter.

The Risk of Refusing

Critics complain that Visa does not fight, and that it used its market power to force merchants to accept higher costs for debit cards. Merchants cannot refuse Visa cards because it would result in lower sales.

“A dollar is no longer a dollar in this country,” said Mallory Duncan, senior vice president of the National Retail Federation, a trade association. “It’s a Visa dollar. It’s only worth 99 cents because they take a piece of every one.”

Visa officials say its critics are griping about debit products that have transformed the payment system and convenience for consumers and higher sales for merchants, while cutting the hassle and expense of dealing with cash and checks. In recent years, New York cash-only restaurants are among those reporting higher sales as a result of accepting plastic.
"At times we have a perspective problem," said William M. Sheedy, Visa's president for the Americas. "Debit has become so mainstream, some of the people who have benefited the most from what their business model was, what their cost structure was."

Visa officials said the costs of debit for merchants had not gone down because the cards still offer a greater value to the customer. Every year, "Costs must not be too onerous," they say, because merchant acceptance of debit cards is "the last in a long list of things we are forced to pay credit card companies is the cost to consumers; the National Retail Federation says the interchange fee is approximately 1 percent of each purchase, which is about $45 billion a year." Presently, the fees are "not a cost-based calculation, but a value-based calculation," said Elizabeth Buse, Visa's head of product.

As its market share, company officials maintain that it is rather small when considered within the larger context of all payments, where, for now at least, cash remains king.

While Visa may be among the best-known brands in the world, it offers a mystery to many consumers. Visa is not a bank, credit or debit cards, nor does it provide credit so consumers can buy flat-screen televisions or a Starbucks latte. Those tasks are left to the banks, which owned Visa until it went public in 2008.

Instead, Visa provides an electronic network to tollbooths, banks, the transaction between merchants and banks and collecting a fee that averages 5 or 6 cents every time. For the financial year ended in 2012, the company took 40 billion dollars in transactions. That fee is paid by merchants, and it is the money comes directly out of a checking account and does not include the risks and rewards programs. Interchange fees, roughly 1 to 3 percent of each purchase, time a debit or credit card is swiped. The fees are "not a cost-based calculation, but a value-based calculation," said Mitch Goldstone, a plaintiff in the case.

"Visa and MasterCard have morphed into a giant cookie jar for banks at the expense of consumers," said Mr. Goldstone, a plaintiff in the case. Fees were not an issue when debit cards first gained traction in the 1980s. The small networks that operated automated teller machines, like STAR, Pulse, MAC and NYCE, issued debit cards that required a PIN. MasterCard had its own PIN debit network, called Maestro.

Merchants were not charged a fee for accepting PIN debit cards, and sometimes they even got a small payment because it saved banks the cost of processing a paper check. That changed when the debit market.

In the 1990s, Visa promoted a debit card that let consumers access their checking account on the same network that processed its credit cards, which required a signature.

To persuade the banks to issue more of its debit cards, Visa charged merchants for the first two years. The fee was justified because signature debit was so much more useful than PIN debit; at the time, roughly 15 percent of merchants had keypads for entering a PIN.

Merchants said they had no choice but to continue taking the debit cards, despite the higher fees; because Visa's rules required them to honor its debit cards if they chose to accept Visa's credit cards.

A SEVEN-YEAR BATTLE

Wal-Mart, Circuit City, Sears and a number of other companies were among the first to push for the credit card industry. Visa then changed the debit interchange fee system so it looked more like the credit system. The result: The United States has the highest interchange fees in the world.

We also have some of the worst fraud prevention technology in the world. This is because Visa gives banks higher interchange rates for so-called signature debit transactions instead of PIN debit transactions. So the banks tell their customers to pay with signature debit, even though far less fraud occurs with the use of PIN numbers.

Australia doesn’t have to be this way. Many countries such as Canada have thriving debit card systems with zero interchange fees. Canada has low fraud and wide consumer debit usage. Other places such as the European Union carefully regulate interchange rates to keep them to a reasonable level. But in this country, we have let dominant card networks—and they are a powerful bunch—take over our debit card system. They are driving that system out of control.

I have worked for years to reform interchange fees and to bring transparency, competition, and choice to the credit card and debit card industry. I introduced a bill on this in 2008. In 2009, I joined with Senator Kit Bond of Missouri to file a modest floor amendment to the Credit CARD Act. The amendment simply said interchange fees should be reported to the Federal Reserve and that Visa and MasterCard should not be allowed to stop merchants from offering discounts for debit cards against credit cards.

The card companies and bank industry hated that idea because the devil hates
holy water. They did everything they could to kill the amendment. They used their standard talking points, say-
ing this amendment would hurt con-
sumers, small banks, credit unions, the economy, everything one could think of. This amendment never reached a vote. Instead in 2009, the banks and card companies said they would sup-
port a study. We love to study things in
Washington. So Congress delayed real reform and said: Let’s get on with the
study.

Last year, I said: Enough is enough. We can’t continue to let Visa, MasterCard, and the big banks use price-setting schemes to turn our debit card system into their own large piggy bank at the expense of merchants and consumers. The amendment I offered last year said: If banks are going to let a card network set interchange rates for them, those rates must be reason-
able and proportional to the cost of process-
ing a debit transaction over that network’s wires.

Why would we bring the Federal Re-
serve in to establish a reasonable and propor-
tional interest change fee? Be-
cause there is no competition in this
market. Visa and MasterCard, recently under investigation by the Department of Justice for their practices, establish what these interchange fees are going to be. They impose them on merchants who many times are told late in the game how much the fee is. They don’t bargain. Merchants can’t shop around. There is no competition when it comes to the establishment of interchange fees.

The amendment will end this ineffec-
tive subsidy that Visa and MasterCard have created for banks, and it will incentivize banks to operate their card systems efficiently. The amendment directs the Fed to issue regulations to implement this reasonable and propor-
tional standard. The Fed issued draft regulations in June and is now working on final regulations to be com-
pleted in April and take effect in July.

Do my colleagues know what they found in their initial cut at this? The average interchange fee is in the range of 40 cents, and the average cost to use a debit card is about 10 cents. Think of the overcharge that is going on with every single transaction. The next time you are standing in the airport and somebody hands a debit card to the cashier, ask yourself how much this bank is about to make. And then ask about that retailer just having lost money. The only ones who made money in the transaction were Visa, MasterCard and the issuing bank.

Last year, when I was drafting this amendment, I knew we had to be care-
ful about the way the reform would af-
fect small banks and credit unions that currently benefit from the rates Visa and MasterCard set. I didn’t want to drive small issuers out of the debit card market. So my amendment spec-
ifically exempted them from the amend-
tion. That means that now, just like before, networks will compete by rais-
ing interchange rates to win the busi-
ness of those small, unregulated issuers.

I know the small banks and credit
unions are also lobbying on the Hill, saying that interchange reform will hurt them. For years, they have been trying to get exempted from any type of reform. I have been on the Hill for a while, in the House and in the Senate.

I used to really believe there was a qualitative—not just quantitative but qualita-

tively different community banks and credit unions and the big boys, the Wall Street banks. Over the years, I am sorry to say when it comes to these issues, they are the same. It is just a quantitative dif-
ference. Credit unions and community banks are smaller, but in terms of the way they look at issues, there is not a dime’s worth of difference.

When it comes to this issue, there is an interesting phenomenon at work. Visa and MasterCard are in the business of raising interchange fees. If there are two more unpopular companies with American consumers, it is hard to

think of what they might be. Maybe today it is oil companies. But it is a close second with credit card compa-

nies and the way they treat people.

So they do not come in and lobby.

Well, how about the Wall Street banks? Do you think they are going to show up here and say: You cannot regu-
late these interchange fees? Two-thirds of the banks come from the big-

gest banks out of Wall Street, not the community banks and credit unions.

So the big money in this whole trans-
action is on Wall Street. But you do not hear from the Wall Street banks.

Why? Because they are not going to win any popularity contests either.

It was not that long ago we were shoveling billions of taxpayer dollars at these banks to keep the lights on after they made some pretty stupid in-
eyes only to be invisible voters. In any other event, the banks have made themselves highly audible to voters in shrill but absurd threats to cap debit card purchases at $50 above the line. Another argument is the one that requires the smallest attention.

One of the arguments made against the Durbin restriction on interchange is that it will hurt community banks.

Since Durbin explicitly excludes banks with assets under $10 billion from the re-
striction on interchange, it takes a hyper-
active imagination to see how these banks could be hurt by it. Lobbyists have the re-
quiste inventiveness.

Large banks get 75% less interchange than they do now and small banks continue to get today’s interchange rates, then obvi-
ously this confers a substantial competitive advantage on the small banks. They can im-
pose lower fees, pay more interest, and give greater rewards to depositors. Anything that reduces revenue for big banks but not for others should help compete more effectively against the former.

In opposition to common sense, bank lob-
byists have put forward some very far-
tached arguments about how, in some up-
side-down world, small banks are still going to be losers rather than winners from Dur-

bin.

One argument is that the clearing net-
works, of which there are only four that
matter, will not support the “two-tier” interchange system envisaged by Durbin. Ridiculous, Visa is the largest of the networks. It’s already announced that it will implement Durbin. (Maybe this is an object lesson as to why Visa remains No. 1.)

For the small banks, MasterCard is the only other significant player. If MasterCard finds itself in the same fix as Visa and cards are revalued to a skein of interchange levels that is already of Byzantine complexity, then let the small banks gravitate to Visa in order to benefit from Durbin.

A second argument of the big-bank lobbyists is that merchants will reject the debit cards of small banks if these carry a 1% interchange, which is 0.3% for the large banks. Really? Then why don’t these merchants reject all credit cards, with interchange of 2% or more, if the customer could instead use a debit card? When is the last time a merchant politely asked you whether you could pay with a debit card instead of a credit card?

The reason merchants don’t do this, apart from association rules that purport to prohibit it, is that the retailer’s top priority is sales, not interchange. Selective “suppression” or “moderation” of interchange fees, with extreme rarity. One instance took place long ago when merchants in Boston revolted against Visa’s 8% interchange rates from American Express. This can’t happen now. Are cashiers in stores going to look at a list of small banks in order to discriminate against their customers? And how can customers walk out and leave their would-be purchases at the cash register? The fraction of customers who would be persuaded to change banks or carry debit cards is infinitesimal.

The notion that merchants will give discounts on small-bank debit cards but not small-bank debit cards is equally silly. Since when is there any advantage over small banks that Durbin will undermine or erase—somehow injure small banks. Impossible. It finds it politic not to add one more wrinkle to a skein of interchange levels that is already of Byzantine complexity, then let the small banks gravitate to Visa in order to benefit from Durbin.

The current interchange system has been designed specifically to avoid these features. That is why consumer groups agree with me and support the interchange reform which we have on the books.

I know the financial industry lobbyists are out there now storming the Halls of Congress. They are saying: Let’s delay the Fed’s interchange rule-making for a year or two. Let’s study this issue some more. Study, study, study: this is one great study hall, this is one great study. Let’s delay the Fed’s interchange rule-making for a year or two. Let’s study this issue some more. Study, study, study: this is one great study hall, this is one great study hall. Let’s delay the Fed’s interchange rule-making for a year or two. Let’s study this issue some more. Study, study, study: this is one great study hall, this is one great study hall. Let’s delay the Fed’s interchange rule-making for a year or two. Let’s study this issue some more. Study, study, study: this is one great study hall, this is one great study hall.

There is no need to delay these rules. Read the comments I submitted to the Fed about their draft rule-making. You will see how the new law provides reasonable timeframes for implementing every part of the Fed’s rules.

I saw this call for delay and study before, on the Credit CARD Act back in 2009, and I must confess I do not suppose me we are hearing it again.

If my colleagues remember nothing else, they should remember this: Delaying interchange reform will have significant consequences to employers, small businesses, and consumers all across America. Not only will businesses, universities, government agencies, and charities keep paying the current $1.3 billion per month in debit interchange fees, the fees will keep going up for years until we will be nothing further to constrain Visa and MasterCard from setting higher and higher fees. There is no competition in this industry.

Some of my colleagues say they are concerned about small banks and consumers and I. That is why I drafted the amendment to exempt them. Independent analysts and consumer groups agree that the reform we passed protects small banks and consumers.

I say to my colleagues, do not tell me you are worried about small banks and consumers and I. That is why I drafted the amendment to exempt them. Independent analysts and consumer groups agree that the reform we passed protects small banks and consumers.

I urge my colleagues in Congress: Do not bail out the big banks on Wall Street another time. Once in a political lifetime is enough for even the most of us. If my colleagues remember nothing else, they should remember this: Delaying interchange reform will have significant consequences to employers, small businesses, and consumers all across America. Not only will businesses, universities, government agencies, and charities keep paying the current $1.3 billion per month in debit interchange fees, the fees will keep going up for years until we will be nothing further to constrain Visa and MasterCard from setting higher and higher fees. There is no competition in this industry.

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RECOGNIZING THE 100TH ANNIVERSARY OF THE THEODORE ROOSEVELT DAM

HON. DAVID SCHWEIKERT
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Mr. SCHWEIKERT. Mr. Speaker, I rise today to pay tribute to the 100th anniversary of Theodore Roosevelt Dam, the cornerstone of water resource operations in Central Arizona. The reliable, sustainable water supply provided by the dam and its reservoir, Theodore Roosevelt Lake, has served as an economic catalyst that spurred decades of growth and helped create the greater Phoenix metropolitan area.

The Salt River Valley, home to metropolitan Phoenix, was little more than a few military outposts and prospecting camps until the first modern canal company was organized in 1867. The success of this venture encouraged more irrigation concerns. Most used the ancient canal networks created and maintained by an indigenous civilization that thrived in the area more than 1,000 years earlier.

As a result of these canal companies, settlements cropped up across the Valley. Local leaders agreed a dam was needed to regulate the flow of the Salt River, which fed the canal networks, to ensure a reliable source of water and sustain development.

A group including a surveyor, journalist, and canal company superintendent identified a possible dam site in 1889 about 80 miles east of Phoenix near the confluence of Tonto Creek and the Salt River. The site was nestled among the Superstition wilderness area, the Sierra Ancha Mountains, and the Salt River Canyon.

Next, residents had to determine how to pay for such a massive undertaking. The Salt River Valley Water Users’ Association was organized in 1903 when Valley landowners pledged their property as collateral for a government loan to build the proposed dam. It was a unique arrangement only made possible by an act of Congress the previous year, the National Reclamation Act of 1902.

Dam construction began in 1905 under the supervision of the U.S. Reclamation Service, now the U.S. Bureau of Reclamation. When completed in early 1911 and dedicated personally by the president whose name it bears, Roosevelt dam was the world’s largest masonry dam.

Hydroelectric generation from the dam provided early power to, and served as the basis of, power operations for the Salt River Project (SRP), a water and power entity that includes the Salt River Valley Water Users’ Association.

Roosevelt Dam has undergone various improvements through the ages, including three separate upgrades of its hydroelectric generating capacity. A major modification of the dam and reservoir was completed in 1996 when the height of the dam was raised by 77 feet and the dam envelope was strengthened.

This modification was part of a comprehensive project to increase water storage, improve dam safety and enhance flood control throughout central Arizona.

Through a partnership with SRP, the federal government, and state and local communities, central Arizona has grown into a vital metropolitan region in the Southwest.

Mr. Speaker, as Theodore Roosevelt Dam embarks on its second century of service to the people of the Salt River Valley, it deserves special recognition for its historic and invaluable contributions to my state.

TRIBUTE TO ALEX GURGANUS

HON. TOM LATHAM
OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Mr. LATHAM. Mr. Speaker, I rise today to recognize the achievement of Alex Gurganus, a seventh-grade student at Ames Middle School in Iowa. Alex was recently named one of only four state winners of the VSA/CVS Call for Art.

Alex’s participation in and of itself is stellar. Alex attained this honor despite being visually impaired. In the classroom, Alex requires large print, magnifiers, and a closed circuit TV system to facilitate his learning and compensate for zero vision in his right eye and low visual capacity in his left eye.

However, Alex did not allow these obstacles to deter him as he has been meticulously perfecting his award-winning artwork, “Design by Surprise,” for the last three years. When composing a piece of art, Alex must memorize where the colors are on the palette in addition to utilizing a hand-held magnifying dome to ensure perfection.

The example set by this young man demonstrates the rewards of hard work, dedication and perseverance, and I am honored to represent Alex Gurganus and his family in the United States Congress. I know that all of my colleagues will join me in congratulating him on overcoming such a difficult hurdle as a means to achieve such wonderful results.

I speak for all my colleagues as I wish Alex continued success in his future education and career.

FAIR ACCESS TO VETERANS BENEFITS, H.R. 810

HON. BOB FILNER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Mr. FILNER. Mr. Speaker, the Fair Access to Veterans Benefits Access Act of 2011, H.R. 810, is a bill that would help our veterans who file appeals before the Court of Appeals for Veterans Claims. This legislation would require the U.S. Court of Appeals for Veterans' Claims to hear appeals of administrative decisions by veterans denying them benefits when circumstances beyond their control render them unable to meet the deadline for filing an appeal.

This legislation would extend the 120-day limit for the filing of an appeal to the Court of Veterans Appeals after a final decision of the Board of Veterans’ Appeals upon a showing of good cause for such time as justice may require. The bill considers as good cause the inability of a veteran to file within the 120-day period due to a service-connected disability.

The bill would make such extension applicable to appeals of final Board decisions issued on or after July 24, 2008. This bill also requires the Court of Appeals for Veterans Claims to reinstate untimely appeals already dismissed as a result of the court’s failure to toll the filing period for good cause.

Under the current system, the veterans’ appellate processes are very difficult to navigate especially since so many veterans are pro se at that stage. Additionally, as TBI and PTSD are the signature disabilities of the current conflicts of Operation Enduring Freedom and Operation New Dawn, many veterans are also filing claims and appeals while suffering from a physical or mental disability. The adherence to rigid filing deadlines by the CAVC potentially has resulted in the denial of benefits for many veterans. My bill seeks to rectify this issue by allowing the veteran to show “good cause” for missing the filing deadline if related to the veteran’s service-connected disability. It is clear to me that Congress intended to allow equitable tolling when it created the veterans’ court.

The VSO community wholeheartedly supports this legislation and its costs are likely discretionary. I urge my colleagues to support this bill without delay to give these veterans the access to justice that they deserve.

HONORING LINDSEY WALKER

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Lindsey Walker. Lindsey is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of the USA and earning the high honor of the Gold Award.

Lindsey’s outstanding achievement reflects her hard work and dedication. Lindsey has exhibited unique and creative examples of service that have made a difference in her community. I am confident that she will continue to hold herself to the highest standards in the future. This is an accomplishment for which Lindsey can take pride in for the rest of her life.

Mr. Speaker, I proudly ask you to join me in commending Lindsey Walker for her accomplishments with the Girl Scouts of the USA.
and for her efforts put forth in achieving the highest distinction of the Gold Award.

HONORING PURVIS E. ISLER, SR.

HON. HENRY C. “HANK” JOHNSON, JR.
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following:

Whereas, Ninety years ago a tenacious man of God was born in Newport News, Virginia on March 9, 1921; and

Whereas, Mr. Purvis E. Isler, Sr., born to Mr. Elijah and Mrs. Esther Isler, grew up in New Jersey when his family moved north and attended Perth Amboy High School where he met and married his high school sweetheart Jeanette Deay Eaton and to their union seven daughters and three sons were born; and

Whereas, Mr. Isler has shared his time and talents as a Husband, Father and Motivator, giving the citizens of the United States a person of great worth, a fearless leader and a servant to all advancing the lives of others, through service to our country in the U.S. Army, as a broadcast electronics technician and being the ideal father and grandfather; and

Whereas, Mr. Isler has been blessed with a long, happy life, devoted to God and credits it all to the Will of God; and

Whereas, Mr. Isler along with his family and friends are celebrating this day 241 Markeable milestone, his 90th Birthday, we pause to acknowledge a man who is a cornerstone in our community; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside these days to honor and recognize Mr. Isler on his birthday and to wish him well and recognize him for an exemplary life which is an inspiration to all;

Now Therefore, I, HENRY C. “HANK” JOHNSON, JR. do hereby proclaim March 9th and for her efforts put forth in achieving the National Fish and Wildlife Foundation—a non-profit organization authorized by Congress in 1984—Annual Fish and Wildlife Day, and

PROCLAIMED, THIS 9th day of March, 2011.

NATIONAL FISH AND WILDLIFE FOUNDATION

HON. DEVIN NUNES
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Mr. NUNES. Mr. Speaker, as Congress closely scrutinizes federal programs to reduce our massive federal debt and deficit, we must take a hard look at troubled, taxpayer-financed programs that play a role in destroying American jobs. The February 25, 2011 edition of The Washington Examiner contained a column by Mr. Ron Arnold that discusses the legislative history and current activities of the National Fish and Wildlife Foundation—a non-profit organization authorized by Congress in 1984—known to Public Law 98-244. Mr. Arnold’s column illustrates how Congress originally authorized an average of $100,000 per year in federal taxpayer money to the National Fish and Wildlife Foundation.

Yet, more than a quarter century later, the organization receives $53 million annually in federal government funds according to its own records. Some of this money funds zealous and litigious environmental groups whose actions threaten the livelihoods of America’s hard-working farmers and ranchers. At a time when America’s hard-working farmers and ranchers, threatened by onerous regulation, bureaucratic intimidation, unfair taxation, and high energy costs, our farmers cannot afford to defend themselves from advocacy groups funded by their hard-earned tax dollars.

I urge my colleagues to read Mr. Arnold’s column on the National Fish and Wildlife Foundation and to question whether the federal government should continue supporting it and other non-profit groups that use taxpayer money to put people out of work.

[From the Washington Examiner, Feb. 25, 2011]

CONGRESS SHOULD STOP FUNDING BIG GREEN LAWSUITS AGAINST THE GOVERNMENT

(By Ron Arnold)

America’s taxpayers need to know about a thorny federal program lurking in the budget: The National Fish and Wildlife Foundation. It began decades ago as a millionaire’s hobby horse and grew into a Frankenstein monster that today feeds millions of dollars to taxpayer-funded environmental groups that sue the federal government—and thus sue the taxpayer.

I began researching NFWF in a 1995 report on Big Green’s federally funded trial lawyers, “Feeding at the Trough” (www.unduelinfluence.com/feeding-at-the-trough pdf). NFWF’s origins are bizarre: Congress created it as a nonprofit corporation in 1984, specifying that it “is not an agency or establishment of the United States Government.” President Reagan denounced that double establishment of the United States Government. ‘’

The intent for NFWF was to develop private sector support for the U.S. Fish and Wildlife Service, an agency that is forever. Mr. Speaker, today I join with my colleague, Rep. JARED POLIS (D–CO–02) to introduce two important pieces of legislation, the EEOIPCA Amendment Act of 2011 and the Energy Employees Occupational Illness Compensation Program Improvement Act of 2011, which will help ensure former employees receive the benefits and care they are due while also bringing transparency and oversight to the program charged with administering compensation.

During the Cold War, thousands of workers employed in the nation’s atomic weapons programs were exposed to radioactive and toxic substances. For this reason, Congress passed the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) in 2000 to provide compensation to employees who have become ill as a result of work at atomic weapons facilities. Individuals, or their eligible survivors, who worked as an employee, contractor, or subcontractor at certain Department of Energy sites receive the benefits and care they are due while also bringing transparency and oversight to the program charged with administering compensation.

As it grew, NFWF created one horror story after another. It gave $917,748 to the Grand Canyon Trust, a litigious NFWF recipient, American Rivers ($296,700), its claims appear disingenuous at best.

NFWF’s original $100,000 “one-time seed money” appropriation has bloated to $53 million in 2009, exactly what Reagan feared when he famously muttered, “The definition of immorality is a government program.”

Even though NFWF’s wealthy directors should be ideal fundraisers, two-thirds of its income is routinely taxpayer money, and most the Obama administration wants to give it more millions of federal dollars that we don’t have.

House appropriators tried to cut NFWF’s taxpayer umbral in 1996. Immediately, a Byzantine cabal of Big Green leaders and hired lobbyists materialized, somehow convincing the appropriators to lay off. Reagan should have added, “Environmental funding is forever.”

Last week, a gutsy congressman tried again. Rep. TOM MCCLINTOCK, R–Calif., chairman of the House Natural Resource Commit-tee’s Power and Water Subcommittee, introduced an amendment to the House’s $1.2 trillion continuing resolution bill to perma-nently defund NFWF.

Once again, Big Green sent out its minions, and MCCLINTOCK’s amendment failed on a voice vote.

That shouldn’t be the end of it. We need congressional hearings to stop feeding taxpayer money into NFWF’s funnel. And we need elected officials with the fortitude to instruct the National Fish and Wildlife Foundation’s insatiable billionaires to stop feeding at the trough.

EEOICPA AMENDMENT ACT OF 2011 AND THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM IMPROVEMENT ACT OF 2011

HON. ED WHITFIELD
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Mr. WHITFIELD. Mr. Speaker, today I join with my colleague, Rep. JARED POLIS (D–CO–02) to introduce two important pieces of legislation, the EEOICPA Amendment Act of 2011 and the Energy Employees Occupational Illness Compensation Program Improvement Act of 2011, which will help ensure former employees receive the benefits and care they are due while also bringing transparency and oversight to the program charged with administering compensation.

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The list goes on and on, lawsuits against fisheried, timber cutting, construction, manufacturing, the whole economy. NFWF claims that grantee lawsuits do not use fed-eral money. After examining the Internal Revenue Service Form 990 reports of major litigious NFWF recipients, I found no separate segregated accounts for lawsuits—you can tell federal money was making NFWF’s claims appear disingenuous at best.

NFWF’s original $100,000 “one-time seed money” appropriation has bloated to $53 million in 2009, exactly what Reagan feared when he famously muttered, “The definition of immorality is a government program.”

Even though NFWF’s wealthy directors should be ideal fundraisers, two-thirds of its income is routinely taxpayer money, and most the Obama administration wants to give it more millions of federal dollars that we don’t have.

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Last week, a gutsy congressman tried again. Rep. TOM MCCLINTOCK, R–Calif., chair-
run into challenges when weaving through the federal government maze to claim the benefits they deserve.

The EEOICPA Amendment Act is based upon a recent study by the Government Accountability Office (GAO) on how best to improve the EEOICPA program. Specifically, the legislation adds two important pieces of legislation to the original EEOICPA Act, which will be reviewed by Congress and passed in a timely manner. The second bill we introduce today, the Energy Employees Occupational Illness Compensation Program Improvement Act of 2011, will amend Part E of the EEOICPA program to allow survivors of family members who filed claims under Part E but who pass away before their claims are approved to receive the full benefit that would have been awarded to the claimant, rather than a lesser survivor’s benefit. This bill will correct the sort of inequity in the case of a Kentucky resident who passed away from complications sustained while working for DOE and whose claim was approved just days after his death.

The EEOICPA Amendment Act of 2011 and the Energy Employees Occupational Illness Compensation Program Improvement Act of 2011 are two important pieces of legislation that will improve the efficiency and effectiveness of EEOICPA and, in turn, help ensure workers and their families receive just compensation in a timely manner.

I urge my colleagues to join me in supporting these two bills and to push for swift passage in the House.

RECOGNIZING MR. SI McCURDY

HON. HENRY CUÉLLAR
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011
Mr. CUÉLLAR. Mr. Speaker, I rise today to recognize Mr. Si McCurdy for his retirement from his position as Dean of Students from the Saint Anthony Catholic School. Mr. McCurdy contributed to the San Antonio and Randolph Air Force Base, Texas area for decades with his military and education background.

Mr. McCurdy attended the Elliott School of Saint Mary’s Hall for two years, and then he studied at the San Antonio Academy and the Texas Military Institute in San Antonio, Texas. In 1970, he obtained a Bachelor Associates degree from the University of Texas at Austin. His exceptional academic record propelled him to hold outstanding positions in Air Force bases in Texas and the nation and ultimately serve as a Dean for the Saint Anthony Catholic School.

In 1971, Mr. McCurdy enrolled in the Air Force at Office Training School in Lackland Air Force Base, Texas and was commissioned as Second Lieutenant. He later moved to Wichita, Kansas, at the McConnell Air Force Base where he served as Combat Crew Commander, Command Post Controller and Emergency War Order Coordinator for seven years.

After his time in Kansas, he moved to Lackland Air Force Base in Texas, where he served as an Instructor at Officer Training School from 1979 to 1982. He also became a Professor of Mathematics at the University of California in Berkeley for three years. By 1989, Mr. McCurdy returned to Texas and lived at the Randolph Air Force Base as a Texas Officer Accessions for four years. In October of 1993, he retired from the Air Force as a Lieutenant Colonel.

After his retirement from the Air Force, Mr. McCurdy began his career in education at the Saint Anthony Catholic School in 1993, and was appointed Dean. He pursued his passion for teaching history and classics to grade levels six, seventh, and eighth. His tireless dedication to students and education continued for eighteen years at Saint Anthony Catholic School. After nearly two decades of service to the school and students, he retires leaving his mark as a great leader and educator.

Mr. Speaker, I am honored to have this time to pay tribute to Mr. Si McCurdy for his outstanding service to Air Force bases throughout the nation and recognize his retirement from the Saint Anthony Catholic School after eighteen years of service. He has truly contributed to the community and nation in his efforts to protect the nation and serve our schoolchildren. Thank you for this time.

HONORING ALAMEDA FIRE CAPTAIN SCOTT CARNEVALE

HON. LYNN C. WOOLSEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011
Ms. WOOLSEY. Mr. Speaker, I rise today with my colleague, Representative FORTNEY PETE Stark, to honor the memory of a man who gave his life serving the people of the San Francisco Bay Area. Alameda Fire Captain Scott Carnevale, a resident of Mill Valley, California, died at the age of 42 on January 3, 2011, of occupational cancer.

Cpt. Carnevale was a proud Mill Valley native. He attended Mill Valley Middle School andTamalpais High School, and it was at Tam High that he first met his future wife, Eliza-abeth. Mill Valley is also where Cpt. Carnevale took an early interest in firefighting, volun-teering with the Mill Valley Fire Department in 1992. Cpt. Carnevale then attended the fire academy in Santa Rosa and graduated the following year.

Early in his career, Cpt. Carnevale served as a seasonal firefighter in Marin and worked for the Tamalpais Fire District before finally joining the Alameda Air Station as a full-time firefighter. When the airbase closed in 1997, Cpt. Carnevale was hired by the city of Alamed, where he was promoted to Apparatus Operator in 2001 and Captain of Station Two in 2007.

Cpt. Carnevale was also dedicated to his fellow firefighters. He served as an Executive Board Trustee and Shift Vice President for the International Association of Fire Fighters Local 689. He was also an active member of the Fire Labor Management Team, and he organized Alameda Fire Department’s participation in the California Professional Firefighters Ex-ecutive Honor Guard.

Cpt. Carnevale had many outside passions and skills, including craftsmanship and the outdoors. He helped design and build his family’s home in Mill Valley. He also helped to restore the fire department’s two antique fire rigs, and he took it on himself to repaint the insignia at the front door of Station Three. Even a diagnosis of cancer could not slow him down, as he continued to enjoy spending time with his family, traveling, and kayaking.

Cpt. Carnevale is survived by his wife Eliza-beth Carnevale and his eight-year-old son.

Mr. Speaker, I urge my colleagues to join me in recognizing 50 years of service by ASPIRA and the valuable contributions this organization has made enriching the lives of the Puerto Rican and Latino communities across our country.

Since its founding in New York City by the educator, civil rights leader and Presidential Medal of Freedom awardee Dr. Antonia Pantoja, ASPIRA has helped strengthen Puerto Rican and Latino communities through education and outreach programs.

Over the past five decades ASPIRA has helped nearly half-a-million Puerto Rican and Latino youth, giving them the tools they needed to succeed through education and leadership development programs. From its humble beginnings, ASPIRA has grown today to 30 centers serving 50,000 Latino youth and par-ents in 79 communities across nine states, as well as Puerto Rico and Washington, DC. In fact many “Aspirantes,” from actor Jimmy Smits to elected officials like Anthony Romero, Fernando Ferrer and Billy Ocasio, trace their success to this organization.

At a time when too many Latino youth do not complete a high school education, over 95-five percent of participating ASPIRA youth graduate. Of these, over 90 percent go to on to a college education.

Indeed, this is the kind of success we are celebrating today with the fiftieth anniversary of ASPIRA. Their accomplishments have improved the quality of life and opportunities for the Latino community.

Mr. Speaker, I urge my colleagues to join me in recognizing 50 years of service by ASPIRA and its contributions to the social, economic, and cultural fabric of our great nation.
Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Eternity Haynie. Eternity is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of the USA and earning the highest honor of the Gold Award.

Eternity’s outstanding achievement reflects her hard work and dedication. Eternity has exhibited unique and creative examples of service that have made a difference in her community. I am confident that she will continue to hold herself to the highest standards in the future. This is an accomplishment for which Eternity can take pride in for the rest of her life.

Mr. Speaker, I proudly ask you to join me in commending Eternity Haynie for her accomplishments with the Girl Scouts of the USA and for her efforts put forth in achieving the highest distinction of the Gold Award.

Mr. COSTA. Mr. Speaker, I rise today to pay tribute to the distinguished educational leadership of Marcus Johnson, Superintendent of Sanger Unified School District in California’s Central Valley, who has been honored as the 2011 Superintendent of the Year by the American Association of School Administrators.

Whereas, Mr. Johnson has shared his time and talents as a Husband, Father and Motivator, giving the citizens of Georgia a personal perspective of great worth, a fearless leader and a servant to all who want to advance the lives of others; and

Whereas, Mr. Rhodes has been blessed with a long, happy life, devoted to God, and credits it all to the Will of God; and

Whereas, Mr. Rhodes along with his family and friends are celebrating this day a remarkable milestone, his 100th Birthday, we pause to acknowledge a man who is a cornerstone in our community; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mr. Rhodes on his birthday and to wish him well and recognize him for an exemplary life which is an inspiration to all.

Now Therefore, I, HENRY C. “HANK” JOHNSON, JR. of Georgia, do hereby proclaim March 11, 2011 as Mr. Garnett Rhodes Day in the Fourth Congressional District. Proclaimed, this 11th day of March, 2011.

Mr. BRADY of Pennsylvania. Mr. Speaker, I wish to congratulate the five new members appointed to the Depository Library Council by Public Printer William Boarman. The Council is composed of 15 members, each of whom serves a 3-year term. Its purpose is to advise the Public Printer on policy matters relating to the Federal Depository Library Program (FDLP), which is administered by the Government Printing Office.

The FDLP provides public access across the United States to the published information of all three branches of the Federal Government through partnerships with more than 1,220 libraries representing all public libraries, university and college libraries, law libraries, research libraries, libraries of state appellate courts, Federal libraries, and others—about 3 per congressional district. Federal depository libraries serve as a vital link between “We the People” and our Government. Anyone can visit Federal depository libraries and use the Federal documents collections, which are filled with information on careers, business opportunities, health and nutrition, laws and regulations, statistical data, demographics, consumer information, and numerous other subjects.

Today, this partnership is predominately electronic, but tangible formats are distributed where online equivalents are not available.

The five new DLC members for the June 1, 2011–June 1, 2014, term are:

Stephanie Braunstein, Assistant Librarian at the Troy H. Middleton Library at the Louisiana State University in Baton Rouge, one of Louisiana’s two regional depository libraries. Braunstein’s outreach with the library community includes presenting at conferences, partnering with GPO to host an online list of Federal agency web sites, and contributing to Browse Topics, an online subject-based portal for government information. She currently serves as Coordinator of the Federal Documents Task Force (FDTF) of the American Library Association (ALA) and is the Louisiana Library Association Councilor to ALA.

Donna Lauffer, County Librarian for the Johnson County (KS) Library system’s 13 branches. Lauffer has a strong track record in delivering government information to the public and in promoting civic engagement. Her leadership in support of government information and relevant programming in her library system led to the Johnson County Library being honored as the 2010 Federal Depository Library of the Year.

Susan Lyons, Reference and Government Documents Librarian at the Rutgers University Law School Library in Newark, New Jersey. Lyons’ professional interests include digital preservation, authentication, and permanent public access to government information. She has served as Chair of the Government Documents Special Interest Section of the American Association of Law Librarians (AALL), President of the New Jersey Law Librarians Association, and President of the Documents Association of New Jersey.

Mark Phillips, Assistant Dean for Digital Libraries at the University of North Texas in
HONORING ALLISON DAVIS

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Allison Davis. Allison is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of the USA and earning the high honor of the Gold Award.

Allison's outstanding achievement reflects her hard work and dedication. Allison has exhibited unique and creative examples of service that have made a difference in her community. I am confident that she will continue to hold herself to the highest standards in the future. This is the achievement for which Allison can take pride in for the rest of her life.

Mr. Speaker, I proudly ask you to join me in commending Allison Davis for her accomplishments with the Girl Scouts of the USA and for her efforts put forth in achieving the highest distinction of the Gold Award.

HONORING CIRCUIT COURT JUDGE W. DALE YOUNG

HON. JOHN J. DUNCAN, JR.
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Mr. DUNCAN of Tennessee. Mr. Speaker, I wish today to honor a legal legend from my District on the occasion of his retirement.

Circuit Court Judge W. Dale Young has served the citizens of Blount County, Tennessee, admirably and with humor and humility for 26 years.

I served as a state trial judge in nearby Knoxville for 7 years before I was elected to Congress, and I was in private law practice 8 years before that. I do not know another person whose integrity honors the legal profession more than Judge Young.

At a recent reception in his honor, hundreds of people lined up to thank Judge Young for his service.

The Daily Times Newspaper in Maryville, Tennessee, reported, "Kind, fair, and the ultimate gentleman—that's how friends and admirers described Blount County Circuit Judge W. Dale Young . . ."

Judge Young has a long history of protecting and strengthening families, and his favorite part of the job was the many adoptions he helped finalize. He would often pose for photos with the families and showed great compassion during the process.

Judge William Brewer said, "He is a wonderful fellow. He's a gentleman."

Mr. Speaker, I urge my colleagues and other readers of the Record to join me in recognizing Judge W. Dale Young's 26-year service to Blount County, Tennessee.

On the occasion of his retirement, I submit the Daily Times article offering tribute to Judge Young's service.

[From the Daily Times]

HUNDREDS ATTEND RETIREMENT RECEPTION FOR JUDGE YOUNG

(By Chloe Morrison)

Kind, fair and the ultimate gentleman, that's how friends and admirers describe Blount County Circuit Judge W. Dale Young Friday at his retirement reception.

"He has just been so good to so many people and I just feel like we should turn out and let him know how much we appreciate him," Louisville resident Sandra Stricklin said at the reception, which was on the third floor of the Justice Center.

Over a period of two hours, hundreds flowed through the reception, many stopping to shake the judge's hand, give him a gift and thank him for his service.

"He is a man of high integrity and character," Maryville Police Chief Tony Crisp said after the reception. "He has done a wonderful job for Blount County."

Young is retiring after 26 years at the bench. He is 72.

During decades of service Young has touched many area residents, such as Mike Everett, who came to Friday's ceremony to honor the judge.

Everett's granddaughter, Allie, 20 months, was the last adoption that Young finalized. Allie's parents—Morgan and Glnada Everett—couldn't attend the ceremony, but Everett said it was important for him to come and bring his granddaughter.

"I was involved every step of the way," Everett said about the adoption process. "She's the only grandchild I have and will probably ever have, so I've been in the middle of it."

Everett also said that he heard that adoptions were Young's favorite part of the job, and he said the judge showed care and compassion for his family.

"He was so kind to us that day," Everett said of the day Young finalized Allie's adoption. "He had pictures and sent us copies."

Judge William Brewer summed up his thoughts about Young, keeping his words simple.

"He is a wonderful fellow," he said. "He's a gentleman."

At the reception reception, Rick McNear, with the Blount County Sheriff's Office, also had praise for the judge.

"He's a gentle, compassionate caring man," he said. "(He's) a loving man."
During such an unstable time in the Middle East, it is more important that ever that the United States and this Congress stand firmly behind Israel. From the recent unrest in Egypt and the collapse of the Lebanese government, to the threat of Iran, Hezbollah, Hamas, and many others, anti-Israel terrorist groups, Israel is constantly facing challenges to maintain its sovereignty and security. We must show that we are dedicated to our alliance and fulfill the commitments that we have made. In a country where security is an elusive goal, Israel should be secure in knowing that the United States will deliver on its promises.

I believe it is well past time to revisit the Jerusalem Embassy Act and close, once and for all, the loophole that has continued to allow the diplomatic embarrassment of not having our Embassy located in the capital city of Israel to continue for ten years. That is why I, along with a number of bi-partisan co-sponsors, am reintroducing this bill which mandates the relocation of the U.S. Embassy to Jerusalem, and reaffirms U.S. policy that Jerusalem, along with a number of bi-partisan co-sponsors, is the capital of the State of Israel. From the recent unrest in Egypt and the collapse of the Lebanese government, it is more important than ever that the East, it is more important that ever that the United States and this Congress stand firmly behind Israel.

Mr. KILDEE. Mr. Speaker, I ask the House to join me in recognizing the American union movement and those who work in the public and private sectors.

HONORING ADRIEL BENNINGFIELD

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly ask you to join me in recognizing Adriel Benningfield. Adriel is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of the USA and earning the high honor of the Gold Award.

Sarah's outstanding achievement reflects her hard work and dedication. Sarah has exhibited unique and creative examples of service that have made a difference in her community. I am confident that she will continue to hold herself to the highest standards in the future. This is an accomplishment for which Sarah can take pride in for the rest of her life.

Mr. Speaker, I proudly ask you to join me in commending Sarah Head for her accomplishments with the Girl Scouts of the USA and for her efforts put forth in achieving the highest distinction of the Gold Award.

HONORING LENORE CROUDY

HON. DALE E. KILDEE
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in recognizing the achievements of Lenore Croudy. A Birthday Tribute will be held on March 30th in Flint Michigan in her honor.

In addition to being a dear friend, Lenore Croudy is a tremendous asset to the Flint community. She was an educator for the Flint Community Schools for over 40 years. During that time she worked as a teacher, instructional specialist, assistant principal, assistant dean, Director of the Reading, Language Arts and Humanities Department, and Steward for Resource and Information. Prior to her retirement she also served as President of the Congress of Flint School Administrators.

Lenore has also served as a member of the Mott Community College Board of Trustees for over 20 years. Elected to her 4th term in 2005, she has been the board chairperson since 1995. Recognized by her peers, Lenore has served on the National Board of Directors and as Central Region Chairperson for the Association of Community College Trustees. She also served as President of Flint, Coordinator for the Visually Impaired, Salvation Army, Flint Rotary Club, Voluntary Action Center, Delta Sigma Theta Sorority, Boy Scouts of America Tall Pine Council, Hundred Club of Flint, and Flint Chapter of the NAACP. She is also a founder of the Youth Leadership Institute. In appreciation of her accomplishments, Lenore has received numerous awards including the Governor’s Service Award in 2007—the George Romney Lifetime Achievement Award. Mr. Speaker, it is with great pride that I ask the House of Representatives to join me in applauding Lenore Croudy. I have known Lenore for many years and she is always compassionate, focused, faithful, and dedicated to improving the lives of those around her. Her enthusiasm for serving others is contagious and I am proud to call her my “lifetime” friend. I wish her a happy birthday and many, many more.

STATEMENT APPLAUDING THE ABOLITION OF THE DEATH PENALTY IN THE STATE OF ILLINOIS

HON. JANICE D. SCHAKOWSKY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to celebrate the enactment of Illinois Senate Bill 3539, which abolishes the death penalty in Illinois. As a lifelong resident of Illinois, I want to thank Governor Quinn and each and every state legislator who courageously voted for this important bill.

I strongly oppose the death penalty because I have always believed that the government should never take a person’s life as punishment for a crime. This is especially true in our judicial system which is fraught with inequity and unfairness that can lead to the conviction of innocent people. In fact, since 1977, 20 people sentenced to death in the state of Illinois were ultimately exonerated. This is a shameful record that troubles me deeply. Imagine if any of these persons were executed before evidence could be presented to prove their innocence.

The enactment of Senate Bill 3539 in Illinois is a tremendous step forward for justice. Already, Illinois had set an important example for the rest of the country, when in 2000, it placed a moratorium on the use of the death penalty. Today, with the stroke of his pen Governor Quinn has helped turn the tide against the use of capital punishment in America and I sincerely hope that other states will soon follow.

Mr. Speaker, the existence of the death penalty is not necessary to ensure that the most heinous crimes go punished and I will continue to fight for a fair justice system that does not use death as a means of achieving justice.

INTRODUCTION OF A RESOLUTION SUPPORTING THE RIGHTS OF ALL WORKERS AND CALLING FOR AN END TO THE RECENT ATTACKS ON WORKERS

HON. ELEANOR HOLMES NORTON
OF DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Ms. NORTON. Mr. Speaker, today I rise, in advance of leading a special order this evening, to offer a resolution supporting the rights of all workers, including federal employees and other public employees, and calling for the end to attacks on their ability to organize and to collectively bargain. There are only a few salient rights recognized by every democracy, such as freedom of religion and freedom of speech, and on that list always appears the right for workers to organize in order to bargain collectively with an employer. It has long been recognized that individual workers have little, if any, bargaining power sitting alone with an employer who has hired or could hire her. When unions organize workers, the ground becomes more level and economic conditions decide the outcome.

Mr. Speaker, the American labor movement has been a major catalyst for the formation of a majority middle class in the United States by leading the way for improvements for all workers, which unions have gained through collective bargaining. I ask the House to join me in recognizing the American union movement and those who work in the public and private sectors.

HONORING ADRIEL BENNINGFIELD

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly ask you to join me in commending Adriel Benningfield for her accomplishments with the Girl Scouts of the USA and for her efforts put forth in achieving the highest distinction of the Gold Award.
NEWSPAPERS WIN LAP DOG AWARD FOR BIASED COLUMNS
HON. LAMAR SMITH OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Mr. SMITH of Texas. Mr. Speaker, The New York Times, Los Angeles Times, and the Washington Post are the winners of this week's Media Fairness Caucus “Lap Dog Award” for biased news coverage.

Most of the regular columnists in these newspapers have a left-wing bias. Combined, they feature a total of 19 columnists who show a liberal perspective in their articles and only four who regularly offer conservative views.

That's a ratio of almost five to one, liberal to conservative.

It's no surprise that the great majority of Americans say the media are too liberal rather than too conservative, according to a recent Gallup public opinion poll.

Columnists certainly are entitled to their opinions, but I hope the national media will look for opportunities to give Americans more balanced commentaries.

IN RECOGNITION OF CHRISSEY YOUNG OF CLYMER, PENNSYLVANIA
HON. MARK S. CRITZ
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Mr. CRITZ. Mr. Speaker, I rise today to recognize a special young woman who has done a great deed for our servicemen and women. The story of Chrissy Young of Clymer, Pennsylvania, truly embody what it means to honor those that serve.

On September 2, 2010, Ms. Young experienced an angst that the family members of our brave uniformed men and women dread to bear. She received the call that her high school sweetheart, Lance Corporal Joshua T. Twigg, had lost his life while conducting combat operations in Helmand Province, Afghanistan.

While Chrissy suffered a great loss, she did not recluse herself from the world. Instead, she decided to organize a care package drive to deliver essentials to her fallen hero’s unit, the Marine's 2nd Battalion, 9th Marine Regiment. By leveraging resources from area churches, schools, businesses, and individuals, she was able to send almost 300 care packages to the Marine unit on Veterans Day 2010. It is efforts like these that convey to our service members that there are Americans who care about you, who miss you, and who are thankful for the job that you are doing to protect our freedoms and to keep our Nation safe.

This past February, Chrissy had to bear the brunt of Lance Corporal Twigg's unit returning home without him or the fourteen other Marines who lost their lives in Afghanistan. While he did not return with his unit that day, Chrissy could stand proud knowing that he had served his country bravely and that her act of kindness had deeply touched this Marine unit.

In referring to the dedication someone must possess to serve in the military, Chrissy wrote, “it takes a person of character, a person who knows what they have, is thankful for what they have, and is willing to give whatever it takes to preserve those freedoms for all of us.”

Mr. Speaker, although she may not be in the military, Chrissy exemplifies the person of character, valor, and dedication that she so eloquently spoke of. Once again, I would like to honor Chrissy Young for her actions and selfless efforts.

FLAKE AMENDMENT No. 370 TO H.R. 1
HON. VIRGINIA FOXX
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Ms. FOXX. Mr. Speaker, due to a voting error that I was unaware of at the time, my vote on the Flake amendment, No. 370 to H.R. 1 (to reduce funding by $18,750,000 for unneeded boards and commissions) was recorded incorrectly. Please let the RECORD show that I support this amendment.

HONORING ANN CAMPBELL
HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly ask you to join me in commending Ann Campbell for her accomplishments with the Girl Scouts of the USA and for her efforts put forth in achieving the highest distinction of the Gold Award.

Ann's outstanding achievement reflects her hard work and dedication. Ann has exhibited unique and creative examples of service that have made a difference in her community. I am confident that she will continue to hold herself to the highest standards in the future. This is an accomplishment for which Ann can take pride in for the rest of her life.

Mr. Speaker, I proudly ask you to join me in commending Ann Campbell for her accomplishments with the Girl Scouts of the USA and for her efforts put forth in achieving the highest distinction of the Gold Award.

THANK YOU FOR THE TIME YOU GAVE
HON. JOHN SULLIVAN
OF OKLAHOMA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Mr. SULLIVAN. Mr. Speaker, I rise today to submit for the RECORD a poem written by Kaprise Anuu, a 5th grader from Tulsa, Oklahoma, that was written for her Veteran's Day celebration at Wesley V. Jarman Elementary School. It is entitled, “Thank You For The Time You Gave.”

Thank you for the time you gave
I wish I were just that, very brave
You fought for all the country
You even fought for liberty

Before you thought of yourself
You thought of me
You thought of me so I'd be free
Thank you for the time you gave
You thought of me the night and day
I always pray you'll be okay
Thank you for the time you gave.

I commend the patriotism of Kaprise. It is wonderful that young people like her express such gratitude and appreciation for those men and women who put their lives on the line to protect the freedoms we cherish in America.

HONORING THE SERVICE OF DONALD "DON" A. JACKSON
HON. JIM COSTA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Mr. COSTA. Mr. Speaker, I rise today to honor Donald "Don" A. Jackson, who recently received the highest distinction of the Gold Award from the Girl Scouts of the USA and the Maddy Institute at California State University, Fresno.

Don is a member of the Bond Lawyers Association and is a listed as a Bond Attorney in the Bond Buyer's Directory.

Outside of Don's professional career as an attorney, he has been an active member in the community of Fresno for over 40 years. He has served on several state boards and agencies including the Public Employee Relations Board, the Senate Cost Control Commission, and the Bureau of Real Estate Services. Don has also been an active member with the St. Agnes Medical Center Foundation Board, the Central California Women's Conference, the Fresno Redevelopment Agency Board, and Rotary Club of Fresno.

Don was a confidant and “very, very close friend,” according to the late California State Senator Kenneth L. Maddy. Senator Maddy credited his own success during his 1978 political campaign to Don Jackson, describing Don as a “key strategist.” After Senator Maddy passed away, Don was instrumental in establishing the Maddy Institute at Fresno State. Under Don’s leadership, the Maddy Institute created scholarships for over 150 Federal and State legislative interns, in addition to raising over $1 million for grants, events, and programs. During Don’s tenure, the institute has also successfully established an outreach program through radio, television, the Internet, and its public affairs seminar series. The Costa Scholars Internship in Washington, DC is program Don helped to fruition. Since 2005, we have created an opportunity for students from Fresno State to spend an entire semester interning in San Joaquin Valley congressional offices.

Having worked closely with Don Jackson and the Maddy Institute during my years in the California State Senate and now as a Member of Congress, I know firsthand of Don's outstanding abilities. The dedicated effort he has
put forth in preserving the legacy of late
former Senator Kenneth L. Maddy is truly re-
markable.
Mr. Speaker, I ask you to join me in thank-
ing Don Jackson for his tremendous contribu-
tions and outstanding service to the Maddy In-
stitute and Fresno State.

CENTENNIAL OF THE THEODORE ROOSEVELT DAM

HON. BENJAMIN QUAYLE
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2011

Mr. QUAYLE. Mr. Speaker, next week we will
celebrate the centennial of the Theodore Roosevelt Dam; I rise today to recognize the
important role this structure has played in Ari-
izona’s history.

Drought and floods often plagued the first
settlers of our area. In 1902 the National Rec-
lamation Act was signed into law paving the
way for a unique public-private partnership
that formed the Salt River Valley Water Users
Association and later the Salt River Project (SRP). Soon after the Act was signed, resi-
dents in the area pledged their land to the
Federal Government in order to build the Roo-
sevelt Dam on the Salt River.

Compared in 1911, just one year before Ari-
izona gained statehood, the Roosevelt Dam
helped our area flourish, first as a farming
community and then as a growing population
center. As the Valley landscape changed, SRP
also adapted to the changing needs of the
community by delivering water to both city
treatment plants and farms.

The history and growth of our area all
began 100 years ago with the dedication of
the Roosevelt Dam—it helped transform the
Valley into one of the largest metropolitan re-
gions in the country. Roosevelt Dam services
an area covering more than 375 square miles
and a 13,000 square mile watershed. I wish to
honor this structure for the important role it
plays in meeting Arizona’s water and power
needs, both in the past and into the next cen-
tury.

HONORING KATRINA LAFFOON

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I
prudently pause to recognize Katrina Laffoon.
Katrina is a very special young woman who
has exemplified the finest qualities of citizen-
ship and leadership by taking an active part in
the Girl Scouts of the USA and earning the
high honor of the Gold Award.

Katrina’s outstanding achievement reflects
her hard work and dedication. Katrina has ex-
hibited unique and creative examples of serv-
icence that have made a difference in her
community. I am confident that she will continue
to hold herself to the highest standards in the
future. This is an accomplishment for which
Katrina can take pride in for the rest of her
life.

Mr. Speaker, I proudly ask you to join me in
commending Katrina Laffoon for her accom-
plishments with the Girl Scouts of the USA
and for her efforts put forth in achieving the
highest distinction of the Gold Award.

HONORING THE MISSISSIPPI ARMY NATIONAL GUARD 287TH FROM LUCEDALE, MISSISSIPPI

HON. STEVEN M. PALAZZO
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2011

Mr. PALAZZO. Mr. Speaker, I rise today to rec-
ognize the hard work and determination of
a group of my fellow soldiers who have re-
cently returned home to Mississippi after a
long deployment in Afghanistan.

Over 100 troops from the Mississippi Army
National Guard 287th from Lucedale, MS have
just finished a yearlong deployment in Paktia
Province. These brave soldiers have been
providing route clearance, removing impro-
vised explosive devices and roadside bombs
allowing their fellow troops serving our Nation
safe passage.

The 287th faced danger and uncertainty
every day. I am truly honored to represent
these brave Americans in the U.S. House of
Representatives, who have served their
Nation in their thoughts and prayers.

THE EXTENT OF RADICALIZATION
IN THE AMERICAN MUSLIM COM-
UNITY AND THAT COMMU-
NITY’S RESPONSE

HON. BOBBY L. RUSH
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2011

Mr. RUSH. Mr. Speaker, I rise today to ex-
press my opposition to a hearing being held
by our colleagues on the Homeland Security
Committee. For those who may not be aware,
the House Committee on Homeland Security
is currently holding a hearing titled “The Ex-
tent of Radicalization in the American Muslim
Community and that Community’s Response.”
I applaud my colleagues’ diligence in ensur-
ing that our Nation is safe. However, I am
saddened to see that Members of this body
feel the only way to do this is by singling out
their fellow citizens, most of whom have done
nothing wrong.

Mr. Speaker, I was especially saddened to
read a quote from the gentleman from New
York, Mr. King, who is quoted in the New York
Times as stating, “The threat is coming from
the Muslim community.” This is a prime ex-
ample of history repeating itself. I would like
to remind my colleagues of the abysmal treat-
ment our nation subjected Japanese-Ameri-
cans to during World War II. I encourage
those who are not familiar with this dismally
period in our history to speak to those who
had to live through that degradation and hu-
miliation. In fact, they would not have to go far
as our very own Mr. HONDA of California can
speak first-hand as to what he endured at an
intemperate camp in Colorado.

More recently, Mr. Speaker, civil rights
groups in the 1960’s were subject to espio-
nage and charges of subversion.

Examples such as this go to show us that
time and time again this government has seen
fit to exclude its own citizens and treat them
as an internal threat. All of this, Mr. Speaker,
without foundation.

This nation, Mr. Speaker, has always been
a rich, diverse landscape of different
ethnicities, religions, and cultures. So much so
that our founding fathers saw fit to include on
our Great Seal the phrase “E pluribus unum”,
out of many, one. One people, one country
one identity. To single out a subgroup out
of the greater American identity is blatantly
un-American. Our recent history has far too
many examples of domestic terrorist that did
not stem from the Muslim community. Names
such as Timothy McVeigh, Terry Nichols, Ted
Kaczynski, Eric Rudolph, The Weather Under-
ground and the KKK have, unfortunately, be-
come all too familiar in our national dialogue.

All of these, whether an individual or a
group, was responsible for reprehensible acts
terrorism on their fellow Americans. None of
these has been found to have any connection
to the Muslim community—a community that
has been helpful to law enforcement in catch-
ing suspected terrorists, such as the Times
Square bomber.

In closing, Mr. Speaker, I would like to re-
mind my colleagues and our constituents of
the words of Deputy National Security Advisor,
Denis McDonough. Mr. McDonough, this past
Sunday, reminded Americans that “In the
United States of America, we don’t practice
guilt by association. And let’s remember that
just as violence and extremism are not unique
to any one faith, the responsibility to oppose
ignorance and violence rests with us all.”

HONORING MELISSA ANDERSON

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I
prudently pause to recognize Melissa Anderson.
Melissa is a very special young woman who
has exemplified the finest qualities of citizen-
ship and leadership by taking an active part in
the Girl Scouts of the USA and earning the
high honor of the Gold Award.

Melissa’s outstanding achievement reflects
her hard work and dedication. Melissa has ex-
hibited unique and creative examples of serv-
icence that have made a difference in her
community. I am confident that she will continue
to hold herself to the highest standards in the
future. This is an accomplishment for which
Melissa can take pride in for the rest of her
life.

Mr. Speaker, I proudly ask you to join me in
commending Melissa Anderson for her accom-
plishments with the Girl Scouts of the USA
and for her efforts put forth in achieving the
highest distinction of the Gold Award.
THE DEPLOYMENT OF THE OKLAHOMA NATIONAL GUARD’S 45TH INFANTRY BRIGADE COMBAT TEAM, THE OKLAHOMA STABILIZATION TRANSITIONS TEAM AND THE 146TH AIR SUPPORT OPERATION SQUADRON

HON. JOHN SULLIVAN
OF OKLAHOMA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Mr. SULLIVAN. Mr. Speaker, I rise today to commemorate the Oklahoma National Guard’s 45th Infantry Brigade Combat Team (IBCT), the Oklahoma Stabilization Transitions Team and the 146th Air Support Operations Squadron that are set to deploy to Afghanistan in support of the Global War on Terror.

A farewell ceremony honoring more than 3,200 deploying members of the 45th IBCT, the Oklahoma Stabilization Transitions Team and the 146th Air Support Operations Squadron was held at the Oklahoma City Arena and Cox Convention Center in Oklahoma City, Oklahoma. Families and friends throughout the state had the opportunity to celebrate the patriotism and commitment of Oklahoma’s citizen soldiers and airmen. This will be the largest single deployment since the Korean War, an important event in the history of the Oklahoma National Guard.

The 45th IBCT recently began training at Camp Gruber Maneuver Training Center and then they will move to the mobilization station at Fort Bliss, Texas. The brigade is undergoing intense mission specific training that will prepare them for any mission unique tasks that they will be required to perform while deploying to Afghanistan.

I know this is not the first deployment for many of these brave men and women and their families back home. Their collective sacrifice for our nation’s security is symbolic of the pride Oklahoma has for our citizen soldiers and airmen serving in times of war and conflict.

I am confident these soldiers and airmen are ready to answer the call in the defense of our nation. With this deployment, they are carrying forward the proud history of this brigade. It is an honor to represent many of these brave citizen soldiers in Congress, and I look forward to supporting their critically important missions to the fullest extent possible. My prayers go out to the soldiers and their families during this deployment. They have my full support and I pray for not only successful missions but their safe return home to their families.

HONORING KEVIN HUNTER

HON. HENRY C. “HANK” JOHNSON, JR.
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following.

Whereas, we are saddened by the untimely death of Mr. Kevin Hunter because our lives have been touched by the life of this one man . . . who gave of himself in order for the betterment of others; and

Whereas, Mr. Kevin Hunter’s work is present in DeKalb County, Georgia for all to see, being one of DeKalb’s favorite sons; and

Whereas, this highly effective civil servant utilized his skills to aid in the growth and development of DeKalb County since 1999; and

Whereas, he gave of himself, his time, his talent and his life as he served his family, his friends and his community; and

Whereas, Mr. Kevin Hunter was a son, a father, a friend and a man of great integrity who remained true to the uplifting of our community; and

Whereas, the U.S. Representative of the fourth district of Georgia has set aside this day to bestow a special recognition on Mr. Kevin Hunter for his leadership, free service and service to all of the citizens of Georgia and throughout the Nation as a citizen of great worth and so noted distinction;

Now Therefore, I, HENRY C. “HANK” JOHN-SON, Jr. do hereby attest to the 112th Congress of the United States that Mr. Kevin Hunter of Ellenwood, DeKalb County, Georgia is deemed worthy and deserving of this “Congres- sional Recognition” by declaring

Mr. Kevin Hunter

U.S. Citizen of Distinction

in the 4th Congressional District.

Proclaimed, this 10th day of March, 2011.

HONORING MAZIE EARLY

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Mazie Early. Mazie is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of the USA and earning the high honor of the Gold Award.

Mazie’s outstanding achievement reflects her hard work and dedication. Mazie has exhibited unique and creative examples of service that have made a difference in her community. I am confident that she will continue to hold herself to the highest standards in the future. This is an accomplishment for which Mazie can take pride in for the rest of her life.

Mr. Speaker, I proudly ask you to join me in commending Mazie Early for her accomplishments with the Girl Scouts of the USA and for her efforts put forth in achieving the highest distinction of the Gold Award.

HONORING KATY KATZ

HON. RODNEY ALEXANDER
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Mr. ALEXANDER, Mr. Speaker, it is with great respect and admiration that I stand before you today to congratulate Kay Kellogg Katz who is being recognized as the Monroe Rotary Club’s Woman of the Year. She is truly deserving of this honor for her exemplary service and dedication to Northeast Louisiana.

A woman who embodies the spirit of public service, Kay’s legislative career spans a decade, and she presently serves as a member of the Louisiana House of Representatives. In addition, she is the immediate past Louisiana Republican national committee woman, which made her an automatic member of the 168-member Republican National Committee.

Preceding her legislative service, Kay was a valued member of the Monroe City Council. In this capacity, she served as council chairman and as a member of the Street Improvement Committee.

Among her lengthy civic accomplishments, Kay is active with Rotary International, American Heart Association, Ouachita Parish Recycling Commission, Monroe Tree Board, Fort Miro chapter of the Daughters of the American Revolution, Monroe Airport Advisory Committee and Monroe Garden Club.

In addition to her citizenship activities and community organizations, Kay is also a committed patron of the arts through her involvement with the Monroe Symphony and sits on the boards of both the Northeast Louisiana Arts Council and the Louisiana State Arts Council. She served as vice president of the Monroe Little Theatre, and in 2000, the Louisiana Museum Association selected her as “Legislator of the Year.” She is also associated with the Masur Museum, University of Louisiana-Monroe (ULM) Art Department, ULM Foundation for the Performing Arts, Children’s Museum, Twin City Ballet and Masterworks Chorus.

Kay is a homegrown hero having graduated from Neville High School in Monroe. She went on to obtain her college degree from Mississippi State University.

Her dedication to community and career is exceeded only by her devotion to her loving family. Kay and her late husband Ben Katz are the parents of three, Ben, like his wife, was a faithful public servant. Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating Kay Kellogg Katz on being named the Monroe Rotary’s Woman of the Year. Her commitment, compassion and leadership warrant this laudable recognition.

HONORING THE LATE JUDGE DOUG LUNA

HON. JIM McDERMOTT
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Mr. McDERMOTT. Mr. Speaker, today I rise to pay special tribute to my friend, the late Judge Douglas Luna. Judge Luna was born in 1944 in Seattle, Washington, where he grew up in the Central District.

Doug Luna served honorably with the United States Air Force during the Vietnam War and was assigned to Diego Garcia until the late 1960s. After returning from his distinguished military service, he completed law school and served as the Deputy Corporate Administrator for The Boeing Company’s Small and Minority Business Program. Doug loved the law; he became an administrative law judge for the Washington State Department of Employment Security, and also served as a review judge for the Department of Social and Health Services.

Among Doug Luna’s many lasting achievements is the judicial structure he helped to create for Alaska’s Tlingit-Haida Tribe. The Tribe was part of his heritage, and he was proud to serve as an elected judge on the Tribal Court for nearly twenty years. Judge
Luna later served on the Washington State Minority and Justice Commission, an agency charged with determining if racial or ethnic bias exists in the courts of the State of Washington. He was a Eucharistic minister at Immaculate Conception Church and also was active with Saint Matthew's Church.

Throughout his life, Doug Luna was deeply involved in the Native American and Asian communities—in addition to his Tlingit heritage, Doug also shared Filipino heritage. He was a founding member of the Asian American Bar Association, and volunteered with the Seattle Indian Center, the InterIm Community Development Association, the International District Housing Alliance, and the Filipino American National Historical Society. Doug was the volunteer every organization dreamed of: he was smart, dedicated, absolutely reliable, and a pleasure to be with.

Doug Luna championed the poor and the underrepresented throughout his life. His efforts to better his community were limitless, and he brought to his work a gentle spirit that touched hundreds of lives. Doug will be long remembered for his kindness, his generosity, and his unwavering integrity. He was a proud and loving father to his daughter, Mercedes, and his unwavering integrity. He was a proud and loving father to his daughter, Mercedes, and I join her and so many others in mourning the loss of this extraordinary friend. It was a privilege to know Doug Luna.

TRIBUTE TO THE SUCCESS OF THE RIALTO HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. JOE BACA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Mr. BACA. Mr. Speaker, I rise today to honor the Lady Knights, the Rialto High School girls basketball team, and congratulate them for winning the CIF—Southern Section Division 2AA title game.

The Lady Knights came back from behind in the final minutes of the championship game to beat Ventura Buena 55 to 53 at the buzzer, clinching the first section title in the school's history. After a season of hard work and determination, Rialto trailed by three points with just over two minutes to go in the game.

Point guard, Summer Webb, tied the game with a three-pointer. Following the play, Janae Sharpe stole the ball, passing to Webb for an assist that pushed the Lady Knights two points ahead. Ventura Buena answered with two free throws, tying the championship game. Sharpe converted another steal to a lay-up but Buena Ventura tied the game again with nineteen seconds remaining.

This game was the Lady Knights' first section appearance in the history of the Rialto girls' basketball program and it came down to the last tenth of a second. With seventeen seconds remaining on the clock, Coach Michael Anderson designed a play to give Sharpe the final shot of the game. Hundreds of fans looked on from the stands of the Anaheim Convention Center. Sharpe received the inbounds pass.

CROSSING THE COURT WITH COMPOUSE, she let nine seconds tick off the game clock. Sharpe paused at the three-point line, only three seconds remained. She drove into the lane, released a jumper, and scored the game-winning shot as the buzzer sounded. The blue-clad Rialto fans celebrated in an uproar as the players on the floor rushed into a dog-pile. The Lady Knights secured the championship in their first section final appearance.

I would like to extend my heartfelt congratulations to Head Coach Michael Anderson and his coaching staff, Bryant Young, Toneyshawn Knox, Enka Watkins and Juanita Perez. I would also like to acknowledge the families, fans, and teachers in the greater Rialto community for their support. Of course, I want to congratulate the girls on the Rialto High School basketball team: Janae Sharpe, Bianca Brown, Britnine Armstrong, Summer Ramsey, Summer Webb, Cynthia Mora, Montoya Washington, Ma' Kaela Buhl, Danae “Mary” Williams, Jasmin Samano. I wish you all the best of luck in the Southern California Regional playoffs.

COMMEMORATING THE LIFE OF MR. ROBERT C. HOWELL

HON. DAVID SCOTT
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Mr. DAVID SCOTT of Georgia. Mr. Speaker, it is with a heavy heart that I rise today to commemorate the life and service of one of my constituents, Mr. Robert C. Howell. A native Georgian, Mr. Howell passed away at the age of 93 on Tuesday March 8th, 2011. He was an honorable man, devoted to his country and his community.

Mr. Howell served our nation in the United States Army during World War II as an infantryman and an engineer. One of his most dangerous duties was to remove undetonated land mines to protect his fellow soldiers. His dedication to service did not end with his retirement from the armed forces. He continued to support his fellow servicemen and veterans by actively participating in Veterans of Foreign Wars and his local American Legion post. Each time a veteran would pass in his community, Mr. Howell would attend their funerals to honor their service and express his gratitude. He himself was honored by the Douglas County Board of Commissioners with an engraved brick in the Pathway of Service Walkway at the Douglas County Courthouse.

Mr. Robert Howell was devoted to the Lord. During his lifetime he was a member of the First Presbyterian Church and the Lithia Springs First Baptist Church. A member of the Baptist faith, he attended a Men's Bible Study, served at a deacon and taught Sunday School.

Mr. Howell was preceded in death by his first wife, Henrietta Howell; his second wife, Martha McChenin Howell; stepdaughter, June Roland; stepson, Tony Pilgrim; and sister-in-law, Marie Howell. My deepest sympathies lie in honoring Mr. Robert C. Howell for his life of service to Georgia and to this country.

PERSONAL EXPLANATION

HON. TOM MARINO
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Mr. MARINO. Mr. Speaker, on March 9, I was unexpectedly detained and missed rollcall vote No. 166. Had I been present, I would have voted “aye.”

MIKE COLLINS—AT BEST

HON. JOHN B. LARSON
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Mr. LARSON of Connecticut. Mr. Speaker, the following entry is a poem that was given at the Irish Embassy by the Democratic Caucus’ Poet Laureate the Honorable Bill Pascrell. As we approach the “Day”, I think it only fitting to submit Mr. Pascrell’s work for the CONGRESSIONAL RECORD—in which he honors Ambassador Michael Collins and the Nation of Ireland.

MIKE COLLINS—AT BEST

BY THE HONORABLE BILL PASCRELL, JR.

Raising glasses to a white sky,
Pausing . . . to look at twinkling eyes,
In blue skies hemorrhaging avocado dreams of a homeland of Irish monks who saved Ireland—
as Cahill wrote,
saved the world . . .
Raising glasses many times, with many chimes and voices clear
And monks as advocates of avocados
And prose to beat for Gaelic friends good cheer
And Have no fear . . .
Long live Ireland

HONORING THE LIFE OF CATO WALKER III

HON. STEVE COHEN
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 2011

Mr. COHEN. Mr. Speaker, I rise today to honor the life of Memphian, saxophonist, manager and promoter Cato Walker III. Mr. Walker has been on the music scene in Memphis for many decades and was a huge proponent in the revitalization of Memphis’s Beale Street. He also served as the longtime vice president of development at Performa Entertainment Real Estate.

Cato Walker III was a beloved member of the Memphis music community. Mr. Walker came from a very musically talented and well-known family, and he and his family have contributed so much to the musical community. His father, Cato Walker, Jr. was B.B. King’s original road manager in the 1950s while his beloved mother, Polly Walker, confirmed all tribute so much to the musical community. His father, Cato Walker, Jr. was B.B. King’s original road manager in the 1950s while his beloved mother, Polly Walker, confirmed all

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Cato Walker III was a beloved member of the Memphis music community. Mr. Walker came from a very musically talented and well-known family, and he and his family have contributed so much to the musical community. His father, Cato Walker, Jr. was B.B. King’s original road manager in the 1950s while his beloved mother, Polly Walker, confirmed all show bookings and travel arrangements. Cato Walker III, continuing his family’s legacy with Cato Walker, Jr. as Cahill wrote,
saved the world . . .
Raising glasses many times, with many chimes and voices clear
And monks as advocates of avocados
And prose to beat for Gaelic friends good cheer
And Have no fear . . .
Long live Ireland
Mr. Walker has influenced future musicians through his work by teaching recording at the Kansas Vocational Technical Center and as an adjunct professor at Memphis State University. Through running his own record label, Strick 9, he helped advance the musical careers of many contemporary Memphis musicians, including two Academy Award winning group Three 6 Mafia.

Cato Walker has touched the lives of many and influenced a great variety of musicians from the 1970s to today. Mr. Walker will be remembered forever in the heart of not just his family and friends, but also Memphians and musicians everywhere. He is survived by his wife, VanEst Walker, two sons, Tondrict Dixon, and Dietrich Dixon, stepsons, Ahmad Jenkins, stepdaughter, Angela Cunningham, and sisters, Lora Walker, Thelma Brim and Jo-anna Brown. His was a life well lived.

A TRIBUTE TO DAVID RONALD REED, SR.: AN AMERICAN ORIGINAL

HON. BOBBY L. RUSH
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2011

Mr. RUSH. Mr. Speaker, I rise today with a heavy heart to acknowledge the loss of a gift-
ed man who loved his country, his family, and his fellow man and who, throughout his life, moved seamlessly through diverse cultural and political landscapes all with a focus on making our country a better place to live. I’m speaking of my dear friend and former political colleague, David Ronald Reed, Sr., whose life on Earth ended on March 4, 2011. David’s legacy, however, lives on through his dear wife, Judith Reed, and the family and friends he leaves behind throughout our nation. David spent the early part of his life in Chicago and the political footprint he left in our city and state still resonates in the lives of thousands of grateful Chicagoans and others, throughout our state, whose lives he touched during an important time in the rise of African-Americans and other progressive communities in the State of Illinois.

I first got to know David by observing his friendship with my brother, Fred. Aside from their friendship and their competitive spirits, I watched this brilliant man look at problems and see opportunities. David’s quick mind and determination to succeed led him to step way beyond the cultural and political boundaries that, in the 1960s, so often defined the life experience of middle-class African-Americans.

David was born in Chicago, Illinois, on February 20, 1941. He was educated in the Chicago Public Schools where he attended Wilber Wright High School. While a student at DuSable, David honed his skills as an accomplished basketball player and political organizer. From a focus on 1959, his skills on the basketball court allowed him to gain a full basketball scholarship to Drake University in Des Moines, Iowa. While at Drake, David became a member of Kappa Alpha Psi Fraternity, Inc. He graduated from Drake University in 1964 with a Bachelors of Science degree in Political Science.

David returned to Chicago where all that he had learned—in the classroom and on the basketball courts—would serve him well in the rough and tumble world of Chicago politics. After graduating from college, David worked for People’s Gas Light & Coke Company for almost two years until his entry into politics in 1966.

While for the better part of his life David was a Democrat, he first came to prominence on the national stage as a young, 25-year-old Republican. Like many African-American youth in the 1960s, David and a talented group of his friends chafed at some of the old guard, “machine” politics of Illinois’ Democratic Party. In response, David and some of his friends formed a political group, the “New Breed Committee,” that represented forward thinking African-American youth. Only months after they were formed, their brilliance and boldness of spirit captured the hearts and minds of a whole new generation of young African-American political activists, including me.

In 1966, in what was then a stunning political move that inspired me and so many other young people who believed in America’s political process, 25-year-old David Reed—who, as a community organizer in Chicago’s black community for his brilliance, his organizing skills, his articulate speech, and his comfort in speaking truth to power—responded to a call from, then candidate for the U.S. Senate, Charles Percy, to switch from the Democratic to the Republican Party. It was a strategically inspired move aimed at defeating the intransigent political forces of the long-time incumbent Congressman William L. Dawson and other factions of the Democratic machine. Shortly after David filed as a “New Breed” Republican, Percy’s senatorial advancement to David and his supporters. Illinois’ statewide Republican Party recognized David’s passion and the opportunity to help elevate a younger generation of African-Americans while also boosting Republican Party fortunes—in Illinois and across the nation. Percy and leaders of his political organization appealed to David and his forces and told him he’d have a better opportunity to unseat Dawson if he joined the Republican ticket. David and his supporters agreed and they folded the “New Breed Committee” into the Percy’s party’s political apparatus. And the result was electric.

While David’s candidacy ultimately fell short, David was part of a broader trend among African-American voters, in 1966, that led to some of the largest gains by the national Republican Party among black voters in a generation. Not only did Percy win his first campaign for the U.S. Senate that year, but 1966 was the year the U.S. Senate gained its first African-American Senator in a generation. Edward Brooke, from Massachusetts, became the first African-American elected to the Senate since reconstruction. Although David lost his election contest, Percy and others in Illinois’ Republican Party recognized his talent. Only weeks after the election, David became one of the first, top leadership appointments by the Republican President of the Cook County Board, Richard V. Ogilvie.

David’s leadership exploits brought national pride and acclaim to millions of African-Americans and others of goodwill throughout our nation. His accomplishments were profiled in the December 22, 1966 edition of Ebony magazine. From that time, David described his way through the Democratic machine. In 1967, he became the first African-American to be elected to the Illinois State Senate. In the early 1970s, his political and organizational skills, his articulate speech, and his comfort in speaking truth to power but he did it with dignity, class, and in a way that made me, and generations of African-American men and women like me, so very, very proud.

In addition to his wife, Judy, David’s legacy endures through their two children, Karren and David Reed, Jr., both of whom are dedicated public servants. Karren, who lives in Atlanta, Georgia, and David, who currently resides in Denver, Colorado.

Mr. Speaker, on behalf of a grateful city, state and nation, it is my privilege to enter into our nation’s permanent record the inspired life of my friend, David Ronald Reed, Sr., a man whose contributions to our nation are worthy of recognition. May his soul rest in peace. And, as I close, I want Judy and his children to know that they will always have the love and support of Carolyn and me as well as a large and loving extended family in Chicago, the State of Illinois, whose lives they so magnificently touched. May God bless all of you.
Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1546–S1572

Measures Introduced: Twenty-seven bills and three resolutions were introduced, as follows: S. 538–564, and S. Res. 98–100.

Measures Considered:

SBIR/STTR Reauthorization Act—Cloture: Senate began consideration of the motion to proceed to consideration of S. 493, to reauthorize and improve the SBIR and STTR programs.

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, March 10, 2011, a vote on cloture will occur immediately following the Senate’s action in Executive Session on Monday, March 14, 2011.

Subsequently, the motion to proceed was withdrawn.

Boasberg Nomination—Agreement: A unanimous-consent-time agreement was reached providing that at 4:30 p.m., on Monday, March 14, 2011, Senate begin consideration of the nomination of James Emanuel Boasberg, of the District of Columbia, to be United States District Judge for the District of Columbia, and that there be one hour for debate, equally divided in the usual form; that upon the use or yielding back of time, Senate vote on confirmation of the nomination, without intervening action or debate.

Nominations Confirmed: Senate confirmed the following nominations:

By a unanimous vote of 96 yeas (Vote No. EX. 38), Max Oliver Cogburn, Jr., of North Carolina, to be United States District Judge for the Western District of North Carolina.

Timothy J. Feighery, of New York, to be Chairman of the Foreign Claims Settlement Commission of the United States for a term expiring September 30, 2012.

Nominations Received: Senate received the following nominations:

Christopher B. Howard, of Virginia, to be a Member of the National Security Education Board for a term of four years.

Ben S. Bernanke, of New Jersey, to be United States Alternate Governor of the International Monetary Fund for a term of five years.

Dereth Britt Glance, of New York, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

Richard M. Moy, of Montana, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

Daniel Benjamin Shapiro, of Illinois, to be Ambassador to Israel.

A routine list in the National Oceanic and Atmospheric Administration.

Messages from the House:

Executive Communications:

Executive Reports of Committees:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Authorities for Committees to Meet:

Record Votes: One record vote was taken today. (Total—38)

Adjournment: Senate convened at 10 a.m. and adjourned at 5:35 p.m., until 2 p.m. on Monday, March 14, 2011. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S1568.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF TRANSPORTATION

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and...
Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2012 for the Department of Transportation, after receiving testimony from Ray LaHood, Secretary of Transportation.

**APPROPRIATIONS: DEPARTMENT OF JUSTICE**

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2012 for the Department of Justice, after receiving testimony from Eric H. Holder Jr., Attorney General of the United States, Department of Justice.

**APPROPRIATIONS: DEPARTMENT OF AGRICULTURE**

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2012 for the Department of Agriculture, after receiving testimony from Tom Vilsack, Secretary of Agriculture.

**U.S. NATIONAL SECURITY**

Committee on Armed Services: Committee concluded open and closed hearings to examine the current and future worldwide threats to the national security of the United States, after receiving testimony from James R. Clapper, Jr., Director of National Intelligence; Andrew M. Gibb, National Intelligence Officer for Weapons of Mass Destruction; and Lieutenant General Ronald L. Burgess, Jr., USA, Director, Defense Intelligence Agency, Department of Defense.

**U.S. SECURITIES AND EXCHANGE COMMISSION BUDGET**

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment concluded a hearing to examine the President’s proposed budget request for fiscal year 2012 for the Securities and Exchange Commission, after receiving testimony from Mary Schapiro, Chairman, United States Securities and Exchange Commission.

**DEFENSE AND INTERNATIONAL AFFAIRS BUDGET**

Committee on the Budget: Committee concluded a hearing to examine the President’s proposed budget request for fiscal year 2012 for defense and international affairs, after receiving testimony from William J. Lynn III, Deputy Secretary of Defense; and Thomas R. Nides, Deputy Secretary of State for Management and Resources.

**NOMINATIONS**

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nominations of Philip E. Coyle III, of California, to be an Associate Director of the Office of Science and Technology Policy, Executive Office of the President, Kathryn D. Sullivan, of Ohio, to be Assistant Secretary of Commerce, who was introduced by Senator Portman, Frances M.D. Gulland, of California, to be a Member of the Marine Mammal Commission, and Ann D. Begeman, of Virginia, to be a Member of the Surface Transportation Board, Department of Transportation, after the nominees testified and answered questions in their own behalf.

**ENERGY POLICY AND CONSERVATION BILLS**


**CHILD WELFARE WAIVERS**

Committee on Finance: Committee concluded a hearing to examine innovations in child welfare waivers, focusing on a pathway to reform, after receiving testimony from Crystal Ward Allen, Public Children Services Association of Ohio, Columbus; William C. Bell, Casey Family Programs, Seattle, Washington; Isha McNeely, Portland, Oregon; and Joscelynn Murdock, Santa Barbara, California.

**NOMINATION**

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of Carolyn N. Lerner, of Maryland, to be Special Counsel, Office of Special Counsel, after the nominee testified and answered questions in her own behalf.
INFORMATION SHARING IN THE ERA OF WIKILEAKS

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine information sharing in the era of WikiLeaks, focusing on balancing security and collaboration, after receiving testimony from Patrick Kennedy, Under Secretary of State for Management; Teresa Takai, Chief Information Officer, and Acting Assistant Secretary for Networks and Information Integration, and Thomas Ferguson, Principal Deputy Under Secretary for Intelligence, both of the Department of Defense; and Corin R. Stone, Intelligence Community Information Sharing Executive, and Kshemendra Paul, Program Manager, Information Sharing Environment, both of the Office of the Director of National Intelligence.

BRIDGEPOINT EDUCATION, INC.

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine Bridgepoint Education, Inc., focusing on a case study in for-profit education and oversight, after receiving testimony from Kathleen S. Tighe, Inspector General, Department of Education; Arlie Thoreson Willems, Practitioner Preparation, Anamosa, Iowa; Sylvia Manning, North Central Association of Colleges and Schools Higher Learning Commission, Chicago, Illinois; and Jose Cruz, Education Trust, Washington, D.C.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:
- S. 193, to extend the sunset of certain provisions of the USA PATRIOT Act, with amendments; and

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

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House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 39 public bills, H.R. 992–1030; and 5 resolutions, H. Res. 160–164, were introduced.

Additional Cosponsors:

Reports Filed: A report was filed today as follows:
- H.R. 658, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, and to provide stable funding for the national aviation system, with an amendment (H. Rept. 112–29).

Speaker: Read a letter from the Speaker wherein he appointed Representative Latta to act as Speaker pro tempore for today.

Recess: The House recessed at 10:51 a.m. and reconvened at 12 noon.

Chaplain: The prayer was offered by the guest chaplain, Reverend Raymond Bowman, Spruce Street Baptist Church, Nashville, Tennessee.

FHA Refinance Program Termination Act: The House passed H.R. 830, to rescind the unobligated funding for the FHA Refinance Program and to terminate the program, by a recorded vote of 256 ayes to 171 noes, Roll No. 171.

Rejected the Deutch motion to recommit the bill to the Committee on Financial Services with instructions to report the same back to the House forthwith with amendments, by a recorded vote of 185 ayes to 243 noes, Roll No. 170.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule.
Agreed to:

Fitzpatrick amendment (No. 11 printed in the Congressional Record of March 9, 2011) that requires any unexpended balances for the FHA Refinance Program that are rescinded and canceled under the bill be retained in the general fund of the Treasury for reducing the debt of the Federal Government;

Paulsen amendment (No. 4 printed in the Congressional Record of March 9, 2011) that includes military servicemembers and veterans who have service-connected injuries, as well as survivors and dependents of such individuals, in a study on use of the FHA Refinance program; and

Waters amendment (No. 6 printed in the Congressional Record of March 9, 2011), as modified, that requires the Secretary of Housing and Urban Development to post a statement prominently on the HUD website stating that the FHA Short Refinance Program has been terminated and including contact information for borrowers who are uncertain as to how to proceed (by a recorded vote of 278 ayes to 147 noes, Roll No. 169).

Rejected:

Lynch amendment (No. 3 printed in the Congressional Record of March 8, 2011) that sought to strike language in the bill terminating the Mortgagee Letter 2010–23, which provided guidance for the FHA Refinance Program (by a recorded vote of 184 ayes to 243 noes, Roll No. 168).

Point of Order sustained against:

Maloney amendment (No. 9 printed in the Congressional Record of March 9, 2011) that sought to add a section which lists the number of underwater mortgages in 43 states and the District of Columbia;

Inslee amendment (No. 12 printed in the Congressional Record of March 9, 2011) that sought to modify the bill’s required study by the Department of Housing and Urban Development on the FHA Refinance Program’s use by, and effects on, certain homeowners to include a study on the need and appropriate guidelines for a replacement mortgage insurance program;

Waters amendment (No. 5 printed in the Congressional Record of March 9, 2011) that sought to direct the Department of Housing and Urban Development, in consultation with the Treasury Department, to conduct a study on the negative impacts of underwater mortgage loans on the housing market and economy of the United States and to report on the findings;

Loretta Sanchez amendment (No. 15 printed in the Congressional Record of March 9, 2011) that sought to insert a complete new text detailing use of funding for the FHA Refinancing Program;

Inslee amendment (No. 14 printed in the Congressional Record of March 9, 2011) that sought to add a new section directing the Attorney General to pursue criminal prosecution of those who have failed to comply with State laws relating to foreclosure of mortgages on residential real property;

Holt amendment (No. 8 printed in the Congressional Record of March 9, 2011) that sought to add a new section detailing modifications of real property standard deduction; and

Garamendi amendment (No. 7 printed in the Congressional Record of March 9, 2011) that sought to add a new section regarding treatment of bonuses for financial sector employees.

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House.

H. Res. 150, the rule providing for consideration of the bill, was agreed to yesterday, March 9th.

Quorum Calls—Votes: Four recorded votes developed during the proceedings of today and appear on pages H1700–01, H1701–02, H1703–04, and H1704. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 6:56 p.m.

Committee Meetings

EPA REGULATION ON AGRICULTURE

Committee on Agriculture: Full Committee held a hearing to review the impact of EPA regulation on agriculture. Testimony was heard from Lisa P. Jackson, Administrator, EPA.

INTERIOR, ENVIRONMENT

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing on Bureau of Land Management FY 2012 Budget Oversight. Testimony was heard from Bob Abbey, Director, Bureau of Land Management.

AGRICULTURE, RURAL DEVELOPMENT, FDA

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on Department of Agriculture FY 2012 Budget Request. Testimony was heard from Edward Avalos, Under Secretary for Marketing and Regulatory Programs.
MILITARY CONSTRUCTION, VETERANS AFFAIRS

Committee on Appropriations: Subcommittee on Military Construction, Veterans Affairs, and Related Agencies held a hearing on Navy and Marine Corps FY 2012 Budget. Testimony was heard from ADM Gary Roughead, Chief of Naval Operations; and Gen. James Amos, Commandant of the Marine Corps.

INTERIOR, ENVIRONMENT

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing on Major Management Challenges at the Forest Service. Testimony was heard from Anu Mittal, Director, Natural Resources and Environment, GAO; and Phyllis K. Fong, Inspector General, Department of Agriculture.

HOMELAND SECURITY

Committee on Appropriations: Subcommittee on Department of Homeland Security held a hearing on FY 2012 Oversight and Budget. Testimony was heard from ADM Robert Papp, Commandant, United States Coast Guard.

FY 2012 BUDGET REQUEST AND READINESS

Committee on Armed Services: Subcommittee on Readiness held a hearing on global challenges to readiness and the fiscal year 2012 budget request. Testimony was heard from LTG Daniel P. Bolger, Deputy Chief of Staff, USA; LTG Herbert J. Carlisle, Deputy Chief of Staff for Operations, Plans and Requirements, USAF; VADM Bruce W. Clingan, Deputy Chief of Naval Operations for Operations, Plans and Strategy; and Gen. Richard T. Tryon, Deputy Commandant for Plans, Policies, and Operations, USMC.

BURDEN OF DEBT

Committee on the Budget: Full Committee held a hearing entitled “Lifting the Crushing Burden of Debt”. Testimony was heard from Douglas Holtz-Eakin, former Director of the Congressional Budget Office and public witnesses.

EMPLOYER PROVIDED HEALTH CARE

Committee on Education and the Workforce: Subcommittee on Health, Employment, Labor and Pensions held a hearing on the Pressures of Rising Costs on Employer Provided Health Care. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Subcommittee on Energy and Power held a markup on H.R. 910, the
Energy Tax Prevention Act of 2011. The subcommittee forwarded the bill to the full Committee without amendment.

SEC’S OPERATIONS, ACTIVITIES AND CHALLENGES
Committee on Financial Services: Subcommittee on Capital Markets and Government Sponsored Enterprises held a hearing entitled “Oversight of the Securities and Exchange Commission’s Operations, Activities, Challenges and FY 2012 Budget Request”. Testimony was heard from the following SEC officials: Robert Cook, Director, Division of Trading and Markets; Meredith Cross, Director, Division of Corporation Finance; Robert Cook, Director, Division of Trading and Markets; Carlo di Florio, Director, Office of Compliance Inspections and Examinations; and Eileen Rominger, Director, Division of Investment Management.

COMPETITIVENESS AND JOB CREATION
Committee on Financial Services: Subcommittee on International Monetary Policy held a hearing entitled “The Role of the Export-Import Bank in U.S. Competitiveness and Job Creation”. Testimony was heard from public witnesses.

NORTH KOREA
Committee on Foreign Affairs: Full Committee held a hearing on North Korea’s Sea of Fire: Bullying, Brinkmanship and Blackmail. Testimony was heard from public witnesses.

RELATIONS WITH EUROPE AND EURASIA
Committee on Foreign Affairs: Subcommittee on Europe and Eurasia held a hearing on U.S. Relations with Europe and Eurasia. Testimony was heard from Robert O. Blake, Assistant Secretary, Bureau of Central and South Asian Affairs Department of State; and Philip H. Gordon, Assistant Secretary, Bureau of European and Eurasian Affairs, Department of State.

PRIORITIES AND NEEDS AMIDST ECONOMIC CHALLENGES IN THE MIDDLE EAST
Committee on Foreign Affairs: Subcommittee on the Middle East and South Asia held a hearing on Assessing U.S. Foreign Policy Priorities and Needs Amidst Economic Challenges in the Middle East. Testimony was heard from Jeffrey D. Feltman, Assistant Secretary of State for Near Eastern Affairs, Department of State; and George A. Laudato, Administrator’s Special Assistant for the Middle East, Agency for International Development.

RADICALIZATION—AMERICAN MUSLIM COMMUNITY

JUDICIAL DECISIONS—PATENT LAW
Committee on the Judiciary: Subcommittee on Intellectual Property, Competition and the Internet held a hearing on Review of Recent Judicial Decisions on Patent Law. Testimony was heard from public witnesses.

SUBCOMMITTEE ORGANIZATION; NEW JOBS IN RECESSION AND RECOVERY; AND DEPARTMENTAL REPORT REQUESTS ON THE BENEFICIARIES OF A PRIVATE BILL
Committee on the Judiciary: Subcommittee on Immigration Policy and Enforcement held a hearing on New Jobs in Recession and Recovery: Who Are Getting Them and Who Are Not. Testimony was heard from public witnesses.


FY 2012 BUDGET—NATIONAL PARK SERVICE
Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held a hearing entitled “Examining the Spending, Priorities and the Missions of National Park Service and the President’s FY 2012 Budget Proposal.” Testimony was heard from Jon Jarvis, Director, National Park Service.

MISCELLANEOUS MEASURES
Committee on Oversight and Government Reform: Held a markup of H.R. 471, the Scholarships for Opportunity and Results Act. The bill was ordered reported without amendment.

WHO’S WATCHING WALL STREET’S WATCHDOG?
Committee on Oversight and Government Reform: Subcommittee on TARP, Financial Services and Bailouts of Public and Private Programs and the Subcommittee on Government Organization, Efficiency
and Financial Management held a joint hearing entitled “Financial Management, Work Force, and Operations at the SEC: Who’s Watching Wall Street’s Watchdog?” Testimony was heard from the following SEC officials: Mary Schapiro, Chairman; Jeffrey Rissing, Director of Human Resources; Jonathan (“Jack”) Katz, former Secretary.

FY 2012 BUDGET—NOAA

Committee on Science, Space, and Technology: Full Committee held a hearing on Fiscal Year 2012 Research and Development Budget Proposals at the National Oceanic and Atmospheric Administration and the Environmental Protection Agency. Testimony was heard from Jane Lubchenco, Administrator, NOAA; and Paul Anastas, Assistant Administrator, Office of Research and Development, EPA.

FEDERAL OFFICE SPACE

Committee on Transportation: Subcommittee on Economic Development, Public Buildings, and Emergency Management hearing on Cutting Spending and Consolidating Federal Office Space: GSA’s Capital Investment and Leasing Program. Testimony was heard from Robert Peck, Commissioner, Public Building Service, GSA.

BUDGET FY 2012—INTELLIGENCE

House Permanent Select Committee on Intelligence: Held a hearing on H.R. 754, the Intelligence Authorization Act for Fiscal Year 2011, and views and estimates on the President’s Budget for Fiscal Year 2012. Testimony was heard from administration officials.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, MARCH 11, 2011

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies, hearing on Forest Service FY 2012 Budget Oversight Hearing, 9:30 a.m., B–308 Rayburn.

Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, hearing on Food and Drug Administration, Department of Health and Human Services FY 2012 Budget Request, 10 a.m., 2362–A Rayburn.


Subcommittee on Labor, Health and Human Services, Education and Related Agencies, hearing on Status of Health Reform Implementation, 10 a.m., 2358–B Rayburn.

Subcommittee on Legislative Branch, hearing on Library of Congress FY 2012 Budget, 10 a.m., HT–2 Capitol.

Subcommittee on Legislative Branch, hearing on Government Accountability Office FY 2012 Budget, 11 a.m., HT–2 Capitol.

Committee on Armed Services, Subcommittee on Emerging Threats and Capabilities, hearing on counterproliferation strategy and the fiscal year 2012 national defense authorization budget request for the Defense Threat Reduction Agency and chemical biological defense program, 11:30 a.m., 2212 Rayburn.

Committee on Education and the Workforce, Subcommittee on Higher Education and Workforce Training hearing on Education Regulations: Federal Overreach into Academic Affairs, 10 a.m., 2175 Rayburn.


Committee on Financial Services, Subcommittee on Capital Markets and Government Sponsored Enterprises, hearing entitled “Legislative Proposals to Create a Covered Bond Market in the United States”, 10 a.m., 2220 Rayburn.

Subcommittee on Insurance, Housing and Community Opportunity, hearing entitled “Legislative Proposals to Reform the National Flood Insurance Program” 10 a.m., 2128 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, hearing on a bill regarding lawsuit abuse reduction, 10 a.m., 2141 Rayburn.


Committee on Science, Space, and Technology, Full Committee, hearing on the Fiscal Year 2012 Budget Proposals at the National Science Foundation and the National Institute of Standards and Technology, 10 a.m., 2318 Rayburn.

Committee on Transportation, Subcommittee on Railroads, Pipelines, and Hazardous Materials, hearing on Finding Ways to Encourage and Increase Private Sector Participation in Passenger Rail Service, 10 a.m., 2167 Rayburn.

Committee on Veterans’ Affairs, Subcommittee on Health, hearing on Implementation of Caregiver Assistance: Are we getting it right? 10 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Human Resources, hearing on the use of data matching to improve the administration of government benefit programs, 10 a.m., B–318 Rayburn.
Next Meeting of the SENATE
2 p.m., Monday, March 14

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 4:30 p.m.), Senate will begin consideration of the nomination of James Emanuel Boasberg, of the District of Columbia, to be United States District Judge for the District of Columbia, and after a period of debate, vote on confirmation of the nomination at 5:30 p.m., to be followed by a vote on the motion to invoke cloture on the motion to proceed to consideration of S. 493, SBIR/STTR Reauthorization Act.

Next Meeting of the HOUSE OF REPRESENTATIVES
9 a.m., Friday, March 11

House Chamber

Program for Friday: Consideration of H.R. 836—Emergency Mortgage Relief Program Termination Act (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

<table>
<thead>
<tr>
<th>HOUSE</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Alexander, Rodney, La., E455</td>
<td>Foxx, Virginia, N.C., E453</td>
</tr>
<tr>
<td>Baca, Joe, Calif., E456</td>
<td>Graves, Sam, Mo., E447</td>
</tr>
<tr>
<td>Brady, Robert A., Pa., E450</td>
<td>E450, E455</td>
</tr>
<tr>
<td>Burton, Dan, Ind., E451</td>
<td>Johnson, Henry C., “Hank”, Jr., Ga., E448, E450, E455</td>
</tr>
<tr>
<td>Cohen, Steve, Tenn., E456</td>
<td>Kildee, Dale B., Mich., E452</td>
</tr>
<tr>
<td>Costa, Jim, Calif., E445, E453</td>
<td>Larson, John B., Conn., E456</td>
</tr>
<tr>
<td>Critz, Mark S., Pa., E453</td>
<td>Latham, Tom, Iowa, E447</td>
</tr>
<tr>
<td>Cuellar, Henry, Tex., E449</td>
<td>McDermott, Jim, Wash., E455</td>
</tr>
<tr>
<td>Duncan, John J., Tenn., E451</td>
<td>Marino, Tom, Pa., E456</td>
</tr>
<tr>
<td>Filner, Bob, Calif., E457</td>
<td>Norton, Eleanor Holmes, D.C., E452</td>
</tr>
<tr>
<td>Ness, Devlin, Calif., E448</td>
<td>Nunes, Steven M., Miss., E454</td>
</tr>
<tr>
<td>Quayle, Benjamin, Ariz., E454</td>
<td>Rush, Bobby L., Ill., E454, E457</td>
</tr>
<tr>
<td>Schakowsky, Janice D., Ill., E452</td>
<td>Schweikert, David, Ariz., E447</td>
</tr>
<tr>
<td>Scott, David, Ga., E456</td>
<td>Smith, Lamar, Tex., E453</td>
</tr>
<tr>
<td>Sullivan, John, Okla., E453, E455</td>
<td>Velazquez, Nydia M., N.Y., E449</td>
</tr>
<tr>
<td>Whitfield, Ed, Ky., E448</td>
<td>Woolsey, Lynn C., Calif., E449</td>
</tr>
<tr>
<td></td>
<td></td>
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</tbody>
</table>