This being the day fixed by Public Law 110–430, pursuant to the 20th amendment to the Constitution of the United States, the Representatives-elect met in their Hall, and at noon were called to order by the Clerk of the House of Representatives, Hon. Lorraine C. Miller.

Cardinal Theodore E. McCarrick, Archbishop Emeritus of Washington, offered the following prayer:

Dear friends, let us remind ourselves in this special place, on this special day, that we are in the presence of God.

Lord, we praise You at this historic moment. You are the loving Father of us all, the merciful, the compassionate, the source of all wisdom, the giver of all gifts.

We have so much to thank You for, dear God—for our lives, our families, for our freedom and our opportunities, for our Nation and for the historic choice of leadership it has just made and, indeed, for the age-old values that are still enshrined in our Constitution and in our hearts.

Sustain the Members of the 111th Congress in courage and in confidence as they face the daunting needs of this special time. Challenge them, Lord, not to forget the hungry and the homeless, the unborn and the immigrant, those without access to good education or decent health care, and those many men and women caught in a cycle of poverty from which they cannot escape without our help.

Let our Representatives be builders of a better world—a world without war or violence, without oppression or corruption—builders of a new world whose foundations are human dignity, the values of family life and respect for the laws of nature.

Lord, we pray: Make us always proud of those we have chosen to lead us so that, with their leadership and Your loving care, You may always be proud of us and of these United States of America. Amen.

The Clerk. The Representatives-elect and their guests will please remain standing and join in the Pledge of Allegiance.

The Clerk 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.

The CLERK. As directed by law, the Clerk of the House has prepared the official roll of the Representatives-elect. Certificates of election covering 435 seats in the 111th Congress have been received by the Clerk of the House, and the names of those persons whose credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States or of the United States will be called.

The Representatives-elect will record their presence by electronic device and their names will be recorded in alphabetical order by State, beginning with the State of Alabama, to determine whether a quorum is present. Representatives-elect will have a minimum of 15 minutes to record their presence by electronic device.

Representatives-elect who have not obtained their voting ID cards may do so now in the Speaker’s lobby.

The call was taken by electronic device, and the following Representatives-elect responded to their names:

(Roll No. 1) ANSWERED “PRESENT”—428

ALABAMA
Aderholt Bright Rogers
Bonner Davis Griffith
ALASKA
Young

ARIZONA
Flake Franks Giffords

ARKANSAS
Berry Boozman

CALIFORNIA
Baca Beiter Berman Bilbray
Bono Mack Calvert Campbell
Capps Cardona Costa Davis
Dreier Eshoo Farr
Filner Gallegly Harman Herger

COLORADO
Coffman DeGette Lamborn

CONNECTICUT
Courtney DeLauro

DELAWARE
Castle

FLORIDA
Billirakis Boyd Brown, Corrine
Brown-Weiss, D. Buchanan Castor
Crenshaw Diaz-Balart, L.

GEORGIA
Barrow Bishop Broun Deal
Gingrey

HAWAII
Abercorn Hirono

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
try. It has been my particular privilege to represent the hardworking families to new immigrants to the quintessentially American district, from the senior citizens who built this great country to the people of the Fifth District over the past six years. I am grateful for the opportunity to represent the hopes and dreams of a Statehouse, Springfield, IL.

Hon. ROD BLAGOJEVICH, Governor, State of Illinois.

I do not intend to take the office of Representative for the Fifth Congressional District in the 111th Congress. A copy of that letter is attached.

There was no objection.

DECEMBER 30, 2008.

Hon. NANCY PELOSI, Speaker, House of Representatives, Washington, DC.

I am writing to inform you that I have notified the Governor of Illinois of my resignation from the U.S. House of Representatives effective January 2, 2009, at the end of the 110th Congress. I do not intend to take the office of Representative for the Fifth Congressional District in the 111th Congress. A copy of that letter is attached.

It has been a privilege to serve the constituents of Illinois’ 5th District for the last six years and to work with you and our colleagues in Congress. Sincerely,

RAHM EMANUEL, Member of Congress.

JANUARY 2, 2009.

Hon. ROD BLAUGOJEVICH, Governor, State of Illinois, Statehouse, Springfield, IL.

I am writing to resign my position as United States Representative from the Fifth Congressional District of Illinois, effective January 2, 2009. It has been a tremendous privilege to serve the people of the Fifth District over the past six years. I am grateful for the opportunity to represent the hopes and dreams of a quintessentially American district, from hardworking families to new immigrants to the senior citizens who built this great country. It has been my particular privilege to

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The Clerk. The Clerk is in receipt of a letter of resignation from the Honorable Rahm Emanuel from the State of Illinois.

Without objection, the letters relating to his resignation will be printed in the RECORD.

There was no objection.

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Mr. PENCE, Madam Clerk, as chairman of the Republican Conference, I am also directed by unanimous consent of that conference to present for election an individual today, but let me say also from my heart it is one of the great privileges of my life to do so, to present for election to the House of Representatives of the 111th Congress the name of a man from the heartland of America, a man of humble beginnings who came to Washington during a time of reform and led and is prepared, starting this day, to lead the Congress back to the aspirations and ideals of the American people, the name of the Honorable J. BOEINER, a representative-elect from the State of Ohio.

The Clerk. The names of the Honorable NANCY PELOSI, a Representative-elect from the State of California, and the Honorable J. BOEINER, a Representative-elect from the State of Ohio, have been placed in nomination.

The roll will now be called, and those responding to their names will indicate by surname the nominee of their choosing.

Mr. BRADY; the gentleman from California (Mr. ROS-LEHTINEN).

Mr. LARSON of Connecticut. Our dear friend from Connecticut, Mr. Daniel E. LUNGREN.

Mr. KRATOVIL.

Mr. AMODEI.

Mr. LARSON of Texas.

Mr. HULTIN.

Mr. NADLER (NY).

Mr. STEFFENHAGEN.

Mr. ROBINSON.

Mr. HALL.

Mr. WHITAKER.

Mr. JOHNSTON (GA).

Mr. CASTRO.

Mr. KOCH.

Mr. ROHrabacher.

Mr. MILLER (NC).

Mr. WASHINGTON.

Mr. BOWEN.

Mr. HOKKAHO.

Mr. SHEPHERD.

Mr. SHULER.

Mr. KIK.

Mr. STARK.

Mr. STUPAK.

Mr. RAHM EMANUEL, Member of Congress.

Representative-elect from the great State of California.

As I go to work everyday in the incoming Obama Administration, I will keep in mind the stories of the working families and senior citizens who I met during the past six years in grocery stores, schools and churches across southern California. I was prepared, starting this day, to lead the Congress back to the aspirations and ideals of the American people.

The gentleman from California (Mr. D’ALESANDRO), the gentleman from Florida (Ms. ROS-LEHTINEN).

The Clerk. The tables will come forward and take their seats at the desk in front of the Speaker’s rostrum.

The tellers will have taken their places, the House proceeded to vote for the Speaker.

Mr. ALEXANDER.

Mr. SCHUMMER.

Mr. BROWN (CT).

Mr. BIMA.

Mr. DOMENICANI.

Mr. BERNSTEIN.

Mr. BOOS.

Mr. BOUCHER.

Mr. BOWRY.

Mr. BRANDY.

Mr. BRAY.

Mr. BROWN (CA).

Mr. BROWN (OH).

Mr. BRADY.

Mr. BRADY (PA).

Mr. BRADY (NY).

Mr. BROOK.

Mr. BROWN.

Mr. BRUSTEAD.

Mr. CAPPS.

Mr. CAPUANO.

Mr. HARE.

Mr. HARRISON.

Mr. MCDERMOTT.

Mr. McGovern.

Mr. MCINTYRE.

Mr. MCDOUGAL.

Mr. McNERNEY.

Mr. MEEK.

Mr. MEMO.

Mr. MELANCON.

Mr. MENZIE.

Mr. MILLER (NC).

Mr. MILLER (NY).

Mr. MILLER (WI).

Mr. MILLS.

Mr. MIRANDA.

Mr. MURPHY.

Mr. MURPHY, Patrick.

Mr. MURTHA.

Mr. MURATPOUR.

Mr. MUSCOCK.

Mr. NAPOLITANO.

Mr. NELSON.

Mr. NESBITT.

Mr. NEUMANN.

Mr. NOBLE.

Mr. NOONAN.

Mr. O’BRIEN.

Mr. O’BRIEN.

Mr. O’DONNELL.

Mr. O’KEEFE.

Mr. ORTIZ.

Mr. PALONE.

Mr. PAYNE.

Mr. PENNY.

Mr. PETRAS.

Mr. PITTS.

Mr. PETERS.

Mr. PETERSON.

Mr. PHILLIPS.

Mr. PHILLIPS.

Mr. POMEROY.

Mr. POSNER.

Mr. POWERS.

Mr. PRETORIUS.

Mr. PRETORIUS.

Mr. PRUETT.

Mr. PRUETT.

Mr. PUGH.

Mr. QUILL.

Mr. QUINN.

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Mr. QUINN.

Mr. RAPER.

Mr. RAPPOPORT.

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Mr. REED.
Mr. BOEHNER. Madam Speaker, as we start the new Congress, we stand ready to work with you and your fellow Democrats for genuine solutions, for real reforms that put the needs of our country first and bring the blessings of liberty fully to bear on the challenges the American people face.

In that spirit, it is my privilege to present to you the gavel of the 111th Congress.

Ms. PELOSI. Thank you very much, Leader BOEHNER.

Together, we welcome the many new Members of Congress who today join the House of Representatives of the United States of America. Congratulations to all of our new Members and to our re-elected Members.

Your constituents have placed great trust in you. Your families have given you the love and support to make your leadership possible. Let us join together now and salute the families of the 111th Congress.

I also want to thank my own family: my husband of 45 years, Paul Pelosi; and our children, Nancy Corinne, Christine, Jacqueline, Paul, and Alexandra; and our grandchildren, Alexander and Madeleine, Liam, Sean, Ryan, Paulie, and Thomas.

And I also want to acknowledge my brother, Thomas D'Alesandro, the former mayor of Baltimore.

I wish to express my appreciation of the people of San Francisco for granting me the privilege of representing them and serving them in Congress.

And at this time of economic anxiety, the American people deserve open debate and transparency in their Congress—a key ingredient needed to produce good legislation. And my hope is we will adopt a Rules package for the new Congress that encourages transparency and debate and helps ensure our institution is accountable to the people it serves.

Our Nation has faced adversity before, and we have never failed to meet the challenge. This is because America is a land of limitless potential, and when we harness the will of the American people, commit ourselves to making the most of the blessings God has bestowed on this great country, and bring all of these gifts to bear on a common goal, there is no obstacle that we cannot overcome.

America's potential is unlimited, but government's potential is not. And we must not confuse the two.

We can't simply spend our way back to prosperity. Our responsibilities as elected leaders in a flagging economy is to craft policies that allow our country's potential to be unleashed. America runs on freedom. It's the fuel of our economy, and it is the fuel of our democracy. The more we spend and the more we tax, the less freedom we will have left.

So we need to take responsible action together to help put our economy back on a path toward prosperity. The months ahead can be a time of hope and renewal in America. The American people are giving their best. Here in Congress, we need to do the same.

Madam Speaker, as we start the new Congress, we stand ready to work with you and your fellow Democrats for genuine solutions, for real reforms that put the needs of our country first and bring the blessings of liberty fully to bear on the challenges the American people face.

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I wish to express my appreciation of the people of San Francisco for granting me the privilege of representing them and serving them in Congress.
And I thank my caucus. Thank you, Mr. HOYER, Mr. CLYBURN; thank you, Mr. LARSON, for your nomination this morning. Thank you to the Members of the caucus for granting me the historic opportunity of breaking the marble ceiling and to serve, once again, as the first woman Speaker of the House. Leader BOEHNER, thank you for your generous words and for your commitment to put country ahead of party. Without reservation, let us stand together, not just today, but in the days ahead, and for years to come.

Few Congresses and few Presidents in history have been given the responsibility and the privilege of serving the Nation in a time of such profound challenge. We do so renewed and refreshed by the new Members who join our ranks today. Again, welcome to our new Members.

It is in that spirit that I pledge to you—let us all pledge to the American people that we will look forward, not backward; we will join hands, not point fingers; we will rise to the challenge, recognizing that our love of country is stronger than any issue which may divide us.

This is the lesson and the legacy of the last election: The American people demanded a new era of change and accountability. Yes, we have problems as grave as our country has faced in generations. But now we enter a new Congress with a new era with a powerful sense of hope and pride in our great country.

Two weeks from today, as Mr. BOEHNER indicated, on the steps of this Capitol, we will inaugurate the 44th President of the United States. From the inaugural platform, he will walk down the long stretch of the National Mall and see the steps of the Lincoln Memorial from which Rev. Martin Luther King, Jr., called us to the deepest truth of our founding dream.

When our new President raises his right hand and takes the oath of office, we will know—and the world will witness—how far America has come. We will celebrate that moment, but recognize it as only a beginning.

Together, with our new President, we, as a Congress and a country, must fulfill the rest of America’s promise. All of that promise will not be redeemed quickly or easily, but it must be pursued urgently with spirited debate and without partisan deadlock or delay.

Hardworking and still hopeful Americans who are losing their jobs, their businesses, their retirement savings, their homes that are facing foreclosure, cannot wait any longer for us to move from the depths of a recession to the solid ground of an honest and fair prosperity for the many, not just the few.

We need action, and we need action now.

Families and children without health care, and millions more who fear losing coverage or who are facing rising costs, cannot afford to wait any longer.

We need action, and we need action now.

States facing financial crises, which are threatening the education and the health of our children, the well-being of our seniors, and the public safety of our communities, cannot afford to wait any longer.

We need action, and we need action now.

Our country is challenged by the climate crisis, by the need for energy security, and the need for 21st-century infrastructure on all of these issues and many more, we cannot afford to wait.

Our Nation needs action, and we need action now.

America’s crises at home are matched by conflicts abroad—a terrorist threat that could strike there or here. We cannot afford to wait to renew our alliances, our leadership, and our respect in the world. We cannot afford to wait to deploy the power of our ideals and our resources in the service of the courageous Americans who serve on the front lines, and for our veterans who have bravely served our country, we cannot afford to wait to modernize and rebuild our military.

Every chance we get we must express our appreciation to our heroic men and women in uniform and their families for their service and their sacrifice to our country.

Let us show America and the world that we are equal to every test of truth and to every test of time. Let us listen to each other. Let us respect every voice and every view, and then together, let us act.

As we in Congress pledge to reach across the aisle, we recognize that history will measure this decisive moment not just by what we do here in Washington, but how we reflect and respect how all Americans work together for the common good to strengthen America’s future and faith in itself.

As we take the oath of office today, we accept a level of responsibility as daunting and demanding as any that previous generations of leadership have faced. With the help of God, the light of our values, the strength of the American people, and the hopes that we have for our children and their future, God will bless us so that America will continue to be as our Founders predicted more than 200 years ago, “a rising not setting sun.”

Today, Cardinal McCarrick honored us by asking God’s blessing on our work. May God bless our work, and may God continue to bless America.

Thank you all.

I am now ready to take the oath of office as Speaker. Before I call the Dean of the Congress forward, I want to invite my grandchildren and any other children in the Congress—they’ve asked me if we can come up again this year. They certainly can.

Now, it is my privilege to ask the Dean of the House of Representatives, the Honorable JOHN DINGELL of Michigan, to administer the oath of office.

Mr. DINGELL then administered the oath of office to Ms. PELOSI of California, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will faithfully discharge the duties of the office on which you are about to enter, so help you God.

(Appause, the Members rising.)

Mr. DINGELL. Congratulations, Madam Speaker.

The SPEAKER. As we take the oath of office, so we can be with them. The Members-elect and Delegates-elect and the Resident Commissioner-elect rose, and the Speaker administered the oath of office to them as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now Members of the 111th Congress.

MAJORITY LEADER

Mr. LARSON of Connecticut, Madam Speaker, as chairman of the Democratic Caucus, I have been directed to report to the House that the Democratic Members have selected as majority leader the gentleman from Maryland, master of the procedures of this floor, the Honorable STENY H. HOYER.

MINORITY LEADER

Mr. PENCE. Madam Speaker, as chairman of the Republican Conference, I am directed by that conference to notify the House of Representatives officially that the Republican Members have selected as minority leader the gentleman from Ohio, the Honorable JOHN A. BOEHNER.
MAJORITY WHIP
Mr. LARSON of Connecticut, Madam Speaker, as chairman of the Democratic Caucus, I have been directed to report to the House that the Democratic Members have selected as their majority whip the gentleman from South Carolina, the son of a preacher man, the Honorable JAMES E. CLYBURN.

MINORITY WHIP
Mr. PENCE, Madam Speaker, as Chair of the Republican Conference, I am directed by that conference to notify the House of Representatives officially that the Republican Members have selected as minority whip the gentleman from Virginia, the Honorable ERIC CANTOR.

ELECTION OF CLERK OF THE HOUSE, SERGEANT AT ARMS, CHIEF ADMINISTRATIVE OFFICER AND CHAPLAIN
Mr. BECERRA. Madam Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1
Resolved, That Lorraine C. Miller of the State of Texas, be, and is hereby, chosen Clerk of the House of Representatives; That Wilson S. Livingood of the Commonwealth of Virginia, be, and is hereby, chosen Sergeant at Arms of the House of Representatives; That Daniel P. Beard of the State of Maryland, be, and is hereby, chosen Chief Administrative Officer of the House of Representatives; and That Father Daniel P. Coughlin of the State of Illinois, be, and is hereby, chosen Chaplain of the House of Representatives.

Mr. PENCE. Madam Speaker, I have an amendment to the resolution, but before offering the amendment, I request that there be a division of the question on the resolution so that we may have a separate vote on the Chaplain.

The question is on agreeing to that portion of the resolution providing for the election of the Chaplain.

That portion of the resolution was agreed to.

A motion to reconsider was laid on the table.

AMENDMENT OFFERED BY MR. PENCE
Mr. PENCE. Madam Speaker, I offer an amendment to the remainder of the resolution.

The Clerk read as follows:

Amendment offered by Mr. Pence:
That Paula Nowakowski of the State of Michigan, be, and is hereby, chosen Clerk of the House of Representatives;
That Steve Stombres of the Commonwealth of Virginia, be, and is hereby, chosen Sergeant at Arms of the House of Representatives; and
That Jo-Marie St. Martin of the State of Tennessee, be, and is hereby, chosen Chief Administrative Officer of the House of Representatives.

The SPEAKER. The question is on the amendment offered by the gentleman from Indiana.

The amendment was rejected.

The SPEAKER. The question is on the remainder of the resolution offered by the gentleman from California.

The remainder of the resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair will now swear in the officers of the House.

The officers presented themselves in the well of the House and took the oath of office as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations.

□ 1430
NOTIFICATION TO THE SENATE
Mr. HOYER. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 2
Resolved, That the Senate be informed that a quorum of the House of Representatives has assembled; that Nancy Pelosi, a Representative from the State of California, has been elected Speaker; and Lorraine C. Miller, a citizen of the State of Texas, has been elected Clerk of the House of Representatives of the One Hundred Eleventh Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE TO NOTIFY PRESIDENT
Mr. HOYER. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 3
Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF COMMITTEE TO NOTIFY THE PRESIDENT, PURSUANT TO HOUSE RESOLUTION 3
The SPEAKER pro tempore (Mr. ROSS). Without objection, pursuant to House Resolution 3, the Chair announces the Speaker’s appointment of the following Members to the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and that Congress is ready to receive any communication that he may be pleased to make:

The gentleman from Maryland (Mr. HOYER) and
The gentleman from Ohio (Mr. BOHNER)

There was no objection.

Mr. DINGELL. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 4
Resolved, That the Clerk be instructed to inform the President of the United States that the House of Representative has elected Nancy Pelosi, a Representative from the State of California, Speaker; and Lorraine C. Miller, a citizen of the State of Texas, Clerk of the House of Representatives of the One Hundred Eleventh Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RULES OF THE HOUSE
Mr. HOYER. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 5
Resolved, That the Rules of the House of Representatives of the One Hundred Tenth Congress, including applicable provisions of law or concurrent resolution that constitute rules of the House at the end of the One Hundred Tenth Congress, are adopted as the Rules of the House of Representatives of the One Hundred Eleventh Congress, with amendments to the standing rules as provided in section 2, and with other orders as provided in sections 3, 4, and 5.

SEC. 2. CHANGES TO THE STANDING RULES.
(a) INSPECTOR GENERAL AUDITS.—Amend clause 6(c)(1) of rule II to read as follows:

"(1) provide audit, investigative, and advisory services to the House and joint entities in a manner consistent with government-wide standards;";

(b) HOMELAND SECURITY.—In clause 3(g) of rule X, designate the existing text as subparagraph (1) and add thereto the following new subparagraph:

"(2) In addition, the committee shall review and study on a primary and continuing basis all Government activities, programs, and organizations related to homeland security that fall within its primary legislative jurisdiction;";

(c) ADDITIONAL FUNCTIONS OF THE COMMITTEE ON HOUSE ADMINISTRATION.—In clause 4(d)(1) of rule X—

Designate subdivisions (B) and (C) as subdivisions (C) and (D) and insert after subdivision (A) the following new subdivision:
“(B) oversee the management of services provided to the House by the Architect of the Capitol, except those services that lie within the jurisdiction of the Committee on Transportation and Infrastructure and under clause 1(c); and
(2) in subdivision (D) (as redesignated) strike ‘‘(B)’’ and insert ‘‘(C)’’.
(d) TERMS OF COMMITTEE CHAIRMAN.—In clause 5 of rule X—
(1) amend paragraph (a)(2)(C) to read as follows:
‘‘(C) A Member, Delegate, or Resident Commissioner may exceed the limitation of subdivision (B) if elected to serve a second consecutive Congress as the chair or a second consecutive Congress as the ranking minority member.’’; and
(2) in paragraph (c)—
(A) strike the designation of subparagraph (1) and
(B) strike subparagraph (2).
(e) CALENDAR WEDNESDAY.—
(1) in clause 6 of rule XV—
(A) in paragraph (a)—
(i) strike ‘‘the committee’’ and insert ‘‘those committees’’; and
(ii) strike ‘‘unless two-thirds’’ and all that follows and insert ‘‘whose chair, or other member authorized by the committee, has announced to the House a request for such call on the preceding legislative day,’’; and
(B) strike subparagraph (2) and redesignate paragraph (e) as paragraph (c).
(2) In clause (c) of rule XIII, strike subparagraph (2) and redesignate paragraph (c) as paragraph (b).
(3) in clause (c) of rule XX, strike subparaghraph (1) and the designation ‘‘(2)’’.
(f) POSTSEASON AUTHORITY.—In clause 1 of rule XIX, add the following new paragraph:
‘‘(c) Nowhere shall the clause or paragraph (a), when the point of order is operating to adoption or passage of a measure pursuant to a special order of business, the Speaker may postpone further consideration of such measure in the House to such time as may be designated by the Speaker.’’
(g) INSTRUCTIONS IN THE MOTION TO RECOMMIT.—In clause 2(b) of rule XIX—
(1) designate the existing sentence as subparagraph (1); and
(2) in subparagraph (1) (as so designated)—
(A) strike ‘‘if’’; and
(B) strike ‘‘including instructions, it’’; and
(3) add the following new subparagraph at the end:
‘‘2) A motion to recommit a bill or joint resolution to a committee of either House on such bill or on a companion measure or
(2) a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.’’; and
(2) in paragraph (c) (as redesignated)—
(A) strike the first sentence, after ‘‘paragraph (a)’’ insert ‘‘or (b)’’; and
(B) amend the second sentence to read as follows:
‘‘As disposition of a point of order under this paragraph or paragraph (b), the Chair shall put the question of consideration with respect to the rule, order or conference report, as applicable.’’.
(h) PAY-GO.—
(1) Amend clause 10 of rule XXI to read as follows:
‘‘10(a)(x) Except as provided in paragraphs (b) and (c), it shall not be in order to consider any bill, joint resolution, amendment, or conference report if the provisions of such measure affecting direct spending and revenue have the net effect of increasing the deficit or reducing the surplus for the entire period comprising—
‘‘(A) the current fiscal year, the budget year set forth in the most recently completed concurrent resolution on the budget, and the four fiscal years following that budget year; or
(B) the current fiscal year, the budget year set forth in the most recently completed concurrent resolution on the budget, and the nine fiscal years following that budget year.
‘‘(2) The effect of such measure on the deficit or surplus shall be determined on the basis of estimates made by the Committee on the Budget relative to baseline estimates supplied by the Congressional Budget Office consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.
‘‘(b) If a bill, joint resolution, or amendment is considered pursuant to a special order of the House directing the Clerk to add the measure to the call of the House at the end of the session, the provisions of such measure shall be considered discretionary if the spending or revenue has an impact that is not considered to be within the scope of such measure.
‘‘(c) Except as provided in subparagraph (2), the evaluation under paragraph (a) shall include a provision expressly designated as an emergency for purposes of pay-as-you-go principles in the case of a point of order raised under this clause against consideration of—
‘‘(A) a bill or joint resolution;
(B) an amendment made in order as original text by a special order of business; or
(C) a conference report;
and
‘‘(D) an amendment between the Houses.
‘‘(2) In the case of an amendment (other than one specified in subparagraph (1)) to a bill or joint resolution, the evaluation under paragraph (a) shall give no cognizance to any designation of emergency.
‘‘(3) If a bill, a joint resolution, an amendment, or conference report includes a provision expressly designated as an emergency for purposes of pay-as-you-go principles, the Speaker shall put the question of consideration with respect thereto.
‘‘(4) In rule XXII—
(I) strike paragraph (a)’’; and
(II) strike ‘‘(i)’’.
(5) In rule XXIV—
(I) strike ‘‘the family of such individual’’.
(ii) strike ‘‘his direction and control’’ each place it appears.
(6) in paragraph (b)(1) strike ‘‘his’’ and insert ‘‘the family of such individual’’.
(iii) in paragraph (b)(2) strike ‘‘his’’ and insert ‘‘the family of such individual’’.
(j) GENDER NEUTRALITY.—
(1) In the standing rules—
(A) strike ‘‘chairman’’ each place it appears and insert ‘‘chair’’; and
(B) strike ‘‘Chairman’’ each place it appears and insert ‘‘Chair’’ (except in clause 4(a)(1)(B) of rule X).
(2) In rule I—
(A) in clause 1 strike ‘‘his’’;
(B) in clause 7, strike ‘‘his’’ and insert ‘‘such’’;
(C) in clause 8—
(i) in paragraph (b)(1) strike ‘‘his’’; and
(ii) in paragraph (b)(3)(B), strike ‘‘his election and whenever he deems’’ and insert ‘‘the election of the Speaker and whenever’’; and
(D) in clause 12—
(i) in paragraph (c) strike ‘‘he’’ and insert ‘‘the Speaker’’; and
(ii) in paragraph (d) strike ‘‘his opinion’’ and insert ‘‘the opinion of the Speaker’’.
(3) in clause 1—
(A) in clause 1 strike ‘‘his office’’ and insert ‘‘the office’’;
(B) strike ‘‘his knowledge and ability’’ and insert ‘‘the knowledge and ability of the officer’’;
(C) strike ‘‘his’’ and insert ‘‘the’’;
(3) strike ‘‘his department’’ and insert ‘‘the department concerned’’;
(4) in rule I—
(B) in clause 2—
(i) in paragraph (b) strike ‘‘he is required to make’’ and insert ‘‘required to be made by such office’’;
(ii) in paragraph (g) strike ‘‘his temporary absence or disability’’ and insert ‘‘the temporary absence or disability of the Clerk’’;
(iii) in paragraph (i) strike ‘‘Whenever the Clerk is acting as a supervisory authority over such staff, he’’ and insert ‘‘When acting as a supervisory authority over such staff, the Clerk’’; and
(C) in clause 3—
(i) in paragraph (a) strike ‘‘him’’ and insert ‘‘the Sergeant-at-Arms’’;
(ii) in paragraph (b) strike ‘‘him’’ and insert ‘‘the Sergeant-at-Arms’’;
(iii) in paragraph (c) strike ‘‘his employees’’ and insert ‘‘employees of the office of the Speaker of the House’’;
(iv) in paragraph (d)—
(I) strike ‘‘; and’’ and insert ‘‘and,’’;
(ii) strike ‘‘he’’.
(4) in rule XV—
(A) in clause 1 strike ‘‘he has’’ and insert ‘‘has’’;
(B) in clause 2(a)—
(i) strike ‘‘his’’ and insert ‘‘the vote of such Member’’; and
(ii) strike ‘‘his presence’’ and insert ‘‘the presence of such Member’’.
(5) in rule IV—
(A) in clause 4(a) strike ‘‘he or she’’ and insert ‘‘such individual’’; and
(B) in clause 6(b) strike ‘‘his family’’ and insert ‘‘the family of such individual’’.
(6) in rule V—
(A) strike ‘‘administer a system subject to his direction and control’’ each place it appears and insert ‘‘administer, direct, and control a system’’;
(B) strike ‘‘he’’ each place it appears and insert ‘‘the Speaker’’; and
(C) in clause 3 strike ‘‘his’’ and insert ‘‘the’’.
(7) in rule VI, strike ‘‘he’’ each place it appears and insert ‘‘the Speaker’’.
(8) in clause 7 of rule VII, strike ‘‘his office’’ each place it appears and insert ‘‘the office of the Clerk’’.
(9) in clause 6(b) of rule VIII, strike ‘‘he’’ and insert ‘‘the Speaker’’.
(10) in clause 2(a)(1) of rule IX, strike ‘‘his’’ and insert ‘‘an’’.
(11) in rule X—

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A in clause 4(f)(1), strike ‘President submits his budget’ and insert ‘submission of the budget by the President’; (B) in clause 5—
(i) in paragraph (a)(4)—
(I) strike ‘his designee’ each place it appears and insert ‘a designee’; and
(II) strike ‘his respective party’ each place it appears and insert ‘the respective party of such individual’;
(ii) in paragraph (b)(1) strike ‘he was’; and
(iii) in paragraph (c) strike ‘chairmanship’ and insert ‘chair’;
(C) in clause 8—
(i) strike ‘his expenses’ each place it appears and insert ‘the expenses of such individual’; and
(ii) strike ‘he’ each place it appears;
(D) in clause 10(a) strike ‘he is’; and
(E) in clause 11—
(i) in paragraph (a)(3) strike ‘member of his leadership staff to assist him in his capacity’ and insert ‘representative leadership staff member to assist in the capacity of the Speaker or Minority Leader’;
(ii) in paragraph (e)(1) strike ‘his employment or contractual agreement’ and insert ‘the employment or contractual agreement of such employee or person’; and
(iii) in paragraph (g)(2)—
(I) strike ‘his’ and insert ‘the President’;
(II) strike ‘his’; and
(III) strike ‘his’.
(2) in rule XI—
(A) in clause 2—
(i) in paragraph (c)(1) strike ‘he’ and insert ‘the chair’; and
(ii) in paragraph (k)(9) strike ‘his testimony’ and insert ‘the testimony of such witness’;
(B) in clause 3—
(i) in paragraph (a) strike ‘his duties or the discharge of his responsibilities’ each place it appears and insert ‘the duties or the discharge of the responsibilities of such individual’;
(ii) in paragraph (b)—
(I) in subparagraph (2)(B) strike ‘he’ and insert ‘such Member, Delegate, or Resident Commissioner’; and
(II) in subparagraph (5) strike ‘disqualify himself’ and insert ‘seek disqualification’;
(III) in paragraph (g)—
(I) in subparagraph (1)(B) strike ‘he is’;
(II) in subparagraph (1)(E) strike ‘his or her employment or duties with the committee’ and insert ‘the employment or duties with the committee of such individual’; and
(III) in subparagraph (4)—
(aa) strike ‘his or her personal staff’ and insert ‘the respective personal staff of the chair or ranking minority member’; and
(bb) strike ‘he’ and insert ‘the chair or ranking minority member’;
(iv) in paragraph (p)—
(I) in subparagraph (2) strike ‘his counsel’ and insert ‘counsel of the respondent’; and
(II) in subparagraph (4)—
(aa) strike ‘his or her counsel’ and insert ‘counsel of the respondent’; and
(bb) strike ‘his counsel’ and insert ‘the counsel of the respondent’;
(III) in subparagraph (7) strike ‘his counsel’ and insert ‘the counsel of a respondent’; and
(IV) in subparagraph (8) strike ‘him’ and insert ‘the respondent’; and
(v) in paragraph (q) strike ‘his or her’ and insert ‘his’.
(3) in rule XII—
(A) in clause 2(c)(1) strike ‘he’ and insert ‘the Speaker’; and
(B) in clause 8, rule XX, strike ‘he shall endorse his name’ and insert ‘the name of the Member, Delegate, or Resident Commissioner shall sign it’.
(4) In clause 6(d) of rule XIII, strike ‘his’.
(5) In clause 4(c)(1) of rule XVI strike ‘discretion’ and insert ‘the discretion of the Speaker’.
(6) In rule XVII—
(A) in clause (a) strike ‘himself to Mr. Speaker’ and insert ‘the Speaker’; and
(B) in clause 6 strike ‘his discretion’ and insert ‘discretion of the Chair’;
(C) in clause 9 strike ‘he’ each place it appears and insert ‘such individual’;
(7) In clause 6 of rule XVIII, strike ‘he’ each place it appears and insert ‘the Chair’;
(8) In rule XX—
(A) in clause 5—
(i) in paragraph (b) strike ‘him’ and insert ‘the Sergeant-at-Arms’;
(ii) in paragraph (c)(3)(B)(i) strike ‘his’ and insert ‘a’; and
(iii) in paragraph (d) strike ‘he’ and insert ‘the Speaker’; and
(B) in clause 6(b)—
(i) strike ‘he’ and insert ‘the Member’; and
(ii) strike ‘his’ and insert ‘such’.
(9) In clause 7(c)(1) of rule XXII, strike ‘his’.
(10) In clause 20 of rule XXIII—
(A) in clause 1 strike ‘conduct himself’ and insert ‘conduct’;
(B) in clause 3—
(i) strike ‘his actual knowledge’ each place it appears and insert ‘the actual knowledge of such individual’;
(ii) strike ‘his official position’ each place it appears and insert ‘the official position of such individual’;
(iii) strike ‘his’ each place it appears and insert ‘the duties of such individual’;
(iv) in paragraph (a)(3)(D)(ii)(I) strike ‘his’ and insert ‘the relationship of such individual’; and
(v) in paragraph (a)(3)(G)(1) strike ‘his spouse’ and insert ‘the spouse of such individual’.
(11) In clause 6—
(i) strike ‘he acts’ and insert ‘acting’; and
(ii) strike ‘he is’; and
(E) in clause 8 strike ‘his or her’ and insert ‘the Chair’.
(12) In clause 1 of rule XXVI, strike ‘him’ and insert ‘the Chair’.
(13) In clause 2 of rule XXVII, strike ‘he or she’ and insert ‘such individual’.
(14) In clause 2(b) of rule XXVIII, strike ‘not in session’ and insert in lieu thereof ‘in recess or adjournment’.
(15) In clause 4(b) of rule IV, strike ‘regulations that exempt’ and insert in lieu thereof ‘limitations to carry out this rule including regulations that exempt’.
(16) In clause 5(c) of rule X—
(A) strike ‘temporary absence of the chair’ and insert ‘absence of the member serving as chair’; and
(B) strike ‘permanent’.
(17) In clause 7(e) of rule X, strike ‘signed by’ and all that follows, and insert in lieu thereof ‘signed by the ranking member of the committee as it was constituted at the expiration of the preceding Congress who is a member of the majority party in the present Congress.’.
(18) In clause 8(a) of rule X, strike ‘clauses 6 and 8’ and insert in lieu thereof ‘clause 6’.
(19) In clause 2(a) of rule XIII—
(A) in subparagraph (1), strike ‘as privileged’; and
(B) in subparagraph (2), insert ‘other than those filed as privileged’ after ‘reported adversely’.
(20) In clause 5(c)(3) of rule XX, strike ‘clause 5(a) of rule XX’ and insert ‘paragraph (4)(a)’.
(21) In clause 6(c) of rule XX, after ‘yeas and nays’ insert ‘ordered under this clause’.
(22) In clause 7(c)(3) of rule XXII, strike ‘motion makes’ and insert in lieu thereof ‘proponent meets’.
(23) In clause 10(b)(2) of rule XXIV, strike ‘office space, furniture, or equipment, and’ and insert in lieu thereof ‘office space, office furniture, office equipment, or’.\n
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(1) In clause 5(d)(2) of rule XXV, strike “paragraph (1)(A)” and insert “subparagraph (1)(A)”.

**SEC. 3. SEPARATE ORDERS.**

(a) **Budget Matters—**

(1) During the One Hundred Eleventh Congress, references in section 306 of the Congressional Budget Act of 1974 to a resolution shall be construed in the House of Representatives as a joint resolution.

(2) During the One Hundred Eleventh Congress, in the case of a reported bill or joint resolution considered pursuant to a special order of the House, no amendment (other than a motion to postpone) shall be subject to a demand for division of time, shall not be subject to amendment, and shall be controlled by the proponent and an opponent as references to a joint resolution.

(3) During the One Hundred Eleventh Congress, a provision in a bill or joint resolution, or in an amendment thereto or a conference report thereon, that establishes a special order of business, a point of order under section 302(b) of the Congressional Budget Act of 1974 shall not be considered as providing new budget authority under section 1974 of the Congressional Budget Act of 1974.

(B) During the One Hundred Eleventh Congress, except as provided in subsection (C), a motion that the Committee of the Whole rise and report a bill to the House shall not be in order if the bill, as amended, exceeds an applicable allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974, as estimated by the Committee on the Budget.

(B) A point of order under subsection (A) is sustained, the Chair shall put the question: “Shall the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted notwithstanding that the bill exceeds its allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974?”. Such question shall be debatable for 10 minutes equally divided and controlled by a proponent of the question and an opponent but shall be decided without intervening motion.

(C) Subsection (A) shall not apply—

(i) to a motion offered under clause 2(d) of rule XIX;

(ii) after disposition of a question under subsection (B) on a given bill.

(D) If a question under subsection (B) is decided in the negative, no further amendment shall be in order except—

(1) one proper amendment, which shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole; and

(2) pro forma amendments, if offered by the chair or ranking minority member of the Committee on Appropriations or their designees, for the purpose of debate.

(b) **Certain Subcommittees.—**Notwithstanding clause 5(d) of rule X, during the One Hundred Eleventh Congress—

(1) The Committee on Armed Services may have not more than seven subcommittees;

(2) the Committee on Foreign Affairs may have not more than seven subcommittees; and

(3) the Committee on Transportation and Infrastructure may have not more than six subcommittees.

(c) **Facilities for Former Members.—**During the One Hundred Eleventh Congress—

(1) The House of Representatives may not provide access to any exercise facility which contribute to climate change and global warming.

(2) NUMERATION OF BILLS.—In the One Hundred Eleventh Congress, the first 10 numbers for bills (H.R. 1 through H.R. 10) shall be reserved for assignments by the Speaker.

(3) MEDICARE COST CONTAINMENT.—Section 803 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 shall not apply during the One Hundred Eleventh Congress.

**SEC. 4. COMMITTEES, COMmissions, AND House OFFICES.**

(a) **Select Committee on Energy Independence and Global Warming.—**

(1) **Establishment; Composition.**—Established hereby is a select committee on energy independence and global warming (hereinafter in this section referred to as the “select committee”).

(2) **Composition.**—The select committee shall be composed of 15 members appointed by the Speaker of the House, of whom 6 shall be appointed on the recommendation of the Minority Leader. The Speaker shall designate one member of the select committee as its chair.

(3) Vacancies in the membership of the select committee shall be filled in the same manner as the original appointment.

(2) **Jurisdiction; Functions.**—

(A) **L egislative Jurisdiction.**—The select committee shall have legislative jurisdiction and shall have no authority to take legislative action on any bill or resolution.

(B) **Investigative Jurisdiction.**—The select committee shall have the authority to investigate, study, make findings, and develop recommendations on policies, strategies, technologies, and other innovations, intended to reduce the dependence of the United States on foreign sources of energy and achieve substantial and permanent reductions in other activities that contribute to climate change and global warming.

(3) **Procedure.**—(A) Except as specified in paragraphs (2)(A) and (2)(B) of this subsection the select committee shall have the authorities and responsibilities of, and shall be subject to the same limitations and restrictions as, a standing committee of the House of Representatives. The committee shall prescribe in this paragraph shall be governed by the Committee on the Judiciary to the extent that such regulations are appropriate to ensure continuation of such civil action, including amending the complaint as circumstances may warrant.

(B) **Depositions.**—(A) Except as specified in paragraphs (2)(A) and (2)(B) of this subsection the select committee shall have the authorities and responsibilities of, and shall be subject to the same limitations and restrictions as, a standing committee of the House of Representatives. The select committee shall have the authority to investigate, study, make findings, and develop recommendations on policies, strategies, technologies, and other innovations, intended to reduce the dependence of the United States on foreign sources of energy and achieve substantial and permanent reductions in other activities that contribute to climate change and global warming.

(3) **Procedure.**—(A) Except as specified in paragraphs (2)(A) and (2)(B) of this subsection the select committee shall have the authorities and responsibilities of, and shall be subject to the same limitations and restrictions as, a standing committee of the House of Representatives. The select committee shall have the authority to investigate, study, make findings, and develop recommendations on policies, strategies, technologies, and other innovations, intended to reduce the dependence of the United States on foreign sources of energy and achieve substantial and permanent reductions in other activities that contribute to climate change and global warming.

(4) **Funding.**—To enable the select committee to carry out the purposes of this section—

(A) the select committee may use the services of staff of any House committee; and

(B) the select committee shall be eligible for interim funding pursuant to clause 7 of rule X.

(5) **Reporting.**—The select committee may report to the House from time to time the results of its investigations and studies, together with such detailed findings and recommendations as the committee finds advisable. All such reports shall be submitted to the House by December 31, 2010.
of the 110th Congress as part of its investiga-
tion into the firing of certain United States
Attorneys and related matters who failed to
come forward, pending which I yield myself
for purposes of debate
Mr. HOYER. Mr. Speaker, I ask unanimous con-
sent that the resolution be considered as read
and printed in the RECORD.

The SPEAKER pro tempore. Is there
objection to the request of the gen-
tleman from Maryland?
There was no objection.

The SPEAKER pro tempore. The gen-
tleman from Maryland is recognized
for 1 hour.
Mr. HOYER. Mr. Speaker, for pur-
pose of debate only, I yield the cus-
toary 30 minutes to the gentleman
from Ohio (Mr. BOEINER), or his des-
igee, pending which I yield myself
such time as I may consume. During
consideration of the resolution, all
time yielded is for purposes of debate
only.
Mr. Speaker, 2 years ago Democrats
were elected to the majority with a
pledge that under our leadership the
House would dedicate itself to integ-
rity and accountability. We believe we
kept that promise.

Today, gifts for lobbyists are banned,
the use of corporate jets is pro-
liferated, the earmark process is trans-
parent, all House employees are
trained in ethics, and an independent
Office of Congressional Ethics has been
established.

But we also understand that holding
this House to high standards is not
simply the work of one session or one
resolution or, indeed, one Congress. It
is a project for all of us to renew year
after year. I would like to touch on
some of the most important new stand-
ards for the 111th Congress: a new rules
package that will ensure that the
House does the people's work ethically
and efficiently.

First, we understand that "revolving
door" between the public and private
sectors can compromise the indepen-
dence of judgment that voters want and
deserve. That is why these new rules
will prevent "lame duck" Members
from negotiating employment con-
tracts in secret before their terms expire.

Secondly, the rules will no longer set
term limits for committee Chairs. I un-
derstand that our Republican col-
leagues once wrote term limits into the
rules in an effort against the en-
trenched power. But it is now clear
that that effort fell victim to what
conservatives like to call the law of un-
intended consequences.

With chairmanships up for grabs so
frequently, fundraising ability became
one of the most important for job qual-
ification, and legislative skill was sac-
rificed to political considerations.

Second, these rules limit the abuse of
motions to recommit. We invite good-
faith efforts to improve legislation.
And in these hard times, we need the
Republican and Democratic partners in policy making. We welcome it.
But we all understand which
motions are not offered in good faith.
Those are the motions that attempt to
kill bills through parliamentary tricks
and waste the constituents' time on
"gotcha" politics.

Fourth, we are continuing our work
to reform earmarks, removing loop-
holes that allow Members to make
some earmarks in secret.

Fifth and finally, these rules confirm
our commitment to fiscal responsi-

bility.
A binge of borrowing has weakened
our economy, tied our hands in a finan-
cial crisis, and saddled our children
and grandchildren with $9 trillion in for-
eign-owned debt. That recklessness
must end, and these rules will help end
it.
Mr. Speaker, these rules embody our
vision for the House as an institution:

That is our vision for this House, and
I urge my colleagues to adopt these
rules.

Mr. Speaker, I ask unanimous con-
sent that the balance of my time be
controlled by the chairwoman of the
Rules Committee, the distinguished
gentlewoman from New York, Chair-
woman SLAUGHTER.

The SPEAKER pro tempore. Is there
objection to the request of the gen-
tleman from Maryland?
There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I
yield myself such time as I may con-
sume.
I want to begin by thanking the gen-
tleman from Maryland for his state-
ment and yielding me the time to
present the opening day's rules pack-
ages for the 111th Congress.
Mr. Speaker, rarely has our Na-
tion faced such grave challenges. Mil-
ions of Americans are without jobs
and consequently also without health
insurance. The war in Iraq and Af-
pghanistan and our current engagement in two wars overseas. And as our economy spi-
rals downward, Americans from coast
to coast are struggling to make ends
meet.
But there is reason to hope. In fewer
than 14 days, a new President will be
sworn in. And President-elect Barack
Obama, the House Democrats and I,
and my Republican friends are com-
mitted to rolling up our sleeves and
getting to work immediately to solve
the critical challenges that face our
Nation.

On this day I am honored to address
the House at the beginning of the 111th
Congress to present the rules package
that will govern the 111th Congress and
work to meet the needs of American families
over the next 2 years.
It is the responsibility of the major-
ity to protect and enhance the integ-
rity of the institution, and that is what
these rules do. They are built upon the
important rules changes that Democrats implemented during the last Congress, we are keeping our
commitment to the American people to
restore accountability and honesty to
government.
In the 110th Congress, Democrats put
forth critical measures to restore trans-
parency to the House. We banned
gifts from lobbyists. We prohibited the
use of corporate jets. We mandated eth-
ics training for all House employees.
We ensured transparency for earmarks
by requiring the full disclosure of ear-
marks in all bills and conference re-
ports. We established an independent
Office of Congressional Ethics. And
today we are building on our commit-
mation to rolling up our sleeves and
giving the people's business the seri-
ous attention it deserves. That is why
these rules change the way we do
business.

We believe that these rules are what
Americans want. They want to see
Congressional leaders roll up their
sleeves and get to work.

The first set of rules that we will
consider is the Motion to Lay on the
Table.
resulting in even further transparency and accountability in the earmark process.

By making commonsense changes to the motion to recommit, we are helping Congress to function more effectively by giving the majority’s legitimate right to present their policy alternatives through offering a motion that amends the bill or a “straight” motion that sends the bill back to committee without amendment.

By raising the voting thresholds for term limits for committee Chairs from this package, we take away what was from the first a political consideration to eliminate that from the official House rules where they don’t belong. And by maintaining strong PAYGO rules, we are demonstrating our strong commitment to fiscal discipline.

These important measures make good sense to protect the integrity of this institution and to enable Congress to help America get back on track. Today we are not only harnessing the belief that we can continue to restore integrity and accountability to Congress, we are also laying down a strong foundation for House action on the grave challenges that face this great Nation.

Mr. Speaker, and my friends on both sides of the aisle, the American people know exactly what’s at stake over the next few years, which is why they have resoundingly raised their voices for change, and Democrats are listening. We are ready to help put Americans back to work by investing in job creation initiatives, strengthening our economy. We are ready to fix our broken health care system so that every citizen can get quality, affordable care that they desperately need and are entitled to. We are ready to cultivate a clean energy economy by turning wind into energy, energy investments into innovation, and innovation into American jobs.

We are ready to begin responsibly withdrawing troops from Iraq, ready to ensure quality education for our young people, ready to continue making the tough choices that the American people elected us to make.

Yet in order to begin addressing these pressing challenges, we must ensure that Congress continues to put integrity and accountability at the heart of our daily actions. I can think of no better way to do that than by adopting these amendments to the House rules.

Mr. Speaker, it will be a long and difficult journey to strengthen our economy, to reform the health care system, and create a clean energy future worthy of our children and grandchildren. But the rules package before us today is an important first step, one that will ensure integrity in Congress as we move forward on this pivotal path.

It is time to reinvigorate America. It’s time to make history. And let us begin.

Mr. Speaker, I urge adoption of this commonsense rules package to allow the House to operate more effectively and productively in solving the challenges facing our great Nation while strengthening our integrity in Congress.

Section-By-Section of Rule Changes—111th Congress

The changes in the standing rules of the House made by House Resolution 5 include the following:

**SEC. 2. CHANGES TO THE STANDING RULES.**

(a) INSPECTOR GENERAL AUDITS.—

In response to the recommendation of the chairman and ranking minority member of the Committee on House Administration, this provision amends clause 6(c)(1) of rule II to clarify that the audit work that the Inspector General does in the areas of business process improvements, services to enhance the efficiency of House support operations, and risk management assessments. The change also will allow the Inspector General to implement guidance and standards published in the Government Accountability Office’s Government Auditing Standards.

(b) HOMELAND SECURITY.—

This provision amends clause 3(g) of rule X to direct the Committee on Homeland Security to review and study on a primary and continuing basis all Government activities, programs, and organizations relating to homeland security within its primary legislative jurisdiction.

Nothing in this rule shall affect the oversight or legislative authority of other committees under the Rules of the House.

The change in clause 3 of rule X clarifies the Committee on Homeland Security’s oversight jurisdiction over government activities relating to homeland security within its primary legislative jurisdiction, including the interaction of all departments and agencies with the Department of Homeland Security. Consistent with the designation of the Committee on Homeland Security as the committee of oversight in these vital areas, the House expects that the President and the relevant executive agencies will forward copies of all reports in this area, in addition to those already covered by clause 2(b) of rule XIII, to the Committee on Homeland Security to assist it in carrying out this important responsibility.

This change is meant to clarify that various existing reporting relationships with the Homeland Security Committee matter within its jurisdiction in addition to the agencies’ reporting relationships with other committees of jurisdiction.

(c) ADDITIONAL FUNCTIONS OF THE COMMITTEE ON HOUSE ADMINISTRATION.—

This provision amends clause 3(d) of rule X to give the Committee on House Administration oversight of the management of services provided to the House by the Architect of the Capitol, except those services that lie within the domain of the Committee on Transportation and Infrastructure under clause 1(r).

(d) TERMS OF COMMITTEE CHAIRMEN.—

This provision amends clause 5(c)(2) of rule X to eliminate term limits for committee and subcommittee chairs and includes a conforming amendment to clause 5(a)(2)(C) of rule X to provide an exception to the Budget Committee tenure limitations for a chair or ranking minority member serving a second consecutive term in the respective position.

(e) CALENDAR WEDNESDAY.—

This provision amends clause 6 of rule XV to require the Clerk to read only those committees where the committee chair has given prior notice to the Clerk he or she will seek recognition to call up a bill under the Calendar Wednesday rule. This will replace the requirement that the Clerk read the list of all committees, regardless of whether a committee intends to utilize the rule. The provision makes conforming changes to clause 6 of rule XVI and clause 6 of rule XIII, including the deletion of the requirement of a two-thirds vote to dispose of the proceedings under Calendar Wednesday.

(f) POSTPONEMENT AUTHORITY.—

This provision adds a new paragraph (c) to clause 1 of rule XIX to give permanent au-

(f) CHANGES TO THE APPROPRIATIONS COMMITTEE.—

This provision amends clause 2(b) of rule XIX to provide that a motion to recommit a bill or joint resolution may include instructions only in the form of a direction to report a textual amendment or amendments back to the House forthwith. The provision makes no change to the straight motion to recommit.

(h) CONDUCT OF VOTES.—

In response to the bipartisan recommendation of the Select Committee to Investigate the Voting Irregularities of August 2, 2007, this provision deletes the following sentence in clause 2(a) of rule XX: “A record vote by the House or Senate shall be taken by the sole purpose of reversing the outcome of such vote.”

(i) GENERAL APPROPRIATIONS CONFERENCE REPORTS.—

This provision codifies House Resolution 491, 110th Congress, which was adopted by the House on June 30, 2008. It provides a point of order against any general appropriations conference report containing earmarks that are included in conference reports but not committed to conference by either House and not in a House or Senate committee report on the legislation. A point of order under the provision would be disposed of by the question of consideration, which would be debatable for 20 minutes equally divided.

(j) PAYGO.—This provision amends clause 10 of rule XXI to make the following changes:

(1) A technical amendment to align the PAYGO rules of the House with those of the Senate so that both houses use the same CBO baseline;

(2) The changes would also allow one House-passed measure to pay for spending in a separate House-passed measure if the two are linked at the engrossment stage; and

(3) The changes would also allow for emergency exceptions to PAYGO for provisions designated as emergency spending in a bill, joint resolution, amendment made in order as original text, conference report, or amendment between the Houses (but not original amendments).

The new clause 10(c)(3) of rule XXI provides that the Chair will put the question of consideration on a bill, joint resolution, an amendment made in order as original text by a special order of business, a conference report, or an amendment between the Houses that includes an emergency PAYGO designation. The Chair will put the question of consideration on such a measure without regard to a waiver of points of order under clause 10 of rule XXI or language providing for immediate consideration of the measure.

The intent of this exception to pay-as-you-go principles is to allow for consideration of measures that respond to emergency situations. Provisions of legislation may receive an emergency designation if such provisions are necessary to respond to an act of war, an
act of terrorism, a natural disaster, or a period of sustained low economic growth. A measure that includes any provision designated as emergency shall be accompanied by a statement of reasons why, as the case may be, or include an applicable ‘‘Findings’’ section in the legislation, stating the reasons why such provision meets the emergency designation according to the following criteria.

In general, the criteria to be considered in determining whether a proposed expenditure or tax change meets an emergency designation include: (1) necessary, essential, or vital (not merely useful or beneficial); (2) sudden, quickly coming into being, and not building up over time, urgent, pressing, and compelling need requiring immediate action; (4) unforeseen, unpredictable, and unanticipated; and (5) not permanent, but rather temporary in nature. With respect to the fourth criterion above, an emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not ‘‘unforeseen.’’

(b) ECONOMY.—

This provision amends clauses 5(a)(2) and 5(c) of rule X to permit procedures to expedite floor action on the Budget Committee’s budget resolution by the adoption of House Resolution 5, and rule XXVII to close the loophole in the rule that allowed lame-duck Members, Delegates, and the Resident Commissioner to directly negate a point of order or compensation without public disclosure. The rule will now apply to all current Members, Delegates, and the Resident Commissioner requiring them, within 24 hours after the commencement of such negotiation or agreement of future employment or compensation, to file with the Committee on Standards of Official Conduct a statement regarding such negotiations or agreement.

(g) GENDER NEUTRALITY.—

This provision amends the Rules of the House, which limits the number of subcommittees of the House for purposes of section 202(i) of the pow of the House. First adopted in the 109th Congress, which prohibits former Members, spouses of former Members, and former officers of the House from using the Members’ gym if those individuals are registered lobbyists.

(h) NUMBERING OF BILLS.—

This provision continues the practice of reserving the first 10 bill numbers for designation by the Speaker throughout the 111th Congress. It also amends the procedures for the Speaker to assign bill numbers, which shall be produced by the House Ways and Means Committee during the 111th Congress. The Speaker shall assign bill numbers to legislation and resolutions in sequence, beginning with the number of the first bill number assigned in the 110th Congress. The bill number assigned shall be one that is not currently assigned to any other bill.

(H) MEDICARE COST CONTAINMENT.—

This provision continues the Select Committee on Energy Independence and Global Warming, which was created in the 109th Congress to address the issue of increasing Medicare costs. The new Committee, the House Democracy Assistance Commission, will be responsible for developing policy recommendations to address the issue of increasing Medicare costs.

(d) TECHNICAL AND CODIFYING CHANGES.—

Upon the recommendation of the Parlementarian, this provision contains the following technical and codifying changes:

(1) Clarify the authority of the Clerk to receive messages on behalf of the House includes both recesses and adjournments (clause 3(a) of rule I);

(2) Clarify the Speaker’s regulatory authority for all of rule IV (regarding access to the House floor), which was inadvertently narrowed when the House last amended the rule;

(3) Clarify that the scheme set forth in the rule for temporary management of a committee will apply pending the House filling a permanent vacancy of a chair (clause 5(c) of rule X);

(4) Clarify that the majority-party Member in the next Congress, who was most senior on the committee in the preceding Congress, has voucher authority pending establishment of the reapportionment of the committee (clause 3(e) of rule X);

(5) Delete an unnecessary cross reference (clause 5(a) of rule X);

(6) Reinsert the exception, inadvertently dropped in recodification in the 106th Congress, that privileged matters are not automatically laid on the table when reported adversely (unlike nonprivileged matters reported adversely, which are automatically laid on the table) (clause 2(a) of rule XIII);

(7) Correct a grammatical error in the rule (clause 5(c)(3) of rule XX);

(8) Clarify the availability of a motion to adjourn during merger of a quorum call and the yeas and nays to include only the clause 6 version of the yeas and nays (clause 6(c) of rule XX);

(9) Correct a grammatical error in the rule to clarify that notice to instruct conferees at a stalled conference is given by a ‘‘proponent’’ and not by a ‘‘motion.’’ (clause 7(c)(4) of rule XX)

(10) Clarify that the rule prohibiting campaign funds for official expenses applies to ‘‘office space, office furniture, or office equipment’’ (clause 1(b)(2) of rule XXIV);

(11) Corrects an internal cross reference (clause 5(d)(2) of rule XXV).

SEC. 3. SEPARATE ORDERS.

(a) BUDGET MATTERS.—

This provision would continue the standing order of the House, first adopted in the 109th Congress, which prohibits former Members, spouses of former Members, and former officers of the House from using the Members’ gym if those individuals are registered lobbyists.

(b) CERTAIN SUBCOMMITTEES.—

This provision would continue the standing order of the House, adopted in the 109th Congress, which prohibits former Members, spouses of former Members, and former officers of the House from using the Members’ gym if those individuals are registered lobbyists.

(c) MEDICARE COST CONTAINMENT.—

This provision continues the Select Committee on Energy Independence and Global Warming, which was created in the 109th Congress to address the issue of increasing Medicare costs. The new Committee, the House Democracy Assistance Commission, will be responsible for developing policy recommendations to address the issue of increasing Medicare costs.

(d) TECHNICAL AND CODIFYING CHANGES.—

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(e) MEDICARE COST CONTAINMENT.—

This provision continues the Select Committee on Energy Independence and Global Warming, which was created in the 109th Congress to address the issue of increasing Medicare costs. The new Committee, the House Democracy Assistance Commission, will be responsible for developing policy recommendations to address the issue of increasing Medicare costs.

(f) CONTINUING AUTHORITY FOR THE COMMITTEE ON THE JUDICIARY AND THE OFFICE OF GENERAL COUNSEL.—

This provision continues the Select Committee on Energy Independence and Global Warming, which was created in the 109th Congress to address the issue of increasing Medicare costs. The new Committee, the House Democracy Assistance Commission, will be responsible for developing policy recommendations to address the issue of increasing Medicare costs.

(g) GENDER NEUTRALITY.—

This provision amends the Rules of the House, which limits the number of subcommittees of the House for purposes of section 202(i) of the pow of the House. First adopted in the 109th Congress, which prohibits former Members, spouses of former Members, and former officers of the House from using the Members’ gym if those individuals are registered lobbyists.

(h) NUMBERING OF BILLS.—

This provision continues the practice of reserving the first 10 bill numbers for designation by the Speaker throughout the 111th Congress. It also amends the procedures for the Speaker to assign bill numbers, which shall be produced by the House Ways and Means Committee during the 111th Congress. The Speaker shall assign bill numbers to legislation and resolutions in sequence, beginning with the number of the first bill number assigned in the 110th Congress. The bill number assigned shall be one that is not currently assigned to any other bill.

(H) MEDICARE COST CONTAINMENT.—

This provision continues the Select Committee on Energy Independence and Global Warming, which was created in the 109th Congress to address the issue of increasing Medicare costs. The new Committee, the House Democracy Assistance Commission, will be responsible for developing policy recommendations to address the issue of increasing Medicare costs.

(a) SELECT COMMITTEE ON ENERGY INDEPENDENCE AND GLOBAL WARMING.—

This provision continues the Select Committee on Energy Independence and Global Warming, which was created in the 109th Congress to address the issue of increasing Medicare costs. The new Committee, the House Democracy Assistance Commission, will be responsible for developing policy recommendations to address the issue of increasing Medicare costs.

(b) HOUSE DEMOCRACY ASSISTANCE COMMISSION.—

This provision continues the House Democracy Assistance Commission.

(c) TOM LANTOS HUMAN RIGHTS COMMISSION.—

This provision continues the Tom Lantos Human Rights Commission except that it allows the Commission to collaborate closely with professional staff members of other relevant committees. It also amends the Committee on Foreign Affairs to be authorized to obtain from other offices of the House.

(3) OFFICE OF CONGRESSIONAL ETHICS.—

This provision continues the Office of Congressional Ethics and provides that the Office shall be treated as a standing committee of the House for purposes of section 202(i) of the Legislative Reorganization Act of 1946, concerning consultants for Congressional committees.

(e) EMPANELLING INVESTIGATIVE SUBCOMMITTEE OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—

This provision continues House Resolution 451, the House Resolution establishing an investigative subcommittee on the Standards of Official Conduct to empanel investigative subcommittees within 30 days after the date a Member is indicted or criminally charges are filed.

(J) JUDICIARY COMMITTEE DEPOSITION RULES.—

In accordance with the Committee receiving special prudential status and permitted to take depositions in furtherance of a Committee investigation, the chair, upon consultation with a designated minority member, may order the taking of depositions pursuant to notice or subpoena. The designated minority member shall be the ranking minority member of the Committee; if the ranking minority member has not been elected, the highest ranking member of the Committee as it was constituted at the end of the preceding Congress who is a member of the minority party in the present Congress. The chair or majority staff shall consult with the designated minority member or minority counsel to conduct the deposition; the designated minority member shall be permitted to appear at the deposition, and an equal number of minority counsel shall be present at the deposition.

A deposition shall be taken under oath or affirmation administered by a member or a person otherwise authorized to administer oaths and affirmations. A deponent shall not be required to testify unless the deponent has been provided with a copy of such rules of procedure then in being prescribed by the Committee, this rule as applicable, section 4 of House Resolution 5, and rule X and rule XI of the Rules of the House of Representatives.

A deponent may be accompanied at a deposition by counsel to advise the deponent of the deponent’s rights. Only members and Committee counsel, however, may examine the deponent. No one may be present at a deposition other than members, Committee staff designated by the chair or designated minority member, such individuals as may be invited to administer oaths and affirmations and transcribe or record the proceedings, the deponent, and the deponent’s counsel. (Including counsel for the entity employing the deponent if the scope of the deposition is expected to cover actions taken as part of the entity’s employment by counsel for other persons or entities may not attend.
Questions in a deposition shall be pro-
pounded in rounds, alternating between the 
majority and minority. A single round shall 
not exceed 60 minutes per side, unless the 
memorandum introducing the deposi-
tion agree to a different length of ques-
tioning. In each round, a member or Com-
mittee counsel designated by the chair shall 
ask questions preferably as a lead and in a non-
argumentative and non-suggestive manner. The 
depONENT may refuse to answer only when 
necessary to preserve a privilege. In 
instances where the committee counsel 
objected to a question to preserve a privilege 
and accordingly the deponent has refused to 
answer the question to preserve such privi-
lege, the chair may rule on any such objec-
tion after the deposition has adjourned. If 
the chair overrules any such objection 
and thereby orders a deponent to answer any 
question to which a privilege objection 
was lodged, such order shall be filed with the 
clerk of the Committee and shall be provided to 
members and the deponent no less than 
three business days before the order is 
implemented.

If a member of the Committee appears in 
writing the order of the chair, the appeal 
shall be preserved for Committee consider-
ation. The deponent refuses to answer a question after being directed to answer by 
the chair in writing may be subject to sanc-
tion, except that no sanctions may be im-
posed if the ruling of the chair is reversed on 
appeal. Consistent with clause 2(k)(8) of rule 
XI of the Rules of the House of Representa-
tives, the committee shall remain the sole 
judge of the pertinence of testimony and evi-
dence adduced at its hearings.

Deposition testimony shall be transcribed 
by stenographic means and may also be 
video recorded. The Clerk of the Committee shall receive the transcript and any video rec-
cording and promptly forward such to minor-
ity staff at the same time the Clerk distrib-
utes such to other minority staff.

The individual administering the oath, if 
other than a member, shall certify on the 
transcript that the deponent was duly sworn. 
The transcript shall certify that the tran-
script is a true, verbatim record of the testi-
mony, and the transcript and any exhibits 
shall be filed, as shall any video recording, 
with the Committee in Washington, DC. In 
no case shall any video recording be consid-
ered the official transcript of a deposition or otherwise supersede the certificate of transcript. Depositions shall be considered to have been taken in Washington, DC, as well as the location ac-
tually taken, once filed with the clerk of the 
Committee for the Committee’s use.

After receiving the transcript, majority 
staff shall make available the transcript for 
review by the deponent or deponent’s coun-
sel. No later than ten business days after 
the deposition, the deponent may submit suggested 
changes to the chair. The majority staff 
of the Committee may direct the Clerk of the 
Committee to note any typographical errors, 
including any requested by the deponent or minor-
ity staff, via an errata sheet appended to the 
transcript. Any proposed substantive 
changes, modifications, clarifications, or 
other amendments to the deposition testimony 
must be submitted by the deponent as an af-
adavit that includes the deponent’s reasons 
therefor, plus any changes, modifications, 
clarifications, or amendments shall be 
incorporated as an appendix to the transcript. 
Majority and minority staff both shall be 
provided a copy of the final transcript of 
the deposition with any appendices at the 
same time.
frequently resorted to legislative tricks to deny it.

Now, the Democratic leadership is no longer content to shut down debate on an ad hoc basis. They are making it official with this rules package. The underlying premise to committee hearings and new procedural gimmicks to stifle debate and to perpetuate partisanship. This resolution changes the rules of the House to formally limit, to formally limit, the motion to recommit. This limitation prevents any bill from being returned to committee for further deliberation. It restricts Members' ability to strip out tax increases. Apparently, the Democratic majority believes tax increases are sacred, but open debate is not sacred.

This rules package also manipulates our budget rules, once again, to protect tax increases, as well as to protect spending increases. You see, Mr. Speaker, the Democratic leadership not only spent the last Congress shutting down debate but, they also found clever ways to shut out fiscally conservative Democrats. Trying to build consensus within their own party was very time consuming. They learned their lesson, though. This rules package gutted the budget rules that many Democrats hold so dear.

The laundry list of rules changes goes on. They cut term limits for committee chairmen, they scrap Medicare cost-containment measures. And if all this weren’t enough, they include completely closed rules, completely closed rules for the two bills that will be considered later this week without ever having the Rules Committee meet. Apparently, the Democratic leadership scoured the House rules for accountability and transparency measures and systematically dismantled what they found.

So much, Mr. Speaker, for the Obama vision. While he is calling for the most transparent administration in our Nation’s history, his congressional Democrats are launching the most closed Congress in history.

But I believe that President-elect Obama is sincere. Since the day he was elected, he has been reaching out to Republicans. He has called many of us individually to express a sincere desire to move beyond the divisiveness of politics and to work together. I can only imagine the changin at his own party, their attempt to undermine his budget package is a huge step backward. It sets the stage for even more closed, bitter, rancorous debate.

The next major item on the agenda is more than a $1 trillion stimulus package. Republican Leader John Boehner has laid out several modest, but critically important, requests for an open process. There should be public hearings. The text should be available online for a full week prior to a vote. There should be no special-interest earmarks.

These are commonsense guidelines that are widely supported by the American people. They understand that our response to the economic crisis is too important to allow it to be slugged together in secret behind closed doors and rammed through the House. Both Democrats and Republicans have a number of ideas that should be considered and debated.

Today I will be pursuing an economic recovery package that focuses on pro-growth policies. I am introducing a trio of bills aimed at growing our economy. These bills will help encourage the tax burden on individuals and job creators, jump-starting our housing market and reviving the auto industry.

I hope we can move forward on these kinds of policies, but neither I nor my colleagues ask to prejudice the outcome of those debates. We simply ask that that debate take place.

Majority Leader HOYER agrees, and said so on an interview that he had this past Sunday. We can only hope he is able to convince the Speaker to keep the process open and transparent. If her leadership’s first legislative act of this Congress is any indication, it won’t be a fruitful endeavor.

Mr. Speaker, the first step of any beginning is nothing more than a new low for the Democratic majority. Their cynicism and manipulation is all the more dismal against the backdrop of President-elect Obama’s vision for hope, unity and change for the better. The Democratic majority’s actions today do not represent change that fulfills hope. This is change that denies hope.

Mr. Speaker, I urge my colleagues to oppose this majority. Nor will it be a fruitful endeavor.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 5 minutes to the vice chair of the Rules Committee, the gentleman from Massachusetts (Mr. MCGOVERN).

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

Mr. MCGOVERN. I want to thank the gentlelady from New York, the distinguished Chair of the Rules Committee, for yielding me the time.

First, let me congratulate Speaker PELOSI as she begins her second term as Speaker of the House. I also want to congratulate my colleagues for their elections, and I welcome our new colleagues to the House of Representatives.

Our Nation is facing very challenging times. Twelve years ago when I was first elected to Congress, our economy was still growing, and we were looking at a significant budget surplus. Our world was relatively peaceful. Now, after 8 years of reckless and wasteful spending, and after an ill-advised war, our Nation faces a significant budget shortfall and international instability that seem to be spreading all too quickly.

In November, the American people elected a new President and larger Democratic majorities in the Congress. The voters sent a very clear message. Things have got to change here in Washington, and Congress has to accomplish things.

We know that Congress will need to act quickly and responsibly in order to pass legislation to help our Nation solve our economic and foreign policy problems. This rules package is designed to help us do just that. This is a good rules package, and I am pleased to support it today.

There are many important parts this package. I am pleased that this is first rules package that is gender neutral. There are other technical fixes included in this package that will help the House operate more smoothly and efficiently.

One of the major changes, as we have heard, in this package deals with the motion to recommit, which is modernized in this package. Specifically, the minority will no longer be able to offer a "promptly" motion to recommit, which sends bills back to committee with no timetable for return, essentially, a gotcha-style politics.

Following the 2006 elections that brought Democrats back into the majority in the House, we offered only 36 "promptly" motions to recommit. Over the past 2 years, Republicans offered 50 of these motions.

The minority, however, will have the ability to offer a proper "forthwith" motion or a "straight" motion. But no longer will the minority be able to abuse the process by offering political amendments designed to either kill a bill without actually voting against it or to provide fodder for a 30-second political ad.

The minority now will have the ability to offer a proper "forthwith" motion or a "straight" motion. But no longer will the minority be able to abuse the process by offering political amendments designed to either kill a bill without actually voting against it or to provide fodder for a 30-second political ad.

During the 12 years while Democrats were in the minority, we offered only 36 "promptly" motions to recommit. Over the past 2 years, Republicans offered 50 of these motions.

Following the 2006 elections that brought Democrats back into the majority in the House, the new Republican minority had two options, either work in a bipartisan way to address the needs of the American people or obstruct the business of this House through gotcha-style politics. Fortunately, too often they chose the latter.

The motion to recommit was not designed for this purpose. It was designed to be a tool for legislating, not a political weapon. Repeatedly, the Democratic majority in the House, the new Republican minority on their motions to recommit, but every time we offered to accept their motion in return for not killing the bill, the Republican minority refused. They chose talking points over accomplishments. They chose to be the party of obstructionism, not offering alternatives, but instead trying to derail the entire process for political gain. It’s a cynical way to do business.

Mr. Speaker, I am not legislating, and it’s not what the voters sent us here to do. I strongly disagree with those who say modernizing the motion to recommit is undemocratic. Let me be clear, any Member who opposes a bill still has the ability, indeed, the responsibility, to vote "no."

Congressional scholar Norm Ornstein said it best, and I quote, "A minority party deserves the right to be heard and to have alternatives considered, but with those rights comes responsibilities. If the minority uses the opportunity to offer amendments to expel cynically the opening for political
purposes—through ‘gotcha’ amendments designed to offer 30-second attacks against vulnerable majority lawmakers, or through poison pill alternatives designed only to scuttle a bill, not to offer a real alternative—it soon will lose its moral high ground for objecting to what it perceives as an unworkable or unproductive decision on debate and amendments.”

Mr. Speaker, I finally would like to point out that in this package is included H. Res. 5, which is the reauthorizing of the Tom Lantos Human Rights Commission. The United States must reclaim its moral authority on human rights. I am honored to cochair that commission along with my good friend Frank Wolf of Virginia, and I look forward to working with him and our other Members to advance the cause of human rights around the world.

Again, I want to thank the gentlelady from New York, our distinguished Chair of the Rules Committee, for the time.

Mr. DREIER. Mr. Speaker, I would like to yield 2 minutes to my good friend from Miami, the hardworking member of the Committee on Rules, Mr. DIAZ-BALART.

I will say as I do that, Mr. Speaker, that we would never have contemplated denying the then-minority what is being denied us under this measure.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for 100 years, a motion to recommit has really been sacrosanct in this House, and the essence of representative democracy is, yes, rule by the majority with respect to the rights of the minority.

Today, history will record that in this rules package by the majority, the severe limitation of the right of the minority to offer an alternative in legislation, this severe limitation of the motion to recommit, is a sad, unfortunate, and wholly unnecessary step that takes a very significant and unfortunate step towards unaccountability.

So it is really a sad day for this House, that the House, the leadership, the majority leadership, would commence Congress by retrogression, by taking such a significant and unfortunate step towards unaccountability, severely limiting the option, the ability of the minority to offer an alternative known for 100 years and respected in this House as the motion to recommit.

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Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Georgia (Ms. CASTOR).

Ms. CASTOR of Florida. Mr. Speaker, I thank the gentlewoman, the Chair of the Rules Committee, for yielding the time.

Ms. Speaker, this rules package also contains the first step in the march towards unworkable in that it allows consideration by this Congress for the Paycheck Fairness Act and the Lilly Ledbetter Act. We are going to reverse a very anachronistic decision by the United States Supreme Court relating to job discrimination based on sex. You see, in this country, working women are still earning only 78 cents for every dollar that a man makes in the same position oftentimes; and during attempts by this Congress during the 110th Congress, we were unable to beat back the opposition of the White House.

Well, this is a new day and a new direction for America, because now we will have the White House defend the House for people who will value equal opportunity in employment and education and housing and other fields. Indeed, the President-elect has stated that he intends to invite Ms. Ledbetter to the White House, and he understands that this bill is part of a broader effort to update the social contract, to value equal pay for equal work.

This is something that Congressman Rosa DeLauro, Speaker Nancy Pelosi and Committee Chair Louise Slaughter have fought for year after year after year, to realize the economic recovery in our households across America, many headed by single women. This is the important first step this Congress takes in the path of the economic recovery and reinvestment.

Mr. DREIER. Will the gentlewoman yield?

Ms. CASTOR of Florida. I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, let me just say that the spirit of the debate here, refusal to yield, is indicative of exactly what this rules package consists of.

With that, Mr. Speaker, I would like to yield 2 minutes to our very good friend from Springfield, Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I think we are here today on the House floor as perhaps victims of our own success in the last Congress. We clearly were able to use this as the only tool that we often had available to us, and we used it with great success. We used it with great success that didn’t destroy the legislative process. In fact, many days the legislative process had already been destroyed. There was no committee markup. There was no hearing. Often the bills came from somewhere, the reader’s office, from the Majority Leader’s office. We didn’t know where they came from because we didn’t see them until the day they were headed to the floor or the day before they were headed to the floor. We weren’t given amendments, we weren’t given substitutes, but we were given Kuhl’s language.

The motion to recommit, Members have said on the other side they want to be able to offer an alternative. Nothing in this proposal in any way diminishes their ability to offer an alternative. They are fully able to offer an alternative as an amendment. What they will be losing here is a legislative Ponzi scheme in which you pretend to be something you are not.

Here is the way it works: If the minority wants under any bill to offer a motion to recommit, as the rule will now read if this passes, they can offer a motion to recommit with a germane amendment that is binding, and if it is adopted, the bill is amended on the spot. But they often don’t want to do that. Often their amendments are real disguises for opposition to the bill in general. So they take an amendment that would pass virtually unanimously because it is so popular and say it should be done in a way that sends the bill to the committee rather than to amend the bill.

So let’s be very clear. Their ability to offer a motion that is an amendment...
to the bill is in no way diminished by this. It is in no way changed. It is exactly the same. What they lose is the ability to take something that would pass overwhelmingly if they would allow a serious vote on it and use it as a way to get the bill sent back to committee for purposes of delay.

Now, the gentleman is right. It doesn't always work. Sometimes the bill survives. Sometimes it doesn't. There is often a traffic jam on the floor. There are also cases where time-lines are important, where the administration may be about to do something we want to stop them from doing and we want to be able to move reasonably quickly.

I will say this with regard to where he said bills came from nowhere. The bills where this tactic, this Ponzi scheme has been used, on bills that have come out of the Financial Services Committee, were not those bills. They were bills where there had been open amendment processes. In the way that we have often gone to the Rules Committee and asked for amendments to be in order.

In fact, in my experience, the committee of jurisdiction leadership has no input into these motions. I have asked. There are amendments offered on the floor that were never offered in committee when they had a chance to be offered, and I will guarantee you that is a fact, because the purpose is not to amend, if you were trying to amend the bill, you offer the motion to recommit in a way that amends it on the floor. That is not good enough for them, because they are not interested in substance. They are interested in this game playing and this charade—well, it is not a charade, because that is talking. They are interested in this pretense whereby you try to slow a bill down because you aren't willing to vote against it.

So if this rules package passes, there will be two options for the minority: They can move to send the bill back to committee, that can still be done, or they can move to amend it on the floor. Their ability to offer an alternative is in no ways changed.

What they can't do is to pretend to be amending the bill by putting forward very popular language that would pass overwhelmingly, but doing it in a way that in effect sends the bill back to committee which doesn't allow the House to adopt that amendment, and then they want to be able to say Members weren't in favor of this non-controversial piece.

So it is a legislative Ponzi scheme. It is a pretense. It is something that ought to be abolished. It does not add at all to the legitimacy of debate.

Let's adopt this rules change. The minority will have the two options, and what is all that democracy requires.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 2 minutes to my good friend from Richmond, Virginia (Mr. CANTOR), the distinguished Republican whip.

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

Mr. Speaker, you don't have to look far at all in this country are gripped with a tremendous amount of fear and uncertainty. They fear for their jobs, if they have one. They fear for their future as they see their 401(k)s, their college savings accounts, collapsing. They have learned that their elected leaders don't get it. They fear that this Congress may very well be incapable of change, incapable of producing the kind of results that they want and to get it right.

Under existing House rules, when a bill is brought to the floor that includes a tax increase, the majority has a right to offer a motion to strike that increase; and the Republican minority had done that on nearly half a dozen occasions over the past 2 years.

With this package, though, House Democrats are trying to push through what we Republicans will no longer have, the ability to say "no" to higher taxes. We will not be able to simply strike a tax increase and do more of the good that we want. In fact, the only option we have would have been to replace one tax increase with another. There will be no ability for us to cut taxes to lighten the burden on the middle-class families that are hurting right now.

One can see that this rule change makes it a lot easier for the Democrat majority to in fact hide tax increases inside other larger bills. In fact, that is why all of us are sitting here scratching our heads. If the House Democrats feel a tax increase is necessary, then why wouldn't they allow for a full and open debate? Why not let the American people have a say? Why not let the hardworking people of this country hear why Washington is once again looking to take more of their hard earned money?

Either way, what is clear, this type of partisan rules change flies in the face of a new era of openness and transparency that President-elect Obama has promised. I take the President-elect at his word. I believe he wants transparency, openness, and debate. I believe he wants Washington to begin to do business differently. I believe he is serious in wanting Congress to work together for the good of all of our constituents. But apparently that word hasn't made its way down to the leadership of the House.

Ms. SLAUGHTER. Mr. Speaker, I reserve my time.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 2 minutes to our very good friend from Menomonee Falls, Wisconsin (Mr. SENSENBRENNER). Mr. SENSENBRENNER. I thank the gentleman very much. Mr. Speaker, I am beginning my 31st year here, and one of the things that I have learned both being in the majority and being in the minority is that procedural fairness is the antithesis to partisanship. I want to repeat that: Procedural fairness is the antithesis to partisanship. This rules package, and particularly the changes in the motion to recommit, will bring about more partisanship, and I would ask my friends on the majority to reconsider what they are proposing here.

The previous speakers on the Republican side have stated instances in the last 2 years where it has resulted in excessive partisanship because of changes that have been made to the motions to recommit on an ad hoc basis allowing the majority to pull the bill, their choice, not ours, because they set the schedule, not having motions to recommit on certain bills and not allowing to strike proposed tax increases.

What is wrong with debating these issues? And what is wrong if the majority of this House of Representatives, which is 21 seats more Democratic than the one that just expired, agrees with the Republican minority every time in order? What are you afraid of? Are you afraid of losing a few more motions to recommit? If that is the motivation behind this, shame on you, because you are shutting down the process and you are going to result in more partisanship, not less. You are going to result in having the country even more divided, not less, and that goes exactly against what our new President has been trying to do with practically everything he said since he won the election 2 months ago.

Announcement by the Speaker pro tempore

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. The gentleman from Wisconsin said, why will the majority not in some instances agree with the minority? That's the problem. We are talking about cases where we in the majority have tried to agree with the minority, and they would not be agreed with. They would not take yes for an answer.

This is the issue: if they offer a motion to recommit and it says forthwith, and they win the vote, the bill is amended. If they offer an amendment to a bill, not having offered it in committee, not having gone to the Rules Committee to ask it to be on the floor, if they take a noncontroversial popular issue and offer it as the motion to recommit, but say it should be sent to the committee and reported back promptly, we have tried to agree with them, and they have refused. This literally is a way to not take yes for an answer: it's a way to take something to which the majority would like to agree.

I have been here when I, and when the majority leader has said, in such a
situation, could we get unanimous consent to simply agree to that now, and the minority has said no.

Well, people have a right not to be agreed with. People have a right not to be agreeable. Some indulge that right more that you don't have a right to refuse to be agreed with, and then complain that you weren't agreed with. And that's all that's at stake here.

So, yes, there are times when the majority side and yes the minority, and that should be determined by the floor. What we're saying is the minority should not manufacture a situation in which there is no way to say yes to them because their goal is patently not to amend that particular bill, because if it was, they would accept the request that that amendment be accepted. Instead, it is to put a bill back to committee because they're afraid to vote against it. That's the issue.

This is used as a way to send bills back to committee to avoid votes. And this leaves, this package, the minority, fully able to offer any motion to recommit or send it back to committee. It just says they can't play games.

Mr. PENCE. Mr. Speaker, at this time I am happy to yield 2 minutes to the gentleman from Columbus, Indiana (Mr. PENCE), the Chair of the Republican Conference.

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, the Republican Members of the 111th Congress collectively represent more than 100 million constituents in this Nation. The changes that are being contemplated by the majority today represent an erosion, not of the interests of elected officials, not even of the interests of a political party, but, Mr. Speaker, I say with respect, it represents an erosion of the interests represented in this place of over 100 million Americans.

As I listen to this debate, I can't help but wonder what our constituents who might be looking down from the gallery and looking in from elsewhere are thinking. How does this affect them? Instructions being promptly or forthwith motions to recommit.

But really what we are here to object to in this rule package is really the death of democracy in the Democratic Congress. I do not wish to see is a return to the heavy-handed imperial Congress days that ruled Capitol Hill for some 40 years. And walking away from the provision of the current rules that allows the minority to offer a motion to recommit that would be promptly reported back erodes the minority interests. Repealing term limits on committee chairmen erodes the fundamental principles of reform that the American people voted overwhelmingly into this well in 1994.

And, as we prepare, 2 weeks from today, to receive a new President of the United States of America, as we are just a few hours past bipartisan speeches, it is important to know and to remind the American people that rules matter. The rules on the back of a box of a board game matter, and the rules of the House matter; and they matter because they determine wheth- er or not one and a half million Americans will be represented in this place.

And, sadly, we begin this Congress in an inauspicious way, learning that change does not equal reform, and I urge that we reconsider this rule.

Ms. SLAUGHTER. Mr. Speaker, please let me yield myself 1 or 2 minutes. One minute, I think, would be sufficient. I hadn't planned to do this, but I think the Record requires it.

I want to quote from some of our Republican Members for whom I have great affection and an awful lot of respect. The first one, Representative Tom Davis, who is not with us this year, stated the minority's intent to use "promptly" motions to kill legislation during debate on a motion to recommit H.R. 1433, the District of Columbia House Voting Rights Act.

And let me quote him: "Let me just say to my colleagues, I think the gun ban in the District is ridiculous, and would join my colleagues in overturning it. The problem is this motion doesn't do that. Instead of bringing it back to the floor forthwith for a vote and send it to the Senate, it simply sends it back to the committee, essentially killing it."

Representative JOE BARTON of Texas likened motions to recommit promptly to stomaching during debate on H.R. 3693, the Children's Health Insurance Program: "I will tell my friends on the majority side, it's not going to be a gimmick. I think it will say forthwith, which means if we adopt it, we vote on it."

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

Ms. SLAUGHTER. I yield myself 30 seconds.

During the debate on Representative PAUL RYAN's motion to recommit on H.R. 5501, the Lantos-Hyde HIV/AIDS Act of 2008. Mr. RYAN acknowledged that "promptly" motions are intended to kill bills. This recommit motion is not intended to kill. This is a forthwith recommit," he said.

I will reserve the balance of my time. Mr. DREIER. Mr. Speaker, may I inquire of the gentleman how many minutes the speaker has on either side, and how much time is remaining on both sides for this debate?

Ms. SLAUGHTER. I don't have any further requests for time, or at least not from anywhere presently on the floor, so I will reserve to close.

The SPEAKER pro tempore. The question regarding the time remaining left for debate, the gentleman from New York has 6½ minutes remaining, and the gentleman from California has 10½ minutes remaining.

Ms. SLAUGHTER. I reserve.

Mr. DREIER. At this time, I am happy to yield 2 minutes to my friend from San Antonio, Mr. SMITH of Texas. Mr. Speaker, I thank the ranking member of the Rules Committee for yielding.

Mr. Speaker, congressional Democrats have proposed changing House rules on motions to recommit. These changes are not about some arcane rule. They are about a pattern of behavior on the part of the Democrats that stifles democracy.

This abuse of power has become a habit with the Democrats. The Democrats brought legislation to the floor under closed rules 64 times in the last 2 years. This means there was no opportunity to offer amendments; bills were brought to the floor with less than 24 hours to review the bill text. This breaks the Democrats' commitment to allow legislation to be reviewed for 24 hours before a vote.

House Democrats are discarding one of the Republican minority’s only tools to help improve bills and promote better legislation, the motion to recommit bills promptly. This type of motion to recommit allows a majority of the House to say that a bill should be sent back to committee for more work.

For example, last year Republicans used this tool to guarantee second amendment rights for the people of the District of Columbia. A majority of Members supported this motion and voted to send the bill back to committee.

Why would the Democrats in the future want to ignore the views of a majority of House Members?

Mr. Speaker, changing House rules in a way that silences the voice of the people’s elected representatives strangulates democracy. Democrats should reconsider these undemocratic changes to House rules.

Ms. SLAUGHTER. Mr. Speaker, I continue to reserve.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 2 minutes to the gentleman from Chester Springs, Pennsylvania (Mr. GERLACH).

Mr. GERLACH. Mr. Speaker, I rise today in opposition to this rules package and, instead, to speak in favor of bipartisanship. We've been challenged times, and the American people have grown tired of all the partisan bickering that has plagued our body for far too long. Our citizens want us to work together to achieve practical and realistic solutions for all Americans. Unfortunately, we've wasted energy with excessive partisanship in the legislative process that, in turn, has led to an inability to achieve fundamental reforms and legislative successes.

We've just witnessed an historic election where the overarching message was the message of change. We need to listen to our citizens, for they have spoken.

But that real change that we need is for Democrats and Republicans to roll up their sleeves and work together on important legislation such as creating jobs, stimulating the economy and increasing the supply of American-made energy.

And, for that effort, I intend to introduce a resolution that would encourage and support bipartisanism in the House. Specifically, the resolution would amend
House rules to allow for any amendment to be considered on the floor that has at least one Democrat and one Republican sponsor, is submitted to the House Rules Committee according to the committee’s amendment submission deadline, and does not violate any other House rules. I believe that it is a joint Democrat and Republican amendment makes it bipartisan and, therefore, worthy of floor consideration.

I am hopeful that our leadership will not only offer support for this resolution, but will bring it to the floor of the House, giving all of our colleagues the opportunity to debate and discuss its merits.

While this resolution will not completely solve our problem of partisanship, I believe it will be the start of a process to allow us, regardless of party, to work together for real legislative successes.

Ms. SLAUGHTER. I continue to reserve.

Mr. DREIER. Mr. Speaker, at this time, I’d like to yield 1 minute to the gentleman from Roanoke, Virginia (Mr. GOODLATTE).

(Mr. GOODLATTE asked and was given permission to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, I was here in 1994 when the Republicans gained the majority in the Congress for the first time in 40 years, and remember the reforms that we put into place. Term limits on committee chairmen where before chairmen who could barely walk into this Chamber were serving as Chairs of committees simply because of seniority. Well, we’ve thrown that out today. I guess that’s change, but it’s really change back.

I was here in 1994, January of 1995, when we changed the rules on motions to recommit to make it easier for the minority to offer motions to recommit. Well, I guess we’ve changed that because now you’ve made it more difficult to offer real improvements to legislation by rolling back the motion to recommit.

Yes, we have change in the air, but that change is simply going back. This is not progress for this Congress, and I very much regret that the Democratic leadership has chosen to curtail the rights of the minority and to not bring forward the kind of progress that comes from changing term limits on committee chairmen.

The new criteria for determining emergency situations that allow them to waive their own PAYGO rules are laughable. The rule appears to be that spending can be designated as emergency spending if it is necessary, unforeseen, or temporary in nature. I would suspect that the majority believes that all of their spending priorities are necessary.

These rule changes are an abomination, and every taxpayer should be up in arms over these changes and the attitudes they represent. It is common sense to American families that they cannot spend more than they have, and it is unfortunate that common sense seems to elude Congress.

It is clear that Congress must be forced to address its spending addiction. The way to accomplish this is through an amendment to the Constitution to require a balanced budget, which I just introduced a few minutes ago here today, with more than 115 bipartisan cosponsors.

These rules are not reforms.

Ms. SLAUGHTER. Mr. Speaker, I continue to reserve.

Mr. DREIER. Mr. Speaker, at this time, let me just inquire of the Chair how much time is remaining.

Mr. DREIER. At this time I am happy to yield 1 minute to our great, relatively new Member from New Orleans (Mr. SCALISE).

Mr. SCALISE. Mr. Speaker, the first vote in this Congress gives us a preview of what the leadership is planning to do, repeal reforms that make government more transparent. Over 10 years the House established rules that open up the legislative process to make Congress more accountable. The rules package we see today undermines the accountability we have put in place and encourages the old way of doing business with back-room deals and dictator-like authority.

By ending term limits for committee chairs, the Democratic majority is severely restricting opportunities for all Members, and is encouraging dictatorial-like authority. Six-year term limits for committee chairs prevents a dictatorial concentration of power.

Since 2006, Congress has seen some of the lowest approval ratings in history. By giving only a few Members of the House positions of permanent power, we are only going to perpetuate that lack of trust.

Mr. Speaker, the American people deserve better from us on the first day of this new Congress. I rise in opposition to these rules changes that roll back the clock on important reforms.

Ms. SLAUGHTER. I continue to reserve.

Mr. DREIER. Mr. Speaker, I would just like to say that it doesn’t appear that we have any other speakers on our side.

Is the gentlewoman prepared to close debate on hers?

Ms. SLAUGHTER. I am.

Mr. DREIER. I yield myself the balance of the time.

Mr. Speaker, we’ve had a fascinating debate here. I’ve repeatedly asked my colleagues on the other side of the aisle to yield to me so that we could engage in an exchange on this, and no one chose to yield to me at all, indicating exactly what the majority is all about. We’ve repeatedly had academics quoted here over the past hour about the use of “promptly” and the fact that it kills legislation. Time and time again from the Chair, the Speaker of the House has ruled that a measure that is recommitted to a committee promptly is not killing the bill. Until the Chair says that, it is not killing the bill.

We know that the last Congress was the single-most restrictive, closed Congress in the history of the Republic, and it is very, very sad to have this sacrosanct right being obliterated that is granted to the minority, as Thomas Jefferson outlined in his manual on talking about the procedures and the rights that the minority should have. It is outrageous in the wake of Barack Obama’s pledge to the American people that he wanted to have greater transparency and accountability.

Now, Mr. Speaker, at the conclusion of this debate on the package, I’ll be offering a motion to commit, which could be the majority’s last opportunity to freely decide the form of the motion to recommittal in the motion will be an amendment. This amendment is the minority’s attempt to restore some of the Obama vision of openness, inclusiveness and transparency to the underlying rules package.

First, it would restore the motion to recommit, which I’ve discussed. It is an important tool that ensures that the minority gets at least one chance, one bite at the apple, so that 100 million Americans who supported Members of the minority here can be heard.

Second, it would restore term limits for committee chairmanships.

Third, it would change committee membership ratios so that all committees, except the Rules and Ethics Committees, reflect the ratio of Democrats and Republicans in the House. This would help to ensure that the 100 million Americans who are represented by Members of the minority here can be heard.

Fourth and finally, it would require that all committee votes be available online within 48 hours, a proposal from the Republican Study Committee.

At the end of the last Congress, the Appropriations Committee filed reports on bills that had been ordered reported months before. The public should not have to wait to know how their Member voted in committee while committee chairmen dragged their feet. These reports are about nothing more than exactly what Barack Obama talked about—transparency, accountability and fairness.

Today’s historic rules package rolls back reforms made a century ago this month by a bipartisan working group of Members rising against the repulsive rule of Speaker Joe Cannon. Two of the reforms that were codified during that historic revolt on opening day in 1909 were a motion of recommittal for an amendment and the increased threshold to set aside Calendar Wednesday. Ironically, we find ourselves in the same well 100 years
later, fighting to maintain these simple rights and guarantees which have for a century, Mr. Speaker, safeguarded this House from the rise of another tyrannical speaker.

So it is in that light that I ask Members to join me in supporting this motion to commit. Let us not undo what has been learned from our past. Let us move forward with the hope and comity inspired by Barack Obama. Let’s show the world that, in this House, the democratic process is alive and well no matter how large the majority. Vote “yes” on the motion to commit.

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

Mr. SLAUGHTER. Mr. Speaker, without any question, all of us who serve in this House love it. We understand our responsibilities to our constituents as well as to this institution. I want to make it absolutely clear, unequivocally clear, that no intention here in any way impedes the minority rights. We will defend them to the death.

But we would have to be Alice in Wonderland, saying that she would be able to believe six impossible things before breakfast, if we gave serious thought for one moment to the possibility that a motion to recommit promptly is anything other than a way to kill a bill.

If we are trying to do here is to expedite the process to get the Obama agenda, which apparently we are in solid agreement on, moved forward because the American people are crying out for it. It must be done. We want to do this fairly. We want to do this equitably. I hope we can do it with minds that meet on all of these subjects, but we must remove some of the gimmicks which have done nothing but subvert the will of the House.

So I am really happy to close with this, I hope that everybody in the House—all of the new Members whom I congratulate, people who have been here for some time and those of us who have been moderately here for a long time—will all, please, get together today. There is nothing in here that hurts anyone. We are simply attempting to move forward the business of the United States of America for which we swore an oath not an hour ago.

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

The previous question was ordered.

MOTION TO COMMIT
Mr. DREIER. Mr. Speaker, I offer a motion to commit.

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

The Clerk reads as follows:

Mr. DREIER moves to commit the resolution to a select committee comprised of the Majority Leader and the Minority Leader with instructions to report back the same to the House forthwith with the following members:

Page 4, strike lines 13 through 25 (relating to instructions to the motion to recommit) and redesignate succeeding subsections as (e) and (f) accordingly.

Jordan (OH)      Rodgers
King (IA)        Morris
King (NY)        Miller (FL)
Kingston         Miller (MI)
Kline (MN)       Moran (KS)
Kline (WI)       Murphy, Tom
Klinkenborh      Myrick
Klunk             Neugebauer
Koons             Olson
Kopp             Paul
Kosciuszko        Paulsen
Koutoujian        Pence
Krause           Petri
LaBonge          Pitts
Lancaster         Platts
Latham            Poe (TX)
Lazich           Price (GA)
Latta             Putnam
Lee (NY)          Raab
Lee (PA)          radio
Lehr             Randolph
Levin             Rolen
Levinson         Ron (NH)
Lewis (CA)        Rogers (AL)
Lewis (IL)        Rogers (KY)
Lewis (OH)        Rohrabacher
Lewis (VA)        Rooney
Lettia            Ros-Lehtinen
Lewis (WI)        Ross
Lipton           Roybal-Allard
Little            Roybal (TX)
Littlejohn        Royce
Lloyd             Ruppersberger
Lofgren, Zoe      Ryan (WI)
Logue             Scalise
Long             Schmidt
Loebsack         Schuette
Loehman          Schumacher
Lovering         Simmons
Lovey             Simpson
Lowey            Smith (NE)
Luckey            Smith (NJ)
Lynch             Smith (NY)
Lungren, Daniel   Souder
Lugar            Sullivan
Luten              Terry
Langer            Thompson (PA)
Lange             Thornberry
Larsen (CA)       Tiahrt
Larsen (NV)       Timm
Larsen (WA)       Turner
Larsen (WI)       Upton
Larson (WI)       Walden
Laska             Wamp
Larsen (NM)       Westmoreland
Larsen (SD)       Whittington
Lawson (CA)       Wilson (SC)
Lawson (GA)       Wittman
Lawson (NC)       Wolf
Lawson (NY)       Womack
Lazich           Wormuth
Lazarus          Young (AK)
Lee (NC)          Young (FL)
Lee (NY)          Zeldin
Lee (PA)          Neal (MA)
LeClair          Nolte
LeMieux          Nolte (IA)
Lesko            Nolte (NE)
Lentz            Nolte (OK)
Lettia            Nolte (WI)
Lewis (CA)        Nolte (WY)
Lewis (IN)        Nolte (WI)
Lewis (MI)        Nolte (WI)
Lewis (NC)        Nolte (WI)
Lewis (NH)        Nolte (WI)
Lewis (NJ)        Nolte (WI)
Lewis (NV)        Nolte (WI)
Lewis (OH)        Nolte (WI)
Lewis (OR)        Nolte (WI)
Lewis (PA)        Nolte (WI)
Lewis (VT)        Nolte (WI)
Lewis (VA)        Nolte (WI)
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Messrs. BISHOP of New York, MIL- \nLER of North Carolina, SPACE, SCHIFF, DAVIS of Illinois, HONDA, WEINER, MURPHY of Connecticut, GORDON of Tennessee, Ms. JACKSON- \nLEE of Texas, Ms. WATSON, Ms. CORRINE BROWN, Ms. BROWN of Florida, Mrs. MALONEY, Ms. DEGETTE and Ms. HIRONO changed their vote from \n“yea” to “nay.”

Messrs. COLE, DANIEL E. LUNGER of California, GARRETT of New Jer- \nsy, AKIN, THAIHR, BILIRakis, SCHOCK, YOUNG of Alaska, SMITH of New Jersey, ROHRABACHER, SES- \nIONS, STEARNS, JONES and Mrs. \nCAPITO changed their vote from \n“nay” to “yea.”

So the motion to reconsider was re- \nfected.

The result of the vote was announced as \nabove recorded.

A motion to reconsider was laid on the \nTable.

The SPEAKER pro tempore. The ques- \n"yea" or "nay." So the result was agreed to.

The result of the vote was announced as \nabove recorded.

Ms. WATERS changed her vote from \n“yea” to “nay.”

The Speaker pro tempore (during the \nvote). There are less than 2 minutes \nremaining in this vote.

The motion to reconsider was laid on the \nTable.

The following standing committees of the House of Representa- \ntives:

(1) COMMITTEE ON AGRICULTURE.—Mr. Pet- \ner, Chairman.

(2) COMMITTEE ON APPROPRIATIONS.—Mr. \nObey, Chairman.

(3) COMMITTEE ON ARMED SERVICES.—Mr. \nSkelton, Chairman.

(4) COMMITTEE ON THE BUDGET.—Mr. Spratt, \nChairman.

(5) COMMITTEE ON EDUCATION AND LABOR.—Mr. \nGeorge Miller of California, Chairman.

(6) COMMITTEE ON ENERGY AND COMMERCE.—Mr. \nWaxman, Chairman.

(7) COMMITTEE ON FINANCIAL SERVICES.—Mr. \nFrank of Massachusetts, Chairman.

(8) COMMITTEE ON FOREIGN AFFAIRS.—Mr. \nBerman, Chairman.

(9) COMMITTEE ON HOMELAND SECURITY.—Mr. \nThompson of Mississippi, Chairman.

(10) COMMITTEE ON HOUSE ADMINISTRATION.—Mr. Brady of Pennsylvania, Chairman.

(11) COMMITTEE ON THE JUDICIARY.—Mr. Con- \y

(12) COMMITTEE ON NATURAL RESOURCES.—Mr. \nRahall, Chairman.
Bachus.

McHugh.

man.

Madam Speaker, I ask unanimous consent for its immediate consideration.

offer a privileged resolution and ask for its immediate consideration.

ELECTING CERTAIN MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. PENCE, Madam Speaker, by direction of the Republican Conference, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 10

Resolved, That unless otherwise ordered, before Monday, May 18, 2009, the hour of daily meeting of the House shall be 2 p.m. on Mondays; noon on Tuesdays; and 10 a.m. on all other days of the week; and from Monday, May 18, 2009, until the end of the first session, the hour of daily meeting of the House shall be noon on Mondays; 10 a.m. on Tuesdays, Wednesdays, and Thursdays; and 9 a.m. on all other days of the week.

DAILY HOUR OF MEETING

Ms. SLAUGHTER, Madam Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. CON. RES. 1

Resolved by the House of Representatives (the Senate concurring), That pursuant to clause 4, section 5, article I of the Constitution, during the One Hundred Eleventh Congress the Speaker of the House and the Majority Leader of the Senate or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, may notify the Members of the House and the Senate, respectively, to assemble at a place outside the District of Columbia if, in their opinion, the public interest shall warrant it.

The Speaker pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

A motion to reconsider was laid on the table.

ELECTING CERTAIN MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. PENCE, Madam Speaker, by direction of the Republican Conference, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 10

Resolved, That unless otherwise ordered, before Monday, May 18, 2009, the hour of daily meeting of the House shall be 2 p.m. on Mondays; noon on Tuesdays; and 10 a.m. on all other days of the week; and from Monday, May 18, 2009, until the end of the first session, the hour of daily meeting of the House shall be noon on Mondays; 10 a.m. on Tuesdays, Wednesdays, and Thursdays; and 9 a.m. on all other days of the week.

DAILY HOUR OF MEETING

Ms. SLAUGHTER, Madam Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. CON. RES. 1

Resolved by the House of Representatives (the Senate concurring), That pursuant to clause 4, section 5, article I of the Constitution, during the One Hundred Eleventh Congress the Speaker of the House and the Majority Leader of the Senate or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, may notify the Members of the House and the Senate, respectively, to assemble at a place outside the District of Columbia if, in their opinion, the public interest shall warrant it.

The Speaker pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

A motion to reconsider was laid on the table.

REGARDING CONSENT TO ASSEMBLE OUTSIDE THE SEAT OF GOVERNMENT

Ms. SLAUGHTER, Madam Speaker, I offer a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 1

Resolved by the House of Representatives (the Senate concurring), That pursuant to clause 4, section 5, article I of the Constitution, during the One Hundred Eleventh Congress the Speaker of the House and the Majority Leader of the Senate or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, may notify the Members of the House and the Senate, respectively, to assemble at a place outside the District of Columbia if, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS DURING THE 111TH CONGRESS

Mr. HOYER, Madam Speaker, I ask unanimous consent that during the 111th Congress, the Speaker, majority leader, and minority leader be authorized to accept resignations and to make appointments authorized by law or by order of the House.

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

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND REMARKS AND INCLUDE EXTRANEOUS MATERIAL IN THE CONGRESSIONAL RECORD DURING THE 111TH CONGRESS

Mr. HOYER, Madam Speaker, I ask unanimous consent that during the 111th Congress, all Members be permitted to extend their remarks and to include extraneous material within the permitted limit in that section of the Record entitled “Extensions of Remarks.”

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

There was no objection.

MAKING IN ORDER MORNING-HOUR DEBATE

Mr. HOYER, Madam Speaker, I ask unanimous consent that during the first session of the 111th Congress:

(1) on legislative days of Tuesday when the House convenes pursuant to House Resolution 10, the House shall convene 90 minutes earlier than the time otherwise established by the resolution solely for the purpose of conducting morning-hour debate; and

(2) on legislative days of Tuesday when the House convenes pursuant to House Resolution 10:

(A) before May 18, 2009, the House will convene for morning-hour debate 90 minutes earlier than the time otherwise established by that resolution; and

(B) after May 18, 2009, the House shall convene for morning-hour debate 1 hour earlier than the time otherwise established by that resolution; and

(3) on legislative days of Monday or Tuesday, when the House convenes for morning-hour debate pursuant to an order other than House Resolution 10, the House shall resume its session 90 minutes after the time otherwise established by that order;

(4) the time for morning-hour debate shall be limited to the 30 minutes allocated to each party, except that on Tuesdays after May 18, 2009, the time shall be limited to 25 minutes allocated to each party and may not continue beyond 10 minutes before the hour appointed for the resumption of the session of the House; and

(5) the form of proceeding for morning-hour debate shall be as follows:

(a) the prayer by the Chaplain, the approval of the Journal and the Pledge of Allegiance to the flag shall be postponed until resumption of the session of the House;

(b) initial and subsequent recognitions for debate shall alternate between the parties;

(c) recognition shall be conferred by the Speaker only pursuant to lists submitted by the majority leader and by the minority leader;

(d) no Member may address the House for longer than 5 minutes, except the majority leader, the minority leader, or the minority whip; and
(e) following morning-hour debate, the Chair shall declare a recess pursuant to clause 12(a) of rule I until the time appointed for the resumption of the session of the House.

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

There was no objection.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. HOYER, Madam Speaker, your committee appointed on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair customarily takes this occasion at the outset of a Congress to announce her policies with respect to particular aspects of the legislative process. The Chair will insert in the RECORD announcements concerning:

1. Privileges of the Floor;
2. Time allotted for debate;
3. Minutes of the day;
4. Time for the resumption of any debate;
5. Recognition for Special-Order speeches;
6. Procedure for the consideration of bills and resolutions;
7. The quorum of the House;
8. Decorum in debate;
9. Use of the Chamber;
10. Use of electronic equipment on the House floor;
11. Use of handouts on the House floor;
12. Use of electronic equipment on the House floor; and
13. The use of the Chamber.

These announcements, where appropriate, will be the origins of the stated policies. The Chair intends to continue in the 111th Congress the policies reflected in these statements. The policy announced in the 102nd Congress with respect to jurisdictional concepts related to clause 5(a) of rule XXI—tax and tariff measures—will continue to govern but need not be reiterated, as it is adequately documented as precedent in the House Rules and Manual. Without objection, the announcements will be printed in the RECORD.

1. Privileges of the Floor

The Chair will make the following announcements regarding floor privileges, which will apply during the 111th Congress.

ANNOUNCEMENT BY THE SPEAKER WITH RESPECT TO PRIVILEGES OF THE FLOOR

Provisions of the House Rules conferring recognition for one-minute speeches to a certain period of time or to a special place in the program on any given day, with notice to the leadership.

2. Recognition for One-Minute Speeches

The Speaker's policy announced on August 8, 1984, with respect to recognition for one-minute speeches will apply during the 111th Congress. The Chair will alternate recognition for one-minute speeches between majority and minority Members, in the order in which they seek recognition in the well of the House. The Chair reserves the right to limit one-minute speeches to a certain period of time or to a special place in the program on any given day.

3. Unanimous-Consent Requests for the Consideration of Legislation

The policy the Speaker announced on January 6, 1999, with respect to recognition for unanimous-consent requests for the consideration of bills and resolutions, will continue to apply in the 111th Congress. The Speaker will continue to follow the guidelines recorded in the House Rules and Manual conferring recognition for unanimous-consent requests for the consideration of bills, resolutions, and other measures only when assured that the majority and minority floor leadership and the relevant committee chairs and ranking minority members have no objection. Consistent with those guidelines, and with the Chair's inherent power of recognition under clause 2 of rule XVII, the Chair, or any occupant of the Speaker pro tempore position, may limit the Speaker's decision recognition for the unanimous-consent requests announced on February 1, 2006, will continue to apply in the 111th Congress.

ANNOUNCEMENT BY THE SPEAKER, FEBRUARY 1, 2006

The Speaker, the House has adopted a revision to the rule regarding the admission to the floor and the rooms leading thereto. Clause 4 of rule IV provides that a former Member, Delegate, Resident Commissioner, or a former Parliamentarian of the House, or a former elected officer of the House or a former minority employee nominated as an unclassified employee will not be entitled to the privilege of admission to the Hall of the House and the rooms extending thereunto if he or she be a registered lobbyist or an agent of a foreign principal; has any direct personal pecuniary interest in any legislation before the House or is an officer or employee of a foreign government or international organization. Such privileges may also be denied to a former officer or employee of the House if the Chair so determines.

ANNOUNCEMENT BY THE SPEAKER WITH RESPECT TO SPECIAL-ORDER SPEECHES

The Speaker's policies announced on August 8, 1984, with respect to recognition for special-order speeches will apply during the 111th Congress. The Speaker's right to recognize any Member for a special-order speech at any time or to a special place in the program on any given day, with notice to the leadership.

5. Recognition for Special-Order Speeches

The Speaker's policy with regard to special-order speeches announced on February 1, 2006, with respect to recognition for special-order speeches will continue to apply in the 111th Congress, with the following modifications:

The Chair may recognize Members for special-order speeches for the conclusion of 5-minute special-order speeches. Such speeches may not extend beyond the
The Chair will recognize Members for 5-minute special-order speeches, alternating initially by majority and minority parties regardless of the date the order was granted by the House. The Chair will then recognize Members for longer special-order speeches, as each prior to the special order. Each party is entitled to reserve its first hour for respective leaderships or their designees. Recognition for periods longer than 5 minutes also will alternate initially and subsequently between the parties each day.

The allocation of time within each party's 2-hour period (or shorter period if prorated to 0.5 hour for any special-order speech) as each prior to the special order. Additional guidelines may be established for such sign-ups by the respective leaderships.

Pursuant to clause 2(a) of rule V, the television cameras will not pan the Chamber, but a “crawl” indicating the conduct of business will be displayed in the Chamber during House proceedings. Members will be given a reason to appear on the floor during House proceedings so that the public may properly comprehend and participate in the business of the House. To this end, the Chair enlists the assistance of all Members in avoiding the unnecessary loss of time in conducting the business of the House. The Chair encourages Members to provide electronic devices promptly upon the appropriate bell and light signal. As in recent Congresses, the cloakrooms will not forward to the Chair requests to hold a vote by electronic device, but should simply apprise inquiring Members of the time remaining on the voting clock. Members should not rely on signals relayed from outside the Chamber to assume that votes will be held open until they arrive in the Chamber. Members will be given a reasonable amount of time in which to accommodate electronically required votes, and Members would assume that the Chair would prevent a Member who is in the well before the announcement of the result from casting a vote, for the purpose of permitting officers is to await the Clerk’s certification that a vote tally is complete and accurate.

8. Use of Handouts on House Floor

The Speaker’s policy announced on September 27, 1995, which was prompted by a misuse of handouts on the House floor and made at the bipartisan request of the Committee on Standards of Official Conduct, will continue in the 111th Congress. All handouts distributed on or adjacent to the House floor by Members during House proceedings must bear the names of the Author and those who agree to their distribution. In addition, the content of those materials must comport with standards of propriety applicable to words spoken in debate on the floor. Failure to comply with this admonition may constitute a breach of decorum and may give rise to aqualified privilege.

The Chair would remind Members that, pursuant to clause 5 of rule IV, staff is prohibited from engaging in efforts in the Chamber to influence Members with regard to the legislation being amended. Staff cannot distribute handouts. In order to enhance the quality of debate in the House, the Chair would ask Members to minimize the use of handouts.

9. Use of Electronic Equipment on House Floor

The Speaker’s policy announced on January 27, 2000, as modified by the change in clause 5 of rule XVII in the 106th Congress, will continue in the 111th Congress. All Members and staff are reminded of the absolute prohibition contained in clause 5 of rule XVII against the use of a wireless telephone or personal computer upon the floor of the House at any time.

The Chair requests all Members and staff working to receive or make telephone calls to do so outside of the Chamber. The Chair further requests that all Members and staff refrain from wearing telephones or personal computers while in the Chamber or any area immediately before or after entering the Chamber. To this end, the Chair insists upon the cooperation of all Members and staff on all devices, including telephones, laptop computers, and personal computers, pursuant to clause 3(a) of rule II, clause 5 of rule XVII, to enforce this prohibition.

10. Use of Chamber

The Speaker will make the following announcement with regard to use of the Chamber in the 111th Congress.

The Chair will announce to the House the pertinent House rules concerning appropriate comportment in the chamber when the House is not in session.

Under clause 3 of rule I, the Speaker is responsible to control the House, for caucus and conference meetings of its Members, and for such ceremonials as the House might agree to conduct there.

When the House stands adjourned, its chamber remains on the floor. It may accommodate visitors in the gallery or on the floor, subject to the needs of those who operate, maintain, and secure the chamber to go about their ordinary business. Because of the chamber’s setting as its backdrop might be taken to represent the House it is to floor proceedings and is allowed only by accredited journalists, when the chamber is on static display no audio or video recording or transmitting devices are allowed. The long custom of disallowing even still photography in the chamber is based at least in part on the function of the chamber as a setting as its backdrop might be taken to carry the imprimatur of the House.

The imprimatur of the House adheres to the Journal of its proceedings, which is kept pursuant to the Constitution. The imprimatur of the House adheres to the Congressional Record, which is kept as a substantially verbatim transcript pursuant to clause 8 of rule XVII. The imprimatur of the House adheres to the audio and visual transmissions and recordings that are made and kept by the television system administered by the Speaker pursuant to rule V. But the imprimatur of the House may not be appropriately verbatim; thus, it is to the Chamber.

There have been reports during a recent “August recess” that the chamber was turned to inappropriate use by concerted activity. Those reports included the solicitation of visitors to fill seats on the floor to observe mock proceedings on the floor, dissemination of工作方案, for example, for these proceedings over the internet, and lobbyist participation in the speaking.

“Things of this sort should not recur. Members are strongly encouraged to refer to the House as ‘the people’s House.’” It is, indeed, the chamber of the people’s House of Representatives. It is for legislative deliberations and ceremonies. In the Chair’s opinion, the people’s House should be preserved as part of the House’s.”
the sanctuary of solemnity, deliberacy, and decorum that the rules of the House ordain it to be.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. BOEHNER. Madam Speaker, your committee appointed on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty.

APPOINTMENT OF MEMBERS TO HOUSE OFFICE BUILDING COMMISSION

The SPEAKER pro tempore. Pursuant to 2 U.S.C. 201, and the order of the House of today, the Chair announces the Speaker’s appointment of the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. BOEHNER) as members of the House Office Building Commission to serve with herself.

APPOINTMENT AS INSPECTOR GENERAL OF THE HOUSE FOR THE 111TH CONGRESS

The SPEAKER pro tempore. Pursuant to clause 6(b) of rule II, and the order of the House of today, the Chair announces the appointment of the following Members of the House to the Permanent Select Committee on Intelligence:

Mr. James M. Eagen, III, Colorado, Alternate
Mr. Abner Mikva, Illinois, Alternate
Mr. James E. Royce, California, Alternate
Mr. Porter J. Goss, Florida, Alternate

APPOINTMENT TO GOVERNING BOARD OF THE OFFICE OF CONGRESSIONAL OVERSIGHT

The SPEAKER pro tempore. Pursuant to section 4(d) of House Resolution 1, and the order of the House of today, the Chair announces the appointment of the following Members of the House to the Governing Board of the Office of Congressional Oversight:

Mr. James E. Royce, California, Alternate
Mr. Porter J. Goss, Florida, Alternate
Mr. Steve Israel, New York, Alternate

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 6, 2009, at 9:26 a.m.: Appointments: Congressional Oversight Panel.

RECALL DESIGNEE


RECALL DESIGNEE

Mr. Abner Mikva, Illinois, Alternate
Mr. Porter J. Goss, Florida, Alternate
Mr. James E. Royce, California, Alternate

DAYS OF THE OLD WEST HAVE RETURNED

Mr. POE of Texas. Madam Speaker, it looks like the days of the Old West have returned and are being played out in the Middle East between Israel and Hamas.

Innocent Israeli civilians have been targeted by Hamas terrorists. These terrorist outlaws have fired over 8,000 rockets and mortar shells at Israel since 2000, and they still won’t quit. These extremists call for the total destruction of the nation of Israel. They are shooting at Israeli civilians in southern Israel with the help of Ira-
getting shot at, you have the right to shoot back to defend yourself. And Israel is fighting back. Israel has the moral right and duty to protect its people from Hamas militants waging war against them.

Hamas is nothing more than a ragtag gang of terrorists intent on kidnapping, killing and terrorizing as many Israelis as possible. These attacks cannot go unanswered. The United States must stand with Israel.

Hamas doesn’t want peace. They want a war of destruction against Israel. In the face of such hate, Israel is left with no other choice but to defend its people and its sovereign territory from these murderous outlaws.

And that’s just the way it is.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

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

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

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

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

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

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

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

(Mr. POE of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

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

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

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

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

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PROVIDING FOR THE DESIGNATION OF CERTAIN MINORITY EMPLOYEES

Mr. BILBRAY. Madam Speaker, I offer a resolution and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 13

Resolved, That pursuant to the Legislative Pay Act of 1929, as amended, the six minority employees authorized therein shall be the following named persons, effective January 3, 2009, until otherwise ordered by the House, to wit: Neil Bradley, Brian Gaston, Melanie Looney, Danielle Maurer, Nick Schaper, and Russ Vought, each to receive gross compensation pursuant to the provisions of House Resolution 119, Ninety-fifth Congress, as enacted into permanent law by section 115 of Public Law 96-94. In addition, the Minority Leader may appoint and set the annual rate of pay for up to three further minority employees.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? There was no objection. The resolution was agreed to. A motion to reconsider was laid on the table.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted:

(To the following Members (at the request of Mr. ALTMIRE) to revise and extend their remarks and include extra-
neous material:)

Mr. COSTA, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. KAPTUR, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(To the following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extra-
neous material:)

Mr. POE of Texas, for 5 minutes, today, January 7, 8, 9, 12 and 13.

Mr. JONES, for 5 minutes, today, January 7, 8, 9, 12 and 13.

Mr. BURTON of Indiana, for 5 minutes, today, January 7, 8 and 9.

Mr. KINK, for 5 minutes, January 7.

ADJOURNMENT

Mr. ALTMIRE. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o’clock and 55 minutes p.m.), the House adjourned until to-
morrow, Wednesday, January 7, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

1. A letter from the Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting the Commission’s final rule — Regulatory Changes to Implement the Additional Protocol to the US/IAEA Safeguards Agreement [NRC-2008-0543] (RIN: 3150-AH38) received January 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.


3. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting the Board’s report for FY 2008 on competitive sourcing activities, in accordance with Section 671(b) of Division F of the Con-

4. A letter from the Clerk, U.S. House of Representatives, transmitting a list of re-
ports pursuant to clause 2(b), Rule II of the Rules of the House of Representatives; (H. Doc. No. 111-4); to the Committee on House Administration and ordered to be printed.

5. A letter from the Program Analyst, De-
partment of Homeland Security, transmitting the Department’s final rule — Changes to Requirements Affecting H-2A Non-
immigrants (Docket No.: USCIS-2007-0055;
CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

H.R. 11, the Lilly Ledbetter Fair Pay Act, “does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.”

OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

H.R. 12, the Paycheck Fairness Act, “does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.”
The sixth day of January being the day prescribed by House Joint Resolution 100 for the meeting of the 1st Session of the 111th Congress, the Senate assembled in its Chamber at the Capitol and at 12:01 p.m. was called to order by the Vice President (Mr. Cheney).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, our shelter from life’s storms, as we begin the 111th Congress, we ask for Your guidance. Lead our Senators on a path that will bring blessings, as they seek to honor Your Name. Forgive them when they lean too heavily upon their wisdom, forgetting to look to You, the author and finisher of destinies.

Lord, thank You for the opportunity to serve You and country and to daily contribute to building a better world. As our Nation waits with expectancy during this transition time, help us to remember that Your sovereignty is changeless. Remind us to have confidence in our future because we know and depend on You.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Vice President 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.

CERTIFICATES OF ELECTION AND CREDENTIALS

The VICE PRESIDENT. The Chair lays before the Senate two certificates of election to fill unexpired terms and the certificates of election of 32 Senators elected for 6-year terms beginning on January 3, 2009. All certificates, the Chair is advised, are in the form suggested by the Senate or contain all essential elements of the forms suggested by the Senate. If there be no objection, the reading of the above certificates will be waived and they will be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF TENNESSEE
CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 4th day of November, 2008, Lamar Alexander was duly chosen by the qualified electors of the State of Tennessee a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 2009.

Witness: His excellency our governor Phil Bredesen, and our seal hereto affixed at Nashville this 8th day of December, in the year of our Lord, 2008.

By the Governor:

PHIL BREDENES, Governor.

STATE OF WYOMING
CERTIFICATE OF ELECTION FOR UNEXPIRED FOUR-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 4th day of November, 2008, John Barrasso was duly chosen by the qualified electors of the State of Wyoming, a Senator from said State to represent said State in the Senate of the United States for the unexpired term of four years, beginning on the 3rd day of January, 2009.

Witness: His excellency our governor, Dave Freudenthal, and our seal hereto affixed at the Wyoming State Capitol, Cheyenne, Wyoming, this 12th day of November, in the year of our Lord 2008.

DAVE FREUDENTHAL, Governor.

STATE OF MONTANA
CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
TO THE UNITED STATES SENATE
1, Brail Johnson, Secretary of State of the State of Montana, do hereby certify that Max Baucus was duly chosen on November 4th, 2008, by the qualified electors of the State of Montana as a United States Senator from said State to represent said State in the United States Senate. The six-year term commences on January 3rd, 2009.

Witness: His excellency our Governor Brian Schweitzer, and the official seal hereunto affixed at the City of Helena, the Capital, this 10th day of December, in the year of our Lord 2008.

By the Governor:

BRIAN SCHWEITZER, Governor.

STATE OF ALASKA
CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 4th day of November, 2008 Mark Begich was duly chosen by the qualified electors of the State of Alaska a Senator from said State to represent said State in the United States for the term of six years, beginning on the 3rd day of January, 2009.

Witness: Her excellency our governor Sarah Palin, and our seal hereto affixed at Juneau this 8th day of December, in the year of our Lord 2008.

By the Governor:

SARAH PALIN, Governor.

STATE OF DELAWARE
CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 4th day of November, 2008, Joseph R. Biden, Jr. was duly chosen by the qualified electors of the State of Delaware a Senator from said State to represent said State in the United States for the term of six years, beginning at noon on the 3rd day of January, 2009.

Given under my hand and the Great Seal of the said State, at Dover, this 29th day of November in the year of our Lord two thousand eight, and of the Independence of the United States of America the two hundred and thirty-second.

RUTH ANN MINNER, Governor.

STATE OF GEORGIA
CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 2nd day of December, 2008, Saxby Chambliss was duly chosen by the qualified electors of the State of
Georgia to be a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2009.

Given under my hand and the Great Seal of the State of Georgia at the Capitol, in the city of Atlanta, the 15th day of December, in the year of our Lord Two Thousand and Eight.

By the Governor:

SONNY PERDUE, Governor.

STATE OF MISSISSIPPI
CERTIFICATE OF ELECTION FOR SIX YEAR TERM
To the president of the Senate of the United States:

This is to certify that on the 4th day of November, 2008, Thad Cochran was duly chosen by the qualified electors of the State of Mississippi a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2009.

Witness: His excellency our governor Haley Barbour, and our seal hereto affixed at Jackson, Hinds County, Mississippi this 18th day of December, in the year of our Lord 2008.

By the Governor:

HALEY BARBOUR, Governor.

STATE OF MAINE
CERTIFICATE OF ELECTION FOR SIX YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the fourth day of November in the year Two Thousand and Eight, Susan M. Collins was duly chosen by the qualified electors of the State of Maine, a senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, in the year Two Thousand and Nine.

Witness: His excellency our Governor, John E. Baldacci, and our seal hereto affixed at Augusta, Maine this twenty-fourth day of November, in the year of our Lord Two Thousand and Eight.

By the Governor:

JOHN E. BALDACCI, Governor.

STATE OF TEXAS
CERTIFICATE OF ELECTION FOR SIX YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 4th day of November, 2008, John Cornyn was duly chosen by the qualified electors of the State of Texas, a senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2009.

Witness: His excellency our governor Rick Perry, and our seal hereto affixed at Austin, Texas this 19th day of November, in the year of our Lord 2008.

By the Governor:

RICK PERRY, Governor.

STATE OF ILLINOIS
CERTIFICATE OF ELECTION FOR SIX YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the Fourth day of November, Two Thousand and Eight Richard J. Durbin was duly chosen by the qualified electors of the State of Illinois, a Senator from said State, to represent said State in the Senate of the United States for the term of six years, beginning the third day of January, Two Thousand and Nine.

Witness: His excellency our governor, Rod R. Blagojevich, and our seal hereto affixed at the City of Springfield, Illinois this First day of December, in the year of our Lord Two Thousand and Eight.

By the Governor:

ROD R. BLAGOJEVICH, Governor.

STATE OF WYOMING
CERTIFICATE OF ELECTION FOR SIX YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 4th day of November, 2008, Mike Enzi was duly chosen by the qualified electors of the State of Wyoming, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2009.

Witness: His excellency our governor, Dave Freudenthal, and our seal hereto affixed at the Wyoming State Capitol, Cheyenne, Wyoming, this 12th day of November, in the year of our Lord 2008.

By the Governor:

DAVE FREUNDENTHAL, Governor.

STATE OF SOUTH CAROLINA
CERTIFICATE OF ELECTION FOR SIX YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the fourth day of November, 2008, A.D. Lindsey O. Graham was duly chosen by the qualified electors of the State of South Carolina a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 2009.

Witness: His excellency our Governor Mark Sanford, and our seal hereto affixed at Columbia, South Carolina this twenty-fourth day of November, in the year of our Lord, 2008.

By the Governor:

MARK SANFORD, Governor.

STATE OF NORTH CAROLINA
CERTIFICATE OF ELECTION FOR SIX YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 4th day of November, 2008, Kay Hagan was duly chosen by the qualified electors of the State of North Carolina a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2009.

Witness: His Excellency our governor Mike Easley, and our seal hereto affixed at Raleigh, NC this 25th day of November, in the year of our Lord 2008.

By the Governor:

M. MICHAEL ROUNDS, Governor.

STATE OF MASSACHUSETTS
CERTIFICATE OF ELECTION FOR SIX YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the fourth day of November, 2008, two thousand and eight John F. Kerry was duly chosen by the qualified electors of the Commonwealth of Massachusetts a Senator from said Commonwealth to represent said Commonwealth in the Senate of the United States for the term of six years, beginning on the third day of January, 2009.

Witness: His Excellency the Governor, Deval L. Patrick, and our seal hereto affixed at Boston, this third day of December in the year of our Lord two thousand and eight.

By the Governor,

DEVAL L. PATRICK, Governor.

STATE OF LOUISIANA
CERTIFICATE OF ELECTION FOR SIX YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 4th day of November, 2008, Mary Landrieu was duly chosen by the qualified electors of the State of Louisiana a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning at noon on the 3rd day of January, 2009.
STATE OF NEW JERSEY
CERIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:
This is to certify that on the 4th day of November, 2008, Kathleen Sebelius, was duly chosen by the qualified electors of the State of New Jersey, a Senator from said State to represent the State of New Jersey in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2009.
Given under my hand and the Great Seal of the State of New Jersey, this 4th day of December, two thousand and eight.
By the Governor, 
JON S. CORZINE,
Governor.

STATE OF KENTUCKY
CERIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:
This is to certify that on the 4th day of November, 2008, Steve Beshear, was duly chosen by the qualified electors of the Commonwealth of Kentucky, a Senator from said State to represent the Commonwealth of Kentucky in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2009.
Given under my hand and the Great Seal of the Commonwealth of Kentucky this 1st day of December, in the year of our Lord, two thousand and eight.
By the Governor,
JENNIFER M. GRANHOLM,
Governor.

STATE OF IDAHO
CERIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:
This is to certify that on the 4th day of November, 2008, James Risch, was duly chosen by the qualified electors of the State of Idaho, a Senator from said State to represent the State of Idaho in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2009.
Witness: His Excellency our governor C.L. ‘Butch’ Otter, and our seal hereto affixed at Boise this 15th day of December, in the year of our Lord 2008.
By the Governor,
C.L. ‘Butch’ Otter,
Governor.

STATE OF KANSAS
CERIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:
This is to certify that on the 4th day of November, 2008, Pat Roberts, was duly chosen by the qualified electors of the State of Kansas, a Senator from said State to represent the State of Kansas in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2009.
Witness: His Excellency our governor Kathleen Sebelius, and our seal hereto affixed at Topeka, Kansas this 26th day of November, in the year of our Lord 2008.
By the Governor,
KATHLEEN SEBELIUS,
Governor.

STATE OF COLORADO
CERIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:
This is to certify that on the Fourth day of November, 2008, Mark Udall was duly chosen by the qualified electors of the State of Colorado, a Senator from said State to represent the State of Colorado in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2009.
Witness: His Excellency our governor Bill Ritter, Jr., and our seal hereto affixed at Denver, Colorado this 27th day of December, in the year of our Lord 2008.
By the Governor,
BILL RITTER, JR.,
Governor.
STATE OF NEW MEXICO
CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:
This is to certify that on the 4th day of November, 2008, Tom Udall was duly chosen by the qualified electors of the State of New Mexico a Senator from said State to represent said State in the Senate of the United States for term of six years, beginning on the 3rd day of January, 2009.
Witness: His excellency our governor Bill Richardson, and our seal hereto affixed at Santa Fe this 7th day of December, in the year of our Lord 2008.
By the Governor:
BILL RICHARDSON,
Governor.

STATE OF VIRGINIA
CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:
This is to certify that on the fourth day of November, 2008, Mark R. Warner was duly chosen by the qualified electors of the Commonwealth of Virginia to be a Senator from the Commonwealth to represent the Commonwealth in the Senate of the United States for the term of six years, beginning on the third day of January, 2009.
In Testimony Whereof our Governor has hereunto signed his name and affixed the Lesser Seal of the Commonwealth at Richmond, this twenty-fifth day of November, two thousand eight, and in the two-hundred thirty-third year of our Lord.
By the Governor:
TIMOTHY M. KAOI,
Governor.

STATE OF MISSISSIPPI
CERTIFICATE OF ELECTION FOR UNEXPIRED TERM
To the President of the Senate of the United States:
This is to certify that on the 4th day of November, 2008, Roger Wicker was duly chosen by the qualified electors of the State of Mississippi a Senator for the unexpired term ending at noon on the 3rd day of January, 2013, to fill the vacancy in the representation from said State in the Senate of the United States caused by the resignation of Trent Lott.
Witness: His excellency our governor Haley Barbour, and our seal hereto affixed at Jackson, Mississippi this 18th day of December, in the year of our Lord 2008.
By the Governor:
HALEY BARBOUR,
Governor.

ADMINISTRATION OF OATH OF OFFICE
The VICE PRESIDENT. If the Senators to be sworn in now present themselves to the desk in groups of four as their names are called in alphabetical order, the Chair will administer their oath of office.
The clerk will read the names of the first group.

The legislative clerk (Kathleen Alvarez Tritak) called the names of Mr. AL-EXANDER, Mr. BARRASSO, Mr. BAUCUS, and Mr. BEGICH.

Mr. Udall of Colorado, and Mr. Udall of New Mexico.

These Senators, escorted by Mr. SHELBY, Mr. CREIG, Mr. SALAZAR, Mr. DOMENICI, and Mr. BINGHAM, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Senate.

The legislative clerk called the names of Mr. BIDEN, Mr. CHAMBLISS, Mr. COCHRAN, Mr. CORNYN, Mr. DURBIN, Mr. ENZI, and Mr. GRAHAM.

These Senators, escorted by Mrs. HUTCHISON, Mr. KENNEDY, Mr. BARRASSO, and Mr. DE MINT, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Senate.

The legislative clerk called the names of Mrs. HAGAN, Mr. HARKIN, Mr. INHOFFE, and Mr. JOHANNS.

The legislative clerk called the names of Mr. KERRY, Ms. LANDRIEU, and Mr. LAUTenberg.

These Senators, escorted by Mr. DACSHLE, Mr. THUNE, Mr. KENNEDY, Mr. DOMENICI, Ms. MIKULSKI, and Mr. MENENDEZ, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Senate.

The legislative clerk called the names of Mr. JOHNSON, Mr. KERRY, Ms. LANDRIEU, and Mr. LAUTenberg.

These Senators, escorted by Mrs. SCHAHEEN, Mr. UDALL of Colorado, and Mr. UDALL of New Mexico.

These Senators, escorted by Mr. WARNER and Mr. WICKER.

These Senators, escorted by Mr. JOHN WARNER and Mr. COCHRAN, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Senate.

Mr. UDALL of Colorado, and Mr. UDALL of New Mexico.

These Senators, escorted by Mr. SHELBY, Mr. CREIG, Mr. SALAZAR, Mr. DOMENICI, and Mr. BINGHAM, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Senate.

The legislative clerk called the names of Mr. LEVIN, Mr. MCCONNELL, Mr. MERKLEY, and Mr. PRYOR.

These Senators, escorted by Ms. STabenow, Mr. Bunning, Mr. Wyden, and Mrs. LINCOLN, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Senate.

The legislative clerk called the names of Mr. REED, Mr. RISCH, Mr. ROBERTS, and Mr. ROCKEFELLER.

These Senators, escorted by Mr. WHITEMAN, Mr. CRAPO, Mr. BROWNBACK, and Mr. BYRD, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Senate.

The legislative clerk called the names of Mr. UDALL of Colorado, and Mr. UDALL of New Mexico.

These Senators, escorted by Mr. SHELBY, Mr. CREIG, Mr. SALAZAR, Mr. DOMENICI, and Mr. BINGHAM, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Senate.

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The legislative clerk called the names of Mr. REED, Mr. RISCH, Mr. ROBERTS, and Mr. ROCKEFELLER.
The VICE PRESIDENT. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to call the roll and the following Senators:

[Quorum No. 1 Leg.]

Akaka Peiingold Murkowski
Alexander Feinstein Murray
Barraoos Graham Nelson, Nebraska
Baucus Grassley Nelson, Florida
Bayn Gregg Pryor
Begich Hagan Reed, Rhode
Bennett Harkin Island
Biden Hatch Reid, Nevada
Boxer Hutchison Rhode
Brown Inouye Roberts
Brownback Inouye Rockefeller
Bunning Isakson Salazar
Bur Johnson Sanders
Byrd Johnson Schumer
Cantwell Kennedy Sessions
Cardin Kerry Shaheen
Carper Klobuchar Shelby
Casey Kyl Steele
Chambliss Landrieu Specter
Clinton Lautenberg Stabenow
Collins Leahy Tester
Cooper Levin Thune
Collins Lieberman Udall, Colorado
Conrad Lincoln Udall, New
Cornyn Lugar Mexico
Crapo McCain Vitter
DeMint McCain Warner
Dodd McConnell Webb
Dorgan Menendez Whitehouse
Durbin Merkley Wicker
Enzi Mikulski Wyden

The PRESIDING OFFICER (Mr. Tester). A quorum is present.

LIST OF SENATORS BY STATES

ALABAMA
Jeff Sessions and Richard C. Shelby

ALASKA
Mark Begich and Lisa Murkowski

ARIZONA
Jon Kyl and John McCain

ARKANSAS
Blanche L. Lincoln and Mark L. Pryor

CALIFORNIA
Barbara Boxer and Dianne Feinstein

COLORADO
Ken Salazar and Mark Udall

CONNECTICUT
Christopher J. Dodd and Joseph I. Lieberman

DELAWARE
Joe Biden and Thomas R. Carper

FLORIDA
Mel Martinez and Bill Nelson

GEORGIA
Saxby Chambliss and Johnny Isakson

HAWAII
Daniel K. Akaka and Daniel K. Inouye

IDAHO
Mike Crapo and James E. Risch

ILLINOIS
Richard J. Durbin

INDIANA
Evan Bayh and Richard G. Lugar

IOWA
Chuck Grassley and Tom Harkin

KANSAS
Sam Brownback and Pat Roberts

KENTUCKY
Jim Bunning and Mitch McConnell

LOUISIANA
Mary L. Landrieu and David Vitter

MAINE
Susan M. Collins and Olympia J. Snowe

MARYLAND
Benjamin L. Cardin and Barbara A. Mikulski

MASSACHUSETTS
Edward M. Kennedy and John F. Kerry

MICHIGAN
Carl Levin and Debbie Stabenow

MINNESOTA
Amy Klobuchar

MISSISSIPPI
Thad Cochran and Roger F. Wicker

MONTANA
Christopher S. Bond and Claire McCaskill

NEBRASKA
Max Baucus and Jon Tester

NEVADA
Mike Johanns and E. Benjamin Nelson

NEW HAMPSHIRE
John Ensign and Harry Reid

NEW JERSEY
Judd Gregg and Jeanne Shaheen

NEW MEXICO
Frank R. Lautenberg and Robert Menendez

NEW YORK
Jeff Bingaman and Tom Udall

NORTH CAROLINA
Hillary Rodham Clinton and Charles E. Schumer

NORTH DAKOTA
Kent Conrad and Byron L. Dorgan

OHIO
Sherrod Brown and George V. Voynovich

OKLAHOMA
Tom Coburn and James M. Inhofe

OREGON
Jeff Merkley and Ron Wyden

PENNSYLVANIA
Robert P. Casey, Jr., and Arlen Specter

RHODE ISLAND
Jack Reed and Sheldon Whitehouse

SOUTH CAROLINA
Jim DeMint and Lindsey Graham

SOUTH DAKOTA
Tim Johnson and John Thune

TENNESSEE
Lamar Alexander and Bob Corker

TEXAS
John Cornyn and Kay Bailey Hutchison

UTAH
Robert F. Bennett and Orrin Hatch

VERMONT
Patrick J. Leahy and Bernard Sanders

VIRGINIA
Mark R. Warner and Jim Webb

WASHINGTON
Maria Cantwell and Patty Murray

WEST VIRGINIA
Robert C. Byrd and John D. Rockefeller, IV

WISCONSIN
Russell D. Feingold and Herb Kohl

WYOMING
John Barrasso and Michael B. Enzi

INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. REID. Mr. President, I have another resolution at the desk and I ask it now be considered.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 2) was agreed to, as follows:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 2) was agreed to, as follows:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. REID. Mr. President, I move to reconsider the vote by which the resolution was agreed to, and it is my understanding my counterpart also has a motion to make.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SETTING THE DATE OF JANUARY 8, 2009, FOR THE COUNTING OF ELECTORAL VOTES

Mr. REID. Mr. President, I have a concurrent resolution at the desk and I ask it now be considered.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Res. 1) to inform the President of the United States that a quorum of each House is assembled.

The PRESIDING OFFICER. Without objection, the concurrent resolution is considered and agreed to.

The resolution (S. Res. 1) was agreed to, as follows:

S. Res. 1

Resolved, That the Secretary inform the President of the United States that a quorum of each House is assembled.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 1) was agreed to, as follows:

S. Res. 1

Resolved, That the President of the United States has been informed of the existence of a quorum of each House.

The PRESIDING OFFICER. Without objection, the concurrent resolution is considered and agreed to.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 1) to inform the House of Representatives that a quorum of each House is assembled.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Con. Res. 1) was agreed to, as follows:

S. Con. Res. 1

Resolved, That the Secretary inform the House of Representatives that a quorum of each House is assembled.
The concurrent resolution (S. Con. Res. 1) was agreed to, as follows:

S. CON. RES.

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall meet in the Hall of the House of Representatives on Thursday, the 8th day of January 2009, at 1 o’clock post meridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter ‘A’; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the statement of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, to be President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MCGOY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXTENDING THE LIFE OF THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mr. REID. Mr. President, I have another concurrent resolution on the desk and I ask it now be considered.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 2) extending the life of the Joint Congressional Committee on Inaugural Ceremonies.

The PRESIDING OFFICER. Without objection, the concurrent resolution is considered and agreed to.

The concurrent resolution (S. Con. Res. 2) was agreed to, as follows:

S. CON. RES. 2

Resolved by the Senate (the House of Representatives concurring). That effective from January 6, 2009, the joint committee created by Senate Concurrent Resolution 67 (110th Congress), to make the necessary arrangements for the inauguration, is hereby continued with the same power and authority provided for in that resolution.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MCGOY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FIXING THE HOUR OF THE DAILY MEETING OF THE SENATE

Mr. REID. Mr. President, I have a resolution at the desk and I ask it be considered.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 3) fixing the hour of daily meeting of the Senate.

The resolution (S. Res. 3) was agreed to, as follows:

S. RES. 3

Resolved, That the daily meeting of the Senate be 12 o’clock meridian unless otherwise ordered.

Mr. REID. I move to reconsider the vote.

Mr. MCGOY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT

Mr. REID. Mr. President, I send to the desk en bloc 12 unanimous consent requests and I ask for their immediate consideration en bloc; that the requests be agreed to en bloc, that the motion to reconsider the adoption of these requests be laid upon the table and that they appear separately in the record.

Before the Chair rules, I would like to point out these requests are routine, done at the beginning of each new Congress, and they entail issues such as authority for the Committee on Standards of Official Conduct to meet, authorizing the Secretary to receive reports at the desk, establishing leader time each day, and floor privileges for House Parliamentarians.

The PRESIDING OFFICER. Without objection, it is so ordered.

The requests read as follows:

Mr. President, I ask unanimous consent that for the duration of the 111th Congress, the Ethics Committee be authorized to meet during the session of the Senate.

Mr. President, I ask unanimous consent that for the duration of the 111th Congress, there be a limitation of 15 minutes each upon any roll call vote, with the warning signal to be sounded at the midway point, beginning at the last 7½ minutes, and when roll call votes are of 10-minute duration, the warning signal be sounded at the beginning of the last 7½ minutes.

Mr. President, I ask unanimous consent that during the 111th Congress, it be in order for the Secretary of the Senate to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate.

Mr. President, I ask unanimous consent that the majority and minority leaders may daily have up to 10 minutes each on each calendar day following the prayer and disposition of the reading of, or the approval of, the Journal.

Mr. President, I ask unanimous consent that the Committee on Appropriations be authorized during the 111th Congress to file reports during adjournments or recesses of the Senate on appropriations bills, including joint resolutions, together with any accompanying notices of motions to suspend rule XVI, pursuant to rule V, for the purpose of certain amendments to such bills or joint resolutions, which proposed amendments shall be printed.

Mr. President, I ask unanimous consent that for the duration of the 111th Congress, the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossments of all Senate-passed bills and resolutions. Senate amendments to House bills, resolutions, and joint resolutions, and Senate amendments to House bills, resolutions, and joint resolutions, shall be printed.

Mr. President, I ask unanimous consent that for the duration of the 111th Congress, Senate on appropriations bills, including joint resolutions, which proposed amendments shall be printed.

Mr. President, I ask unanimous consent that for the duration of the 111th Congress, Senators be allowed to leave at the desk with the Journal Clerk the names of two staff members who will be permitted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant-at-Arms be instructed to rotate such staff members as space allows.

Mr. President, I ask unanimous consent that for the duration of the 111th Congress, Senators may be referred to their respective committees without limit.

ORDER OF BUSINESS

Mr. REID. Mr. President, I now have some brief remarks I am going to make of about 10 minutes. It is my understanding the Republican leader is going
to give some remarks at a later time today, and I would notify all Senators we are going to be in a period of morning business, with Senators allowed to speak for up to 10 minutes each. I welcome my distinguished colleagues back publicly, as I have privately, and congratulate the election of the President-elect, and I look forward to—and I will address this in my remarks—our work during this next Congress.

MR. REID. Mr. President, I ask unanimous consent that we proceed now to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. Pursuant to S. Res. 1, the Chair appoints the Senator from Nevada, Mr. REID, and the Senator from Kentucky, Mr. MCCONNELL, as a committee to join the committee on the part of the House of Representatives, just as a committee to join the Senator from Nevada, Mr. REID, and the Senator from Utah, Mr. B ENNETT, as tellers on the part of the Senate to count electoral votes.

MR. REID. Mr. President, are we now in a period of morning business?

The PRESIDING OFFICER. Yes, we are.

WELCOMING THE 111TH CONGRESS

Mr. REID. Mr. President, on the Fourth of July of the year 1851, the legendary statesman Daniel Webster, himself a former Senator, laid the cornerstone for the Senate Chamber where we now gather. He said:

Be it known that on this day the Union of the United States of America stands firm.

Today marks the 150th year that this Chamber has housed the Senate of the United States.

When Vice President John Breckinridge gavelled the 34th Congress open in this Chamber in 1859, our Republic had a population of one-tenth what it is today. There were just 64 Senators. Each Senator enjoyed a little more leg room, and that is an understatement. Many of these desks we see behind me, and behind the Republican leader, are many of these desks we see behind me, and behind the Republican leader, are. Many of these desks we see behind me, and behind the Republican leader, are.

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Great Compromise in 1787 in Philadelphia, has allowed people to work together. Even though the State of Kentucky has more people than the State of Nevada and the State of California has more people than the State of Nevada, the State of Nevada has as much power in the Senate as Kentucky and California.

I have confidence we can work together. I am convinced that Senator McConnell and I—our critics and the press can call us a lot of names and make suggestions, but one thing they cannot say about us is we are not experienced. We have been through a lot of political wars. We are ready to take on whatever wars face us.

I say to my friend, Senator McConnell, I have every confidence we will be able to move this country forward.

We need to have the 111th Congress a tremendous success, and we can do that. In the coming days, my fellow Democrats and I will introduce our priorities for Congress. It happens every Congress. My colleagues on the other side of the aisle will introduce their legislative priorities. We look forward to developing dialog between the two sides of the aisle to see if we can meet the middle.

This day marks not just the 150th year of this Chamber but also the 50th year of the service of Senator Robert Byrd of West Virginia. For 50 years he has been a Senator, but he has been a Member of Congress for 56 years because he served in the House before he came here. It is no secret, when it comes to reverence for the Senate, we have all learned a lot—I have learned a lot—from President Byrd’s love of this body. I also have learned a lot from Senator Byrd of his desire for all Americans to appreciate that little document we call our Constitution. So on this the 50th anniversary of Senator Byrd’s service, I express publicly my affection and admiration for this good man and wish him well in this Congress.

For our nine new Members sworn today and for all Americans, I offer a few of Senator Byrd’s words which he delivered to a meeting of new Senators about 12 years ago, when he said:

After 200 years, [the Senate] is still the anchor of the Republic, the morning and evening star in the American constitutional constellation.

It has weathered the storms of adversity, withstood the barbs of cynics and attacks of critics. It has provided stability and strength for the nation during periods of civil strife and uncertainty, panics and depressions.

In war and peace, it has been the sure refuge and protector of the rights of states and of a political minority. And, today, the Senate stands—the great forum of constitutional American liberty.

So said Senator Byrd 12 years ago.

Today is a new chapter in history. It begins today. Each of us has the honor of taking part in it in some way. We here in the Senate have the ability to help write that history.

As the work starts, the words of Daniel Webster return to mind: “Be it known that on this day the Union of the United States of America stands firm.” I believe that.

I have just a few other brief remarks. As my colleagues are aware, two Democratic U.S. Senate seats—one from Illinois and one from Minnesota—are currently vacant. I will briefly address these two unusual circumstances because of the inquiries we have all had.

First, the Illinois seat left vacant by President-elect Barack Obama. Although I do not know Mr. Burris personally—I hope to meet him in the near future—he has served the State of Illinois in elective office for many years. Mr. Burris and his advisers were welcomed to the Capitol this morning by Sergeant at Arms Terry Gainer, who was chief of police in Chicago, so they have known each other for a long time. They then had a gracious meeting with the Secretary of the Senate, Nancy Erickson, an eminent attorney, Alan Frumin, who informed them that Mr. Burris is not in possession of the necessary credentials from the State of Illinois. A court case in Illinois is pending to determine whether Secretary of State Jesse White is obligated to sign this certification. I await the court decision. If Mr. Burris takes possession of valid credentials, the Senate will proceed in a manner that is respectful to Mr. Burris while ensuring there is no cloud of doubt over the appointment to this seat.

I also understand that Mr. Burris will likely give testimony to the Illinois State Assembly impeachment proceedings in the next few days, these proceedings pending against Governor Blagojevich. We await that proceeding as Senators as well.

As to Minnesota, I know a little bit about close elections. I am only going to talk about two of them because I have had a number of them. I lost one by 524 votes statewide election for the Senate. That was traumatic, to lose that race to Paul Laxalt, one of the historic Senators from Nevada—but of course for this country because of his very close personal relation with President Reagan. Paul Laxalt and I are close personal friends, but I lost that race by 524. We went through a recount. I didn’t file any lawsuits. There were no challenges. As hard as it was—and it was hard because it was a close race—that is really the first thing I had ever lost—I lost the race. All over the country, Democrats were winning these Senate seats and I lost in Nevada, but I had to give up because I had no chance of winning.

I won the second by 428 votes. One reason John Ensign and I are soulmates is because our politics are so different, but our friendship is as good as it gets. That was a tough election, a bitter election that John Ensign and I went through. We had a recount in Nevada. John Ensign made a decision that it was a waste of time; I can’t win the election. Before the recount was completed, John Ensign called me—I was having dinner with my wife—and said: You are going to be the next Senator. I thought when he made that phone call, gee, this is some kind of good guy. I didn’t handle my loss nearly as well as he did. I remember that.

Anyway, John Ensign filed no challenges, didn’t complete the recount, there were no lawsuits. And John Ensign is now a Member of the Senate. I am fortunate to have a number of good friends, but, boy, he is a friend, and I think if you ask him he would say the same.

So I say to my friend Norm Coleman, watch what I have said and watch what has taken place in the past. The Senate race in Minnesota was very close. It was very, very close—one of the closest in history. The bipartisan State Canvassing Board and Minnesota’s election officials have done an exemplary job in handling the recount. There were no allegations of partisanship or unfairness from either side that I am aware of, and I followed it every day for 6 weeks.

Even close elections, though, have winners. I can testify to that. After all votes have been fairly counted, Al Franken is certified as the winner by the State Canvassing Board, and he is the Senator-elect from Minnesota. Democrats will not seek to seat Senator-elect Franken today. We understand the sensitivity on both sides to an election this close.

This is a difficult time for former Senator Coleman and his family. I acknowledge that. He is entitled to the opportunity to proceed however he feels appropriate. But for someone who has been in the trenches on a number of these elections, graciously conceding, as his friend John Ensign did, would be the right step. This can’t drag on forever, and I understand that. I hope former Senator Coleman and all our Republican colleagues will choose to respect the will of the people of Minnesota. They have chosen a new Senator, Al Franken, and his term must begin and will begin soon.

I repeat, I look forward to this year, hoping that next year at this time we will be here talking about many things we have been able to accomplish. If I have said on this floor, if we accomplish things, there is credit to go around to everyone. If we do not accomplish anything, there is blame to go around to everyone. That is where I want to be.

EXECUTIVE COMMUNICATION

The Presiding Officer laid before the Senate the following communication:

A communication from the Director of the Federal Register, National Archives, transmitting, pursuant to law, a report relative to the Certificates of Ascertainment of the electors of the President and Vice President of the United States.

Mr. Reid, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.
The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

TRIBUTE TO CLAIBORNE PELL

Mr. ALEXANDER. Mr. President, on January 1, Claiborne Pell died. Claiborne Pell was a Senator from Rhode Island, the longest serving Senator from that State, a Senator whose name is known by most college students and by most people who care about education in America because he was largely responsible for helping to create in 1973 what we now call the Pell grant, a Federal scholarship that follows students to the college of their choice. It was originally called the Basic Educational Opportunity Grant, but Pell grant is a lot easier to say. It is a remarkable success in our country. He deserves to be remembered for that success.

I knew him as a staff member when I came here with Senator Howard Baker, who was here just a few hours ago as we were sworn in. That was 42 years ago. I knew him as Education Secretary in 1991 and 1992.

The American higher education system is at a time in which we worry about some of our institutions, one of our great secret weapons in America, one of our great strengths. One reason for that is because of Federal grants and loans.

It all started not with the Pell grant but just at the end of World War II with the GI bill for veterans. It was a college scholarship. Actually, it was an educational scholarship the veterans could spend wherever they wished, and the "wherever they wished" point was the important point because many of those men and some women who came back from World War II used their GI bill money to go to high school.

Some used it to go to college in other countries of the world.

No one said you can’t go to the University of Delaware or you must go to Notre Dame or you can’t go to Brown University or you can’t go to a Historically Black College. The GI bill for veterans followed students to the college of that student’s choice.

It was not universally popular. The president of the University of Chicago, Mr. Hutchins, said at the time that it would create a campus full of hobos because college at that time was for a very limited number of Americans.

At the end of World War II, only 5 percent of Americans 25 and older had completed at least 4 years of college. But today, according to the most recent figures, that figure is six times that. Nearly 30 percent of Americans have completed 4 years of college.

First, the GI bill after World War II, then the Pell grant in 1973, then the various loans under the Federal Government allows for students. So today, 60 percent of the men and women who go to American colleges and universities have a Federal grant or Federal loan to help them pay for college.

It is never easy to afford college. The average tuition at a 4-year private school is about $25,000 today, and you add to that your living expenses. It is important to remember that an average tuition at a 4-year public university is to give nearly all American students who graduate. Tuition and fees for community colleges is $2,200.

So Senator Pell, by his leadership and his work as chairman of the Education Subcommittee of our Health, Education, Labor Committee, helped to add to the legacy of the GI bill for veterans and helped make it possible for so many Americans to go to college.

I wish to conclude my remarks and honor Senator Pell with a thought about our future. I have always wondered why if the Pell grant was such a good idea for colleges, why don’t we try it for kindergarten through the 12th grade.

We seem to overlook the fact that American students can choose their college and the money follows the student to the college. It might be Nashville Auto Diesel College. It might be Harvard University. But we don’t give the money to the school, we give it to the student to decide where to go. That was a happy accident that happened with the GI bill, and it was a happy accident that happened in 1973.

I remember saying to one distinguished Member of this body: You know, the Pell grant is a voucher. This Senator recollected from that and said: I am opposed to vouchers.

I said: But you are not opposed to the Pell grant, are you?

And she said: Well, no, that is different.

I would argue that is not different at all. What we have done in kindergarten to 12th grade is give the money directly to institutions, and we, in that sense, create local educational monopolies and limit the amount of competition in choice.

We can look at our experience with higher education and see how it is generally considered to be by far the best in the world. We not only have the best colleges and universities in the world, we have almost all of them. Then we look at our system of kindergarten through the 12th grade.

The Presiding Officer has been Governor of his State. He worked hard on charter schools. We have all tried many different ideas to try to improve kindergarten through 12th grade, but we have never quite seemed to be able to make it as effective as our success with higher education.

That is why in 2004 I suggested on the Senate floor that we try the idea of a Pell grant for kids. I ask unanimous consent to have printed in the Record following my remarks I made on May 17, 2004, about Pell grants for kids.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, please summarize them, they were simply this: Why not look to the example of our higher education system and try it with kindergarten through the 12th grade? The Pell grants for kids I proposed was: You hire a high school child from a middle- or low-income family a $500 scholarship that would follow them to the school or other accredited academic program of their choice. These would be new Federal dollars so no district would see its share of dollars from Washington cut, and it would give less wealthy families many of the same choices that families with money already have.

As one example, across our country we see art and music lessons cut in schools. As the budget get tight, they are the first things that are cut. The kids who go to the schools from the areas that have less money from property taxes and less money from sales taxes are not able to have the art and music courses. If they had a $500 Pell grant for kids, they might take it to an afterschool program for art or afterschool program for music, or the parents might get together and go to the school the children attend and say: Look, there are 20 of us with these $500 Pell grants. We will all come here if you hire an art teacher part time or a music teacher part time. It would give parents some consumer power, it would give children opportunities, and it would give schools with less money more money.

This is an idea I hope we can seriously consider as we look ahead to the future of American public education. We should recognize that there are a great many school districts with children who have less money and less of a tax base than others and that we have had a wonderful example with the GI bill for veterans and with Pell grants in colleges and universities.

So why not try it in a limited way to see if it would help improve opportunity and education in kindergarten through the 12th grade as it has in college.

My main purpose today is to honor Claiborne Pell. He served 36 years with distinction. He contributed greatly to the opportunities of education in America. He did it with dignity, and he did it with intelligence. We respect
him, we miss him, and we honor his legacy. I yield the floor.

EXHIBIT 1

A half century after Brown v. Board of Education, education on equal terms still eludes the African-American child. Secretary of Education Rod Paige has called America’s persistent racial achievement gap “the civil rights issue of our time.”

By the 12th grade, only one in six black students and one in five Hispanic students are reading at grade level. Math scores are equal for 3 percent of white students and 4 percent of Hispanics test at proficient levels by their senior year. By another standard, about 60 percent of African-American children are below grade level at or below basic level by the end of the 4th grade, while 75 percent of white students read at basic or above at the end of the 4th grade.

There is still a huge achievement gap among African-American children and white children. The No Child Left Behind Act’s system of standards and accountability is creating a new gap for the children: funding disparities between rich and poor, too often minority children attend poorer school districts and remain a stubborn contributor to inequality. Between 1996 and 2000, poor students fell further behind their wealthier peers in seven out of nine key indicators, including reading, math, and science. These achievements cry out for a different model, one that helps address funding and equality without raising property taxes; that introduces entrepreneurship and choice into a system of monopolies; and that offers school districts more federal dollars to implement the requirements of No Child Left Behind, with fewer strings—in other words, more federal dollars, fewer federal strings, and more parent control over the federal dollars are spent.

Does this sound too good to be true? I would suggest it is not.

Look no further than our nation’s best-in-the-world higher educational system. There we find the Pell grant program, which has diversified and strengthened America’s colleges and universities by applying the principles of autonomy and competition. This year, $13 billion in Pell grants and work study and $42 billion in student loans will follow America’s students to the colleges of their choice. This is in sharp contrast to the local school districts where dollars flow directly to schools with little or no say from parents.

That is why I am proposing Pell Grants for Kids, an annual $500 scholarship that would follow every middle- and low-income child to the school or other accredited academic program of his or her parent’s choice. These are new federal dollars, so no district would see a cut in its share of Washington’s $35 billion annual spending for K-12 and increases in funding for students with disabilities would continue. Armed with new purchasing power, parents could directly support their school’s priorities, or they could pay for tutoring, for lessons and other services in the private market. Parents in affluent school districts do this all the time.

Pell Grants for Kids would give less wealthy families the same opportunities—an example is the Holiday family in Nashville, Tennessee.

Raymon Holiday is a 6th grade who recently won the American Lung Association of Tennessee’s clean air poster contest. I was there when he won the 18-speed bicycle you get for such a prize. We met his father, an art teacher, and his grandfather, a retired art teacher. They told me his great-grandfather was a musician. So you can see where Raymon Holiday gets his instincts. His grandfather, the retired art teacher, lamented to me that art classes are usually first to go when budgets are cut. With Pell Grants for Kids, in a typical middle school of 600 students, Raymon might be one of 500 middle- or low-income students to receive a Pell grant. His middle school would see a $250,000 increase in funding. Raymon would be assured of art lessons.

The Pell model also encourages great American entrepreneurship. Enterprise principals, like Raymon’s principal, might design programs to attract parental investment: an uncensored writing workshop, after school programs, English lessons—whatever is lacking due to funding constraints. Surveys continue to show that while Americans are concerned with the state of public education, most support their own child’s public school.

Herman Smith, superintendent of schools in Bryan, Texas, would welcome the $6 million that would accompany 13,500 eligible students from his district. Bryan is right next door to College Station, home of Texas A&M where, according to Smith, their budget cuts are larger than those in Bryan districts. Property values there are double those in Bryan, as is the per-pupil expenditure. Not surprisingly, Bryan’s population is 68 percent white.

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the best colleges in the world—the idea of letting money follow students to the institution of their choice.

Over the next several weeks, I will be discussing individual senators. I have not prepared a piece of legislation yet because I don’t want to stand up and say: here it is, take it or leave it. Let’s say one team says no, because they can win the election by standing with their own team. Then we are back where we were. I am looking for ways to advance the debate.

I don’t believe we are going to be spending much more money through the federal government in the same way we are doing it today. A lot of senators, and I am one of them, think we need to spend fewer dollars through programs that have lots of federal controls. We have seen the limit of command and control from Washington, D.C., with this administration. This administration will work. But I don’t believe we can expect to give many more orders from Washington to make schools in Schemecady, Nashville, and Amarillo, Alabama and Sacramento, better. That has to happen in local communities.

The right strategy is significantly new federal dollars with fewer federal strings and more parental say about how those dollars are spent. This does not have to be a Republican versus Democrat idea. I am not the author of the idea.

In 1947, the G.I. bill for Veterans was enacted. Since that time, federal dollars have followed students to the colleges of their choice. A small percentage of America’s college students have a federal grant or loan that follows them to the college of their choice.

When I was president of the University of Tennessee, it never occurred to me to say to the Congress: I hope you do not appropriate any more money to send to Howard University or Notre Dame or Brigham Young or Vanderbilt or Morehouse or the University of Alabama. We give people choices. Or put it another way, in my neck of the woods, what if we told everyone where they had to go to college? What if we said, Sen. Sessions, you have to go to the University of Tennessee. We sent many Lamar Alexanders: You have to go to the University of Alabama. Civil wars have been fought over such things.

That is exactly what we do in K-12. We give parents the right to choose the best colleges in the world. We give them no choices, and we have schools that we wish were better. So the idea would be to try what worked in K-12.

I said I was not the only one to think of this. There was the G.I. bill for Veterans—that was bipartisan—after World War II; maybe the best piece of social legislation we ever passed in the history of our country.

In 1968, Ted Sizer, perhaps the most renowned educator in America today, proposed a poor child’s Bill of Rights: $5,000 for every poor child to go to any school of his choice, an LBJ power-of-the-people, liberal, Democratic idea at the time. In 1970, President Richard Nixon proposed, basically giving grants to poor children to choose among all schools. The man who wrote that speech for President Nixon was a man named Pat Moynihan. He was a U.S. Senator. In 1979, he and Sen. Ribicoff, two Democrats, introduced essentially exactly the idea I am proposing today. In fact, in 1979 Sens. Ribicoff and Moynihan, along with Senator Mark Hatfield, proposed the Pell Grant Act and simply applying it to elementary and secondary students.

At the time when the Pell grant was $200 to $1,000, a 3rd grader could get a Pell grant, or if you were a high school student and you were poor, you could get a Pell grant.

Sen. Moynihan proposed amending the Federal Pell Grant Act and simply applying it to elementary and secondary schools—if, that is, we are serious about educational and pluralism and providing educational choice to low- and middle-income families similar to those routinely available to upper income families.

This was the impulse behind the basic educational opportunity grants program as enacted by Congress in 1972. He was talking about the college environment when he wrote the presidential message to Congress which I drafted in 1970 which proposed such a program. It is the impulse to provide equality of educational opportunity to every American, and it is as legitimate and important an impulse at the primary and secondary school level as it is at the college level.

I am going to ask my colleagues not to make a reflexive reaction to this idea because, on the one hand, it has too much money, or on the other hand, it has some choice. Think back over our history and think of our future and realize we have the best colleges and we do not have the best schools. Why don’t we use the formula that created the best colleges to help create the best schools?

I ask unanimous consent to have printed in the Congressional Record at the conclusion of my remarks a statement in the Senate in 1980, and following Sen. Moynihan’s remarks, an article which I wrote for the publication Education Next, which is being published this week, entitled “Putting Parents in Charge.”

This article goes into some detail about the Pell Grants for Kids proposal. I look forward over the next several weeks to working with my colleagues, accepting their ideas and suggestions about how we improve our schools.

Mr. ALEXANDER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk (John Merlino) proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

The Senator from West Virginia is recognized.

FIFTY YEARS IN THE SENATE

Mr. BYRD. Mr. President, in my multivolume history of the Senate, I noted that the Senate is “the anchor of our republic.” It is, I wrote, “the morning and evening star in the American constitutional constellation.” Today, I recall those words because I am even more convinced that the Senate still stands as the great forum of constitutional American liberty.

For five decades—that is a pretty long time—I have seen this Senate weather the storms of adversity, withstand the barbs of cynics and the attacks of critics as it provided continuous stability and strength to our great country during periods of strife and uncertainty. The Senate has served our country so well because great and courageous Senators have always been willing to stay the course through the criticism that could undermine the faith. The Senate will continue to do so as long as there are Members of the Senate who understand the Senate’s constitutional role and who zealously guard the Senate’s powers.

It has been said that this institution—meaning the Senate—has a life of its own. That may be true. I also know from my 50 years of service in this Chamber that the Senate is rooted in the character of the men and the women who serve in the Senate. During my five decades of service here, I have had the high honor and the great privilege of working with some of the finest and a few of the greatest Senators in history. This distinguished list includes my mentors, Senator Richard Brevard Russell, Senator Lyndon Baines Johnson, Senator John Calhoun Stennis, and Senator Mike Mansfield. It includes the great Margaret K. Smith, who never for a moment hesitated to follow her conscience. It includes Barry Goldwater, and it includes Phil Gramm, both of whom were spearheads of the revolution in thinking and policy that the Senate enacted from the 1980s.

It includes those giants of the Senate, Howard Baker and Mark Hatfield, both of whom exemplified stunning political courage. And of course any list of such individuals must include the wonderful TED KENNEDY, who went from being a bitter adversary in the beginning of my years to my dearest friend. It has been an honor and a great privilege to have served with these Senators and with so many others who have contributed and who still contribute to the Senate to make it the great institution it has become. I hope and I pray to the Good Lord that in my 50 years here, I have also made a small but positive contribution, and I pray that I will continue to do so.

Because of the good people of West Virginia, my half-century—my 50 years—of service in this Chamber has allowed the foster son of an impoverished coal miner from wheeling, West Virginia, of southern West Virginia—and the wife of that coal miner to have a son—to have the opportunity to walk with Kings, to meet with Prime Ministers, and to debate with Presidents. I have had the privilege to participate in much of America’s history. From the beginning and the apex of the Cold War to the collapse of the Soviet Union, from my opposition to the 1964 Civil Rights Act to my role in securing the funds for the building of the memorial to Martin Luther King, from my support for the war in Vietnam to my opposition to Mr. Bush’s war with Iraq, I have served here, and I have loved every second of every blessed minute of it.

My half-century of service in the great Senate has also allowed me to experience profound changes in this institution. Unfortunately, not all of them have been for the better.

During my tenure, especially in recent years, this Chamber has become bitterly partisan. All of us already know this, so I will not belabor the point other than that any. 50 years should do better. I will point out that we should do something about the vitriol before it destroys the Senate and the people’s faith in the Senate.
If anyone thinks I am exaggerating, I will give just one example. The filibuster is a prime guarantee of the principle of minority rights in the Senate. The filibuster is a device by which a single Senator can bring the Senate to a halt if to do so will ever happen. A vital and historic protection of the liberties of the American people will be lost, and the Senate will cease to function as the one institution that has provided protection for the views and the prerogatives of a minority.

I lament the ever-increasing costs of running for a Senate seat. In 1958, Jennings Randolph and I spent a combined $50,000 to win the two Senate seats in West Virginia. Today, Senators can expect to spend about $7 million, much of a lawmaker’s time, too much of a lawmaker’s energy is now consumed in raising money for the next election or to pay off the last one.

I lament that too many legislators in both parties continue to regard the Chief Executive in a roll much more elevated than the Framers of the Constitution ever intended. The Framers of the Constitution did not envision the Office of the President of the United States as having the attributes of royalty. We as legislators have a responsibility to work with the Chief Executive, but it was intended for this to be a two-way street, not a one-way street. The Senate must again rise and be the co-equal branch of Government which the Constitution of the United States intended it to be.

I lament the decline of the thoroughness of Senate committee hearings. In its classic study, “Congressional Government,” Woodrow Wilson pointed out that the “informing function of Congress is its most important function.” This was revealed in 1973 when, after 8 days and 11 hours of questioning, L. Patrick Gray, President Nixon’s nominee to be Director of the FBI, revealed that White House counselor John Dean had lied—lied—to FBI investigators, thus beginning the unraveling of the Watergate cover-up. Today, we have the knowledge this could not happen with the time restrictions that are in place on the Senate’s hearings.

I am pleased to say that during my half century in the Senate, there have also been positive changes in the Senate. I will mention a few. The first is the Senate has become more open and it has become more diverse. When I came here in 1959, there was only one—one female Senator. In the 111th Congress, there are 17 women in the Senate. In the 50 years prior to my service, not a single—not one African American was elected to the Senate. Beginning about 50 years before, three African Americans have been elected to the Senate. This is a small number, but one of those three has now been elected to the highest office in the land—President of the United States.

So, my fellow colleagues, we have come a very, very, very long way.

Let me conclude my remarks by simply acknowledging it has been a wonderful 50 years serving in this “great forum of constitutional American liberty.” I only wish my darling wife, who now sings in the heavenly choir above, were here today to say with me that I look forward—yes, look forward to the next 50 years. Amen. Amen.

That concludes my remarks. I yield the floor, and I say good night to the Chair and all the people here.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

MINNESOTA SENATE RACE

Mr. MCCONNELL. Mr. President, earlier today there were some comments about the Minnesota Senate race that I would like to briefly address. The only people who have pronounced the Minnesota Senate race over are Washington Democrats and the candidate who is the current custodian of the most votes. The people of Minnesota certainly do not believe the Minnesota Senate race is over. The Minneapolis Star Tribune—the paper which I respect—wrote an editorial in their paper today entitled, “Court Review is Key in Senate Recount.”

Writing yesterday’s Canvassing Board findings, the editorial says—and again, this is in today’s Minneapolis Star Tribune—the editorial today says:

As Minnesotans are learning, that determination is not so clear or that declaring a winner in this amazingly close race. It went on to say:

Both Franken and Coleman should want court-ordered answers to questions that the Canvassing Board could not answer.

The winner of this contest deserves the legitimacy that would come with a court’s politically independent finding that he got more votes.

The bottom line is this: The Senate race in Minnesota will be determined by Minnesotans, not here in the Senate.

OPENING OF THE 111TH CONGRESS

Mr. MCCONNELL. Mr. President, the opening of a new Congress is always an important moment in the life of our Nation. Every time a gavel falls on a new legislative term, we are reminded of the grandeur of the document we are sworn to uphold. We are grateful to the citizens of our respective States—in my case the people of Kentucky—who gave us the opportunity to serve. We are thankful once again that the U.S. Constitution has endured to guarantee the freedom and the prosperity of so many for so long. Growth of our Nation over the years is one of the most remarkable feats of man, and it was far from inevitable. When Congress first organized under the Constitution, the United States consisted of 11 States and 3 million citizens. Today, more people than that live in Kentucky alone. Yet despite a bloody Civil War, the arrival of millions of immigrants, economic collapse, World Wars, social unrest, and the long-delayed realization of America’s original promise of equality for all, we have come together as a body and as a nation. We have not just endured these things, we have flourished, and that is well worth remembering and celebrating as the 111th Congress convenes.

As we meet in January of 2009, America faces many serious challenges. None is more urgent than our troubled economy. President-elect Obama was one of those who recognized the gravity of the current troubles early on. He recruited a solid team of economic advisers. He agrees with Republicans that we should put more money in the pockets of middle-class American families by cutting their taxes, and he has proposed working with Republicans to create jobs and to encourage long-term economic stability with a massive domestic spending bill the details of which Members of Congress and the American people are increasingly eager to see.

After a long and rough campaign season, it is encouraging for many Americans to see that the two parties in Washington are in broad agreement about something so important to their daily lives. And Republicans will work with President-elect Obama to make sure that as we consider this legislation, the taxpayer is not taken for a ride. All of us agree the economy needs help. We are concerned and taxpayers are concerned. But we want to appropriate an unprecedented amount of money from the Treasury for this spending bill, it is absolutely essential that we determine up front whether the spending is going to be wasteful or wise.

Specifically, the American people should have at least a week, and it looks as if we will have more than that, to see what this enormous spending plan includes. President Clinton proposed a $16 billion stimulus package for the first year of Congress, back in 1993, rejected it for being too expensive. Now Democrats in Congress are proposing a stimulus that would
cost taxpayers more than 50 times what President Clinton’s would have cost. This potentially $1 trillion bill would be one of the largest spending bills in U.S. history. It would increase the deficit by half trillion dollars overnight and deeper, an already enormous national debt.

Before we all agree to it, the American people need to see the details. They need to be able to see for themselves whether this is money well spent. If lawmakers think it is, then they need to make a convincing case to the people who are paying for it.

Now, 16 years ago we rejected a similar stimulus the size of the Minnesota State budget. We should not be rushed into voting for a bill that, by any estimate, will be bigger than all 50 State budgets combined, especially when many of the jobs it promises will not even materialize for another year. If we are serious about protecting the taxpayers, this bill will be subject to a fair and open process and allowed to compete with other priorities in the budget. We should encourage, not discourage, questions about this bill in a reckless rush to meet an arbitrary deadline. We should be open to new ideas aimed at protecting the taxpayer.

Here are three new ideas worth considering: Congressional Democrats have talked about sending hundreds of billions of dollars to the States. It is a loan those funds rather than give them away, States will be far less likely to spend the money frivolously, and the taxpayer would have greater assurance their money is well spent.

Idea No. 2: Congress has nearly 1 year to review the fiscal 2009 spending requests. These remaining bills now make up a $400 billion Omnibus appropriations bill. This is a bill that meets the level of spending proposed for the stimulus, and it is a bill that could pass Congress by Inauguration Day. If speed is one of the goals, it strikes me that passing the omnibus achieves that goal.

Idea No. 3, middle-class tax relief: One way to get more money into people’s pockets quickly is to increase the size of their paychecks immediately. An immediate 10 percent cut in taxes for nearly 30 million Americans would provide a significant jolt to the economy that all of us want. These are ideas on which both parties could agree. Each of them is designed to protect and empower the taxpayer. So let’s consider them. But either way the American people should be in on this spending plan because the potential for waste and abuse is enormous.

Now, some loose-lipped local politicians have already described the grant as “free money” from Washington. Others openly hope to use it on frivolous pet projects that no sensible taxpayer would sign off on if they were given a choice. The American people do not want to be taken advantage of. They want a real return on their investment, and all of us should be eager to show that we understand the difference.

President-elect Obama has said a stimulus plan will have to create jobs, have an immediate impact, and lead to the strengthening of the U.S. long-term economic. Republicans agree, and what we will help to ensure just that by insisting on scrutiny and oversight in the face of pressure on congressional Democrats from interest groups and local political champions. Here is an issue on which the Republicans and Democrats can work together for a positive result for the American people. My hope is that once we achieve it, we will have a model to build on for the remainder of the 111th Congress. The opportunities for cooperation are numerous. Throughout his campaign, President-elect Obama spoke about the importance of a strong national defense. He spoke of the need to reduce the national debt. He vowed to go to the floor this year to cut wasteful programs. He pledged to cut taxes on virtually all Americans and on small business. And he promised to put America on the path to energy independence within the next 10 years. These are all policies supported by both Republicans and Democrats. This would be a start.

At this moment, nothing should stand in the way of our achieving them together. I have told the new President I am eager to work with him. I have told him that the time has come on the ratification of qualified nominees to key Cabinet posts so the American people do not have to worry about a power vacuum at places such as the Pentagon, the State Department, Treasury, or Homeland Security. I have discussed with him something he already knows but which is worth repeating on the first day of the new Congress. When it comes to new Presidents, history offers a clear path, a clear path to success and a clear path to failure.

Some new Presidents have chosen to work with the other party to confront the big issues of the day that neither party is willing or able to tackle on its own. Others have decided they would rather team up with members of their own party and focus on narrow, partisan issues that only appeal to a tiny sliver of the populace but which lack the support of the American mainstream.

In my view, the choice at this particular moment is clear. If the new President pursues the former course, our chances of achieving a positive for the American people will be strong. The parties will continue to disagree. This is good for democracy, but political conflict is not an end in itself. At this moment we have an opportunity to show the American people, and we know that.

The majority leader has mentioned that this year the opening of Congress coincides with two important anniversaries. The first is Senator Byrd’s 50th anniversary. This feat of longevity has no equal in the history of this body, and this is quite fitting for a Senator who has no equal in the history of this body.

When Robert Carlyle Byrd took the oath of office on January 5, 1959, he could not have known that he would be the longest-serving Senator in U.S. history. One thing we would on day write this body’s definitive history. But through the support of his beloved Erma, his legendary devotion to our Constitution, and his tireless will to improve the lives of the people of his State the senior Senator from West Virginia has accomplished a remarkable feat, and today we honor him for it.

The other anniversary we commemorate today is no doubt dear to Senator Byrd’s heart because 150 years ago this very month the Senate moved from its old home down the hall, where we had the reenactment of the swearing in of new Senators today—its old home down the hall, to the room we are in now. This transition occurred in its day than the mere packing of books and rearranging of desks because back then, as now, every expansion of the Capitol has come with a fresh realization of the great adaptability of the American institution and is further proof of its greatness.

According to the Congressional Record, the man who was selected to speak on the occasion of the Senate’s relocation in 1859 was John C. Breckenridge, a Democrat and a Kentuckian who served as Vice President under President Buchanan.

In his remarks, Breckenridge offered an eloquent lesson on the history of the Senate and, after paying appropriate tribute to the heroes of the Revolution, he made an intriguing suggestion to the Senators of his day.

Breckenridge suggested that the Senators of 1859 had an even greater responsibility than the Senators of 1789 because he put it this way: “The extent, and the power of our country surpass the dawning promise of its origin.”

If this was true in 1859, it is truer still in 2009. Americans have seen quite vividly over the past 8 years, and even over the past few months, that the challenges which confront America and our response to those challenges have a powerful effect on the wider world.

Not a single Member of this body is unaware of the profound impact of his or her decisions. And that is why not a single Senator in this body wishes anything but the best to President-elect Obama.

Despite party differences, all of us feel a certain institutional pride in having one of our own in the White House. And every American will feel a special national pride when, for the first time in our Nation’s history, an African American man raises his hand to recite the oath of office from the Capitol steps.

The President-elect has promised leadership that sees beyond the politics of division. But that responsibility
does not rest with the President alone. It rests with all of us. Before Inauguration Day, there is the opening of this 111th Congress. This too is a great civic ritual. And this too should renew our optimism about the future of America and our optimism about achieving something big for the American people over these next 2 years. Now is our chance to deliver—not just in word, but in deed. This is a solemn charge. For some, it might cut against the grain. But if we are to have a future worthy of our past, it is a charge that must be kept.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

ERIC HOLDER CONFIRMATION HEARING

Mr. SPECTER. Mr. President, with the approaching hearings before the Judiciary Committee on the nomination of Eric Holder to be Attorney General, I thought it might be useful to frame some of the issues and put them into perspective, at least my perspective, in advance of the hearings, and to advise them on some ground taller than our brief meeting, when he paid his courtesy call a few weeks ago, to discuss some of those issues so he would be in a better position to respond.

I begin with the view that I wish to be helpful to President-elect Obama in his dealings with the enormous problems which face our Nation. I have come to know President-elect Obama in his capacity as Senator for the last 4 years. His office is right down the hallway. I consider him a friend, and certainly we are in need of action on some of the enormous problems our Nation faces. We approach these problems in the context of our constitutional roles. The Constitution, in article I, gives powers to the Congress and, in article II, certain powers to the executive branch. The core of our constitutional Government is checks and balances so we have that responsibility to have oversight and to give our candid judgments. Frequently, it is more helpful to say no than to say yes. When we deal with the position of Attorney General, we have a role which is significantly different from other Cabinet officers.

For example, Cabinet officers carry out the President’s policies on a wide variety of issues and, to an extent, so does the Attorney General. But the Attorney General has a significantly different role in his responsibility to the people and to the rule of law. Senator Luxury and I wrote extensively on this subject, published last October in POLITICO.

Some Attorneys General have been very compliant with the administration and have not faced very well histories. Attorney General Harry Daugherty was sullied by the Teapot Dome scandal. Although ultimately cleared, he resigned amid allegations of impropriety. We had the Attorney General during the administration of President Roosevelt, Attorney General Homer Cummings, who yielded to the court-packaging, certainly not the sort of institutional integrity which we would look for in an Attorney General. Some Attorney Generals have been very diligent. Perhaps the best example is Attorney General Elliot Richardson, who resigned rather than fire Special Prosecutor Archibald Cox during the administration of President Nixon, and Deputy Attorney General Ben Ruckelshaus followed suit.

In today’s press, there are reports about the distinguished career of Attorney General Griffin Bell, who just died. One of the hallmarks of Attorney General Bell’s career was his willingness to say no to President Carter, who had appointed him. President Carter, it is reported, wanted a certain prosecution brought. Attorney General Bell said that it wasn’t an appropriate matter for a criminal prosecution. Attorney General Bell advised President Carter that the way he would get that prosecution brought would be to appoint a compliant Attorney General, that he would resign before he would undertake that mission.

We have seen, regrettably, with the administration of Attorney General Alberto Gonzales, yielding to the Executive will without upholding the rule of law. I chaired the Senate Judiciary Committee, for which I was ranking member, over the termination of U.S. attorneys; the attitude of Attorney General Gonzales on habeas corpus, testifying that there was no positive grant of habeas corpus in the Constitution, notwithstanding the explicit clause which says habeas corpus may be suspended only in time of rebellion or invasion. So this is a very key and critical appointment.

The Attorney General also has enormous responsibilities in advising the President more generally on the scope of Executive authority. Mr. Holder will doubtless be questioned at some length on the issue of the terrorist surveillance program, warrantless wiretaps, and the meaning of the Foreign Intelligence Surveillance Act; and where does congressional authority under article I stop on the flat prohibition against wiretaps without warrants, contrasted with the Executive’s power under article II; and what are the Attorney General designate’s views on attorney-client privilege restrictions, a matter which he initiated in 1999 and which has seen further restrictions in the Thompson memorandum and subsequently. Last January I introduced legislation to try to deal with that. There is also the reporter’s privilege issue, where the Department of Justice has opposed the privilege for reporters where they have been held in contempt. A New York Times reporter was on trial for some 85 days after the source of the confidential disclosure had been addressed. These are just a few of the issues which we will be looking at in the confirmation hearings of Attorney General Holder.

With respect to Mr. Holder, specifically, he has had an outstanding academic and professional record—I acknowledged that on college and law school, Columbia; a judge of the District of Columbia Superior Court; involved in Department of Justice prosecution teams; and later served as Deputy Attorney General. But aside from those qualifications on Mr. Holder’s resume, there is also the issue of character. Sometimes it is more important for the Attorney General to have the stature and the courage to say no instead of to say yes.

There are three specific matters which will be inquired into during the course of Mr. Holder’s confirmation hearing. The first one involves a highly publicized pardon, the Marc Rich pardon. Mr. Holder testified he was “not intimately involved” in the Rich pardon and he assumed that regular procedures were being followed. But when you take a look at some of the details as to what was disclosed in the hearing by the House of Representatives and in the hearing in the Senate Judiciary Committee, which I chaired, you can see months after the pardon, Mr. Holder met privately with Mr. Rich’s attorney. According to Mr. Holder’s own testimony, he tried to facilitate a meeting between the prosecute Mr. Rich’s attorney, Mr. Quinn, testified that he advised Mr. Holder to go straight to the White House rather than through the pardon office, which is the regular procedure. Mr. Quinn produced an e-mail from himself to a colleague with the subject line “Eric,” in which he noted that “he says go straight to the WH, also says timing is good. We should get it in soon.”

That is not conclusive, but these are matters that need to be explored. The pardon attorney was opposed to the pardon, but he never issued a recommendation because he didn’t think the pardon was under serious consideration. Then the White House requested Mr. Holder’s opinion, and he is quoted as saying that he was “neutral, leaning towards favorable” on the pardon.

On this case of the record, with the very close connections between Mr. Rich and very sizable contributions to the Clinton library and very sizable contributions to President Clinton’s party, these questions inevitably arise and have not been answered satisfactorily. During the course of the hearings, both in the House and in the Senate, where I chaired the full committee hearing, the claim of executive privilege was made. We face a little different situation when we are looking at a confirmation hearing for Attorney General, in terms of the legitimate scope of Senators’ inquiry which will be needed. It is permitted on the fact that the charges against Rich were very serious. They involved tax evasion, fraud, trading with the enemy,
with Iran. It should also be emphasized that the U.S. attorney who prosecuted the case was opposed to the pardon and, in fact, refused to meet with Mr. Rich.

The second issue which requires a hearing is the character of Mr. Holder. The determination as to whether Mr. Holder was yielding to the President to give him or the Vice President a conclusion they wanted to hear was the issue of the appointment of an independent counsel on the allegations that Vice President Gore engaged in fund raising from the White House in violation of Federal law.

Mr. Holder, in his capacity as Deputy Attorney General, was advising Attorney General Reno. Attorney General Reno came to the conclusion that independent counsel ought not to be appointed. The House of Representatives committee filed this report:

... the failure of the Attorney General to follow the law and appoint an independent counsel when the investigation has been the subject of two sets of Committee hearings. FBI Director Louis Freeh advised Attorney General Reno that he was picking Chief Prosecutor Charles LaBella, wrote lengthy memos to the Attorney General advising her that she must appoint an Independent Counsel under the mandatory section of the Independent Counsel Statute.

That mandatory section does not leave it to the discretion of the Attorney General, but the Attorney General declined to appoint independent counsel.

In hearings conducted before the Senate Judiciary Subcommittee, which I chaired, Attorney General Reno was questioned extensively on the evidence, which showed that hard money was being discussed as the matter of fundraising to be undertaken by Vice President Gore.

Attorney General Reno did not consider a very critical piece of evidence written by a man named Strauss who had attended the meeting. The Strauss memo contained the notation of a certain percentage of hard money and a certain percentage of soft money. Attorney General Reno did not consider that because, as she testified, it did not refresh the collection of Mr. Strauss.

Well, there are a number of exceptions to the hearsay rule. One is when a piece of paper is reviewed by a witness and it refreshes his prior recollection. Another is when the witness refreshes his prior recollection, which is an exception to the hearsay rule and the witness does not have to remember what had occurred.

That critical piece of evidence was not considered by Attorney General Reno. So here again are issues which are appropriate for inquiry on the character issue.

On the issue of whether Mr. Holder will exercise sufficient independence, Vice President Gore sought to explain to the FBI that he was out of the room a good bit of the time of the discussion because, as he had put it, he had consumed a lot of iced tea on that occasion. Well, these are matters which the independent counsel statute was designed to deal with, to conduct a further investigation, to consider all of the ramifications to show favoritism because the subject of an investigation happened to be the Vice President of the United States. Mr. Holder’s role in advising the Attorney General on that matter, his role as Deputy Attorney General, is an appropriate matter for inquiry.

The third issue to be inquired into involves the hearings on the so-called FALN organization, the Armed Forces of Puerto Rican Nationalists. The FALN was an organization linked to over 150 bombings, threats, kidnappings, and other events which resulted in the deaths of at least six people and the injuries of many more between 1974 and 1983. Four of the persons who received clemency were convicted of involvement in the $7 million armed robbery of a Wells Fargo office.

In the face of this kind of conduct, and in the face of a report by the pardon attorney in the Department of Justice, Attorney General Holder were very extensive in what eventuated in the granting of clemency.

The Department of Justice sent the matter back for another evaluation, apparently disliking the recommendation of the pardon attorney that the clemency application ought to be denied.

On this second occasion, according to press accounts, the submission by the pardon attorney “made no specific recommendation” regarding clemency, but it did reflect that the FBI and two U.S. attorneys’ offices opposed clemency. Notwithstanding that record, clemency was granted. It is an appropriate matter for inquiry to see specifically what was played.

Senator HATCH, who was the chairman of the committee at that time, had this to say about the conclusion:

President Clinton, who up to this point had only commuted three sentences . . . offered clemency to 16 members of FALN. This me, and really almost every Member of Congress, was shocking.

Senator LEAHY joined in the criticism of the grant and raised the question. On another occasion when the Department of Justice has testified that the notes were made contemporaneously with the discussion and it constitutes prior recollection recorded, which is an exception to the hearsay rule and the witness does not have to remember what had occurred.

That critical piece of evidence was not considered by Attorney General Reno. So here again are issues which are appropriate for inquiry on the character issue.

In raising these concerns, I am raising questions. I will approach these hearings next week—a week from now—with an open mind to give Mr. Holder an opportunity to explain his conduct and his actions and to see if, on the totality of the record, he displays the requisite character and judgment and can justify the actions in these sorts of matters—which would warrant the confidence of the Judiciary Committee, really representing the conscience of the American people.

After our experience with Attorney General Gonzales, and given the experience of other Attorneys General in the past and the very critical role which they play in upholding the rule of law, these are the sorts of issues which should be aired. And I want to have his day in court, so to speak—the hearing before the Judiciary Committee—to see if he can state the case which would warrant his confirmation.

Mr. President, I ask unanimous consent that a detailed statement be printed in the RECORD at this point in full. What I have tried to do is to summarize a more detailed statement.

There being no objection, the material was ordered to be printed in the RECORD as follows:

HOLDER FLOOR STATEMENT

With the Judiciary Committee hearings approaching on the nomination of the Attorney General-designate Eric H. Holder, Jr., I thought it would be useful of the issues into perspective, at least my perspective. I begin with the view to help President-elect Obama deal with the enormous problems facing our nation. I worked with the then-Senator Obama; I had an office close to his on the 7th floor of the Hart Building, and consider him a friend. I sent a congratulatory letter after the election to get his telephone call to discuss working together in the new year.

The fundamentals of our continuing relationshhip will be governed by the Constitution. Separation of powers and checks and balances are the basic precepts of dealings between the Congress (Article I) and the Executive (Article II). My record demonstrates my willingness to cross party lines when I consider it appropriate—frequently to my own political disadvantage.

The Constitution requires the President’s choice for Attorney General to be confirmed by the Senate—specifically, with the Senate consent. This is not the case with Supreme Court nomination. In the context of a possible Supreme Court nomination, Senator Leahy described his opinion of the role of the Senate as prescribed by the Constitution: “The Constitution provides that the President ‘shall nominate, and by and with the Advice and Consent of the Senate, shall appoint’ judges. For advice to be meaningful it needs to be informed and shared among those providing it. . . . Bipartisan consultation would not only make any Supreme Court selection a better one, but it would strengthen the role of the Senate, and the American people that the process of selecting a Supreme Court justice has not become politicized.’” (Cong. Rec. S6399) Senator Leahy’s statement is at least relevant, if not equally applicable, to Mr. Holder’s nomination. History demonstrates that presidents who seek the advice of members of the Senate prior to submitting a nomination frequently see their nominees confirmed more quickly and with less controversy than those who do not. A recent example is that of President Clinton who then-Chairman Hatch prior to nominating Justice Ruth Bader Ginsburg and Justice Stephen Breyer to the Supreme Court. Both nominees were confirmed with minimal controversy.

In contrast, on the nomination of Mr. Holder, President-elect Obama chose not to...
seek my advice or even to give me advance notice, in my capacity as Ranking Repub-
ican on the Judiciary Committee, which is its
prerogative. Had he done so, I could have
given him a heads-up about Mr. Holder’s back-
ground that he might not have known,
based on my experience on the Senate Judi-
ciciary Committee. For example, in 1999, I
chairman of the Senate Judiciary Com-
munity’s Subcommittee on Ad-
mistrative Oversight and the Courts, dur-
ing which we heard from numerous witnesses and
reviewed thousands of documents. The infor-
mation gained during that investigation might have
been valuable to President-elect Obama, be-
cause Mr. Holder was Deputy Attorney Gen-
eral (DAG) of the Justice Department from
1997 until 2001 and, therefore, played a piv-
otal role in determining the level and scope of the
Justice Department’s investigation of these
truancy matters. I also chaired the Senate
Judiciary Committee’s 2001 hearing on
the controversial pardons of international
fugitives Marc Rich and Pincus Green. Dur-
ing those hearings before the Subcom-
mitee from Mr. Holder on his role in those
pardons. I will describe some of the details on
those matters shortly. Based on my role on
those committees, I could have shared with
President-elect Obama with informa-
tion on Mr. Holder that he might not other-
wise have had and might have found useful.

Speaking of the office, my first im-
pression on Mr. Holder that he might not other-
wise have had and might have found useful.
Speaking of the office, my first im-
pression on Mr. Holder that he might not other-
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not support the request, but he ultimately told Ms. Nolan that he was “neutral, leaning towards favorable” on the request. He testified that one factor influencing his decision was the support he received from Israel Prime Minister Ehud Barak who weighed in strongly in favor of the request; therefore, the granting of the request might have foreign policy benefits. He made this inquiry, however, as to whether that was true.

Notwithstanding, based on these hearings, serious doubts were raised about Mr. Holder’s candor while testifying before Congress. (Jerry Seper, Holder Testimony on Pardon Questioned, The Washington Times, Dec. 31, 1997; see also a question by Congressmen Burton, Mr. Holder testified that he had “only a passing familiarity with the underlying facts of the Rich case.” (The Contributions of Independent Counsel Charles R. LaBella as the head of the task force) also including the fact that campaign task force investigation has been the subject of investigations of Law, Interim Report, H.R. Rep. No. 105–829, Sixth Rep., Vol. 1, at 3 (1998))

Allegations have also been raised that Mr. Holder was responsible for the deviation from normal pardon procedures. Allegedly, Mr. Quinn spoke with Mr. Holder several times between November 2000 and the night of January 19, 2001, and primarily relied on him for guidance and information rather than the pardon office. Mr. Quinn testified that Mr. Holder advised him to go straight to the White House rather than through the pardon office, and Mr. Quinn produced an email from himself to a colleague with the subject line “eric” in which he noted that “he says go straight to wh also says timing is good, we shd get in soon.” (The 1996 Campaign Finance Investigations: Hearings Before the Senate Comm. on the Judiciary, 106th Cong. 106–112 (2000))

Finally, Mr. Holder testified that he had at least one conversation with Mr. Quinn about a potential Attorney General position in Al Gore’s possible administration while the Rich pardon was pending, and that he was sending Mr. Quinn the resumes of people on his staff and asking for his help in finding them jobs after Clinton left office. (The 1996 Campaign Finance Investigations: Hearings Before the Senate Comm. on the Judiciary, 106th Cong. 384 (2001); (email from Jack Quinn) Mr. Holder denied that he had ever had such a conversation with Mr. Quinn about going straight to the White House (Id. at 204) and maintained that he thought the regular pardon procedures were being followed; however, he admitted that he never spoke to anyone either in the pardon office or in his own office about whether the Rich pardon petition had been received. (President Clinton’s Eleventh Hour Pardons: Hearing Before the Senate Comm. on the Judiciary, 107th Cong. 30 (2001))

Mr. Holder testified that he had only spoken to Mr. Quinn about a potential Attorney General position in Al Gore’s possible administration while the Rich pardon was pending, and that he was sending Mr. Quinn the resumes of people on his staff and asking for his help in finding them jobs after Clinton left office. (The 1996 Campaign Finance Investigations: Hearings Before the Senate Comm. on the Judiciary, 106th Cong. 202 (2001))

I questioned the Attorney General at some length about the specific facts that had been produced in the investigation of Gore’s statements. For example, there was evidence that the Attorney General’s assistant, Attorney General Janet Reno rejecting the Department of Justice and FBI task force’s recommendation to appoint an independent counsel to probe the numa which translates to the Armed Forces of Puerto Rican Nationalists) on August 11, 1999. The FA1N organization had been linked to over 150 bombings, threats, kidnappings, and other events which resulted in the death of at least six people and the injury of many more between 1974 and 1983. ( Clemency for FALN Members: Hearing Before the Senate Judiciary Committee, 105th Cong. 171 (1998) (statement of Chairman Hatch)) For example, four of the persons who received clemency were convicted of involvement in the 1983 $7.2 million armed robbery of a Wells Fargo office in 1983 (half of the money reportedly ended up with the Cuban Government and
was used to train and finance the robbers.

(Edmund H. Mahony, Clinton-Era Sentence Reductions Could Trip Holder’s Confirmation, The Hartford Courant, Dec. 28, 2008) The grant was opposed by FBI, the Federal Bureau of Prisons, the Federal Bureau of Investigation, the Drug Enforcement Administration, the Justice Department, and the White House. (Clemency for FALN Members: Hearing Before the Senate Judiciary Committee, 106th Cong. 94–95 (statement of Chairman Hatch)) Mr. Holder did testify, however, that the 1996 recommendation against clemency existed and that following the report there were no further communications between DOJ and the White House. (Clemency for FALN Members: Hearing Before the Senate Comm. on the Judiciary, 106th Cong. 97, 122 (statement of Senator Leahy)) Asserting executive privilege, he would not discuss the “options paper” or state if that document contained a recommendation. (Id.)

During the hearing, the Judiciary Committee also learned that victims and groups outside of Congress were not always informed of the grant of clemency. A number of Senators articulated their concern over this lack of consultation, which prompted Senator Leahy to ask Attorney General Reno the following question:

“the possibility that people from among others, the FALN, were going to be released over the next few years.” (Email from Justice Department to Members of the Senate (Press Conference Excerpts, Oct. 21, 1999))

Another matter worthy of consideration during the hearing concerns the circumstances of Margaret Love’s departure from the Pardon Office. Margaret Love served as Pardon Attorney from 1990 to November 1997. Ms. Love’s departure from the Department, was removed from office by Mr. Holder based on charges of mismanagement after she recommended against the grants of clemency. Chairman Hatch stated in his opening statement before the Committee: “President Clinton, who up to this point had been the ultimate clemency decision-maker since becoming President, offered clemency to 16 members of the FALN. This to me, and really almost every Member of Congress, was shocking. And, quite frankly, I think I am joined by a vast majority of Americans in my failure to understand why the President, who has a responsibility for domestic terrorism in recent years, has taken this kind of an action.” Clemency for FALN Members: Hearing Before the Senate Judiciary Committee, 94–95 (statement of Chairman Hatch) Then-Ranking Member Leahy agreed stating: “I did not agree with the President’s recent clemency decision…(Id. at 6 (statement of Sen. Leahy))

Mr. Holder testified at the October 20th hearing, but he refused to answer a number of questions citing executive privilege. As summarized in recent press accounts, he “conceded that bombing victims were not consulted about clemency, but declined to comment on why the Office of the Pardon Attorney issued two inconsistent reports and why those getting sentence commutations were never pressed about potential sympathy for co-defendants.” (Edmund H. Mahony, Clinton-Era Sentence Reductions Could Trip Holder’s Confirmation, The Hartford Courant, Dec. 28, 2008)

Mr. Holder had met with the Puerto Rican community, activists, and members of Congress in 1990 and 1997. Mr. Holder had met with pro-clemency representatives, and on meeting with pro-clemency advocates. On telephone call notes for Enrique Fernandez, Nov. 5, 1997. Roger Adams’ follow-up recommendation fairly soon, and would like to getting ready to finish up our report and rec

In the summer of 1999, Pardon Attorney Roger Adams allegedly submitted to the FBI the list of the FALN clemency, referred to as the “options paper.” According to press accounts, this paper “made no specific recommendation” and “it was not clear that Mr. Holder was going to make a decision about that.” (Id.) Mr. Holder’s recommendation in favor of commutation accompanied Mr. Adams’ “options paper.” (Edmund H. Mahony, Clinton-Era Statement from the Puerto Rican Political Prisoners) Mr. Holder to express his concerns regarding the FBI, the federal Bureau of Prisons, the Fraternal Order of Police, victims of the FALN bombings, and two United States Attorneys. In August, the terrorists were granted clemency.

The Senate Judiciary Committee held two hearings on the FALN commutations, one on September 15 and another on October 20, 1999. At these hearings, ten members of the Committee, both Republicans and Democrats, present the report to the President recommending against the grants of clemency. Chairman Hatch stated in his opening statement before the Committee: “President Clinton, who up to this point had been the ultimate clemency decision-maker since becoming President, offered clemency to 16 members of the FALN. This to me, and really almost every Member of Congress, was shocking. And, quite frankly, I think I am joined by a vast majority of Americans in my failure to understand why the President, who has a responsibility for domestic terrorism in recent years, has taken this kind of an action.” Clemency for FALN Members: Hearing Before the Senate Judiciary Committee, 105th Cong. 94–95 (statement of Chairman Hatch) Then-Ranking Member Leahy agreed stating: “I did not agree with the President’s recent clemency decision…(Id. at 6 (statement of Sen. Leahy))

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In the FALN commutations matter, press accounts indicate the Mr. Holder submitted a recommendation of those clemency requests even though the initial recommendation by Pardon Attorney Margaret Love opposed the commutations and the grant for the FBI, the Federal Bureau of Prisons, the Prerogative Order of Police, victims of the FALN bombings, and two United States Attorneys.

Finally, while the record is unclear as to Mr. Holder's precise role in the campaign finance investigation, it is clear that Attorney General Holder was made aware of the matters and that the recommendations of the heads of the campaign finance special task force. Charles LaBella and Robert Conner, as well as the recommendation of FBI Director Louis Freeh, for the appointment of Independent Counsel were overruled.

These matters require further questioning. In two of them, Mr. Holder appears to be serving the interests of his superiors. There is an underlying issue about Mr. Holder not following the recommendations of career attorneys and not notifying the FBI as he opined “the attorney general must be someone who deeply appreciates and respects the work and commitment of the thousands of men and women who work in the branches and divisions of the Justice Department day in and day out, without regard to politics or ideology, doing their best to enforce the law and protect the public.” It is to be expected that politically appointed federal officers will not always follow the advice of career staff, but this pattern is troubling.

In raising these concerns, I am not passing judgment on the nominee. I am prepared to give Mr. Holder a full opportunity to explain his past actions and convince the Committee and the record warrant confirmation. Indeed, it may be helpful for him to have advance notice of these specific concerns of mine to give him notice so he can prepare for the hearing. With considerable experience in confirmation hearings, including eleven Supreme Court nominations, I have learned to keep an open mind without prejudgment until the nominees have had their “day in court”—that is in the Judiciary Committee hearing.

SEC INVESTIGATION INTO PEQUOT CAPITAL MANAGEMENT TRADING

Mr. SPECTER. Mr. President, the Finance Committee, under the chairmanship of Senator Grassley in the 109th Congress, and the Judiciary Committee, under my chairmanship in the 109th Congress, conducted an extensive inquiry into allegations of insider trading. The issue is succinctly framed in a letter which I wrote to Christopher Cox, Chairman of the Securities and Exchange Commission, in a letter dated December 24, 2008. I ask unanimous consent that the full text of this letter be printed in the RECORD at the conclusion of this statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. The matter could be most succinctly articulated by quoting from parts of this letter as follows:

Dear Chairman Cox:

Senator Charles Grassley and I have already issued public findings concerning the Securities and Exchange Commission's ("SEC") suspiciouns trading. These findings also criticized the original Inspector General's report, which essentially ignored former SEC investigator Gary Aguirre's complaints of political influence in the Pequot investigation. The issue now has turned to be of major concern to the Securities and Exchange Commissioners, to the Chairman, and to the SEC, generally.

The Finance Committee and the Judiciary Committee, through the efforts of Senator Grassley and myself, have gone to very substantial lengths to deal with this issue. Oversight by the Congress is very hard to pick up these complex matters, but a lot of work has been done, and we are still undertaking to try to get to the bottom of the allegations of insider trading. The issue now has turned to be greater than insider trading on one specific matter, but to the integrity of the SEC itself, in pursuing these kinds of allegations and in following the facts wherever they may lead.

Chairman Cox has limited additional testimony, but there is sufficient time for him to act if he will, and if he will not, Senator Grassley and I may seek to intervene ourselves. This is something which is the primary responsibility of the SEC, and it would be my hope that Chairman Cox would act on this matter to intervene, file an amicus brief, find out what the facts are on that $2.1 million to get to the bottom of these serious allegations of insider trading.

EXHIBIT 1

Hon. CHRISTOPHER COX,
Chairman, U.S. Securities and Exchange Commission, 100 F. Street, N.E., Washington, DC.

DEAR CHAIRMAN COX: Senator Charles Grassley and I have already issued public findings concerning the Securities and Exchange Commission’s ("SEC") suspiciouns trading. These findings also criticized the original Office of Inspector General’s report, which essentially ignored former SEC investigator Gary Aguirre’s complaints of political influence in the Pequot investigation. We welcomed our findings and worked to implement our recommendations. Nonetheless, after the new SEC Inspector General, David Kotz, largely agreed with our findings and recommended disciplinary action against Mr. Aguirre’s supervisors up the Director of Enforcement, the SEC selected an initiating official who, in a matter of days, found that disciplinary action was unwarranted. That official was described in press accounts as an Administrative Law Judge, and it was not until further inquiry that the SEC admitted she was acting in a judicial capacity in issuing her decision. I am now writing because recent events provide the SEC with an opportunity to make good on its Pequot investigation, despite having . . . closed the case in November 2006.

The investigation centered, in part, on evidence that David Zilkha, a Microsoft em-ployee who joined Pequot in April 2001 and separated from Pequot in November 2001, may have given Arthur Samberg, Pequot’s CEO, inside information regarding Microsoft stock. Documents recently filed in a Connecticut divorce case (Zilkha v. Zilkha) disclose that Pequot has made or promised to make payments of $2.1 million to David Zilkha. On December 1, 2008, and December 16, 2008, Pequot and Pequot CEO Arthur Samberg filed motions for protection orders, and the state court has scheduled the hearing on those motions for January 16, 2009.

On December 10, 2008, Senator Grassley and I requested from Pequot and Mr. Samberg all records related to the payments to Mr. Zilkha, as well as an explanation of the payments. On December 17, 2008, Mr. Samberg responded to Mr. Zilkha for the purpose of “settling a civil claim related to his employment and termination by Pequot.” Mr. Samberg en-tered into a new agreement, but we have re-quested additional records, and have asked for a complete production.

Given the troubled history of this case, the SEC should also be seeking answers as to any payments made to Mr. Zilkha by Pequot. I therefore write to strongly urge the SEC to investigate Mr. Zilkha’s actions in the Connecticut action, so that the court will have all relevant information when it con-siders the Pequot and Samberg motions for protective orders.

In essence, we have serious allegations of insider trading. We have the Inspector General of the SEC recommending serious disciplinary action. We have the matter being papered over by the SEC on what purported to be new conclusions reached by the admin-istrative law judge where, in fact, the individual was not an administrative law judge. And now we find $2.1 million in payments or promised payments to Mr. Zilkha, and Pequot in the position to provide insider information. The matter is coming before a court in a domestic relations case, but that provides an opportunity to find those facts.

This letter has not been answered, and I am taking this occasion to put it into the CONGRESSIONAL RECORD in the hopes that we may have some action by the SEC which will be calculated to get to the bottom of this matter. Cer-tainly, this is something that ought to be of major concern to the Securities and Exchange Commissioners, to the Chairman, and to the SEC, generally.

On December 10, 2008, Senator Grassley and I requested from Pequot and Mr. Samberg all...
moved in to try to protect the best interests of their citizens.

For perspective, Gaza and Sderot are a little bit like Arlington and Washington. You are not talking about a large land mass, you are talking about a very narrow corridor. It would be similar to South Carolina and Georgia lobbing missiles back and forth.

What would happen if one of those States did it? We would immediately react to protect our citizens and protect their lives and their livelihoods. That is what Israel is doing.

I pray every night that somehow and some way we can be a catalyst for ultimately a lasting peace in the Middle East. But surrendering to terrorism or the acts of terrorism such as Hamas has been taking out on the Israeli people is no way to go. I support the Nation of Israel. I believe they are doing the right thing to confront head-on the terror that has been imposed on them.

It should not be in any of our interest that the supplies that have gotten into Gaza through what is known as the Eisenhower Passageway, which is from Egypt into Gaza, have been military materials being flown in and then taken in through tunnels basically by operations that Hamas has had for some time. Whatever happened in Lebanon a year ago with Hezbollah and the Lebanese, the same thing is happening today between Gaza and the Palestinians and the Israelis.

The catalyst for the conflict is another nation, Iran, that is diffusing the focus on its producing of nuclear weapons and instead keep turmoil in the Middle East to use it to its benefit.

As a member of the Foreign Relations Committee, I take very seriously my responsibility to look upon every nation in this world as a nation we should respect, as a nation we should dialogue with, and as a nation we should work with. But we cannot and we must not turn our head away from the nations that are terrorized, that are terrorized, terrorizing and in fact being terrorized by innocent people such as Iran is doing against Israel through the Palestinians in Gaza.

So I hope and pray these difficulties end tonight. I hope and pray there is not another loss of life. But as long as Hamas is unwilling to enter into a meaningful peace, a meaningful effort to stop the terror, one that can be trusted and verified, then Israel is doing precisely what it should be doing in this Congress and America would do were we attacked in the same way in the same time. In the first part of my remarks, I stand in solidarity with the people of Israel in hope and prayer that the hostility end, not because of surrender; because ultimately we confront terror and get people to lay down their arms, not for a day, not for a cease-fire but for generations to come.

The second subject is, for me, a very sad subject but also a subject that brings a lot of joy to my heart. There is a great American by the name of Griffin Bell, known to many people in this room. I know you, Mr. President, being a former Attorney General in the State of Colorado, are familiar with Griffin Bell’s record and jurisprudence in the United States for the last 75 years.

Griffin Bell first rose to prominence in America when Jimmy Carter brought him from Georgia to become the Attorney General of the United States of America. He brought him in at a critical time in our country’s history because Griffin Bell had done unequaled things as an attorney during difficult times in the South.

Griffin Bell was the man whom Andy Young and the civil rights leadership of Atlanta and Ivan Allen, the mayor of Atlanta, turned to write the plan for the desegregation of the Atlanta public schools. It was Griffin Bell who, as a lawyer but so more as a human being, worked through the difficult stress of those times of integration and the enforcement of the Brown v. Board of Education, to see us to that separation but equal ended and equal access to education prevailed for all.

He did it in a way where Atlanta was one of the few major cities in America that had no violence, no conflict, and no endemic loss because of the imposition of the desegregation guidelines that were imposed by the courts.

Griffin Bell did something no one thought could be done. It was because of his ability to do that and find common ground and find understanding.

When Griffin Bell went on to be the United States Attorney General for the United States of America, he brought him to Washington, DC, and appointed him Attorney General.

When Griffin Bell left and went back to his law firm of King & Spalding in Atlanta in 1996 and there were difficulties, to whom did the Olympic committee go to weed through the minefield of Washington to get the security assistance necessary for the Olympics and Atlanta? It was Griffin Bell.

When there was a company that was in need of a forensic audit by a legal man who would come in and clean up a problem in their company, such as E.F. Hutton did, whom did they call? They called Griffin Bell. For the better part of the last six decades, Griffin Bell has been the most prominent lawyer in the State of Georgia and I would suggest one of the most prominent lawyers in the United States of America. His mark has been left on countless hundreds of thousands of lives in our country. Sadly, at 9:45 a.m. yesterday morning in Piedmont Hospital, Griffin Bell passed away. I know where he is now. He is in heaven and he is looking down. He would be the last person to want anybody in the Senate or the House or anybody else here. But I sing his praise for the greatness he did for our State and the greatness he did for his country.
January 6, 2009

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To his children and to his wife, I pass
on my sincere condolences and my thanks for the support they gave to a
great father and a great Georgian, Griff-
fin Boll.

I yield the floor and I suggest the ab-

sence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk pro-
cceeded to call the roll.

Mr. REED. I ask unanimous consent that
the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO CLAIBORNE PELL

Mr. REED. Mr. President, this evening I have the privilege of joining
my friend and colleague from Rhode Is-
land, Senator SHELDON WHITEHOUSE, to say a few words about our esteemed
predecessor, Senator Claiborne Pell.

Senator Pell served 36 years in the Senate—the longest serving Senator in
the history of Rhode Island. He was
elected in 1960, along with his friend
and young Democrat John F. Kennedy. They
owed spirit, a new pres-

sion, new hope to America. He served
until 1997, when I had the distinct honor and, indeed, privilege of suc-
ceding him as a Senator from Rhode
Island. He was an extraordinary gen-
tleman who will be missed by all Rhode Islanders and, indeed, by this
Senate.

I was honored yesterday to be asked by Nuala Pell to say a few words at his
services in Newport, RI. First, I obvi-
ously pointed out that Claiborne’s pub-
lic service was sustained and inspired by his wife and his family. Nuala and
all of their children were the support,
comfort, and the meaning in his life. We owe them our thanks as well for his
36 distinguished years of service in the Senate.

Claiborne Pell was a remarkable in-
dividual. He was born to great wealth
and privilege, but he had an abiding af-
finity for the average guy. I sense that
part of that was at a critical moment in
his life, before Pearl Harbor, when the
war clouds were gathering in Eu-

rope and Asia. He had graduated from
Princeton, but he knew he had to
subscribe to go to his higher education, but he did so much more in the field of
education. He was involved in numerous
reauthorizations of the Elementary
and Secondary Education Act. He la-
bored over these provisions to make sure young Americans were prepared before
to college. He was also the author of
the national sea grant college grant.

Just as we have land grant colleges
dating back to the Moral Act of the
1860s, Claiborne said we should have a
sea grant college that would allow the
sciences of the oceans, maritime
sciences, to be taught, to be explored,
to be investigated on college campuses.

He did so much. In addition to his
dedication to education, he also was
the creator of the National Endowment
for the Arts and the National Endow-
ment for the Humanities in 1965. He un-
derstood that in the great sweep of
time, our military power might fade,
our economic power might fade, but the power expressed in our literature, in
our arts, would con-
tinue to move the world. And in order
to make that access possible, not for the
well-to-do but for everyone, he cre-
ated the notion of a National Endow-
ment for the Arts and Humanities.

Thinking back in preparation for my
words yesterday, I thought of how of-
ten his life intersected with mine, starting at 10 years old in 1960. I saw
the motorcade rushing by my grammar
school window. He then called and Clai-
borne Pell in those final days of the
campaign. But in regard to the Na-
tional Endowment for the Arts, my
first exposure to theater—and I was the
proud son of working-class

Cranstons in Cranston, RI—was the
Project Discover in which Trinity Rep-

eratory Company brought students in to

see an act from Richard the II. That
was all part of the vision Claiborne had
of giving people an opportunity to ex-

plore the arts, to find their talent. He
did not remain just the ideal public serv-

ant; he has touched us and he has
made us so much better. I had the rare
privilege and opportunity yesterday to
say, on behalf of the people of Rhode
Island, something of all my fellow citi-
zens wanted to say as soon as they
heard the news, as soon as they real-
ized the great light of Claiborne Pell
had dimmed; and those are two simple
words: Thank you, Senator Pell.

Mr. President, now I would like to
yield the floor to my colleague and
friend, Senator SHELDON WHITEHOUSE,
who is someone who is dedicated to the
image of Claiborne Pell, someone who
understands, as Senator Pell did, that
opportunity is the engine that drives

Many people had that experience in
World War II, but Claiborne used it to
shape his entire public life. He served
in the diplomatic corps, but by 1960 he
was committed to serving the people of
Rhode Island, and he entered the pri-

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bor, when the war clouds were
gathering in Europe and Asia. He had graduated from
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Island, something of all my fellow citi-
zens wanted to say as soon as they
heard the news, as soon as they real-
ized the great light of Claiborne Pell
had dimmed; and those are two simple
words: Thank you, Senator Pell.

Mr. President, now I would like to
yield the floor to my colleague and
friend, Senator SHELDON WHITEHOUSE,
who is someone who is dedicated to the
image of Claiborne Pell, someone who
understands, as Senator Pell did, that
opportunity is the engine that drives

Many people had that experience in
World War II, but Claiborne used it to
shape his entire public life. He served
in the diplomatic corps, but by 1960 he
was committed to serving the people of
Rhode Island, and he entered the pri-

vacy of serving in that of his life, before Pearl Har-
bor, when the war clouds were
gathering in Europe and Asia. He had graduated from
Princeton, but he knew he had to
subscribe to go to his higher education, but he did so much more in the field of
education. He was involved in numerous
reauthorizations of the Elementary
and Secondary Education Act. He la-
bored over these provisions to make sure young Americans were prepared before
to college. He was also the author of
the national sea grant college grant.

Just as we have land grant colleges
dating back to the Moral Act of the
1860s, Claiborne said we should have a
sea grant college that would allow the
sciences of the oceans, maritime
sciences, to be taught, to be explored,
to be investigated on college campuses.

He did so much. In addition to his
dedication to education, he also was
the creator of the National Endowment
for the Arts and the National Endow-
ment for the Humanities in 1965. He un-
derstood that in the great sweep of
time, our military power might fade,
our economic power might fade, but the power expressed in our literature, in
our arts, would con-
tinue to move the world. And in order
to make that access possible, not for the
well-to-do but for everyone, he cre-
ated the notion of a National Endow-
ment for the Arts and Humanities.

Thinking back in preparation for my
words yesterday, I thought of how of-
ften his life intersected with mine, starting at 10 years old in 1960. I saw
the motorcade rushing by my grammar
school window. He then called and Clai-
borne Pell in those final days of the
campaign. But in regard to the Na-
tional Endowment for the Arts, my
first exposure to theater—and I was the
proud son of working-class

Cranstons in Cranston, RI—was the
Project Discover in which Trinity Rep-

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America, that our great skills have to be harnessed to a higher purpose. It is such a privilege and pleasure to serve with him. And not only that, but he has been a dear and personal friend of the Claiborne Pell family for many years, indeed generations. I yield to my colleague.

The PRESIDING OFFICER. The junior Senator from Rhode Island.

Mr. WHITEHOUSE. Thank you, Mr. President. And I say to Senator REED, thank you.

I rise in honor of a great friend and mentor. I look around me at a room that just this morning was filled with Senators. It was a crowded Senate floor, with packed galleries, as a group of bright and promising new Senators began their careers, with all that joy and hope.

Now, as my senior Senator, J. ACK REED, and I speak, the room is quiet. The galleries are mostly empty, and colleagues are gathering in remembrance because yesterday Rhode Island saw the sunset on a Rhode Island era with the funeral of our friend, Senator Claiborne Pell.

I am deeply honored by Senator REED's kind words, and he has a unique position as the successor to Senator Pell.

It must be an interesting feeling to have served in the Senate for 36 years, to have loved this institution, to have accomplished extraordinary work in this chamber, to have worn the mantle because yesterday Rhode Island saw the sunset on a Rhode Island era with the funeral of our friend, Senator Claiborne Pell.

Senator Pell had great confidence in Senator REED from the very beginning. He was, indeed, able to assure that there was no primary to succeed a seat that was open for the first time in 36 years, and it was because of his confidence in J. ACK REED that he put in that effort. I know firsthand how extraordinarily proud he was of the Senator J. ACK REED has shown himself to be.

We in Rhode Island are a little, tiny State, but over the years we have had some towering and remarkable Senators, Claiborne Pell, obviously, was one. John Chafee was one. John O. Pastore was one. Theodore Francis Green was one. Even the gentleman once known as the general manager of the United States, Nelson Aldrich of Rhode Island, was a towering presence. Certainly, he has shown himself to have joined that pantheon. I probably have another 10, 20 years of work before I get there, but I will keep trying. But certainly Senator REED is in that category, and I am deeply honored by his kind words.

Many in this body knew Claiborne Pell and served with him. I wish to say on behalf of Rhode Islanders who watched the service yesterday how grateful we are to Majority Leader REED, Majority Whip DURbin, Claiborne Pell’s peers, TED KENNEDY and JOE BIDEN, and Senators PAT LEAHY, DICK LUGAR, Orrin Hatch, CHRIS DODD, JEFF BINGAMAN, JOHN KERRY, and JOE Lieberman, all of whom honored Senator Pell by attending the funeral. Of course, I give special thanks to President Bill Clinton, who came to Rhode Island, a place where he is beloved, and spoke for his departed friend.

Senator Pell said to me in my own career at key junctures in so many important ways, and I should give him credit and in front of all my colleagues express my deep gratitude for what he did. He recommended to me President Clinton for appointment as U.S. attorney general. And I ran for attorney general. I served with the Presidenting Officer, Senator SALAZAR of Colorado, as an attorney general.

I had a three-way primary for attorney general. Claiborne Pell endorsed me in the primary. He actually did a television ad with me. In his 36 years in the Senate, he wanted no part ordinarily of primaries. For two people he got involved in a primary and endorsed candidates. The other was Congressman P A T R I C K KENNEDY. It is almost unimaginable what a difference it made in my fledgling campaign, my first bid for elective office in the Democratic primary to have a man of Senator Pell’s towering reputation stake his reputation on me and express that kind of confidence. It is something for which I am indebted to him and to his memory and to his family forever.

To me and to so many people in the Ocean State, Claiborne Pell was a mentor and an example, a leader whose vision, grace, and authentic kindness left an indelible imprint.

He was born in New York City in 1928, and he first came to the Senate in 1961, after a colorful primary battle, described by Senator REED, that pitted him as an essential unknown against two established Democratic powerhouses: Dennis J. Roberts and J. Howard McGrath, contending for the seat that was being vacated by Theodore Francis Green.

It did not look good. Pell was the ultimate outsider. He was so much the underdog in that race that John F. Kennedy, who was running for President at the time—and who knew Claiborne Pell quite well because he was a dear friend of Mrs. Kennedy, Jacqueline Bouvier Kennedy, and was in Rhode Island a good deal because of her family associations with Rhode Island; so he knew Claiborne Pell quite well—he called him the least electable man in America.

At his funeral yesterday, I saw Pell buttons from that race back in 1961 on mourners’ lapels.

The Providence Journal described the race that ensued as “the first modern political campaign the state had seen.” Senator Pell invested his own money in television ads and polling, and he won the Democratic primary. He was the first unendorsed candidate in the history of Rhode Island to ever win a Democratic primary.

He went on to win the general election. He won it by the largest margin ever at the time, 69 percent of the vote. To his great satisfaction, more Rhode Islanders voted for Claiborne Pell in that election than voted for John F. Kennedy—so much for being the “least electable man in America.”

The fact that John F. Kennedy road out Claiborne Pell’s details was a point Claiborne Pell, in his quiet way, loved to remind President Kennedy of whenever the opportunity presented itself.

Of course, Rhode Island, in that election, got its first look at the one-of-a-kind political temperament that was to define Senator Pell for the rest of his life: courteous, innovative, and always quietly humorous.

Senator Pell looked back on that election in an interview with the New York Times, and he said this:

I remember my first campaign. My opponent called me a cream puff. That’s what he said. Well, I rushed out and got the baker’s union endorsement rather than trying to find some other way to hit back.

Claiborne Pell believed, as he once told the Providence Journal, something that is so important:

[T]hat government—and the federal government in particular—can, should and does make a positive impact on the lives of most Americans.

He lived by that observation, and certainly Senator Pell’s positive impact on the lives of the people he served will be remembered for generations.

Two years after taking office, Senator Pell sponsored legislation that became the Basic Educational Opportunity Grant, now known, thanks to its champion, as the Pell grant. At the time, the Nation’s colleges wanted Federal aid for themselves, but Senator Pell wanted the aid to go directly to students.

He enlisted in the Coast Guard 4 months before Pearl Harbor, serving in the North Atlantic and the Mediterranean, and after that he used the GI bill scholarship to get an advanced degree from Columbia University.

The GI bill showed him the transformative power of a college education, and Claiborne Pell resolved then that all Americans would have the opportunity to go to college that he and millions of veterans had received after World War II.

So every year in September a new group of students goes off to college, and we see anew the work of Senator Pell and millions of young Americans who use Pell grants to pursue their dreams. In 2008, this Pell Grant Program was nearly 5.6 million grants, worth $16.4 billion—all from his idea.

J. ACK REED delighted the distinguished Senator from Colorado is presiding at this moment because I remember in Rhode Island a few years ago I was at an event with a number of Senators, and
the distinguished Senator from Colorado, now our Interior Secretary designate, was present. Senator Pell came to the event. He was very disabled, and he came in a wheelchair. I went over to greet him. Senator SALAZAR—I say to the Presiding Officer, you will remember to stand up. He took his hand, and he told him: Senator, my brother and I went to college because of the Pell Grant Program. Now here I am standing in front of you as a Senator, thanks to the vision and foresight you showed years ago—your vision that every American should have the dream of higher education at their disposal. I say to the Presiding Officer, you were then in your first term as a newly elected Senator.

It was an unforgettable moment, I say to the Presiding Officer. It happened because Senator Pell understood the difference that higher education could make in the lives of America’s young people—from a young KEN could make in the lives of America’s young people—from a young KEN Pell from rural Colorado, to today and tomorrow. As we face the challenges of rising energy costs, economic recession, and urban stresses on our congested highways, Americans depend more than ever on systems such as Amtrak. Senator Pell’s foresight again has served us well.

Here in the Senate, Senator Pell is remembered for his big ideas. In Rhode Island, we remember him also for his gentle, generous spirit. He had lived all over the world. He had been honored with medals from at least 18 different nations. But Newport, RI, was always home. In both his personal and his political life, he was a consistent model of civility and kindness to his fellow Rhode Islanders—always, without fail—even sometimes at his peril.

For example, in his final bid for reelection in 1990, Senator Pell reportedly invited poetry-writing Congresswoman Claudine Schneider, his Republican opponent, every time he was about to air a new television ad. He told his campaign staff that he would not permit a self-promoting press release to go out over to get him. He said to his staff: “No, no, no, we never boast.”

In a debate I remember watching, he was given two huge political softball opportunities. One, he was asked to criticize his opponent, to criticize her capacity to defeat him and serve in the U.S. Senate. The other thing he had to say was she has been a very fine Congresswoman. Then he was asked what his most significant legislative achievements in the previous term that had helped Rhode Islanders. He said:

You know, I really can’t think of one right now. My memory is not as good as it should be.

One would think those answers would be lethal politically, but Rhode Islanders loved it and they loved him for it because he was as genuine and as authentic as a man could be. I guess one of the great lessons of his life is that voters don’t want you to be perfect; they want you to be you. They want you to be authentically who you are and from there to fight for them, and he certainly lived that. For his authenticity and gentleness of spirit, Claiborne Pell was beloved by all of us in the Ocean State who were privileged to know him or work with him or learn from his example.

We will all miss him deeply. To his wife Nuala, to his children, Toby and Dallas, and their families, and to the families of his departed children, Bertie and Julie, I know I join my distinguished Senator and all in this body and indeed all of America in expressing the will of the House. We believe that a similar resolution would be appropriate given the public service that Senator Pell has given to the Nation. Over the years they have made a difference to express the will of the House. We believe that a similar resolution would be appropriate given the public service that Senator Pell has given to the Nation. Over the years they have made a difference to millions of Americans.

As his family reminded us last week, Senator Pell summarized his role as a Senator with seven simple words: 'Translate ideas into actions and help people.' Would that all of us could have ideas as big as Claiborne Pell’s and the strength, grace, persistence, and courage to translate them into action.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. KYL. Mr. President, would it be in order for me, before I begin my remarks, to compliment the Presiding Officer for his nomination to be Cabinet Secretary, the Secretary of the Interior, and wish him very well before the Senate in being confirmed and serving in that position? I guess that question doesn’t need a response. I certainly hope it is in line for me to be able to say that.

GAZA RESOLUTION

Mr. KYL. Mr. President, I hope—and I am joined here by Senator LIEBERMAN—that the Senate will have the opportunity to consider before this week is out a resolution we believe has been drafted by the majority leader and the minority leader that deals with the ongoing war in the Gaza Strip and that we believe needs to express the will of the Senate. We believe as well that a vote here would be an opportunity to condemn, would be an opportunity to condemn, would be an opportunity to condemn, would be an opportunity to condemn, would be an opportunity to condemn, would be an opportunity to condemn, would be an opportunity to condemn, would be an opportunity to condemn, would be an opportunity to condemn, would be an opportunity to condemn, would be an opportunity to condemn, would be an opportunity to condemn, would be an opportunity to condemn, would be an opportunity to condemn, would be an opportunity to condemn, would be an opportunity to condemn, would be an opportunity to condemn, would be an opportunity to condemn, would be an opportunity to condemn, would be an opportunity to condemn, would be an opportunity to condemn, would be an opportunity to condemn, would be an opportunity to condemn, would be an opportunity to condemn, would be an opportunity to condemn, would be an opportunity to condemn, would be an opportunity to 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opportunity to condem
Civilian areas in Gaza should not be used as a base from which to launch its actions against Israel.

Dozens of mosques in Gaza have been turned into weapons storage facilities and Hamas command centers. In fact, an al-Aqsa Mosque that holds the body of a Palestinian in the Hawa neighborhood of Gaza City last Wednesday set off numerous secondary explosions caused by the arms that had been stockpiled in the mosque.

Finally, Hamas openly admits that it uses women and children as human shields. A leading member of Hamas told Al-Aqsa TV on February 29, 2008:

"For the Palestinian people, death has become an industry... This is why they have formed human shields of the women, the children, the elderly, and the mujahedeen, in order to challenge the Zionist bombing machine."

While targeting terrorists, Israel works to avoid a humanitarian crisis for ordinary Gazans as well. During the first week of Israel's operations, it facilitated the delivery to Gaza of 400 trucks loaded with more than 2,000 tons of food and medicine. This is not easy when you are in the middle of military operations. Ten ambulances and two thousand blood units were transferred to Gaza just in that week. More than 80 Palestinians have entered Egypt for treatment, in addition to a dozen or more who have entered Israel. On January 5, more than 9,000 gallons of industrial diesel fuel and gasoline for vehicles was transferred into Gaza from a fuel depot in Israel. By the way, that fuel depot comes under constant attack from terrorists in Gaza, as does the place where the electricity is generated for Gaza, which, of course, makes absolutely no sense.

Finally, this resolution speaks to calls for a cease-fire. Many voices in the so-called international community have been heard pleading for an immediate cease-fire. Although I think it is instructive that one never hears those voices condemning rocket attacks by Hamas terrorists.

I believe the path to a halt in the violence is clear. A cease-fire is appropriate if and when it is durable and sustainable. A cease-fire, on the other hand, that would allow Hamas to rearm and rebuild its support in Gaza is, of course, not acceptable. Hamas cannot be given a cease-fire that only serves to provide it breathing room to regroup. A month or two months or 3 months from now start firing its rockets and missiles again.

The United Nations could play a constructive role, but it must resist the temptation that it all too often falls into, and that is that of moral equivalency. I point to the press statement of the Security Council on December 28 which, among other things, said the parties should "stop immediately all military activities." This is dangerous moral equivalency. Only one party to the war is an "openly avowed terrorist group with the primary purpose of destroying the State of Israel." The other party—Hamas—terrorizes and murders innocent people. That is why the only Security Council resolution that could be acceptable in this situation—and I say this with the understanding that the Security Council is meeting as we meet here today—is one that affirms Israel's right to defend itself and calls on Hamas to immediately stop its terrorist activities.

I add that a Security Council resolution should look to all of those who support Hamas—primarily and most significantly Iran. For years, Iran has been the source of money, training—including training at the facilities of the Islamic Revolutionary Guard Corps in Iran itself—and weapons to Hamas. Hamas's relationship with Iran is so close that the Egyptian President said this past May that Hamas rule in Gaza means that Egypt has a "border with Iran."

Since Israel launched its military operation against Hamas, Iran has announced stepped-up arms shipments. Iranian clerics have organized recruiting drives to send Iranians to Hamas's aid. Just yesterday, a senior Iranian cleric announced that it had recruited 7,000 Iranians to join the cause of Hamas. Yet the international community has taken no action to counter Iran's support of Hamas terrorists.

A U.N. Security Council resolution sanctioning Iran for its assistance to Hamas would send an important message and would be a good place to start, as would unilateral sanctions by the United States.

Let me conclude by quoting the Washington Post columnist Charles Krauthammer, who recently wrote one of the most precise and succinct observations on the situation in Gaza that I have ever read. He wrote:

"Some geopolitical conflicts are morally complicated. The Israel-Gaza war is not. It possesses a moral clarity not only rare, but excruciating."

The Reid-McConnell resolution we expect to be introduced shortly will be an important reaffirmation of the bond between Israel and the United States. It is one forged on the basis of common values and the tragically shared experience of terrorism. By passing this resolution, we are saying to the Israeli people: We stand with you, and we support you in defending yourselves against terrorist attacks.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I wish first to thank my friend and colleague from Arizona, Senator Kyl, for the statement he has just made, which was characteristically straightforward, clear, principled, and passionate, about what is involved in the current crisis in Gaza and the opportunities this Congress has to not just stand with our ally, Israel—which is critically important at this moment—but to take yet another stand against terrorism for the rule of law, for democracy, and for the peaceable settlement of disputes. I could not agree more with everything Senator Kyl has said. I wish to add just a few words in this regard.

As Senator Kyl has indicated, the United Nations Security Council was to convene shortly after 5 this afternoon, about an hour ago. I presum[e it has convened to hear speakers and consider resolutions on what is happening in Gaza. Today, Secretary of State Rice has gone there to speak on behalf of the United States, which indicates the importance of these deliberations. She will carry with her the policy of our Government since the outbreak of conflict in Gaza that has been strong and principled and consistent with the best of American values and, of course, consistent with our national security interest in the global war on the terrorists who attacked us on 9/11 because what is happening in Gaza is yet another battle front in the larger war against Islamist extremism and terrorism. It is, in another sense, also another battle front in the conflict going on within the Muslim world between the extremists and fanatics and terrorists and the people who are more moderate, more law-abiding, obviously not violent and want to live a safe and a better life.

The Government of the United States has been very clear in articulating a policy which I presume and have confidence will be expressed in these Security Council deliberations tonight and the days to follow. No one wants to see violence occur. Yet, as Senator Kyl has said so eloquently, when a country such as Israel has literally thousands of times with rockets fired from Gaza at innocent civilians over a period of years, a cease-fire is negotiated and it goes on for approximately 6 months—negotiated with great help from Egypt—and then Hamas breaks the cease-fire and begins firing rockets again, the Government of Israel, our democratic ally, essentially said: Enough is enough; we are not going to tolerate this anymore, coming as it is from Hamas which is an openly avowed terror organization in the aim of destroying the State of Israel.

In response to the violence, there is a natural reflex reaction heard often in world councils, and undoubtedly will be heard at the United Nations Security Council at this hour and the hours to follow, that there ought to be a cease-fire. I think we all have to ask ourselves: What is the end of a cease-fire? Of course, we don't like to see violence occurring, but let's remember this is being done by Israel in the exercise of self-defense.

The Government of the United States—being President Bush and everyone else who has spoken—has made very clear that, yes, the United States wants a cease-fire in the conflict between Israel and Hamas regarding Gaza but not just a cease-fire for the sake of a cease-fire that one side may follow and the other may not and that simply leads nowhere but back to the conflict that has been ongoing for 6 months. The U.S. Government has been very clear and principled about the fact that the cease-fire our Government seeks is
one that is durable and sustainable; in other words, that represents a real resolution of some of the issues in conflict and that also deals with the smuggling into Gaza of additional weapons which are being used to attack innocent civilians in Israel.

I know Secretary Rice will be expressing exactly this position. Yes, America wants a cease-fire but, no, not one that leads nowhere. We want a cease-fire that is durable and sustainable—no more cease-fires, no more smuggling, activities to carry out a hook-smuggling of weapons by Hamas in Gaza. I am very pleased, very encouraged that as the initial action of this Senate this year, the majority leader, Senator Reid, and the Republican leader, Senator McConnell, are working together in a bipartisan way—to bring before this body, hopefully in the next day or two, a resolution that does exactly what Senator Kyl has been so ambivalent about. It expresses commitment to the security, well-being, and survival of the State of Israel and recognizing its right to act in self-defense to protect its citizens against terrorism, that will reiterate again, that we must end the cease-fire, the rocket and mortar attacks against Israel and hopefully do what the Palestinian Authority has done, which is to accept the right of Israel to exist and renounce terrorism and to begin to work toward a just and permanent peace settlement that respect human rights and the rule of law in the Islamic world as against fanaticism and violence.

This is all that is being played out. This is why I am so encouraged this resolution is coming forward. It is, yes, a statement of support for our ally Israel, but it is also a statement of policy for the Members of the Senate, for the Members of the House, for the Secretary of State who is at the United Nations not speaking simply for the executive branch of Government but that the Senate, and we have reason to believe our colleagues in the other body, the House, will have an opportunity to say to not just the Israelis we stand with you, too, and we continue to support a two-state solution—Israel and a Palestinian state—living in peace one against the other, but the Government of the United States—the Secretary of State, but the Secretary of State who is at the United Nations is not speaking simply for the executive branch of Government but that the Senate, and we have reason to believe our colleagues in the other body, say to the world community that we as the representatives of the people of America, across party lines, stand together with Secretary Rice as she expresses the position of our own Government, a cease-fire, but only one that is sustainable and durable and deals with the smuggling of additional weapons into Gaza. This will be critically important.

I thank our leaders on both sides. I thank Senator Kyl for the work he has done. Again, it has been a privilege to work with him. I also say in a larger context that there is a lot of speculation about why Hamas broke the cease-fire and initiated the rocket fire against Israel deeper into Israel than they have ever done before. I do think, as Senator Kyl suggested, that the answer to that question probably comes as much or more from Tehran than it does from Gaza City and Hamas; that Hamas has become an agent of the Iranian Government. It is trained and supplied by the Iranians and secondarily by the Syrians. Therefore, there is a larger conflict being played out. Iran is noted by our State Department to be the most significant state sponsor of terrorism. The leaders of Iran regularly not only call for the extermination of the State of Israel, but also lead tens of thousands in Tehran and elsewhere in Iran in chants of “death to America, death to America.” We have long since learned from the lessons of history that you cannot simply ignore statements that seem so extreme and fanatical that they are unbelievable because very often the people making them do believe them, and given the chance, as we have seen from Osama bin Laden in recent times, who told us throughout the nineties exactly what had happened to 9/11, but did he do it earlier in other places—we have to face these threats seriously.

I want to say that a precipitous cease-fire simply for the sake of a cease-fire because of the end of the Bush administration is not something that represents a real resolution of some of the issues in conflict being played out. This is all that is being played out. This is why I am so encouraged this resolution is coming forward. It is, yes, a statement of support for our ally Israel, but it is also a statement of policy for the Members of the Senate, for the Members of the House, for Secretary Rice as she expresses the position of our own Government, a cease-fire, but only one that is sustainable and durable and deals with the smuggling of additional weapons into Gaza. This will be critically important.

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shift nearly so much as they are demanding that Government be more competent, that we be more mature, that we be less corrupt, and that we be less selfish. That last part is one of the things that has driven us to do things that are not very good. The concept of self-promotion is an improper, self-serving, promoting one’s career at the expense of our country.

I believe what both parties in Congress must do, and do very quickly, is ask themselves the hard question of why there is a historic low approval rating of 9 percent. Why do we have an approval rating of 9 percent? That is according to a recent Rasmussen Poll.

Both parties are accustomed to analyzing what they and the other party did right or wrong in recent election cycles, but yet neither party has come to terms with the fundamental public rejection of how Congress as an institution has governed and behaved in recent years.

In many respects the American people understand us far better than we understand ourselves. While politicians tend to believe the public is put off by ideologic debate, what alienates voters is the real division in Congress between statesmen and those who view reelection as the ultimate goal.

Careerism is not driven by any set of ideas but by pure parochialism and the short-term pursuit of power for its own sake. The real division, then, that blocks progress and commonsense solutions is not between ideas or parties but between every Member’s self-promoted interests.

The American people understand this intuitively, which is why Congress has had historic low approval ratings long before we entered this recession. What the public knows is that a Congress that debates ideas tends to develop the best solutions, while a Congress that is driven by careerism and parochialism builds bridges to nowhere and fails to conduct oversight over entities like Fannie Mae and Freddie Mac.

In short, the American people can handle serious debate, but they cannot handle incompetence, corruption, stupidity, and self-interest put above that of the Nation. Congress’s handling of an economic stimulus bill will not doubt be an early test. Although the policy may be less controversial for voters, it is easy to try to avoid embarrassing the new President by turning the package into an orgy of parochial porkbarrel spending. He said today there will be no earmarks in this bill. If true, this is an important bill that indulges the worst habits of a parochial Congress. The bill, which is a holdover from the last Congress, includes such things as a $3 million road to nowhere through 8.8 trillion cubic feet of known natural gas reserves, proven reserves, today that we will not be able to take for our consumption. What that means is we are going to import 8.8 trillion feet of natural gas because we are going to buy it. You cannot have this.

It also contains 300 million barrels of proven oil that we are no longer going to take. We just went from $146 oil to $35 oil. $40 today. If we have learned anything, we ought to be about as much energy self-sufficiency as we can. The controversy over whether we get off fossil fuels is a debate for another time. But no one can deny the necessity of ensuring our oil fortunes to countries that are supplying us oil and are also ultimately our enemies.

The energy resources walled off by this bill will match the annual production levels of our two largest natural gas-producing States, Alaska and Texas. My worry about bringing this bill—and, again, I am thankful the majority leader has reached out that we might be able to offer amendments—is, what does this send as a signal to the world about the US sending energy?

It says: There may be change in the White House, but there is absolutely no change in Congress. Why would we bring a bill that is going to spend $10 billion of our money—at least $10 billion of that is not a priority in terms of the priorities facing this Nation—why would we bring that to the floor as the first order of business of the 111th Congress? The only reason we would bring it to the floor is because it makes us look good at home with multiple parochial projects.

If our country has a failing that will cripple us forever, it is the fact that we have allowed parochialism, not the oath we saw all new Members and newly reelected Members take today, where we uphold the Constitution. What we do is, we uphold the future of our own political careers.

History is interesting. The 1984 Republican revolution unraveled not because they made a lot of big mistakes—some were made—but because Republicans made a ton of little mistakes they didn’t realize they were making. The new and expanded Congress will realize that with greater numbers comes a greater share of the responsibility and blame for whatever happens in this country. If we go back to that 9-percent approval rating, it has to do with this; Congress, we don’t believe you are going to do that over 100 different organizations on both the left side of the political spectrum and the right side of the political spectrum are opposed to this bill because it is controversial, a point noted by the nonpartisan Congressional Research Service.

The earmarks in this bill have angered many groups, as has the significant, anti-energy, more foreign dependence on oil programs that are in this bill. This bill contains a provision that will eliminate 8.8 trillion cubic feet of known natural gas reserves, proven reserves, today that we will not be able to take for our consumption. What that means is we are going to import 8.8 trillion feet of natural gas because we are going to buy it. You cannot have this.

The historical basis of our country is on sacrifice. It is built on sacrifice by one generation for the generations that follow. Our political history used to be that as well. My worry, my concern is we can’t live up to the hope of building a new and expanded majority will reassert that with greater numbers comes a greater share of the responsibility and blame for whatever happens in this country. And we are going to kick it. Because this bill will ultimately probably pass out of this Chamber and be passed, and we are going to have a $1 trillion deficit this year, another $800 billion trying to stimulate the economy. We are going to say: Priority doesn’t matter but parochialism does. Looking good at home matters more than the long-term interests of the country, matters more than the financial future of our grandchildren—my political career, my party, me, me, me.

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sooner Congress realizes change requires a cultural shift in both parties, the sooner that change will come. I would like to spend a moment outlining a few components of this bill. We have not actually gotten to see the bill, but I have been told by the majority leader that we have added, I think, 12 or 13 other bills to it. But from what we have known in the past, let me go through and explain to the American public what is in this bill.

This bill today face a severe shortage of money to maintain them at their current level. It is about $9.8 billion. In this bill we add four new national parks. The U.S. Arizona Memorial in Hawaii is sinking. The visitors center is sinking. We haven’t put the money in to repair it, but yet we are going to create more national parks that will further dilute the maintenance budget of the National Park Service so we can’t even maintain what we have. We have a $700 million backlog just on The National Mall in Washington. We didn’t address any of that in terms of the priority of fixing that. Yet we are going to add four new national parks.

We are going to add 10 new heritage areas. It is great for us to protect and think about the environment. But we never talk about how that impacts property rights, one of the rights given to us as our Nation was created. We are going to threaten that area. We are going to threaten through eminent domain. We are going to threaten through councils that will impact individual ownership of what you can do with your own property because you might be in proximity to a heritage area. We have 14 studies that would create or expand future national parks; in other words, 14 more. That is what we are funding in this bill. We don’t have the money to take care of the parks we have today, but yet we are going to pay for this and spend money to potentially create 14 more.

There are 17 provisions in this bill that will totally prohibit any exploration, oil extraction, coal extraction, natural gas extraction from 2.98 million acres in this country, many of which have proven reserves underlying. There are 53 rivers that are designated or portions of which are designated as scenic rivers. We have a great scenic river in Oklahoma called the Illinois. I am going to ask the unanimous consent to go on the record to say that there are many of these. There are 1.2 million acres in Wyoming that are withdrawn from mineral leasing and exploration. There are 1.93 million acres of Federal wilderness land. There are 3 million additional acres withdrawn from mining and energy exploration. There are 331 million barrels of oil that we know are there and we are never going to take. We are just going to help those who drive up our energy costs because we are going to know it is there but we can’t touch it because we are going to make it off-limits.

There are 592 spending and 15 new State and local water projects. There is nothing wrong with State and local water projects, as long as they are a priority. We have 331 million dollars earmarked, specific projects for specific Members. There is $10 billion of total spending money we don’t have. We are going to borrow it.

There are 8.8 trillion cubic feet of natural gas that we know is there that we will never touch. What the Department of Interior tells us is there is much more there, but these are the proven reserves.

I will end my conversation, only to be continued in a more thorough manner as the bill actually comes to the floor by asking the American public: What would they hope we would do in terms of trying to change, trying to do in terms of trying to change, trying to meet what they see as the problems in front of us? Would it be that we would be about passing things that are small but make us look good that we can’t pay for or would it be that we should attend and address the pressing and also long-term needs of the country? It is about trust. The reason we have a 9-percent approval rating is because we are not trusted. We are addicts. We are self-indulgent addicts over our power.

My query to the body and to the American people is, will you hold us accountable? You have to do an intervention with us, each one of us, every time we are home: Are you being a good steward with the limited dollars we have? Are you making choices that may not look good for you as a politician but are truly the best choice for the country? Are you putting yourself second and our country first? Are you acting as a statesman or are you acting as somebody who wants to get re-elected?

The real paradox is, with trust comes confidence. With that confidence comes the involvement and support of the very people we actually do represent.

We have a choice. I hope the introduction of this bill does not portend that we will not take President-elect Obama’s lead and offer the American people real hope, real change, that we will get away from our addicted self-indulgence to look good at home and start making the hard, tough decisions that will right our ship and put our country first. And I say that says the people who took their oath today and those of us who have taken it before, we violate it. We raise our hand and put one on the Bible and say we will uphold it, but then when it comes to the first tough choice, look good at home or do what is in the long-term best interests of the country, we swivel, we back down, and we opt for the short term, the self-agrandizement, and the stroke on our own back. We are better than that. The people in this body are better than that.

My hope is we can prove to the American people over the next 6 to 9 months that we got the message, that it is about making the tough choices. It is about doing what is right in the long term. It is not about what makes us or our party look good; it is about what is best for the country as a whole.

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. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. COBURN. Mr. President, I would raise objection to the filing of the bill at the desk, the Bingaman land package.

THE PRESIDING OFFICER. Objection is heard.

Mr. COBURN. Mr. President, I note the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

Mr. WHITEHOUSE. Without objection, it is so ordered.

TRIBUTE TO CHARLES KIEFFER

Mr. BYRD. Mr. President, I rise today to commend and congratulate one of the best and brightest gentlemen I have ever had the privilege of employing. That man is Mr. Charles Kieffer who has served as staff director of the Senate Appropriations Committee for the last 2 years, and as deputy staff director for 6 years prior to that.

Chuck Kieffer is a marvel of intelligence, wisdom, tact, coolness, and an extraordinary knowledge of appropriations and budget matters. He is personable, polite, and a pleasure to work with. He has been invaluable to me, to the leadership of the Senate, and to all
the members of the Senate Appropriations Committee. In a time of continual wrangling over the appropriations process, tight budgets, veto threats, and differences between the House and Senate, Chuck has been a steady leader and a working dynamo. We have been extremely fortunate to have the right man as staff director in very difficult times.

Chuck also serves as the chief clerk of the Homeland Security Subcommittee, which funds the agencies that form this cabinet-level department. In the aftermath of September 11, Chuck provided key advice and direction about the wisest ways to protect against future terrorist attacks and address the staggering destruction in New York and at the Pentagon. He has worn the two hats of staff director of the full Appropriations Committee and clerk of the Homeland Security Subcommittee, which I continue to chair, with grace and with ease.

This really should come as no surprise. Despite his youth and unassuming demeanor, Chuck has served five Presidents, beginning with President Carter. Before he joined my Appropriations staff, Chuck worked at the Office of Management and Budget during the Reagan, George H.W. Bush, Clinton, and George W. Bush administrations.


As I step aside as chairman of the Appropriations Committee in the coming days, I am thankful that Chuck has agreed to stay by my side as the chief clerk of the subcommittee on Homeland Security. We can all sleep a little more soundly knowing that such a talented and dedicated person as Chuck Kieffer is helping us to adequately and effectively fund the Department charged with keeping Americans safe from harm here at home.

With it always a joy to see this moment—to see the pride visible in not only the Members’ faces, but their families’ as well—this year’s is especially poignant for me.

Each of the men and women who have taken this oath during my time in the Senate has an impression on me—imprinting my life, my work—in one way or another.

But 50 years ago this week, two Members were sworn in—one who is here today and another who remains here in spirit—each left an impression on me—imprinting my life, my work—in one way or another.

My father, Thomas Dodd, who represented my State of Connecticut, and our esteemed colleague and friend from West Virginia, Robert C. Byrd, I was only a boy then, but I remember that moment as if it were yesterday, seated with my family in the gallery above, as we looked down on my father, as he began what would turn out to be the final chapter in a public career that began for him from Norwich, CT, to Washington, DC, as an FBI agent and lawyer at the Department of Justice; to Germany where he served as a prosecutor at the famous Nuremberg Trials, before returning to our Nation’s Capitol in the U.S. House of Representatives.

Fifty years later, I take no small amount of pride in noting that in each of these endeavors, my father proved to be ahead of his time—an advocate for universal health care, a proponent of sensible gun safety laws, an early voice warning of the effects of violence on TV and the dangers of drug addiction; and an insistent defender of those whose human rights were being denied. Indeed, it would not take long before a fellow freshman made his own mark, becoming not only this body’s President pro tempore and the longest-serving Member in its history, but the undisputed master of this body’s arcane parliamentary procedures, an award-winning author and historian and the foremost champion of sunlight in government.

Today, as the whole world watches these historic moments, we should note that it was ROBERT BYRD who staved off the threat that the Senate might become “the invisible branch of government” by ensuring that our proceedings be televised.

Some two-and-half decades ago, when I was sworn in as a Member of the Senate, I had the honor and pleasure of being sworn in by my colleague from West Virginia who handed me a small book—a pocket-sized Constitution. For all I know, he did this for every freshman Senator.

His message was simple: as a Member of the Senate, you are a temporary custodian of this document.

And so, I kept that book. For 28 years, I have carried it with me in my back pocket—Saturday, Sunday, every day of the week to remind myself how important this document is, the values it represents and the principles that are incorporated in it.

Senator Byrd has put it better than anyone: “The limits that the Constitution places on how political power is exercised have ensured our freedom for more than two centuries.”

Each of these men taught me, in different ways, that we cannot defend and protect the vision of the Framers if we are ignorant of the Constitution’s history and the role it has played in our lives.

And so today, as we look forward to the 111th Congress and all that we hope to achieve, may we also remember this gift that was given to all of us in the 86th Congress all those years ago. May we continue to shine for many, many more.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and tough to take. While prices have dropped in recent weeks, the concerns expressed remain very relevant, particularly in light of our economic times. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today’s letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, today we begin the 111th Congress. As it is everytwo years, this is a moment for new beginnings, but also an opportunity to bid farewell to some dear friends of ours as they move on to the next chapters in their remarkable lives.
I was thrilled to hear that there was a venue for public input to the increasing energy prices. I drive a VW Jetta, which gets very good gas mileage, and I have a decent job, but clearly, this has caused and I am going to consider many things that weren't really hard decisions before. I have begun buying generic items and do not visit my favorite coffee shop anymore because it is not 'on my way' to work, therefore requiring more gas, and for the price of my favorite latte, I could buy a gallon of gas. I am beginning to class my commute as an expense, not a want, and dramatically cutting out the want. The problem is that many of the needs are being cut. My Son's school has now increased its prices to cover their increased fuel costs. Food has become expensive, prompting my husband and me to start a garden. I would like to share my story on how the rest goes to mortgage groceries and supplies the family, diapers, wipes, toothpaste. . . .

We all have houses and yards to upkeep, to keep sprinklers working, grass trimmed and weed free, and that costs money. We scale back on the items I buy with my family dramatically to upkeep my assets. There will be no vacations this year, no more trips to the local drive-in for ice cream after a hot day, and certainly no running through the sprinkler to conserve on the water bill. My wife (who is from Fiji) has no medical insurance . . . but that is another letter for another day.) Will I lose my home? Will I get sued by my creditors and then get my wages garnished? What if the Social Security Administration for an overpayment of my disability benefits? What will happen to me when I cannot afford to pay that? What will happen when I cannot think someone will save the day. It just makes my blood boil to listen to (politicians) sugar-coat our problems. This is not an immediate crisis. The power companies have chosen to put their heads in the sand over the environment and now it is too late to find a "green" solution to the immediate energy needs of our country. We need to drill for oil... now. It is sickening that after all that has happened in our past with regard to energy in this country, we find someone else to blame for it. President Bush thinks he's going to win the war on terror by sending our troops to die in the Middle East? They already do have the ability to do something about the situation here. While everyone looks for a bomb and we lose our civil liberties one by one, they will steal our way of life.

When I got my stimulus rebate check, I spent it all and went to a family reunion. It occurred to me as I was coming home that it is very likely that I will not be able to go on any yearly vacation future. It will simply cost too much. The only reason I could afford it this year is because of that rebate check. I cannot imagine that I will have the ability to go to family reunions next year because it will cost too much to put a roof over my head and food on my table.

Joshua.

Thank you for the opportunity to direct comments to you on a specific topic of great concern. My wife and I are nearing retirement (currently 58 years old), and our home is paid for. However, our home was built in the 1970s under a program promoted by the Idaho Power and Light, which was constructing total electric homes using ceiling cable heat. UP&L even gave monthly energy "discounts" for being total electric. Later, much later... those discounts were deemed to not promote energy efficiency and were taken away. Even though Idaho electric rates are among the lowest in the nation; an average of 1,200 sq ft costs over $300 a month to heat in the winter. We are concerned that increasing energy rates will force us out of our home when we are no longer working fulltime. No incentives are provided for conversion and with ceiling cable there is no duct-work to convert a furnace to... so natural gas or propane is not economically feasible. Solution—Construct a nuclear power plant on the desert of the INL. Find a willing commercial owner, provide some US government incentive to recycle the $100 million used as a model nationwide, offer an incentive to Idahoans on the grid to get a discount & sell the rest of the power to Utah, Nevada & California. (I have done some research on this...). Sell bonds to help build it but do something.

I know it is an overly simplistic suggestions but we need to do something about energy in this country or our economy will grind to a near standstill.

Brandy, Idaho Falls.

My wife and I own and my wife operates a child day-care in Idaho Falls, Idaho. Since 2004, the price of fuel has spiraled to over $3 per gallon and with no resolution in the near future we are actively attempting to sell or will shut the doors on the business in the next two months. The price of fuel is driving everything else up so high that we need to raise our prices to make up for the increases and we are in many cases simply pricing ourselves out of our customers ability to pay. Many of our customers have to choose between day care or paying for fuel, grocery, natural gas, etc. In many cases, one of the parents quit their jobs or worked part-time to put their kids in day care, simply tighten up their belts and live with the minimum incomes. I did not have a good job working for a subcontractor to the DOE and had to take a job that paid $15 an hour and not depend on the business. I would be in bankruptcy court.

The fuel cost drives not only our vehicles; it drives every aspect of our day to day lives. I am worried that if a radical solution is not set into motion that we will be looking at a depression in this country. My grandparents went through the first one, and I hope that my family will not have to see similar times. Allowing a small population of the world to continue to pollute us will not work. I believe the price of oil is not right. I have a problem with so few becoming so wealthy while so many suffer. We have vast oil resources in the lower 48, and we all know the resources that are in Alaska. The Alaskan pipeline did not destroy the landscape or cause the caribou to go extinct like some of the environmentalists would like us to believe. Maybe we should allow our government that is funded by our tax dollars to step in and get involved with the refining of our oil. We have seen what happens when someone who actually do not like us very much for our energy. We need to use what we have and we need to not allow the activist groups to take our hard earned dollars to use. If anyone even mentions drilling in Alaska the activist groups go crazy and it make

The city council in Blackfoot is working on getting a windmill turbine farm set up in the Wolverine canyon, east of Blackfoot. I am in favor of that if we were to actually benefit from it. From what I gather the power that generates from these turbines will be high even if you look at these turbines, then we at least need to benefit from them! I have worked at the INL Site for about four years now and they are not being paid for clean reactors in the world. Every day, when I walk around it, I wonder, why cannot we have a reactor to generate power for all of southeast Idaho and Utah Power and anyone else that sends power to us and generate our own. We will not be able to have confidence for the time being. Just wonder if we can find a regeneration reactor in the desert at the INL that will provide power to all of southeast Idaho. This could probably be the cleanest source of energy we have ever used. Let us open up Alaska to drill for oil, become more dependent on ourselves instead of foreign oil. I am in favor of that if we were to actually benefit from it. It will make up day to day I wonder if it is not on my way to work, therefore requiring more gas, and for the price of my favorite latte, I could buy a gallon of gas. I am beginning to class my commute as an expense, not a want, and dramatically cutting out the want. The problem is that many of the needs are being cut. My Son's school has now increased its prices to cover their increased fuel costs. Food has become expensive, prompting my husband and me to start a garden. I would like to share my story on how the rest goes to mortgage groceries and supplies the family, diapers, wipes, toothpaste. . . .

We all have houses and yards to upkeep, to keep sprinklers working, grass trimmed and weed free, and that costs money. We scale back on the items I buy with my family dramatically to upkeep my assets. There will be no vacations this year, no more trips to the local drive-in for ice cream after a hot day, and certainly no running through the sprinkler to conserve on the water bill. My wife (who is from Fiji) has not been able to see her family for six years now. We were planning a family trip this year to see them. Well, not anymore; a six thousand dollar trip for a family of four is unheard of. Guess we will have to see what next year brings. My property taxes rose from $1,400 to $1,850 this year. Did not we pass a bill last year generating a fund to help those? I certainly did not benefit.

The city council in Blackfoot is working on getting a windmill turbine farm set up in the
me wonder who is funding these groups to keep our hand tied. The short term fix is to use the oil that we are setting on fire while we work on the research and development required to assist or solve the long term problem.

DAVID.

Senator, I could sit here and gripe about the high energy costs. However, I regard the problem as a collective problem, not something one sector or another of the economy has done. We are all aware of how the costs are spiraling out of control, and there are things we can all do to mitigate the pinch in our wallet. Everyone one of us is guilty to varying degrees. Consider the following:

First, each of us needs to be a lot more concerned with conserving. We can all make one trip instead of three to the store. We can carpool. We can reduce some of our recreational activities to use less fuel getting there and while there. Turn off the lights. Use the energy efficient light bulbs. Use mass transit. The list goes on and on.

Second, Congress has got to work out a balanced approach to energy availability. Hydroelectric is the most efficient, but has been hoarded by the environmentalists who do not only not want new power production, and even want to remove power production that is in place. Nuclear power has similarly placed into the nether land of total environmental disfavor. The record of these two sources is not perfect, but they are not guilty of producing greenhouse gases and making the Arabs richer and richer either. They have a place in our infrastructure, and Congress needs to make it happen before we give it all to Islamic radicals and Communists. Begin a plan to reduce and eliminate foreign import of oil, then make it stick.

Third, Congress needs to greatly improve incentives for domestic production of oil. Use the oil shale resources we have all over the country. Allow drilling in areas where the likelihood of new fields is good, with a great deal of care nevertheless. Use clean coal production methods for power.

Fourth, Congress should tax the windfall profits of the oil companies. Use that money for refunds to vehicle owners and taxpayers. There is no excuse on God's green earth for an oil company to make more profits in a fiscal quarter than the GNP of 80% of the world's nations in a year.

O.K. I have run out of time, but not ideas. I just wanted you to know we are all in this together, and either we solve it together, or the mess will get worse and worse. All of you in Congress need to quit quibbling and do something.

LON.

I appreciate the opportunity of letting you know how the high costs of fuel-energy are impacting me.

I feel lucky—I have a good job and make above average pay. However, I am at a point in my life that I do not want to be able to save for retirement. My wife and I have raised our children and have recently been able to start saving for retirement. With the current prices of fuel, we are not able to save as needed to ensure that we will have the required funds to retire.

I have seen the high price of fuel with several contract workers. They are not planning any type of vacation travel and, in most cases, are fearful of the future. Most are not even able to be able to take care of their necessities if prices continue to skyrocket.

There is a business here in Idaho Falls that purchased 25 truck loads of wood pellets. I watched a news report detailing how busy they currently are. Many who are selling their plasma are doing it just to make ends meet. The place is so busy that they are turning people away.

I worry about my own children. The future is bleak. Never in my life have we had such a dim outlook for America.

It is time for drilling (in an environmentally safe way). It is time for nuclear power to come out of the closet. We need to quit letting the clist run this great country. I am an avid outdoors man. I love Idaho. I live here for the beauty and activities related to the outdoors. I have faith that we can fix the problems and move forward. I do not believe that we have to ruin the outdoors to make things right.

Thanks for your help.

DAVID.

When BEA was granted contract of Idaho National Laboratory, [the lab director] held a meeting and asked what they could do to improve the INL. My reply was to better inform the public about nuclear energy and the benefits. During these trying times we are facing, and the extremes of the future, we must have extreme plans to counteract. The only solution is to minimize our use of natural resources. How do we do this? Every vehicle structure, school, house, etc. shall be converted to electricity derived from nuclear power generating facilities. All of the natural resources shall be reserved for transportation, industry needs. No longer can the government not be in direct competition with private affairs. When it is for the better of the people then it is the right thing to do. Nuclear energy is the only solution. We need to inform the public and gain support for a cleaner more efficient future. I am excited to be involved with any help I can provide with this matter.

ROY.

I am a hospice nurse and my patients rely on me to make home visits so they can have the care they need and deserve at the end of their lives. Without this service, many dying patients would have uncontrolled symptoms and unable to get to the doctor. Driving distances are great for me as I care for people in outlying areas, sometimes averaging 50-100 miles a day to see everyone. This cost in fuel is very hard to manage and at times nearly forces me to feel like returning to the hospital rather than providing this much needed service due to cost prohibitive nature of my work from fuel cost.

CHERYL, Boise.

ADDITIONAL STATEMENTS

TRIBUTE TO BISHOP JOHN McRAITH

• Mr. BURNING. Mr. President, it is with great admiration and respect that I acknowledge one of Kentucky's most distinguished citizens. Roman Catholic Bishop John McRaith, who retired as the third Bishop of the Diocese of Owensboro.

Bishop McRaith's service over the last 26 years in the Diocese of Owensboro—which consists of 32 counties with 79 parishes, 3 high schools, 2 middle schools and 13 elementary schools—has made him a legacy in the community.

In addition to being a large diocese, Owensboro Diocese is one of the more diverse dioceses—home to a large number of Hispanic Catholic immigrants, along with a priesthood that recruits men from Latin America, Asia, and Africa. The work done by Bishop McRaith and the priests at Owensboro Diocese has increased church attendance to levels that are considered among the highest in the Nation.

Bishop McRaith has left his community a better place because of the authenticity and kindness of his services and faith. While I am sad to see him retire, I am comforted knowing that those who learned from him will continue the good work that he displayed each day. On behalf of all of those who are part of the Owensboro Diocese, I thank Bishop John McRaith for the grace and strength he brought to western Kentucky.

Mr. BUNNING. Mr. President, it is with great admiration and respect that I acknowledge one of Kentucky's most distinguished citizens. Roman Catholic Bishop John McRaith, who retired as the third Bishop of the Diocese of Owensboro.

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TRIBUTE TO HARRIET CORNELL

• Mrs. CLINTON. Mr. President, I am pleased to introduce Harriet Cornell on her historic selection as chair of the Rockland County Legislature for a fifth consecutive year. Harriet is the first chair of the legislature to hold the office for 5 consecutive years.

Harriet Cornell has been a member of the Rockland County Legislature since 1981. In her first year of office, Mrs. Cornell founded the Legislature's Commission on Women's Issues and invited community leaders to participate in the formulation of public policy. She is also the chair of the Eleanor Roosevelt Legacy Committee.

Her long record of accomplishments led the Journal News naming her as one of 25 people who made the greatest impact on Rockland County during the 20th century. As chairwoman, Mrs. Cornell's priorities have included protection of our environment, enhanced educational resources, improved health services for women and children, homeland security, Rockland's transportation infrastructure, and smart land use planning. Under her leadership, she has brought together elected officials from every level of government in this Summit meetings to collaborate on these issues.

I commend Mrs. Cornell for her many years of devoted public service to the citizens of Rockland County.

MESSAGE FROM THE HOUSE

At 6:09 p.m., a message from the House of Representatives, received by Mrs. Clinton, one of the reading clerks, announced that the House agreed to the following resolutions:

H. Res. 1. Resolution that Lorraine C. Miller of the State of Texas, be, and is hereby, chosen Clerk of the House of Representatives; That Wilson S. Livingood of the Commonwealth of Virginia, be, and is hereby, chosen Sergeant at Arms of the House of Representatives; That William P. Borchard of the State of Maryland be, and is hereby, chosen Chief Administrative Officer of the House of Representatives; and That Father Daniel P. Coughlin of the State of Illinois, be, and is hereby, chosen Chaplain of the House of Representatives.

H. Res. 2. Resolution notifying the Senate that a quorum of the House of Representatives has assembled; that NANCY PELOSI, a...
Representative from the State of California, has been elected Speaker, thanparne C. Miller, a citizen of the State of Texas, has been elected Clerk of the House of Representants of the One Hundred Eleventh Congress.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:


The message further announced that the Speaker appoints as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled, and Congress is ready to receive any communication that he may be pleased to make: The gentleman from Maryland Mr. HOYER and the gentleman from Ohio Mr. BOEHNER.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 1. Concurrent Resolution regarding consent to assemble outside the seat of government; to the Committee on Rules and Administration.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 1. A bill to create jobs, restore economic growth, and strengthen America’s middle class through measures that modernize the nation’s infrastructure, enhance America’s energy independence, expand educational opportunities, preserve and improve affordable health care , provide tax relief, and protect those in greatest need, and for other purposes.

S. 2. A bill to improve the lives of middle class families and provide them with greater opportunity to achieve the American dream.

S. 3. A bill to protect homeowners and consumers regarding the availability of credit for homeowners, businesses, and consumers, and reforming the financial regulatory system, and for other purposes.

S. 4. A bill to guarantee affordable, quality health coverage for all Americans, and for other purposes.

S. 5. A bill to improve the economy and security of the United States by reducing the dependence of the United States on foreign and unsustainable energy sources and the risks of global warming, and for other purposes.

S. 6. A bill to restore and enhance the national security of the United States.

S. 7. A bill to expand educational opportunities for all Americans by increasing access to high-quality early childhood education and after school programs, advancing reform in elementary and secondary education, strengthening mathematics and science instruction, and ensuring that higher education is more affordable, and for other purposes.

S. 8. A bill to return the Government to the people by reviewing controversial “midnight regulations” issued in the waning days of the Bush Administration.

S. 9. A bill to strengthen the United States economy, provide for more effective border and employment enforcement, and for other purposes.

S. 10. A bill to restore fiscal discipline and begin to address the long-term fiscal challenges facing the United States, and for other purposes.

S. 33. A bill to amend the Internal Revenue Code of 1986 with respect to the proper tax treatment of expenses incurred in 2009 or 2010, and for other purposes.

S. 34. A bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on December 12, 2008, she had presented to the President of the United States the following enrolled bills and joint resolution:

S. 3683. An act to require the Federal Communications Commission to provide for a short-term extension of the analog television broadcasting authority so that essential public safety announcements and digital television transition information may be provided for a short time during the transition to digital television broadcasting.

EC–7. A communication from the Acting Administrator, National Highway Traffic Safety Administration and the Acting Assistant Secretary for Communications and Information, National Telecommunications and Information Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Hazardous Materials: Enhancing Rail Transportation Safety and Security for Materials Shipment” (RIN2137–AE02) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC–9. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Civil Penalties” (RIN2105–AD77) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC–10. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Pipeline Safety: Standards for Intrastate Transmission Pipelines; Maximum Operating Pressure for Gas Transmission Pipelines” (RIN2137–AE25) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC–11. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Pipeline Safety: Standards for Intrastate Transmission Pipelines; Maximum Operating Pressure for Gas Transmission Pipelines” (RIN2137–AE25) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC–12. A communication from the Assistant Chief Counsel for General Law, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Federal Motor Vehicle Safety Standards: Occupant Crash Protection” (RIN2127–AK02) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC–13. A communication from the Assistant Chief Counsel for National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Federal Motor Vehicle Safety Standards: Occupant Crash Protection” (RIN2127–AK02) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC–14. A communication from the Staff Assistant, National Highway Traffic Safety
EC–15. A communication from the Super-
visory Attorney, Office of the Secretary, De-
partment of Transportation, transmitting, pur-
suant to law, the report of a rule entitled
Domestic Baggage Liability (RIN2105–
AA48)(Docket No. FAA–2008–0850) re-
ceived in the Office of the President of the
Senate on December 11, 2008; to the Com-
mittee on Commerce, Science, and Transpor-
tation.

EC–16. A communication from the Program
Analyst, Federal Aviation Administration,
Department of Transportation, transmitting, pur-
suant to law, the report of a rule entitled
Revisions to Digital Flight Data Recorder
Regulations for Boeing 737 Airplanes and for
All Part 125 Airplanes (RIN2120–AO67) re-
cieved in the Office of the President of the
Senate on December 11, 2008; to the Com-
mittee on Commerce, Science, and Transpor-
tation.

EC–17. A communication from the Program
Analyst, Federal Aviation Administration,
Department of Transportation, transmitting, pur-
suant to law, the report of a rule entitled
Airworthiness Directives; Bomardier
Model CL–600–2B19 (Regional Jet Series 100 &
400) Airplanes (RIN2120–AA64)(Docket No.
FAA–2008–00235) received in the Office of
the President of the Senate on December 11,
2008; to the Committee on Commerce, Science,
and Transportation.

EC–18. A communication from the Program
Analyst, Federal Aviation Administration,
Department of Transportation, transmitting, pur-
suant to law, the report of a rule entitled
Airworthiness Directives; Boeing Model
Series Airplanes” (RIN2120–AA64)(Docket No.
FAA–2008–0152) received in the Office of
the President of the Senate on December 11,
2008; to the Committee on Commerce, Science,
and Transportation.

EC–19. A communication from the Program
Analyst, Federal Aviation Administration,
Department of Transportation, transmitting, pur-
suant to law, the report of a rule entitled
Airworthiness Directives; Boeing Model
Series Airplanes” (RIN2120–AA64)(Docket No.
FAA–2008–00235) received in the Office of
the President of the Senate on December 11,
2008; to the Committee on Commerce, Science,
and Transportation.

EC–20. A communication from the Program
Analyst, Federal Aviation Administration,
Department of Transportation, transmitting, pur-
suant to law, the report of a rule entitled
Airworthiness Directives; MD Helicopters,
Inc. Model MD900 Helicopters” (RIN2120–
AA64)(Docket No. FAA–2008–0151) received in
the Office of the President of the Senate on December 11, 2008; to the Committee on
Commerce, Science, and Transportation.

EC–21. A communication from the Program
Analyst, Federal Aviation Administration,
Department of Transportation, transmitting, pur-
suant to law, the report of a rule entitled
Airworthiness Directives; Boeing Model
767–200 and –300 Series Airplanes” (RIN2120–
AA64)(Docket No. FAA–2008–0117) received in
the Office of the President of the Senate on December 11, 2008; to the Committee on
Commerce, Science, and Transportation.

EC–22. A communication from the Program
Analyst, Federal Aviation Administration,
Department of Transportation, transmitting, pur-
suant to law, the report of a rule entitled
Airworthiness Directives; Rolls-Royce plc
RB211 Trent 500 Series Turbofan Engines”
(RIN2120–AA64)(Docket No. FAA–2008–1122) received in the Office of the President of the Senate on December 11, 2008; to the Committee on
Commerce, Science, and Transportation.

EC–23. A communication from the Program
Analyst, Federal Aviation Administration,
Department of Transportation, transmitting,
pursuant to law, the report of a rule entitled
Airworthiness Directives; Boeing Model
767–200, –300, and –400ER Series Airplanes”
(RIN2120–AA64)(Docket No. FAA–2008–0995) received in the Office of the President of the Senate on December 11, 2008; to the Committee on
Commerce, Science, and Transportation.

EC–24. A communication from the Program
Analyst, Federal Aviation Administration,
Department of Transportation, transmitting, pur-
suant to law, the report of a rule entitled
Airworthiness Directives; Boeing Model
767–200, –300, and –400ER Series Airplanes”
(RIN2120–AA64)(Docket No. FAA–2008–0995) received in the Office of the President of the Senate on December 11, 2008; to the Committee on
Commerce, Science, and Transportation.

EC–25. A communication from the Program
Analyst, Federal Aviation Administration,
Department of Transportation, transmitting,
pursuant to law, the report of a rule entitled
Airworthiness Directives; Boeing Model
767–200, –300, and –400ER Series Airplanes”
(RIN2120–AA64)(Docket No. FAA–2008–0995) received in the Office of the President of the Senate on December 11, 2008; to the Committee on
Commerce, Science, and Transportation.

EC–26. A communication from the Program
Analyst, Federal Aviation Administration,
Department of Transportation, transmitting, pur-
suant to law, the report of a rule entitled
Airworthiness Directives; Rolls-Royce plc
RB211 Trent 500 Series Turbofan Engines”
(RIN2120–AA64)(Docket No. FAA–2008–1122) received in the Office of the President of the Senate on December 11, 2008; to the Committee on
Commerce, Science, and Transportation.

EC–27. A communication from the Program
Analyst, Federal Aviation Administration,
Department of Transportation, transmitting, pur-
suant to law, the report of a rule entitled
Airworthiness Directives; MD Helicopters,
Inc. Model MD900 Helicopters” (RIN2120–
AA64)(Docket No. FAA–2008–0151) received in
the Office of the President of the Senate on December 11, 2008; to the Committee on
Commerce, Science, and Transportation.

EC–28. A communication from the Program
Analyst, Federal Aviation Administration,
Department of Transportation, transmitting,
pursuant to law, the report of a rule entitled
Airworthiness Directives; Eclipse Aviation
Corporation Model EA500 Airplanes”
(RIN2120–AA64)(Docket No. FAA–2008–1323) received in the Office of the President of the Senate on December 11, 2008; to the Committee on
Commerce, Science, and Transportation.

EC–29. A communication from the Program
Analyst, Federal Aviation Administration,
Department of Transportation, transmitting,
pursuant to law, the report of a rule entitled
Airworthiness Directives; Rolls-Royce plc
RB211 Trent 500 Series Turbofan Engines”
(RIN2120–AA64)(Docket No. FAA–2008–1122) received in the Office of the President of the Senate on December 11, 2008; to the Committee on
Commerce, Science, and Transportation.

EC–30. A communication from the Program
Analyst, Federal Aviation Administration,
Department of Transportation, transmitting,
pursuant to law, the report of a rule entitled
Airworthiness Directives; Eclipse Aviation
Corporation Model EA500 Airplanes”
(RIN2120–AA64)(Docket No. FAA–2008–1323) received in the Office of the President of the Senate on December 11, 2008; to the Committee on
Commerce, Science, and Transportation.

EC–31. A communication from the Program
Analyst, Federal Aviation Administration,
Department of Transportation, transmitting,
pursuant to law, the report of a rule entitled
Airworthiness Directives; Rolls-Royce plc
RB211 Trent 500 Series Turbofan Engines”
(RIN2120–AA64)(Docket No. FAA–2008–0995) received in the Office of the President of the Senate on December 11, 2008; to the Committee on
Commerce, Science, and Transportation.
EC-39. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls Royce Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1258)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-40. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls Royce Model CL-600-2B19B (Regional Jet Series 100 & 440) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1231)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-41. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Vulcanair S.P.A. Model 78 & 78A Single Engine Aircraft" ((RIN2120-AA64)(Docket No. FAA-2008-0176)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-42. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model BD-100-1A10 and BD-100-1A11 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1259)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-43. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0889)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-44. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; MD Helicopters, Inc. Model 500N and 600N Helicopters" ((RIN2120-AA64)(Docket No. FAA-2008-1241)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-45. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701 & 702), CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0611)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-46. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls Royce Models RB211 Trent 768-60, Trent 772-60, and Trent 772B-60 Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2006-23955)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-47. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt & Whitney Canada Corp. JT15D-5, -15; -35; -45; and -65 Turboprop Engines" ((RIN2120-AA64)(Docket No. FAA-2007-28881)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-48. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt & Whitney Canada Corp. JT15D-6, -15; -35; -45; and -65 Turboprop Engines" ((RIN2120-AA64)(Docket No. FAA-2008-08910)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-49. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A320-200, A330-300, A340-300, A340-500, and A340-600 (RIN2120-AA64)(Docket No. FAA-2008-08010)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-50. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; MD Helicopters, Inc. Model 600N Helicopters" ((RIN2120-AA64)(Docket No. FAA-2008-0615)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-51. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Beechcraft Corporation Model 90 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0610)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-52. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, 747-200, 747-200F, 747-300, 747-400, 747-400D, 747-400F, and 747SR Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0614)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-53. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Incorporation By Reference" ((Docket No. 29334)(Amendment No. 71-40)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-54. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757-600, -700, -707C, -800 and -900 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0176)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-55. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((Docket No. 30641)(Amendment No. 3299)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.
Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Morehead, KY” (Docket No. FAA-2008-0988; Airspace Docket No. 08-AAL-17) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-69. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; Badami, AK” (Docket No. FAA-2008-0989; Airspace Docket No. 08-AAL-17) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-70. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Shageluk, AK” (Docket No. FAA-2008-0988; Airspace Docket No. 08-AAL-17) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-71. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; Ruby, AK” (Docket No. FAA-2008-0989; Airspace Docket No. 08-AAL-17) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-72. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Jet Routes and Federal Airways; Alaska” (Docket No. FAA-2008-1035; Airspace Docket No. 08-AAL-22) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-73. A communication from the Chief, Branch of Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Special Rule for the Polar Bear” (RIN 1345–AA86; 1345–AD04) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Environment and Public Works.

EC-74. A communication from the Program Manager, Office of Administration, for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Child Support Enforcement” (RIN 1018–AV79; RIN 1018–AV66; RIN 1018–AV67) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Education, Health, and Pensions.

EC-75. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates” (Notice 2008–110) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Finance.

EC-76. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Biodiesel Tax Incentive: Celulose Biofuel Producer Credit” (Notice 2008–110) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Finance.

EC-77. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Nonqualified Deferred Compensation Plan to Minimize Deferred Compensation Plan to Minimize Noncompliance by Participants Who May Be Over 59.5 Years of Age; 5(a) Paragraph of Section 401(a)(9) of the Internal Revenue Code” (Notice 2008–110) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Finance.

EC-78. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Relief and Guidance on Corrections of Certain Failures of a Nonqualified Deferred Compensation Plan to Comply with Section 409(a) in Operation” (Notice 2008–110) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Finance.

EC-79. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Assistance to States for the Education of Children Who Are Blind or Handicapped: Pre-school Grants for Children With Disabilities” (RIN 8255–AB60) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-80. A communication from the Deputy Director for Operations, Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled “Disclosure Information” (RIN 1910–AB14) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-81. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of the designation of acting officer for the position of Under Secretary, received in the Office of the President of the Senate on December 11, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-82. A communication from the Director, Office of Personnel Management, the President’s Pay Agent, transmitting, pursuant to law, a report relative to the extension of locality-based comparability payments; to the Committee on Homeland Security and Governmental Affairs.

EC-83. A communication from the Assistant Secretary for Congressional and Legislative Affairs, Department of Labor, transmitting, pursuant to law, a report entitled “FY 2008 Performance and Accountability Report”; to the Committee on Homeland Security and Governmental Affairs.

EC-84. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, the Department’s annual financial report for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.


EC-86. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to data-mining activities; to the Committee on the Judiciary.

EC-87. A communication from the General Counsel, United States Marshals Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “Revi- sion to United States Marshals Service Fees for Services” (RIN1076–AB14) received in the Office of the President of the Senate on December 11, 2008; to the Committee on the Judiciary.

EC-88. A communication from the Senior Counsel, Office of the Attorney General, Department of Justice, transmitting, pursuant to law, a report entitled “Human DNA Sample Collection and Biological Evidence Preservation in the Federal Jurisdiction” (RIN1106–AB09; RIN1106–AB10; RIN1106–AB24) received in the Office of the President of the Senate on December 11, 2008; to the Committee on the Judiciary.

EC-89. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Mosquito Control: Pesticide Use; Pesticide Registration; Federal Policy” (RIN 0470–OPP2008–0217; FRL–8593–1) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-90. A communication from the Administrator, Agricultural Marketing Service,
the Committee on Environment and Public Works.

EC-117. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Oklahoma: Reconsideration of Regulations; Rule AM-06-04” (EPA-R05-OAR-2006-0609; FRL-8748-99) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Environment and Public Works.

EC-118. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Oklahoma: Reconsideration of Regulations; Rule AM-06-04” (EPA-R05-OAR-2006-0389; FRL-8748-99) received in the Office of the President of the Senate on December 15, 2008; to the Committee on Environment and Public Works.

EC-119. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Expansion of RCRA Comparable Fuel Exclusion” (EPA-RQ-RCRA-2005-0172; FRL-8753-4) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Environment and Public Works.

EC-120. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to the California State Implementation Plan, South Coast Air Quality Management District” (EPA-R09-OAR-2006-0657; FRL-8764-6) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Environment and Public Works.

EC-121. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “National Emission Standards for Hazardous Air Pollutant Emissions; Group I Polymers and Resins (Polysulfide Rubber Production, Butyl Rubber Production, Neoprene Production); National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production; Polyimide Production; National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology for Polychlorinated Aliphatic Hydrocarbons and Hydrogen Fluoride Production (Risk and Technology Review)” (RIN2060-A016) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Environment and Public Works.

EC-122. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Prevention of Significant Deterioration (PSD) Permitting; New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions” (EPA-HQ-OAR-2004-0014; FRL-8752-4) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Environment and Public Works.

EC-123. A communication from the Program Manager of the Center for Medicaid and State Operations, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medicaid Program; State Option to Establish Non-Emergency Medical Transportation Programs; Wisconsin” (RIN1333-AC05) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Finance.

EC-124. A communication from the Secretary of Health and Human Services, transmitting, pursuant to a law, a report entitled “Labeling Information on the Relationship Between Cigarettes and Development of Skin Cancer or Other Skin Damage”; to the Committee on Health, Education, Labor, and Pensions.

EC-125. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Committee Services on Discretionary Activities: Community Economic Development and Rural Facilities Programs; to the Committee on Health, Education, Labor, and Pensions.

EC-126. A communication from the Assistant General Counsel for Regulatory Services, Office of Planning, Evaluation, and Policy Development, transmitting, pursuant to law, the report of a rule entitled “Family Educational Rights and Privacy” (RIN1855-AA05) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-127. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, the Office of Inspector General’s Semiannual Report for the period ending September 30, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-128. A communication from the Inspector General, Federal Housing Finance Board, transmitting, pursuant to law, the Office of Inspector General’s Semiannual Report for the period ending September 30, 2008; to the Committee on Homeland Security and Governmental Affairs.


EC-130. A communication from the Chief Privacy Officer, Department of Homeland Security, transmitting, pursuant to law, a report entitled “Department of Homeland Security and Governmental Affairs.

EC-131. A communication from the Federal Co-Chairs, Appalachian Regional Commission, transmitting, pursuant to law, the Office of Inspector General’s Semiannual Report for the period of April 1, 2008, through September 30, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-132. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the report of a rule entitled “Civil Commitment of a Sexually Dangerous Person” (RIN1190-AC12) received in the Office of the President of the Senate on December 17, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-133. A communication from the Director, Regional Defense Combating Terrorism Fellowship Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Household Water Well System Grant Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Civil Commitment of a Sexually Dangerous Person” (RIN1190-AC12) received in the Office of the President of the Senate on December 17, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-134. A communication from the Director, Peace Corps, transmitting, pursuant to law, the report of a rule entitled “Labeling Information on the Relationship Between Cigarettes and Development of Skin Cancer or Other Skin Damage”; to the Committee on Health, Education, Labor, and Pensions.

EC-135. A communication from the Director, Peace Corps, transmitting, pursuant to law, the report of a rule entitled “Family Educational Rights and Privacy” (RIN1855-AA05) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Finance.

EC-136. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission’s recent appointment of members to the Illinois Advisory Committee; to the Committee on the Judiciary.

EC-137. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission’s recent appointment of members to the Illinois Advisory Committee; to the Committee on the Judiciary.

EC-138. A communication from the Rules and程序, Office of the Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled “Civil Commitment of a Sexually Dangerous Person” (RIN1190-AC12) received in the Office of the President of the Senate on December 17, 2008; to the Committee on the Judiciary.

EC-139. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Catastrophic Risk Protection Endorsement; Group Risk Plan of Insurance Regulations; and the Common Crop Insurance Regulation” (RIN1010-AQ99) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-140. A communication from the Director of the Program Development and Regulatory Affairs, Office of the Director, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled “National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology; Group I Polymers and Resins (Polysulfide Rubber Production, Butyl Rubber Production, Neoprene Production); National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production; Polyimide Production; National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology for Polychlorinated Aliphatic Hydrocarbons and Hydrogen Fluoride Production (Risk and Technology Review)” (RIN2060-A016) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Environment and Public Works.

EC-141. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Expansion of RCRA Comparable Fuel Exclusion” (EPA-RQ-RCRA-2005-0172; FRL-8753-4) received in the Office of the President of the Senate on December 16, 2008; to the Committee on Environment and Public Works.

EC-142. A communication from the Director, Peace Corps, transmitting, pursuant to law, the report of a rule entitled “Civil Commitment of a Sexually Dangerous Person” (RIN1190-AC12) received in the Office of the President of the Senate on December 17, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-143. A communication from the Federal Register Liaison Officer, Office of the Secretary, Executive Office of the President, transmitting, pursuant to law, a report relative to the Average Procurement Unit Cost for the H-1 Upgrades Program; to the Committee on Armed Services.

EC-144. A communication from the Assistant Secretary of Defense (Global Security Affairs), transmitting, pursuant to law, the Department’s annual report relative to the Regional Defense Combating Terrorism Fellowship Program for fiscal year 2008; to the Committee on Armed Services.

EC-145. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to the Average Procurement Unit Cost for the H-1 Upgrades Program; to the Committee on Armed Services.

EC-146. A communication from the Secretary of Defense, transmitting, pursuant to law, the report of a rule entitled “Civil Commitment of a Sexually Dangerous Person” (RIN1190-AC12) received in the Office of the President of the Senate on December 22, 2008; to the Committee on Armed Services.

EC-147. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission’s recent appointment of members to the Illinois Advisory Committee; to the Committee on the Judiciary.

EC-148. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission’s recent appointment of members to the Illinois Advisory Committee; to the Committee on the Judiciary.
Custodial Loan Accounts” (RIN3133-AD55) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–147. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled “Share Insurance Capital Requirement; Revocable Trust Accounts” (RIN3133-AD54) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–148. A communication from the Director, Office of Legal Affairs, Federal Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled “Temporary Liquidity Guarantee Program” (RIN2126-NN5—ET Docket No. 08-6120) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–149. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Temporary Sanctions Regulations: Iran” received in the Office of the President of the Senate on December 19, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–150. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled “Community Reinvestment Act Regulations” (Docket No. R-1342) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–151. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled “Home Mortgage Disclosure” (Docket No. R-1341) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–152. A communication from the Deputy General Counsel, Office of the General Counsel, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled “Incidental Powers” (RIN3133-AD12) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–153. A communication from the Secretary, Federal Maritime Commission, transmitting, pursuant to law, a report relative to the Commission’s competitive sourcing competitions in fiscal year 2008; to the Committee on Commerce, Science, and Transportation.

EC–154. A communication from the Deputy Secretary, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of the Schedule of Application Fees Set Forth in Sections 1.1102 through 1.1109 of the Commission’s Rules” ((GEN Docket No. 86-285; FCC 08-289)) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC–155. A communication from the Deputy Secretary, Office of Interstate Commerce, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Title 47 of the Code of Federal Regulations” (“Addendum to Order 78”) (MB Docket No. 08-155) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC–156. A communication from the Deputy Chief Counsel, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Closed Captioning of Encrypted Digital Television Broadcasts” (Docket No. 08-321) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC–157. A communication from the Chief of Staff, Bureau of International Affairs, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class E Airspace: Cleveland, OH” (Docket No. FAA-2008-1168) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC–158. A communication from the Acting Director, Telecommunications and Information Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of the Table of Allotments, Television Broadcast Stations; Allotments, Television Broadcast Stations; Allotments, Television Broadcast Stations” (31 CFR Parts 594, 595, and 597) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC–159. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class E Airspace: Clevelnand, OH” (Docket No. FAA-2008-1073) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC–160. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Model A319, A320, and A321 Airplanes Equipped with International Aero Engines (IAE) Model V2500-A1 Engines or Model V25xx-A5 Series Engines” ((RIN2120-AA59; Docket No. FAA-2008-0732)) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC–161. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Model A330 Airplanes; and Model A340-200 and -300 Airplanes” ((RIN2120-AA64; Docket No. FAA-2007-27739)) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC–162. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class E Airspace: Black River Falls, WI; Confirmation of Effectiveness of Amendment to Class E Airspace: Exercise of Extensive Use Hours Authority: Bomber Aircraft Staging at United States; Atlantic Bluefish Fishery; Commercial Quota Harvested for New York” (RIN4649-X309) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC–163. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class E Airspace: Russellville, AL” (Docket No. FAA-2008-1094) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC–164. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Dassault Model Mystere-Falcon 50 Airplanes” ((RIN2126-AA90; Docket No. FAA-2008-0732)) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC–165. A communication from the Deputy Secretary, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “New Entrant Safety Assurance Process” (RIN2126-AA98) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC–166. A communication from the Deputy Secretary, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Crawfordsville, WV” (Docket No. FAA-2008-1073) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC–167. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class E Airspace: Greensboro, NC” (Docket No. FAA-2008-0732) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Commerce, Science, and Transportation.
EC–199. A communication from the Assistant Secretary for Administration and Management, Competitive Sourcing Official, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Ensuring That Department of Health and Human Services Funds Do Not Support Coercive or Discriminatory Policies or Practices in Violation of Federal Law” (RIN0991-AB48) received in the Office of the President of the Senate on December 19, 2008; to the Committee on Homeland Security and Government Affairs.

EC–201. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to section 522 of title 5, United States Code; to the Committee on Homeland Security and Governmental Affairs.

EC–203. A communication from the Acting Administrator, Small Business Administration, transmitting, pursuant to law, the Office of the General Counsel’s Semannual Report for the period of April 1, 2008, through September 30, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–204. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Fiscal Year 2008 Financial Report of the U.S. Government; to the Committee on Homeland Security and Governmental Affairs.

EC–206. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, a report relative to the Administration’s Commercial Activities Inventory and Inherently Governmental Inventory; to the Committee on Homeland Security and Governmental Affairs.


EC–209. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a final addendum to the previously submitted report entitled “Fiscal Year 2007 Performance Summary Report”; to the Committee on the Judiciary.

EC–210. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report of a rule entitled “Documents Acceptable for Employment Eligibility Verification” (RIN1615–AB69) received in the Office of the President of the Senate on December 19, 2008; to the Committee on the Judiciary.

EC–211. A communication from the Associate Attorney General, Office of Legal Policy, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “Office of Attorney General: Certification of Determination and Payment ofProceedments” (RIN1211–AA74) received in the Office of the President of the Senate on December 19, 2008; to the Committee on the Judiciary.

EC–212. A communication from the Associate Attorney General, Office of Legal Policy, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “Revised Regulations for Records Relating to Visual Depictions of Sexually Explicit Conduct; Inspection of Records Relating to Depictions of Sexually Explicit Performance” (RIN1105–AB18(RIN1105–AB19)) received in the Office of the President of the Senate on December 19, 2008; to the Committee on the Judiciary.

EC–213. A communication from the Program Analyst, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Adjustment of Status to Lawful Permanent Resident for Aliens in T or U Nonimmigrant Status” (RIN1615–AA60) received in the Office of the President of the Senate on December 19, 2008; to the Committee on the Judiciary.

EC–214. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to the certification that the current Future Years Defense Program fully funds the support costs for the fiscal years 2009 through 2013 VIRGINIA Class Submarine MYP contract; to the Committee on Armed Services.

EC–215. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Changes to Requirements Affecting Reporting Requirements” (RIN1615–AB65) received in the Office of the President of the Senate on December 19, 2008; to the Committee on the Judiciary.

EC–216. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to the certification that the current Future Years Defense Program fully funds the support costs for the fiscal years 2009 through 2013 VIRGINIA Class Submarine MYP contract; to the Committee on Armed Services.

EC–219. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries” (RIN0648–XM15) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–220. A communication from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Montana Regulatory Program” ((SATS No. MT–028-FOR) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Energy and Natural Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time, and second times unanimous consent, and referred as indicated:

By Mr. REID (for himself, Mr. LEVIN, Mr. KERRY, Mr. KENNEDY, Mr. BROCH, Mrs. BOXER, Mr. DURBIN, Mr. MENENDEZ, Mr. BINGHAM, Mr. CASBY, Mr. LIEBERMAN, Mrs. STABENOW, Ms. MCCASKILL, Mr. LIEBERMAN, Ms. KLOBUCHAR, Mrs. CLINTON, and Mr. MUKULSKI):

S. 1. A bill to create jobs, restore economic growth, and strengthen America’s middle class through measures that modernize the nation’s infrastructure, enhance America’s energy independence, expand educational opportunities, preserve and improve affordable health care, provide tax relief, and protect those in greatest need, and for other purposes; read the first time.

By Mr. REID (for himself, Mr. LEVIN, Mr. KERRY, Mr. KENNEDY, Mr. BROCH, Mrs. BOXER, Mr. DURBIN, Mr. MENENDEZ, Mr. BINGHAM, Mr. CASBY, Mr. LAUTENBERG, Mrs. STABENOW, Ms. MCCASKILL, Mr. LIEBERMAN, Ms. KLOBUCHAR, Mrs. CLINTON, Mr. SCHUMER, and Ms. MUKULSKI):

S. 2. A bill to improve the lives of middle class families and provide Americans with greater opportunity to achieve the American dream; read the first time.

By Mr. REID (for himself, Mr. LEVIN, Mr. KERRY, Mr. KENNEDY, Mr. BROCH, Mr. DURBIN, Mr. WYDEN, Mrs. BOXER, Mr. MENENDEZ, Mr. BINGHAM, Mr. CASBY, Mr. LAUTENBERG, Mrs. STABENOW, Ms. MCCASKILL, Ms. KLOBUCHAR, Mrs. CLINTON, Mr. SCHUMER, and Ms. MUKULSKI):

S. 3. A bill to protect homeowners and consumers by reducing foreclosures, ensuring the availability of credit for homeowners, businesses, and consumers, and reforming the federal regulatory system, and for other purposes; read the first time.

By Mr. REID (for himself, Mr. LEVIN, Mr. DODD, Mr. KERRY, Mr. HARKIN, Mr. KENNEDY, Mr. BROCH, Ms. CLINTON, Mr. DURBIN, Mrs. BOXER, Mr. MENENDEZ, Mr. BINGHAM, Mr. CASBY, Mr. LAUTENBERG, Ms. STABENOW, Ms. MCCASKILL, Ms. KLOBUCHAR, and Mr. SCHUMER):

S. 4. A bill to guarantee affordable, quality health coverage for all Americans, and for other purposes; read the first time.

By Mr. REID (for himself, Mr. LEVIN, Mr. KERRY, Mr. HARKIN, Mr. KENNEDY, Mr. BROCH, Mrs. BOXER, Mr. DURBIN, Mr. MENENDEZ, Mr. BINGHAM, Mr. CASBY, Mr. LAUTENBERG, Ms. STABENOW, Mrs. MCCASKILL, Mr. DODD, Ms. KLOBUCHAR, Mrs. CLINTON, and Mr. MUKULSKI):

S. 5. A bill to protect and improve retirement security for those in greatest need, and for other purposes; read the first time.

By Mr. REID (for himself, Mr. LEVIN, Mr. KERRY, Mr. KENNEDY, Mr. BROCH, Mr. DURBIN, Mr. WYDEN, Mrs. BOXER, Mr. MENENDEZ, Mr. BINGHAM, Mr. CASBY, Mr. LAUTENBERG, Mrs. STABENOW, Ms. MCCASKILL, Ms. KLOBUCHAR, Mrs. CLINTON, Mr. SCHUMER, and Ms. MUKULSKI):

S. 6. A bill to protect the environment and public health of America’s coastal communities, and for other purposes; read the first time.
S. 40. A bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps; to the Committee on Finance.

By Mr. ENSIGN (for himself, Mr. VITTER, Mr. CORNYN, Mr. ISAKSON, and Mr. CRAIN):

S. 47. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services; to the Committee on Finance.

By Mr. INOUYE:

S. 48. A bill to amend the Help America Vote Act of 2002 to require new voting systems to provide a voter-verified permanent paper audit trail, develop reliable and secure voting machines for individuals with disabilities, and for other purposes; to the Committee on Rules and Administration.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 49. A bill to help Federal prosecutors and investigators combat public corruption and other serious criminal offenses; to the Committee on the Judiciary.

By Mr. ENSIGN:

S. 50. A bill to amend chapter 81 of title 5, United States Code, to recognize the United States Secret Service as a military department, to authorize the use of mosquito control funds from exchange-traded funds held by the United States Secret Service, and to change the name of the United States Secret Service to the United States Protection Agency; to the Committee on Appropriations.

By Mr. INOUYE:

S. 51. A bill to amend title 10, United States Code, to recognize the United States Military Cancer Institute as an establishment within the Department of Veterans Affairs for the development and testing of cancer treatments; to the Committee on Veterans' Affairs.

By Mr. INOUYE:

S. 52. A bill to amend title XIX of the Social Security Act to provide for coverage of services provided by nursing school clinics under State Medicaid programs; to the Committee on Finance.

By Mr. INOUYE:

S. 53. A bill to amend title XIX of the Social Security Act to provide for coverage of services provided by nursing school clinics under State Medicaid programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. 54. A bill to amend title XVIII of the Social Security Act to provide for patient protection by establishing minimum nurse staffing ratios at certain hospitals, and for other purposes; to the Committee on Finance.
January 6, 2009

CONGRESSIONAL RECORD—SENATE

By Mr. INOUYE:
S. 55. A bill to amend title XVIII of the Social Security Act to provide improved reimbursement for clinical social worker services under the Medicare program; to the Committee on Finance.

By Mr. INOUYE:
S. 56. A bill to amend title XVIII of the Social Security Act to remove the restriction that a clinical psychologist or clinical social worker provide services in a comprehensive outpatient rehabilitation facility to a patient only under the care of a physician; to the Committee on Finance.

By Mr. INOUYE:
S. 57. A bill to amend title VII of the Public Health Service Act to establish a psychology post-doctoral fellowship program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:
S. 58. A bill to amend the Internal Revenue Code of 1986 to modify the application of the tonnage tax on vessels operating in the dual United States domestic and foreign trades, and for other purposes; to the Committee on Finance.

By Mr. INOUYE:
S. 59. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in professional psychology eligible for various health professions loan programs; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. SCHUMER, Ms. SNOWE, and Mrs. BOXER):
S. 60. A bill to prohibit the sale and counterfeiting of Presidential inaugural tickets; to the Committee on Rules and Administration.

By Mr. DURBIN (for himself, Mrs. BURR, Mrs. FEINSTEIN, Mr. HARKIN, Mr. SCHUMER, and Ms. WURDAMBE):
S. 61. A bill to amend title 11 of the United States Code with respect to modification of certain mortgages on principal residences, and for other purposes; to the Committee on the Judiciary.

By Mr. INHOFE:
S. 62. A bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine; to the Committee on Commerce, Science, and Transportation.

By Mr. INYOV:
S. 63. A bill to amend title XIX of the Social Security Act to improve access to advanced practice nurses and physicians' assistants under the Medicaid Program; to the Committee on Finance.

By Mr. INHOFE (for himself, Mr. ENZI, Mr. BARRASSO, Mr. WICKER, Mr. DE MINT, and Mrs. LINCOLN):
S. 64. A bill to amend the Emergency Economic Stabilization Act to require approval by the Congress for certain expenditures for the Troubled Asset Relief Program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INOUYE:
S. 65. A bill to provide relief to the Pottawatomi Nation in Canada for settlement of certain claims against the United States; to the Committee on Energy and Natural Resources.

By Mr. INOUYE (for himself and Ms. LANDRIEU):
S. 66. A bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

By Mr. INOUYE:
S. 67. A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary and exchange stores; to the Committee on Armed Services.

By Mr. INOUYE:
S. 68. A bill to require the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World War II; to the Committee on Veterans' Affairs.

By Mr. INOUYE (for himself, Mr. LIEBERMAN, Mr. CARPER, Ms. MORAN, and Mr. AKAKA):
S. 69. A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through January 1944, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. INOUYE:
S. 70. A bill to restore the traditional day of observance of Memorial Day, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mr. GRASSLEY):
S. 71. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. AKAKA):
S. 72. A bill to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians; to the Committee on Indian Affairs.

By Mrs. FEINSTEIN:
S. 73. A bill to establish a systematic mortgage modification program at the Federal Deposit Insurance Corporation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. HUTCHISON (for herself, Mr. VITTER, Mr. MARTINEZ, Mr. CORNYN, and Mr. ENsign):
S. 74. A bill to provide permanent tax relief from the marriage penalty.

By Mr. KOHL:
S. 75. A bill to amend title XVIII of the Social Security Act to require the use of generic drugs under the Medicare part D prescription drug program when available under insurance and when determined to be medically necessary; to the Committee on Finance.

By Mr. INOUYE:
S. 76. A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend that Act; to the Committee on Indian Affairs.

By Mr. KERRY (for himself and Ms. SNOWE):
S. 77. A bill to amend title XXI of the Social Security Act to provide for equal coverage of certain services under the State Children's Health Insurance Program; to the Committee on Finance.

By Mr. KERRY (for himself and Ms. SNOWE):
S. 78. A bill to amend the Internal Revenue Code of 1986 to provide a full exclusion for gain from certain small business stocks; to the Committee on Finance.

By Mr. KERRY:
S. 79. A bill to amend the Social Security Act to establish a Federal Reinsurance Program for Catastrophic Health Care Costs; to the Committee on Finance.

By Mr. VITTER:
S. 80. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:
S. 81. A bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totaling $5,000 or an improved benefit computation formula under a 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes; to the Committee on Finance.

By Mr. VITTER:
S. 82. A bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, to limit income eligibility expansions under that program until the lowest income eligible individuals are enrolled, and for other purposes; to the Committee on Finance.

By Mr. VITTER:
S. 83. A bill to amend the Internal Revenue Code of 1986 to expand the Coverdell education savings accounts to allow home school education expenses, and for other purposes; to the Committee on Finance.

By Mr. VITTER:
S. 84. A bill to close the loophole that allowed the 9/11 hijackers to obtain credit cards from United States banks that financed their terrorist activities, to ensure that illegal immigrants cannot obtain credit cards to evade United States immigration laws, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. VITTER:
S. 85. A bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER (for himself and Mr. BURR):
S. 86. A bill to establish a procedure to safeguard the Social Security Trust Funds; to the Committee on the Budget.

By Mr. VITTER:
S. 87. A bill to amend the procedures regarding military recruiter access to secondary school student recruiting information; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:
S. 88. A bill to amend part B of the Individuals with Disabilities Education Act to provide Federal funding of such part; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:
S. 89. A bill to authorize the Moving to Work Charter program to enable public housing agencies to improve the effectiveness of Federal housing assistance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. VITTER:
S. 90. A bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government employment agencies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:
S. 91. A bill to reduce the amount of financial assistance provided to the Government of Mexico in response to the illegal border crossings from Mexico into the United States, which serve to dissipate the political discontent with the higher unemployment rate within Mexico; to the Committee on Foreign Relations.

By Mr. VITTER:
S. 92. A bill to ensure the safety of seafood and seafood products being imported into the
By Mr. VITTER:
S. 98. A bill to impose admitting privilege requirements with respect to physicians who perform abortions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:
S. 99. A bill to amend the Internal Revenue Code of 1986 to allow expenses relating to all home schools to be qualified education expenses for purposes of a Coverdell education savings account; to the Committee on Finance.

By Mr. VITTER:
S. 100. A bill to amend the Internal Revenue Code of 1986 to provide a tax deduction for itemizers and nonitemizers for expenses relating to home schooling; to the Committee on Finance.

By Mr. VITTER:
S. 101. A bill to amend the Internal Revenue Code of 1986 to allow expenses relating to all home schools to be qualified education expenses for purposes of a Coverdell education savings account; to the Committee on Finance.

By Mr. VITTER:
S. 102. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; to the Committee on Rules and Administration.

By Mr. VITTER:
S. 103. A bill to require disclosure and payment of noncommercial air travel in the Senate; to the Committee on Rules and Administration.

By Mr. VITTER:
S. 104. A bill to prohibit authorized committees and leadership PACs from employing the spouses of family members of any candidate or Federal office holder connected to the committee; to the Committee on Rules and Administration.

By Mr. VITTER:
S. 105. A bill to amend the Ethics in Government Act of 1978 to establish criminal penalties for knowingly and willfully failing or refusing to file or report certain information required to be reported under that Act; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:
S. 106. A bill to require that all individuals convicted of a felony under State law provide a DNA sample; to the Committee on the Judiciary.

By Mr. VITTER:
S. 107. A bill to authorize funding for the Advanced Research Projects Agency through DNA Technology Initiative; to the Committee on the Judiciary.

By Mr. VITTER:
S. 108. A bill to prohibit the admission of an alien who was detained as an enemy combatant at Guantanamo Bay, Cuba, unless the Attorney General certifies such admission is consistent with the national security of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. LEVIN (for himself and Ms. STABENOW):
S. 109. A bill to designate the Beaver Basin Wilderness and Betsie Rocks National Lakeshore in the State of Michigan; to the Committee on Energy and Natural Resources.

By Mr. LEVIN (for himself and Ms. STABENOW):
S. 110. A bill to provide for the designation of the Eminence National Battlefield Park in the State of Michigan; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN:
S. 111. A bill for the relief of Joseph Gabra and Sharon Kamel; to the Committee on the Judiciary.

By Mr. INOUYE:
S. 112. A bill to treat certain hospital support organizations as qualified organizations for purposes of determining acquisition indebtedness; to the Committee on Finance.

By Mr. INOUYE:
S. 113. A bill to amend the Public Health Service Act to require the Secretary of Health and Human Services to implement a program to encourage the development of a National Center for Social Work Research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:
S. 114. A bill to amend the Public Health Service Act to authorize the use of such funds for the establishment of a National Disaster Medical System; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:
S. 115. A bill to amend title II of the Social Security Act to provide that wages earned, and self-employment income derived, by individuals who are members of noncitizen or national of the United States and were illegally in the United States shall be credited for coverage under the old-age, survivors, and disability insurance program under such title; to the Committee on Finance.

By Mrs. FEINSTEIN:
S. 116. A bill to require the Secretary of the Treasury to allocate $10,000,000,000 of Troubled Asset Relief Program funds to local governments that have suffered significant losses due to highly-rated investments in failed financial institutions; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KOHL (for himself, Ms. COLLINS, Mrs. LINCOLN, Mrs. BOXER, and Ms. MUKULSKI):
S. 117. A bill to protect the property and security of homeowners who are subject to foreclosure proceedings, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KOHL (for himself, Mr. SCHUMER, Mrs. BOXER, Mr. MURPHY, Mrs. GOLDEN, Mr. BROWN, Mr. NELSON of Florida, Ms. STABENOW, Mr. LEAHY, and Mr. CASEY):
S. 118. A bill to amend section 202 of the Housing Act of 1934, to improve the programs under such section for supportive housing for the elderly, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN:
S. 119. A bill for the relief of Guy Privat Tape and Lou Nazie Raymond Toto; to the Committee on the Judiciary.

By Mr. LEVIN:
S. 120. A bill to designate the City of Denes Fulop and Gyorgyi Fulop; to the Committee on the Judiciary.

By Mr. LEVIN:
S. 121. A bill for the relief of Eydronio Arreola-Saucedo, Maria Elina Cobian Arreola, Nayely Bibiana Arreola, and Cindy Jael Arreola; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:
S. 122. A bill for the relief of Robert Liang and Alice Liang; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:
S. 123. A bill for the relief of Jose Buendia Baldarés, Alicia Aranda De Buendia, and Ana Laura Buendia Aranda; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:
S. 124. A bill for the relief of Shigeru Yamada; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:
S. 125. A bill for the relief of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:
S. 126. A bill for the relief of Claudia Marquez Rico; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:
S. 127. A bill for the relief of Jacqueline W. Coats; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:
S. 128. A bill for the relief of Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:
S. 129. A bill for the relief of Ruben Mkolan, Asmil Karapetian, and Arthur Mkoyan; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:
S. 130. A bill for the relief of Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:
S. 131. A bill to amend the Truth in Lending Act to provide for enhanced disclosure under an open end credit plan; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself, Mr. HATCH, Mr. BAYH, Mrs. KERRY, Mrs. MURRAY, Mr. KYL, Mr. SPITZER, Mr. SCHUMER, and Ms. CANTWELL):
S. 132. A bill to increase and enhance law enforcement resources and the authority to investigate and prosecute of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from criminal gang violence, and to enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. LEHDERMAN, Mrs. BOXER, Mr. NELSON of Florida, Mr. KERRY, and Mrs. STABENOW):
S. 133. A bill to prohibit any recipient of emergency Federal economic assistance from using such funds for lobbying expenditures that contribute to an increase in transparancy, enhance accountability, encourage responsible corporate governance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEVIN:
S. 134. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the North Country National Scenic Trail; to the Committee on Energy and Natural Resources.

By Mr. LEVIN (for himself and Ms. STABENOW):
S. 135. A bill to decrease the matching funds requirements and to authorize additional appropriations for Keweenaw National Historical Park in the State of Michigan; to the Committee on the Judiciary.
Committee on Energy and Natural Resources.

By Mrs. BINGAMAN:
S. 136. A bill for the relief of Ziad Mohamed Shabtai from Ziad Khweis, and Juman Ziad Khweis; to the Committee on the Judiciary.

By Mr. BROWN:
S. 137. A bill to create jobs and reduce the dependence of the United States on foreign and unsustainable energy sources by promoting the production of green energy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Ms. LANDRIEU, Mr. LINCOLN;)
S. 138. A bill to amend the Internal Revenue Code of 1986 to repeal alternative minimum tax limitations on private activity bond, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:
S. 139. A bill to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing sensitive personally identifiable information, to disclose any breach of such information; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself, Mr. GREGO, and Ms. SNOWE;)
S. 141. A bill to amend title 18, United States Code, to limit the misuse of Social Security numbers, to the Committee on the Judiciary.

By Mr. KERRY:
S. 142. A bill to amend titles XIX and XXI of the Social Security Act to ensure that every uninsured child in America has health insurance coverage, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. FISCHER;)
S. 143. A bill to amend the Internal Revenue Code of 1986 to provide for a college opportunity tax credit; to the Committee on Finance.

By Mr. KERRY (for himself and Ms. LANDRIEU;)
S. 144. A bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 263F; to the Committee on Finance.

By Mr. AKAKA:
S. 145. A bill for the relief of Vichai Sae Tung (also known as Chai Chaowasaree); to the Committee on the Judiciary.

By Mr. KOHL (for himself, Mr. VITTER, Mr. LEARY, Mr. FISCHER, Mr. SCHUMER, Ms. KLOBUCHAR, Mr. DORGAN, Mr. BUCSKO;)
S. 146. A bill to amend the Federal anti-trust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. ROCKFELLER, Mr. WYDEN, and Mr. WHITEHOUSE;)
S. 147. A bill to require the closure of the detention facility at Guantanamo Bay, Cuba, to limit the use of certain interrogation techniques, to prohibit interrogation by contractors, to require notification of the Interagency Committee of the Red Cross of detainees, and for other purposes; to the Select Committee on Intelligence.

By Mr. KOHL:
S. 148. A bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act; to the Committee on the Judiciary.

By Mr. KERRY:
S. 149. A bill to change the date for regularly scheduled Federal elections and establish polling place hours; to the Committee on Rules and Administration.

By Mr. LEAHY:
S. 150. A bill to provide Federal assistance to States for rural law enforcement and for other purposes; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself and Mr. Kyl;)
S. 151. A bill to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes; to the Committee on Indian Affairs.

By Mr. MCCAIN (for himself and Mr. Kyl;)
S. 152. A bill to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself, Mr. CRAPO, Mr. KOCH, Mr. ISAKSON, and Mr. MARTINEZ;)
S. 154. A bill to require the Congressional Budget Office and the Joint Committee on Taxation to use dynamic economic modeling in addition to static economic modeling in the preparation of budgetary estimates of proposed changes in Federal revenue law; to the Committee on Finance.

By Ms. SNOWE (for herself, Ms. LINCOLN, and Mr. BUNNING;)
S. 155. A bill to amend the Internal Revenue Code of 1986 to suspend the taxation of unemployment compensation for 2 years; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. KERRY, and Ms. LANDREI;)
S. 156. A bill to amend the Internal Revenue Code of 1986 to extend enhanced small business expensing and to provide for a 5-year net operating loss carryback for losses incurred in 2008 or 2009; to the Committee on Finance.

By Ms. SNOWE (for herself and Mrs. LINCOLIN;)
S. 157. A bill to amend the Internal Revenue Code of 1986 to provide for transition relief for certain retirement plans and accounts; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. KERRY, and Ms. LANDREI;)
S. 158. A bill to amend the Internal Revenue Code of 1986 to extend the temporary waiver of required minimum distribution rules for certain retirement plans and accounts; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. ROCKFELLER, and Mr. LINCOLN;)
S. 159. A bill to amend the Internal Revenue Code to allow the employer to designate the year in which the employee will receive payment if payment will be delayed after the employee's death; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ;)
S. 160. A bill to establish the Paterson Great Falls National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself, Mr. HATCH, Mr. LEARY, Mr. KENNEDY, Mrs. CLINTON, Mr. DODD, Mr. SANDERS, Mr. DURBIN, and Mr. FEINGOLD;)
S. 160. A bill to provide the District of Columbia a voting seat and the State of Utah an additional vote in the United States House of Representatives; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER;)
S. 161. A bill to authorize implementation of the San Joaquin River Restoration Settlement and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself, Mr. MCCAIN, Mrs. McCASKILL, Mr. GRAHAM, and Mr. CONRAD;)
S. 162. A bill to provide greater accountability of taxpayers' dollars by curtailing congressional earmarking, and for other purposes; to the Committee on Rules and Administration.

By Mr. VITTER:
S.J. Res. 1. A joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve; to the Committee on the Judiciary.

By Mr. VITTER:
S.J. Res. 2. A joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mr. REID:
S.J. Res. 3. A joint resolution ensuring that the compensation and other emoluments attached to the office of Secretary of the Interior are those which were in effect on January 1, 2005; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS
The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL;)
S. Res. 1. A resolution informing the President of the United States that a quorum of each House is assembled; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL;)
S. Res. 2. A resolution informing the House of Representatives that a quorum of the Senate is assembled; considered and agreed to.

By Mr. VITTER:
S. Res. 3. A resolution fixing the hour of daily meeting of the Senate; considered and agreed to.

By Mr. VITTER:
S. Res. 4. A resolution expressing the sense of the Senate that the Supreme Court of the United States erroneously decided Kennedy v. Louisiana, No. 07-343 (2008), and that the eighth amendment to the Constitution of the United States allows the imposition of the death penalty for the rape of a child; to the Committee on the Judiciary.

By Mr. VITTER:
S. Res. 5. A resolution expressing the support for prayer at school board meetings; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:
S. Res. 6. A resolution expressing solidarity with Israel in Israel's defense against terrorism in the Gaza Strip; to the Committee on Foreign Relations.

By Mr. INOUYE:
S. Res. 7. A resolution expressing the sense of the Senate regarding designation of the month of November as “National Military Family Month”; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. MCCONNELL, Mr. REED, Mr. WHITEHOUSE, Mr. AKAKA, Mr. ALLENDE, Mr. BARRASSO, Mr. BACCUS, Mr. BAYH,
Mr. REID. 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. 3. A bill to to protect homeowners and consumers by reducing foreclosures, ensuring the availability of credit for homeowners, businesses, and consumers, and reforming the financial regulatory system, and for other purposes;
SEC. 1. SHORT TITLE. 
This Act may be cited as the “Homeowner Protection and Wall Street Accountability Act of 2009.”
SEC. 2. SENSE OF CONGRESS. 
It is the sense of Congress that Congress should enact, and the President should sign, legislation to: (1) stabilize the housing market and assist homeowners by imposing a temporary moratorium on foreclosures, removing impediments to the modification of distressed mortgages, creating tax and other incentives to help prevent foreclosures and encourage refinancing into affordable and sustainable mortgage solutions, and pursuing other foreclosure-prevention policies through the Troubled Asset Relief Program or other programs; (2) to ensure the safety and soundness of the United States financial system for investors by reforming the financial-regulatory system, strengthening systemic-risk regulation, enhancing market transparency, and increasing consumer protections in financial regulation to prevent predatory lending practices; (3) to ensure credit-card accountability, responsibility and disclosure; and (4) to stabilize credit markets for small-business lenders to enhance their ability to make loans to small firms, and stimulate the small-business loan markets by temporarily streamlining and investing in the loan programs of the Small Business Administration.

By Mr. REID (for himself, Mr. LEVIN, Mr. KERRY, Mr. KENNEDY, Mr. BEGICH, Mr. DURBIN, Mrs. BOXER, Mr. MENENDEZ, Mr. BINGAMAN, Mr. CASEY, Mr. LAUTENBERG, Ms. STABENOW, Mrs. MCCASKILL, Ms. KLOBUCAR, Mrs. CLINTON, Mr. SCHUMER, and Ms. MIKULSKI):

S. 4 A bill to to guarantee affordable, quality health coverage for all Americans, and for other purposes; read the first time.

Mr. REID. 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 placed in the RECORD, as follows:

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

SECTION 1. SHORT TITLE.
This Act may be cited as the “American Recovery and Reinvestment Act of 2009.”

SEC. 2. JOB CREATION, ECONOMIC GROWTH, AND A STRONG MIDDLE CLASS.
It is the sense of Congress that Congress should enact, and the President should sign, legislation to create jobs, restore economic growth, and strengthen America’s middle class through measures that:
(1) modernize the nation’s infrastructure;
(2) enhance America’s energy independence;
(3) expand educational opportunities;
(4) preserve and improve affordable health care;
(5) provide tax relief; and
(6) protect those in greatest need.

By Mr. REID (for himself, Mr. LEVIN, Mr. KERRY, Mr. KENNEDY, Mr. BEGICH, Mr. DURBIN, Mrs. BOXER, Mr. MENENDEZ, Mr. BINGAMAN, Mr. CASEY, Mr. LAUTENBERG, Ms. STABENOW, Mrs. MCCASKILL, Ms. KLOBUCAR, Mrs. CLINTON, Mr. SCHUMER, and Ms. MIKULSKI):

S. 1 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 “American Recovery and Reinvestment Act of 2009.”

SEC. 2. JOB CREATION, ECONOMIC GROWTH, AND A STRONG MIDDLE CLASS.
It is the sense of Congress that Congress should enact, and the President should sign, legislation to create jobs, restore economic growth, and strengthen America’s middle class through measures that:
(1) modernize the nation’s infrastructure;
(2) enhance America’s energy independence;
(3) expand educational opportunities;
(4) preserve and improve affordable health care;
(5) provide tax relief; and
(6) protect those in greatest need.

By Mr. REID (for himself, Mr. LEVIN, Mr. KERRY, Mr. KENNEDY, Mr. BEGICH, Mr. DURBIN, Mr. WYDEN, Mrs. BOXER, Mr. MENENDEZ, Mr. BINGAMAN, Mr. CASEY, Mr. LAUTENBERG, Ms. STABENOW, Mrs. MCCASKILL, Ms. KLOBUCAR, Mrs. CLINTON, Mr. SCHUMER, and Ms. MIKULSKI):

S. 2 A bill to to improve the lives of middle class families and provide them with greater opportunity to achieve the American dream; read the first time.

Mr. REID. 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. 2. SENSE OF CONGRESS.
It is the sense of Congress that Congress should enact, the President should sign, legislation to:
(1) to stabilize the housing market and assist homeowners by imposing a temporary moratorium on foreclosures, removing impediments to the modification of distressed mortgages, creating tax and other incentives to help prevent foreclosures and encourage refinancing into affordable and sustainable mortgage solutions, and pursuing other foreclosure-prevention policies through the Troubled Asset Relief Program or other programs;
(2) to ensure the safety and soundness of the United States financial system for investors by reforming the financial-regulatory system, strengthening systemic-risk regulation, enhancing market transparency, and increasing consumer protections in financial regulation to prevent predatory lending practices;
(3) to ensure credit-card accountability, responsibility and disclosure; and
(4) to stabilize credit markets for small-business lenders to enhance their ability to make loans to small firms, and stimulate the small-business loan markets by temporarily streamlining and investing in the loan programs of the Small Business Administration.

By Mr. REID (for himself, Mr. LEVIN, Mr. DODD, Mr. KERRY, Mr. HARKIN, Mr. KENNEDY, Mr. BEGICH, Mrs. CLINTON, Mr. DURBIN, Mrs. BOXER, Mr. MENENDEZ, Mr. BINGAMAN, Mr. CASEY, Mr. LAUTENBERG, Ms. STABENOW, Mrs. MCCASKILL, Ms. KLOBUCAR, Mrs. CLINTON, Mr. SCHUMER, and Ms. MIKULSKI):

S. 3 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 “Homeowner Protection and Wall Street Accountability Act of 2009.”

SEC. 2. SENSE OF CONGRESS.
It is the sense of Congress that Congress should enact, and the President should sign, legislation to:
(1) to stabilize the housing market and assist homeowners by imposing a temporary moratorium on foreclosures, removing impediments to the modification of distressed mortgages, creating tax and other incentives to help prevent foreclosures and encourage refinancing into affordable and sustainable mortgage solutions, and pursuing other foreclosure-prevention policies through the Troubled Asset Relief Program or other programs;
S. 4
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 “Comprehensive Health Reform Act of 2009”.

SEC. 2. SENSE OF CONGRESS.
It is the sense of Congress that Congress should enact, and the President should sign, legislation to guarantee health coverage, improve health care quality and disease prevention, and reduce health care costs for all Americans and the health care system.

By Mr. Reid (for himself, Mr. Levin, Mr. Kerry, Mr. Harkin, Mr. Kennedy, Mr. Begich, Mrs. Boxer, Mr. Lautenberg, Mr. Menendez, Mr. Bingaman, Mrs. Shaheen, Mr. Casey, Mrs. Stabenow, Mrs. McCaskill, Ms. Klobuchar, Mr. Schumer, and Ms. Mikulski):

S. 6. A bill to restore and enhance the national security of the United States; read the first time.

Mr. Reid. 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:

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 “Restoring America’s Power Act of 2009”.

SEC. 2. SENSE OF CONGRESS.
It is the sense of Congress that Congress should enact, and the President should sign, legislation to improve the economy and the security of the United States by—

(1) strengthening America’s military capabilities and recognizing the service of United States troops and the commitment of their families by ensuring our Armed Forces receive proper training and equipment prior to deployment, are redeployed effectively when they return home, and adequate dwell time between deployments;
(2) addressing the threat posed by Al Qaeda and other terrorist groups with a comprehensive military, intelligence, homeland security and diplomatic strategy and refocusing on Afghanistan and Pakistan as the United States transitions from combat to training;
(3) defeating extremist ideology by increasing the effectiveness of United States intelligence, diplomatic, and foreign assistance capabilities; restoring the United States standing in the world and strengthening alliances; and addressing transnational humanitarian and development challenges; and
(4) reducing the threat posed by unsecured nuclear materials and other weapons of mass destruction (WMD) and effectively addressing the security challenges posed by Iran and North Korea.

By Mr. Reid (for himself, Mr. Levin, Mr. Dodd, Mr. Kennedy, Mr. Kerry, Mr. Begich, Mr. Lieberman, Mr. Durbin, Mrs. Boxer, Mr. Menendez, Mr. Bingaman, Mr. Casey, Mrs. Stabenow, Mrs. McCaskill, Ms. Klobuchar, Mr. Schumer, and Ms. Mikulski):

S. 7. A bill to expand educational opportunities for all Americans by increasing access to high-quality early childhood education and after school programs, advancing reform in elementary and secondary education, strengthening education, mathematics and science instruction, and ensuring that higher education is more affordable, and for other purposes; read the first time.

Mr. Reid. 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:

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 “Education Opportunity Act of 2009”.

SEC. 2. SENSE OF CONGRESS.
It is the sense of Congress that the Senate and the House of Representatives should pass, and the President should sign into law, legislation to expand educational opportunities for all Americans by—

(1) increasing access to high-quality early childhood education and expanding child care, after school, and extended learning opportunities;
(2) improving accountability and assessment measures for elementary and secondary school students, increasing secondary school graduation rates, and supporting elementary and secondary school improvement efforts;
(3) strengthening teacher preparation, induction, and support in order to recruit and retain qualified and effective teachers in high needs schools;
(4) enhancing the rigor and relevance of State academic standards and encouraging innovative reform at the middle and high school levels;
(5) strengthening mathematics and science curricula and instruction; and
(6) increasing Federal grant aid for students and the families of students, improving the rate of postsecondary degree completion, and providing tax incentives to make higher education more affordable.

By Mr. Reid (for himself, Mr. Levin, Mr. Kerry, Mr. Begich, Mr. Durbin, Mrs. Boxer, Mr. Menendez, Mr. Bingaman, Mr. Casey, Mrs. Stabenow, Mrs. McCaskill, Ms. Klobuchar, Mrs. Clinton, Mr. Schumer, and Ms. Mikulski):

S. 8. A bill to return the Government to the people by reviewing controversial “midnight regulations” issued in the waning days of the Bush Administration; read the first time.

Mr. Reid. 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:

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 “Returning Government to the American People Act”.

SEC. 2. SENSE OF CONGRESS.
It is the sense of Congress that—

(1) the Bush Administration should not rush into effect major new controversial regulations in its closing days;
(2) the incoming Administration, working with the Congress, should review and, if appropriate revise or reject such “midnight regulations”;
(3) legislation is necessary to ensure the new Administration has this opportunity, that Congress should enact, and the President should sign, such legislation.

By Mr. Reid (for himself, Mr. Levin, Mr. Kerry, Mr. Kennedy, Mr. Begich, Mr. Durbin, Mrs. Feinstein, Mr. Kennedy, Mr. Begich, Mrs. Boxer, Mr. Menendez, Mr. Bingaman, Mrs. Shaheen, Mr. Casey, Mr. Lautenberg, Mrs. Stabenow, Mrs. McCaskill, Ms. Klobuchar, Mr. Schumer, and Ms. Mikulski):

S. 9. A bill to improve the economy and security of the United States by reducing the dependence of the United States on foreign and unsustainable energy sources and the risks of global warming, and for other purposes; read the first time.

Mr. Reid. 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:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
Mr. LEAHY, Mrs. BOXER, Mr. BINGAMAN, Mrs. MCCASKILL, Mr. LIEBERMAN, Ms. KLOBUCHAR, and Mr. SCHUMER:

S. 9. A bill to strengthen the United States economy, provide for more effective border and employment enforcement, and for other purposes; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

The Senate proceeded to consideration of the bill.

The following amendment was agreed to by unanimous consent, as follows:

S. 9

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 "Stronger Economy, Stronger Borders Act of 2009".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that Congress should enact, and the President should sign, legislation to strengthen the economy, recognize the heritage of the United States as a nation of immigrants, and amend the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) by—

(1) providing more effective border and employment enforcement;

(2) preventing illegal immigration; and

(3) reforming and rationalizing avenues for legal immigration.

Mr. LEAHY. Mr. President, as we begin the 111th Congress, we will try, once again, to consider comprehensive immigration reforms that have eluded us in the past several years. With an administration that understands the critical necessity of meaningful reform and that understands the policy failures of the last 8 years, I am hopeful that the new Congress can finally enact legislation consistent with our history as a nation of immigrants.

The majority leader has included immigration reform as among the legislative priorities for the new Congress. I look forward to working with him, Senator KENNEDY, Senator McCAIN, and others interested in working toward the goal of immigration reform.

In 2006 and 2007, Congress attempted to pass practical and effective reforms to our immigration system. In 2006, the Senate did its part and passed legislation, only to be thwarted by those in the House of Representatives who opposed dealing with the issue in a meaningful way. In 2007, the House passed legislation that had it blocked in the Senate by Republican Members opposed to effective reform.

If our immigration policies are to be effective and play a role in restoring America's image around the world, we must reject the failed policies of the last 8 years. We cannot continue to deny asylum seekers because they have been forced at the point of a gun to provide assistance to those engaged in terrorist acts. We cannot continue to label as terrorist organizations those who have stood by the United States in armed conflict. We must not tolerate the tragic and needless death of a person in our custody for lack of basic medical care. We must ensure that children are not needlessly separated from their parents and that family unity is respected.

We must move beyond the current policy that is focused on detaining and deporting those undocumented workers who have been abused and exploited by American employers but does nothing to change an environment that remains ripe for these abuses. We must protect the rights and opportunities of American workers and, at the same time, ensure that our Nation's farmers and employers have the help they need. We should improve the opportunities and make more efficient the processes for those who seek to come to America with the goal of becoming new Americans, whether to invest in our communities and create jobs, to be reunited with loved ones, or to seek freedom and opportunity and a better life.

We must also live up to the goal of family reunification in our immigration policy and join at least 30 nations that provide immigration equality to same-sex partners of different nationalities. And I believe we would be wise to reconceive the effectiveness and cost of a wall along our southern border, which has adversely affected the fragile environment and vibrant cross-border culture of an entire region. Such a wall stands as a symbol of fear and intolerance. This is not what America is about and we can do better.

Those who oppose a realistic solution to address the estimated millions of people currently living and working in the United States without proper documentation have offered no alternative solution other than harsh penalties and more enforcement. The policies of the last 8 years, which have served only to appease the most extreme ideologues, must be replaced with sensible solutions. I am confident that our country and our economy will be far more secure when those who are currently living in our society are recognized and provided the means to become lawful residents, if not a path to citizenship.

As President-elect Obama's administration considers immigration issues, I look forward to working closely with him, Senator KENNEDY, Senator McCAIN, and others interested in working toward the goal of immigration reform.

By Mr. REID (for himself, Mr. CONRAD, Mr. LEVIN, Mr. BEGICH, Mr. CARPER, Mr. DURBIN, Mrs. BOXER, Mr. MENENDEZ, Mr. BUCHANAN, Ms. MASTABENOW, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mrs. CLINTON, Mr. SCHUMER, and Ms. MIKULSKI):

S. 10. A bill to restore fiscal discipline and begin to address the long-term fiscal challenges facing the United States, and for other purposes; read the first time.

Mr. REID. 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. 10

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 "Fiscal Responsibility Act of 2009".

SEC. 2. SENSE OF CONGRESS ON FISCAL RESPONSIBILITY.

It is the sense of Congress that Congress and the President should restore fiscal discipline and begin to address the long-term fiscal challenges facing the United States through—

(1) strong pay-as-you-go rules, to help block the approval of measures that would increase the deficit;

(2) recognition of warnings by both the Government Accountability Office and the Congressional Budget Office that the Federal budget is on an unsustainable path of rising deficits and debt;

(3) establishment by Congress and the President of a process—

(A) to analyze—

(i) the current and long-term actuarial financial condition of the Federal Government; and

(ii) the gap between the projected revenues and expenditures of the Federal Government;

(B) to identify factors that affect the long-term fiscal balance of the Federal Government;

(C) to analyze potential courses of action to address factors that affect the long-term fiscal balance of the Federal Government;

(D) to seek a bipartisan agreement, or set of agreements, that will—

(i) significantly improve the Nation's long-term fiscal imbalances and the gap between projected revenues and expenditures;

(ii) ensure the economic security of the United States; and

(iii) expand future prosperity and growth for all Americans;

(E) a thorough review of all Federal spending and tax expenditures by the Director of the Office of Management and Budget, in consultation with the Secretary of the Treasury, that identifies items that are outdated, inefficient, poorly run, unnecessary, or otherwise undeserving of scarce Federal resources or that are in need of reform; and

(F) a review of the current system of taxation of the United States to ensure that burdens are borne fairly and equitably.

By Mr. REID (for himself, Mrs. CLINTON, Mr. AKAKA, Mr. INOUYE, Mr. WHITEHOUSE, Mr. LAUTENBERG, Mrs. MURRAY, Mr. MENENDEZ, Mr. LEVIN, Mr. BAUCUS, Mr. KERRY, Mrs. BOXER, Mr. CARPER, Mrs. PEINSTEIN, and Ms. STABENOW):

S. 21. A bill to reduce unintended pregnancy, reduce abortions, and improve access to women's health care; to the Committee on Health, Education, Labor and Pensions.

S. 21
There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 21
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
(a) SHORT TITLE.—This Act may be cited as the “Prevention First Act”.
(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:
Sec. 1. Short title; title of contents.
Sec. 2. Findings.

TITLE I—TITLE X OF PUBLIC HEALTH SERVICE ACT
Sec. 101. Short title.
Sec. 102. Authorization of appropriations.
Sec. 104. Amendment to Public Health Service Act relating to the market group.
Sec. 105. Amendment to Public Health Service Act relating to the individual market.

TITLE II—EQUITY IN PRESCRIPTION INSURANCE AND CONTRACEPTIVE COVERAGE
Sec. 201. Short title.
Sec. 203. Amendments to Public Health Service Act relating to the market group.
Sec. 204. Amendment to Public Health Service Act relating to the individual market.

TITLE III—EMERGENCY CONTRACEPTION EDUCATION AND INFORMATION
Sec. 301. Short title.
Sec. 302. Emergency contraception education and information programs.

TITLE IV—COMPASSIONATE ASSISTANCE FOR RAPE EMERGENCIES
Sec. 401. Short title.
Sec. 402. Survivors of sexual assault; provisions of hospitals of emergency contraceptives without charge.

TITLE V—AT- RISK COMMUNITIES TEEN PREGNANCY PREVENTION ACT
Sec. 501. Short title.
Sec. 502. Amenities to teen pregnancy prevention.
Sec. 503. Research.
Sec. 504. General requirements.

TITLE VI—UNINTENDED PREGNANCY REDUCTION ACT
Sec. 601. Short title.
Sec. 602. Accuracy of contraceptive information.
Sec. 603. Expansion of family planning services.
Sec. 604. Effective date.

TITLE VII—UNINTENDED PREGNANCY PREVENTION ACT
Sec. 701. Short title.
Sec. 702. Medicaid; clarification of coverage of family planning services and supplies.
Sec. 703. Expansion of family planning services.
Sec. 704. Effective date.

TITLE VIII—RESPONSIBLE EDUCATION ABOUT LIFE ACT
Sec. 801. Short title.
Sec. 802. Amendments to reduce teen pregnancy, HIV/AIDS, and other sexually transmitted diseases and to support healthy adolescent development.
Sec. 803. Sense of Congress.
Sec. 804. Evaluation of programs.
Sec. 805. Definitions.
Sec. 806. Prohibitions.

TITLE IX—PREVENTION THROUGH AFFORDABLE ACCESS
Sec. 901. Short title.
Sec. 902. Restoring and protecting access to discount drug prices for university-based and safety-net clinics.

SEC. 2. FINDINGS.
The Congress finds as follows:
(1) Healthy People 2010 sets forth a reduction of unintended pregnancies as an important health objective for the Nation to achieve over the first decade of the new century, a goal first articulated in the 1979 Surgeon General’s Report, Healthy People, and reiterated in Healthy People 2000: National Health Promotion and Disease Prevention Objectives.
(2) Although the Centers for Disease Control and Prevention (referred to in this section as the “CDC”) included family planning in its published list of the Ten Great Public Health Achievements of the 20th Century, the United States still has one of the highest rates of unintended pregnancies among industrialized nations.
(3) Each year, nearly half of all pregnancies in the United States are unintended, and nearly half of unintended pregnancies end in abortion.
(4) In 2006, over 2,000,000 women, more than half of all women of reproductive age, were in need of contraceptive services and supplies to help prevent unintended pregnancy, and nearly half of those were in need of public support for such care.
(5) The United States has some of the highest rates of sexually transmitted infections (STIs) among industrialized nations. In 2006, there were approximately 19,000,000 new cases of STIs, almost half of those occurring in young people. According to the Centers for Disease Control and Prevention, in addition to the burden on public health, STIs impose a tremendous economic burden with direct medical costs as high as $13,700,000,000 each year in 2006 dollars.
(6) Contraceptive use can improve overall health by enabling women to plan and space their pregnancies and has contributed to dramatic declines in maternal and infant mortality. Widespread use of contraceptives has been the driving force in reducing unintended pregnancies and sexually transmitted infections (STIs), and reducing the need for abortion in this nation. Contraceptive use also saves public health dollars. For every dollar spent to provide services in publicly funded family planning clinics, $4.02 in Medicaid savings are saved because unintended births are averted.
(7) Reducing unintended pregnancy improves maternal health and is an important strategy in efforts to reduce maternal mortality. Women experiencing unintended pregnancy are at greater risk for physical abuse.
(8) A child born from an unintended pregnancy is at greater risk than a child born to a woman of low birth weight, dying in the first year of life, being abused, and not receiving sufficient resources for healthy development.
(9) The ability to control fertility allows couples to achieve economic stability by facilitating greater educational achievement and participation in the workforce.
(10) Contraceptives are effective in preventing unintended pregnancy when used consistently and correctly. Without contraception, a sexually active woman has an 85 percent chance of becoming pregnant within a year.
(11) Approximately 50 percent of unintended pregnancies occur among women who do not use contraception.
(12) Many poor and low-income women cannot afford to purchase contraceptive services and supplies on their own. The number of women needing subsidized services has increased by more than 1,000,000 (7 percent) since 2000. A poor woman in the United States is now nearly 4 times as likely as a woman in poverty in any other country to experience an unintended pregnancy. Between 1994 and 2001, unintended pregnancy among low-income women increased by 29 percent, while unintended pregnancy decreased by 29 percent among women with higher incomes.
(13) Public health programs, such as the Medicaid program and family planning programs under title X of the Public Health Service Act, provide high-quality family planning services and other preventive health care to underinsured or uninsured individuals who may otherwise lack access to health care.
(14) Medicaid has become an essential source of support for the provision of subsidized family planning services and supplies. It is the single largest source of public funds supporting these services. In 2001, the program provided just 6 in 10 of all public dollars spent on family planning services. In 2006, 12 percent of all women of reproductive age (7,300,000 women ages 15 to 44) looked to Medicaid for their care and 37 percent of poor women of reproductive age rely upon Medicaid.
(15) Approximately 1,400,000 unintended pregnancies and 600,000 abortions are averted each year because of services provided in publicly funded clinical settings. In 2006, Title X (of the Public Health Service Act) service providers performed more than 2,400,000 Pap tests, 2,400,000 breast exams, and 5,800,000 tests for sexually transmitted diseases, including 652,420 HIV tests and 2,300,000 Chlamydia tests. In one in four women who obtain reproductive health services from a medical provider do so at a publicly funded clinic.
(16) The stagnant funding for public family planning programs in combination with the increasing demand for subsidized services, the rising costs of contraceptive services and supplies, and the high cost of improved screening and treatment for cervical cancer and sexually transmitted infections has diminished the ability of clinics receiving funds under title X of the Public Health Services Act to adequately serve all those in need. At present, clinics are able to reach just 41 percent of the women needing subsidized services. Had Title X funding kept up with inflation since fiscal year 1980, it would now be funded at $759,000,000, instead of its fiscal year 2007 funding level of $283,000,000. Taking inflation into account, funding for Title X has, in constant dollars, fallen lower today than it was in fiscal year 1980.
(17) While the Medicaid program remains the largest source of subsidized family planning services, State’s significant budgetary pressures to cut their Medicaid programs, putting many women at risk of losing coverage for family planning services. In addition, eligibility under the Medicaid program in many States is severely restricted, which leaves family planning services financially out of reach for many poor women. Many States have demonstrated tremendous success with Medicaid family planning waivers that allow States to expand access to Medicaid family planning services. However, the administrative burden of applying for a waiver poses a significant barrier to States that would like to expand their coverage of family planning programs through Medicaid.
(18) As of December of 2008, 27 States offered expanded family planning benefits as a result of Medicaid family planning waivers. The cost-effectiveness of these waivers was examined by a recent evaluation funded by the Centers for Medicare & Medicaid Services. This evaluation of six waivers found that all family planning programs under such waivers resulted in significant savings to the Federal government. Moreover, the researchers found measurable reductions in unintended pregnancy.
(20) Although employer-sponsored health plans have improved coverage of contraceptive services and supplies, largely in response to State contraceptive coverage laws, there is not covering contraceptives in employees' health plans costs employers 15 to 17 percent more than providing such coverage. 

(21) Including contraceptive coverage in private health care plans saves employers money. Not covering contraceptives in employees' health plans costs employers 15 to 17 percent more than providing such coverage. 

(22) Approved for use by the Food and Drug Administration, emergency contraception is a safe and effective way to prevent unintended pregnancy after unprotected sex. Research confirms that easier access to emergency contraceptives does not increase sexual risk-taking or sexually transmitted diseases.

(23) The available evidence shows that many women do not know about emergency contraception, do not know where to get it, or are unable to access it. Overcoming these obstacles could help ensure that more women use emergency contraception consistently and correctly.

(24) A November 2006 study of declining pregnancy rates among teens concluded that the reduction in teen pregnancy between 2000 and 2002 is primarily the result of increased use of contraceptives. As such, it is critically important that teens receive accurate, unbiased information about contraception.

(25) The American Medical Association, the American Nurses Association, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, and the American Public Health Association, and the Society for Adolescent Medicine, support responsible sex education that includes information about both abstinence and contraception.

(26) Teens who receive comprehensive sex education that includes discussion of contraception as well as abstinence are more likely than those who receive abstinence-only messages to delay sex, to have fewer partners, and to use contraceptives when they do become sexually active.

(27) Government-funded abstinence-only-until-marriage programs are precluded from discussing contraception except to talk about the risks of sexual activity. In October 2007, the Government Accountability Office found that the Department of Health and Human Services does not review the materials and curricula that grants administered by such department for scientific accuracy and requires grantees to review their own materials for scientific accuracy. The GAO also reported on the Department's total lack of appropriate and customary measurements to determine if funded programs are effective. In addition, a separate letter from the Government Accountability Office found that the Department of Health and Human Services is in violation of Federal law by failing to enforce a requirement under the Public Health Service Act that Federally-funded grantees working to address the prevention of sexually transmitted diseases, including abstinence-only-until-marriage programs, must only provide scientifically accurate information about the effectiveness of condoms.

(28) Recent scientific reports by the Institute of Medicine, the American Medical Association, and the Department of Health and Human Services stress the need for sex education that includes messages about abstinence and provides young people with information about contraceptive prevention, pregnancy, HIV/AIDS, and other sexually transmitted diseases.

(29) A 2006 statement from the American Public Health Association ("APHA") "recognizes the importance of abstinence education, but only as part of a comprehensive approach that includes early and frequent promotion of sexuality education, combining information about abstinence with age-appropriate sexuality education."

(30) Comprehensive sex education programs for young adults and beliefs represented in the community and will complement and augment the sex education children receive from their families.

(31) Over 56,000 annual new cases of HIV infections in the United States occur in youth ages 13 through 24. African American and Latino youth have been disproportionately affected by the HIV/AIDS epidemic. In 2005, Blacks and Latinos accounted for 84 percent of all new HIV infections among 13 to 19 year olds and 76 percent of HIV infections among 20 to 24 year olds in the United States even though, together, they represent only about 32 percent of people in these ages. Teens in the United States contract an estimated 1 million sexually transmitted infections each year. By age 24, at least 1 in 4 sexually active people between the ages of 15 and 24 will have contracted a sexually transmitted infection.

(32) Approximately 50 young people a day, an average of two young people every hour of every day, are infected with HIV in the United States.

(33) In 1990, Congress passed the Medicaid Anti-Discriminatory Drug Price and Patient Benefit Restoration Act to ensure that Medicaid prices for prescription drugs in the marketplace. Congress intentionally protected the practice of pharmaceutical companies offering charitable organizations and clinics charitable-priced drugs. As an unintended consequence of the Deficit Reduction Act of 2005, birth control prices have skyrocketed for millions of women who depend on safety net providers for their birth control. Birth control that previously cost only $5 to $10 per month is now prohibitively expensive, running as much as $40 or $50 a month. Many family planning health centers have absorbed much of this price increase, further straining already limited resources. As the economic crisis worsens, women and their families are more financially secure in turning to health care safety net providers, such as family planning health centers, for a reliable source of care.

TITLE I—TITLE X OF PUBLIC HEALTH SERVICE ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Title X Family Planning Program.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of making grants and contracts under section 1001 of the Public Health Service Act that are authorized to be appropriated $700,000,000 for fiscal year 2010 and such sums as may be necessary for each subsequent fiscal year.

TITLE II—EQUITY IN PRESCRIPTION INSURANCE AND CONTRACEPTIVE COVERAGE

SEC. 201. SHORT TITLE.

This title may be cited as the "Equity in Prescription Insurance and Contraceptive Coverage Act of 2007".

SEC. 202. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) In General.—Subpart B of part 7 of title B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

(1) REQUIREMENTS FOR COVERAGE.—A group health plan, as defined by the Public Health Service Act, providing health insurance coverage in connection with a group health plan, may not—

(i) exclude or restrict benefits for prescription contraceptive drugs or devices approved by the Food and Drug Administration, or generic equivalents approved as substitutable by the Food and Drug Administration, if such plan or coverage provides benefits for other outpatient prescription drugs or devices; or

(ii) exclude or restrict benefits for outpatient contraceptive services if such plan or coverage provides benefits for other outpatient services provided by a health care professional (referred to in this section as "outpatient health care services").

(b) Prohibitions.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

(i) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual’s or enrollee’s use or potential use of items or services that are covered in accordance with the requirements of this section;

(ii) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section;

(iii) penalize or otherwise reduce or limit the reimbursement of a health care professional because such professional prescribed contraceptive drugs or devices, or provided contraceptive services, described in subsection (a), in accordance with this section; or

(iv) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from a covered individual contraceptive drugs or devices, or contraceptive services, described in subsection (a).

(c) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this section shall be construed—

(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing limitations on any prescription drug or device; or

(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational contraceptive drugs or devices, or experimental or investigational contraceptive services.
investigational outpatient prescription drugs or devices, or experimental or investigational outpatient health care services; or
(C) as modifying, diminishing, or limiting the rights or protections of an individual under any other Federal law.

"(2) LIMITATIONS.—As used in paragraph (1), the term ‘limitation’ includes—
"(A) a contraceptive drug or device, restricting the type of health care professionals that may prescribe such drugs or devices, utilization review provisions, and limits on the volume of prescription drugs or devices that may be obtained on the basis of a single consultation with a professional; or
"(B) in the case of an outpatient contraceptive service, restrictions on the type of health care professionals that may provide such services, utilization review provisions, requirements relating to second opinions prior to the coverage of such services, and requirements relating to preauthorizations prior to the coverage of such services.

"(d) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such modifications under the plan, except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modifications shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.

"(e) PREEMPTION.—Nothing in this section shall be construed to preempt any provision of State law to the extent that such State law establishes, implements, or continues in effect any standard or requirement that provides more protections for participants or beneficiaries that are greater than the coverage or protections provided under this section.

"(f) DEFINITION.—In this section, the term ‘outpatient contraceptive services’ means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy.

"SEC. 715. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

"(a) REQUIREMENTS FOR COVERAGE.—A group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual’s or enrollee’s use or potential use of an investigational outpatient prescription drug or device, or

"(2) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual’s or enrollee’s use or potential use of an investigational outpatient prescription drug or device, or

"(3) in the case of a contraceptive drug or device, restricting the type of health care professionals that may prescribe such drugs or devices, or deductible, coinsurance, or other cost-sharing or limitation in relation to—

"(i) benefits for contraceptive drugs or devices under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such drug shall be consistent with those imposed for other outpatient prescription drugs otherwise covered under the plan or coverage;

"(ii) benefits for contraceptive devices under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such device shall be consistent with those imposed for other outpatient prescription devices otherwise covered under the plan or coverage;

"(iii) benefits for outpatient contraceptive services under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service shall be consistent with those imposed for other outpatient health care services otherwise covered under the plan or coverage;

"(iv) the reimbursement of a health care professional because such professional prescribed contraceptive drugs or devices, or provided contraceptive services, described in subsection (a), in accordance with this section;

"(v) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from covered individual contraceptive drugs or devices, or contraceptive services, described in subsection (a), in accordance with this section.

"(b) RULES OF CONSTRUCTION.—

"(1) IN GENERAL.—Nothing in this section shall be construed—

"(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to—

"(i) benefits for contraceptive drugs or devices under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such drug shall be consistent with those imposed for other outpatient prescription drugs otherwise covered under the plan or coverage; and

"(ii) benefits for contraceptive devices under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such device shall be consistent with those imposed for other outpatient prescription devices otherwise covered under the plan or coverage;

"(B) in the case of an outpatient contraceptive service, restricting the type of health care professionals that may provide such services, utilization review provisions, requirements relating to second opinions prior to the coverage of such services, and requirements relating to preauthorizations prior to the coverage of such services.

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to health insurance coverage in connection with a group health plan to cover experimental or investigational contraceptives, or experimental or investigational contraceptive services, described in subsection (a), except to the extent that the plan or issuer provides coverage for experimental or investigational contraceptive drugs or devices, or experimental or investigational outpatient health care services, or

"(1) limits on the volume of prescription drugs or devices that may be obtained on the basis of a single consultation with a professional; or

"(ii) as modifying, diminishing, or limiting the rights or protections of an individual under any other Federal law.

"(d) NOTICE.—A group health plan under this section shall comply with the notice requirements under section 715(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section if such section applied to such plan.

"(e) PREEMPTION.—Nothing in this section shall be construed to preempt any provision of State law to the extent that such State law establishes, implements, or continues in effect any standard or requirement that provides coverage or protections for enrollees that are greater than the coverage or protections provided under this section.

"(f) DEFINITION.—In this section, the term ‘outpatient contraceptive services’ means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy.

"SEC. 2754. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

"The provisions of section 2708 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.

"(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect in the individual market on or after January 1, 2008.

TITLE III—EMERGENCY CONTRACEPTION EDUCATION AND INFORMATION

SEC. 301. SHORT TITLE.

This title may be cited as the ’Emergency Contraception Education Act of 2009’.

SEC. 302. EMERGENCY CONTRACEPTION EDUCATION, AND INFORMATION PROGRAMS.

(a) DEFINITIONS.—For purposes of this section:

"(1) EMERGENCY CONTRACEPTION.—The term ‘emergency contraception’ means—

"(A) drug or device (as the terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) or a drug regimen that—

"(i) prevents pregnancy, by preventing ovulation or fertilization of an egg in a uterus; and

"(ii) is approved by the Food and Drug Administration for the prevention of pregnancy; or

"(B) by a Food and Drug Administration-approved prescription drug or device that—

"(i) prevents pregnancy, by preventing ovulation or fertilization of an egg in a uterus; and

"(ii) is approved by the Food and Drug Administration for the prevention of pregnancy;

"(C) approved by the Food and Drug Administration for the prevention of pregnancy;

"(2) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has
the same meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(b) EMERGENCY CONTRAVENTION PUBLIC EDUCATION PROGRAMS.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall develop and disseminate to the public information on emergency contraception.

(2) DISSEMINATION.—The Secretary may disseminate information under paragraph (1) directly or through arrangements with non-profit organizations, consumer groups, institutions of higher education, Federal, State, or local agencies, clinics, and the media.

(3) INFORMATION.—The information disseminated under paragraph (1) shall include, at a minimum, a description of emergency contraception and an explanation of the use, safety, efficacy, and availability of such contraception.

(c) EMERGENCY CONTRAVENTION INFORMATION PROGRAM FOR HEALTH CARE PROVIDERS.—

(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in consultation with medical and public health organizations, shall develop and disseminate to health care providers information on emergency contraception.

(2) DISSEMINATION.—The information disseminated under paragraph (1) shall include, at a minimum:

(A) information describing the use, safety, efficacy, and availability of emergency contraception;

(B) a recommendation regarding the use of such contraception in appropriate cases; and

(C) information explaining how to obtain copies of the information developed under subsection (b) for distribution to the patients of the providers.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2010 through 2014.

TITLE IV—COMPASSIONATE ASSISTANCE FOR RAPE EMERGENCIES

SEC. 401. SHORT TITLE.

This title may be cited as the “Compasionate Assistance for Rape Emergencies Act of 2009”.

SEC. 402. SURVIVORS OF SEXUAL ASSAULT; PROVISION BY HOSPITALS OF EMERGENCY CONTRACEPTIVES WITHOUT CHARGE.

(a) IN GENERAL.—Federal funds may not be provided to a hospital under any health-related program unless the hospital meets the conditions specified in subsection (b) in the case of—

(1) any woman who presents at the hospital and states that she is a victim of sexual assault, or is accompanied by someone who states that she is a victim of sexual assault; and

(2) any woman who presents at the hospital whom hospital personnel have reason to believe is a victim of sexual assault.

(b) ASSISTANCE FOR VICTIMS.—The conditions specified in this subsection regarding a hospital and a woman described in subsection (a) are as follows:

(1) The hospital promptly provides the woman with medically and factually accurate and unbiased written and oral information about emergency or medical contraception, including information explaining that—

(A) emergency contraception does not cause an abortion; and

(B) emergency contraception is effective in most cases in preventing pregnancy after unprotected sex.

(2) The hospital promptly offers emergency contraception to the woman, and promptly provides such contraception to her on her request.

(3) The information provided pursuant to paragraph (1) is in clear and concise language, is readily comprehensible, and meets such conditions regarding the provision of such information other than English as the Secretary may establish.

(4) The services described in paragraphs (1) through (3) are not denied because of the inability of the woman or her family to pay for the services.

(c) DEFINITIONS.—For purposes of this section:

(1) The term “emergency contraception” means a drug, drug regimen, or device that—

(A) is used postcoitally;

(B) prevents pregnancy by delaying ovulation, preventing fertilization of an egg, or preventing implantation of an egg in a uterus; and

(C) is approved by the Food and Drug Administration.

(2) The term “hospital” has the meanings given such term in title XVIII of the Social Security Act, including the meaning applicable in such title for purposes of making payments for emergency services to hospitals that do not have agreements in effect under such title.

(3) The term “Secretary” means the Secretary of Health and Human Services.

(4) The term “sexual assault” means coitus in which the woman involved does not consent or lacks the legal capacity to consent.

(d) EFFECTIVE DATE; AGENCY CRITERIA.—This section takes effect upon the expiration of the 180-day period beginning on the date of the enactment of this Act. Not later than 30 days prior to the expiration of such period, the Secretary shall publish in the Federal Register criteria for carrying out this section.

TITLE V—AT-RISK COMMUNITIES TEEN PREGNANCY PREVENTION ACT

SEC. 501. SHORT TITLE.

This title may be cited as the “At-Risk Communities Teen Pregnancy Prevention Act of 2009”.

SEC. 502. TEENAGE PREGNANCY PREVENTION.

Part P of title III of the Public Health Service Act (42 U.S.C. 238q et seq.) is amended by inserting after section 399N the following section:

“SEC. 399N-1. TEENAGE PREGNANCY PREVENTION GRANTS.

(a) AUTHORITY.—The Secretary may award or provide for grants to public and private entities to establish or expand teenage pregnancy prevention programs.

(b) GRANT RECIPIENTS.—Grant recipients under this section may include State and local not-for-profit coalitions working to prevent teenage pregnancy, State, local, and tribal agencies, schools, entities that provide after-school programs, and community and faith-based organizations.

(c) PRIORITY.—In selecting grant recipients under this section, the Secretary shall—

(1) give—

(A) highest priority to applicants seeking assistance for programs targeting communities or populations in which—

(A) teenage pregnancy or birth rates are higher than the corresponding State average; or

(B) teenage pregnancy or birth rates are increasing; and

(B) low income or minority applicants seeking assistance for programs that—

(A) will benefit underserved or at-risk populations such as young males or immigrant youth; and

(B) will take advantage of other available resources and be coordinated with other programs that serve youth, such as workforce development and after school programs.

(d) USE OF FUNDS.—Funds received by an entity as a grant under this section shall be used for programs that—

(1) replicate or substantially incorporate the elements of one or more teenage pregnancy prevention programs that have been determined to be evidence-based (within the basic research) to delay sexual intercourse or sexual activity, increase condom or contraceptive use without increasing sexual activity, or reduce teenage pregnancy; and

(2) incorporate one or more of the following strategies for preventing teenage pregnancy: encouraging teenagers to delay sexual intercourse, teen pregnancy education; interventions for sexually active teenagers; preventive health services; youth development programs; service learning programs; and faith-based programs.

(e) COMPLETE INFORMATION.—Programs receiving funds under this section that choose to provide information on HIV/AIDS or contraception or both must provide information that is complete and medically accurate.

(f) RELATION TO ABSTINENCE-ONLY PROGRAMS.—Funds under this section are not intended for use by abstinence-only education programs.

(g) PREVENTION GRANTS.—Funds that receive Federal funds through Title V of block grants for fetal and infant health, the Administration for Children and Families, the Adolescent Family Life Program, and any other program that uses the definition of ‘abstinence education’ found in section 510(b) of the Social Security Act are ineligible for funding.

(h) APPLICATIONS.—Each entity seeking a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(i) MATCHING FUNDS.—

(1) IN GENERAL.—The Secretary shall not award a grant to an applicant under this section unless the applicant demonstrates that it will pay, from funds derived from non-Federal sources, at least 25 percent of the cost of the program.

(2) APPLICANT’S SHARE.—The applicant’s share of the cost of a program shall be provided in cash or in kind.

(1) SUPPLEMENTATION OF FUNDS.—An entity that receives funds under this section shall not use the funds to supplemet and not supplant funds that would otherwise be available to the entity for teenage pregnancy prevention.

(j) EVALUATIONS.—

(1) IN GENERAL.—The Secretary shall—

(A) conduct or provide for evaluations of 10 percent of programs for which a grant is awarded under this section;

(B) collect basic data on each program for which a grant is awarded under this section; and

(C) upon completion of the evaluations referred to in subparagraph (A), submit to the Congress a report that includes a detailed statement on the effectiveness of grants under this section.

(2) COOPERATION BY GRANTEE.—Each grant recipient under this section shall provide such information and cooperation as may be required for an evaluation under paragraph (1).

(k) DEFINITION.—For purposes of this section, the term ‘rigorous scientific research’ means based on a program evaluation that—

(1) Measured impact on sexual or contraceptive behavior, pregnancy or childbearing.

(2) Employed an experimental or quasi-experimental design with well-constructed control and appropriate comparison groups.

(3) Had a sample size appropriate (at least 100 in the combined treatment and control group) and a follow-up interval long enough to provide valid and reliable results.
enough (at least six months) to draw valid conclusions about impact.

“(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2010 and each subsequent fiscal year.”.

SEC. 503. RESEARCH.
(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall make grants to public or private institutions, including research on the factors contributing to the disproportionately rates of teen pregnancy in such communities.
(b) RESEARCH.—In carrying out subsection (a), the Secretary of Health and Human Services shall support research that—
(1) investigates and determines the incidence and prevalence of teen pregnancy in communities described in such subsection;
(2) examines—
(A) the extent of the impact of teen pregnancy on—
(i) the health and well-being of teenagers in the communities;
(ii) the scholastic achievement of such teenagers;
(B) the variance in the rates of teen pregnancy by—
(i) location (such as inner cities, inner suburbs, and outer suburbs);
(ii) population subgroup (such as Hispanic, Asian-Pacific Islander, African-American, Native American); and
(iii) level of acculturation;
(C) the impact of the physical and social environment as a factor in placing communities at risk of increased rates of teen pregnancy; and
(D) the impact of aspirations as a factor affecting young women’s risk of teen pregnancy; and
(3) is used to develop—
(A) measures to address race, ethnicity, socioeconomic status, environment, and educational attainment and the relationship to the incidence and prevalence of teen pregnancy; and
(B) models linking the measures to relevant databases, including health databases.
(c) PRIORITY.—In making grants under subsection (a), the Secretary of Health and Human Services shall give priority to research that incorporates—
(1) interdisciplinary approaches; or
(2) a strong emphasis on community-based participatory research.
(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014.

SEC. 504. GENERAL REQUIREMENTS.
(a) MEDIALLY ACCURATE INFORMATION.—A grant under this title only if the applicant involved agrees that all information provided pursuant to the grant will be age-appropriate, factually and medically accurate and complete, and scientifically based.
(b) CULTURAL CONTEXT OF SERVICES.—A grant may be made under this title only if the application included a description of how the grant-funded entity will work with the community to provide culturally appropriate services.
(c) APPLICATION FOR GRANT.—A grant may be made under this title only if an application is submitted to the Secretary of Health and Human Services and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary of Health and Human Services determines to be necessary to carry out the program involved.

TITLE VI—ACCURACY OF CONTRACEPTIVE INFORMATION

SEC. 601. SHORT TITLE.
This title may be cited as the “Truth in Contraception Act of 2009.”

SEC. 602. ACCURACY OF CONTRACEPTIVE INFORMATION.
Notwithstanding any other provision of law, any information concerning the use of a contraceptive service provided by any federally funded sex education, family life education, abstinence education, comprehensive health education, or character education program shall be medically and scientifically accurate and shall include health benefits and failure rates relating to the use of such contraceptive.

TITLE VII—UNINTENDED PREGNANCY REDUCTION ACT

SEC. 701. SHORT TITLE.
This title may be cited as the “Unintended Pregnancy Reduction Act of 2009.”

SEC. 702. MEASUREMENT, CLARIFICATION OF COVERAGE OF FAMILY PLANNING SERVICES AND SUPPLIES.
Section 1907(b) of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following:

“(g) COVERAGE OF FAMILY PLANNING SERVICES AND SUPPLIES.—Notwithstanding the provisions of this section, a State may not provide for medical assistance through enrollment of an individual with benchmark coverage or benchmark-equivalent coverage under this section unless such coverage includes for any individual described in section 1905(a)(4)(C), medical assistance for family planning services and supplies in accordance with section 1933(f).

SEC. 703. EXPANSION OF FAMILY PLANNING SERVICES.
(a) COVERAGE AS MANDATORY CATEGORICALLY NEEDED GROUP.—
(1) IN GENERAL.—Section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)) is amended—
(A) in clause (VI), by striking “or” at the end;
(B) in clause (VII), by adding “or” at the end; and
(C) by adding at the end the following new clause:
“(VIII) who are described in subsection (dd) (relating to individuals who meet the income standards for family planning services and supplies in accordance with section 1933(f)) and
(2) GROUP DESCRIBED.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:
“(dd)(1) Individuals described in this subsection are individuals—
(A) meet at least the income eligibility standards referred to in section 1902(a)(10)(A)(i) as of January 1, 2009, for pregnant women or such higher income eligibility standard for such women as the State may establish; and
(B) are not pregnant;
(2) At the option of a State, individuals described in subsection (dd) (relating to individuals who meet income eligibility standard) during a presumptive eligibility period. In the case of an individual described in subsection (dd)(1), such medical assistance shall be limited to family planning services and supplies in accordance with section 1933(f).

(3) LIMITATION ON BENEFITS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter preceding subparagraph (G)—
(A) by striking “and (XIV)” and inserting “and (XV)”;
and
(B) by inserting “, and (XV) the medical assistance made available to an individual described in subsection (dd) shall be limited to family planning services and supplies described in paragraph (4)(C) including medical diagnosis and treatment services that are provided pursuant to a family planning service in a family planning setting;” after “cervical cancer”.

(4) CONFORMING AMENDMENTS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended in the matter preceding paragraph (1)—
(A) in clause (xii), by striking “or” at the end;
(B) in clause (xii), by adding “or” at the end; and
(C) by inserting after clause (xii) the following:
“(xvi) individuals described in section 1902(dd),”.

(b) PRESUMPTIVE ELIGIBILITY.—
(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920B the following:

“PRESUMPTIVE ELIGIBILITY FOR FAMILY PLANNING SERVICES

SEC. 1920C. (a) STATE OPTION.—A State plan approved under section 1915(c) may provide for making medical assistance available to an individual described in section 1902(dd) (relating to individuals who meet certain income eligibility standards) during a presumptive eligibility period. In the case of an individual described in section 1902(dd), such medical assistance shall be limited to family planning services and supplies described in 1905(a)(4)(C) including medical diagnosis and treatment services that are provided pursuant to a family planning service in a family planning setting.

(b) DEFINITIONS.—For purposes of this section—
(1) PRESUMPTIVE ELIGIBILITY PERIOD.—The term ‘presumptive eligibility period’ means, with respect to an individual described in subsection (a), the period that—
(i) begins with the day on which a qualified entity determines, on the basis of preliminary information, that the individual is described in section 1902(dd); and
(ii) ends with (and includes) the earlier of—
(A) the day on which a determination is made with respect to the eligibility of such individual for services under the State plan; and
(B) the day in the case of such an individual who does not file an application by the last day of the month following the month during which the entity makes the determination referred to in subparagraph (A), such last day.

(2) QUALIFIED ENTITY.—Subject to subparagraph (B), the term ‘qualified entity’ means an entity that—
(i) is eligible for payments under a State plan approved under this title; and
(ii) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

(3) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a State from limiting the classes of entities that may become qualified entities.

(4) ADMINISTRATIVE.—
(A) IN GENERAL.—The State agency shall provide qualified entities with—
(i) such forms as are necessary for an application to be made by an individual described in subsection (a) for medical assistance under the State plan; and
(ii) information concerning the medical assistance available under the State plan;

(B) MEASUREMENT, CLARIFICATION OF COVERAGE OF FAMILY PLANNING SERVICES

SEC. 1902C. (a) STATE OPTION.—A State plan approved under section 1915(c) may provide for making medical assistance available to an individual described in section 1902(dd) relating to individuals who meet certain income eligibility standards during a presumptive eligibility period. In the case of an individual described in section 1902(dd), such medical assistance shall be limited to family planning services and supplies described in 1905(a)(4)(C) including medical diagnosis and treatment services that are provided pursuant to a family planning service in a family planning setting.

(h) PRESUMPTIVE ELIGIBILITY FOR FAMILY PLANNING SERVICES

SEC. 1920C. (a) STATE OPTION.—A State plan approved under section 1915(c) may provide for making medical assistance available to an individual described in section 1902(dd) relating to individuals who meet certain income eligibility standards) during a presumptive eligibility period. In the case of an individual described in section 1902(dd), such medical assistance shall be limited to family planning services and supplies described in 1905(a)(4)(C) including medical diagnosis and treatment services that are provided pursuant to a family planning service in a family planning setting.

(b) DEFINITIONS.—For purposes of this section—
(1) PRESUMPTIVE ELIGIBILITY PERIOD.—The term ‘presumptive eligibility period’ means, with respect to an individual described in subsection (a), the period that—
(i) begins with the day on which a qualified entity determines, on the basis of preliminary information, that the individual is described in section 1902(dd); and
(ii) ends with (and includes) the earlier of—
(A) the day on which a determination is made with respect to the eligibility of such individual for services under the State plan; and
(B) the day in the case of such an individual who does not file an application by the last day of the month following the month during which the entity makes the determination referred to in subparagraph (A), such last day.

(2) QUALIFIED ENTITY.—Subject to subparagraph (B), the term ‘qualified entity’ means an entity that—
(i) is eligible for payments under a State plan approved under this title; and
(ii) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

(3) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a State from limiting the classes of entities that may become qualified entities.

(4) ADMINISTRATIVE.—
(A) IN GENERAL.—The State agency shall provide qualified entities with—
(i) such forms as are necessary for an application to be made by an individual described in subsection (a) for medical assistance under the State plan; and

(B) information on how to assist such individuals in completing and filing such forms.

(2) Notification requirements.—A qualified entity that determines under subsection (b)(1)(A) that an individual described in subsection (a) is presumptively eligible for medical assistance under a State plan shall—

(A) the agency of the State that determines the determination within 5 working days after the date on which the determination is made; and

(B) inform such individual at the time the determination is made that an application for medical assistance is required to be made by not later than the last day of the month following the month during which the determination is made.

(3) Application for medical assistance.—In the case of an individual described in subsection (a) who is determined by a qualified entity to be presumptively eligible for medical assistance under a State plan, the individual shall apply for medical assistance by not later than the last day of the month following the month during which the determination is made.

(d) Payment.—Notwithstanding any other provision of this title, medical assistance that—

(1) is furnished to an individual described in subsection (a) during a presumptive eligibility period;

(2) is furnished to a covered person, and;

(2) is included in the care and services covered by the State plan, shall be treated as medical assistance provided by such plan for purposes of clause (1) of the first sentence of section 1902(b).

(2) Conforming amendments.—

(A) Section 1902(a)(47) of the Social Security Act (42 U.S.C. 1396a(a)(47)) is amended by inserting before the semicolon at the end of the following: “and provide for making medical assistance available to individuals described in subsection (a) of section 1920C during a presumptive eligibility period in accordance with such section.”.

(B) Section 1903(u)(1)(D)(v) of such Act (42 U.S.C. 1396u(1)(D)(v)) is amended—

(i) by striking “or for” and inserting “,”;

(ii) by striking “for” and inserting “, and”; and

(iii) by inserting “, or for medical assistance provided by such plan for purposes of clause of section 1902(b).”.

(2) Forming evaluation date.

SEC. 802. ASSISTANCE TO REDUCE TEEN PREGNANCY, HIV/AIDS, AND OTHER SEXUALLY TRANSMITTED DISEASES AND TO SUPPORT HEALTHY ADOLESCENT DEVELOPMENT.

(a) In general.—Each eligible State shall be eligible to receive a grant from the Secretary of Health and Human Services, for each of the fiscal years 2010 through 2014, a grant to conduct programs of family life education, including HIV/AIDS education, and programs to provide contraceptive services to prevent pregnancy and reduce the risk of contracting sexually transmitted diseases, including HIV/AIDS;

(b) Requirements for family life programs.—(1) For purposes of this title, a program of family life education is a program that—

(1) is age-appropriate and medically accurate;

(2) does not teach or promote religion;

(3) teaches that abstinence is the only sure way to avoid pregnancy or sexually transmitted diseases;

(4) stresses the value of abstinence while not ignoring those young people who have had or are having sexual intercourse;

(5) provides information about the health benefits and side effects of all contraceptives and barriers provided to prevent pregnancy and reduce the risk of contracting sexually transmitted diseases, including HIV/AIDS;

(6) encourages family communication between parent and child about sexuality;

(7) teaches young people the skills to make responsible decisions about sexuality, including how to avoid verbal, physical, and sexual advances; and

(8) teaches young people how alcohol and drug use can affect responsible decision making.

(c) Additional activities.—In carrying out a program of family life education, a State shall—

(1) carry out educational and motivational activities that help young people—

(A) gain knowledge about the physical, emotional, social, and economic aspects of human maturation;

(B) develop the knowledge and skills necessary to ensure that they and their sexual and reproductive health from unintended pregnancy and sexually transmitted disease, including HIV/AIDS throughout their lifespan;

(C) develop a program to provide specific information concerning the involvement and responsibility of males in sexual decision making;

(D) increase awareness about the attitudes and values about adolescent growth and development, body image, racial and ethnic diversity, and other related subjects;

(E) develop and practice healthy life skills, including goal-setting, decision making, negotiation, communication, and stress management;

(F) develop healthy relationships, including the prevention of dating and relationship violence;

(G) promote self-esteem and positive interpersonal and intrapersonal development, including friendships, dating, romantic involvement, marriage and family interactions; and

(H) help to delay the initiation of sexual intercourse and other high-risk behaviors;

(2) The term “HIV/AIDS” means the human immunodeficiency virus, and includes acquired immune deficiency syndrome.

(3) The term “medically accurate”, with respect to information, means information that is supported by research, recognized as accurate and objective by leading medical, psychological, psychiatric, and public health organizations and agencies, and where relevant, published in peer review journals.

(4) The term “Secretary” means the Secretary of Health and Human Services.

SEC. 803. CONGRESSIONAL RECORD — SENATE

January 6, 2009
SEC. 906. APPROPRIATIONS.

(a) IN GENERAL.—For the purpose of carrying out this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014.

(b) ALLOCATIONS.—Of the amounts appropriated under subsection (a) for a fiscal year—

(1) not more than 7 percent may be used for the administrative expenses of the Secretary in carrying out this title for that fiscal year; and

(2) not more than 10 percent may be used for the national evaluation under section 909(b).

TITLE IX—PREVENTION THROUGH AFFORDABLE ACCESS

SEC. 901. SHORT TITLE.

This title may be cited as the “Prevention Through Affordable Access Act.”

SEC. 902. RESTORING AND PROTECTING ACCESS TO DISCOUNT DRUG PRICES FOR UNIVERSITY-BASED AND SAFETY-NET CLINICS.

(a) RESTORING NOMINAL PRICING.—Section 1927(c)(1)(D)(i) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(D)(i)) is amended—

(1) by redesignating subclause (VI); and

(2) by inserting after subclause (VI) the following new subclauses:

“(V) An entity that is a public or private nonprofit entity that provides a service or services described under section 1001(a) of the Public Health Service Act;”

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date of the enactment of this Act.

By Mrs. HUTCHISON (for herself, Mr. ALEXANDER, Mr. ENNSIGN, Mr. CORNYN, and Mr. MARTINEZ):

S. 35. A bill to provide a permanent deduction for State and local general sales taxes; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce a bill to permanently correct an injustice in the tax code that has harmed citizens in many States of this great Nation. State and local governments have various alternatives for raising revenue. Some levy income taxes, some use sales taxes, and others use a combination of the two. The citizens who pay State and local income taxes have been able to offset some of their federal income taxes by receiving a deduction for those State and local income taxes. Before 1986 taxpayers also had the ability to deduct their sales taxes.

The philosophy behind these deductions is simple: people should not have to pay taxes on their taxes. The money that people must give to one level of government should not also be taxed by another level of government. Unfortunately, citizens of some States were treated differently after 1986 when the deduction for State and local sales taxes was eliminated. This discriminated against those living in States, such as my home State of Texas, with no income taxes. It is important to remember the lack of an income tax does not mean citizens in these States do not pay State taxes; revenues are simply collected differently.

It is unfair to give citizens from some States a deduction for the revenue they provide through travel payments, while not doing the same for citizens from other States. Federal tax law should not treat people differently on the basis of State residence and differing tax collection methods, and it should not provide an incentive for States to establish income taxes over sales taxes.

This discrepancy has a significant impact on Texas. According to the Texas Comptroller, extending the deduction would save Texans a projected $1.2 billion a year, or an average of $520 per filer claiming the deduction. The Texas Comptroller also estimates continuing the deduction is associated with 15,700 to 25,700 Texas jobs and $1.1 billion to $1.4 billion in gross State product.

Recognizing the inequity in the tax code, Congress reinstated the sales tax deduction in 2004 and authorized it for 2 years. In 2006 Congress extended the sales tax deduction for an additional 2 years. Last year Congress extended the deduction for 2 more years. Unfortunately, the deduction is only in effect through 2009, and we must act to prevent the inequity from returning.

The legislation I am offering today will fix this problem for good by making the State and local sales tax deduction permanent. This will permanently end the discrimination suffered by my fellow Texans and citizens of other States who do not have the option of an income tax deduction.

This legislation is about reestablishing equity to the tax code and defending the important principle of eliminating taxes on taxes. I hope my fellow Senators will support this effort and pass this legislation.

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. 35

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

SECTION 1. PERMANENT EXTENSION OF DEDUCTION OF STATE AND LOCAL GENERAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) of the Internal Revenue Code of 1986, as amended by section 201 of the Tax Exenders and Minimum Tax Relief Act of 2008, is amended by striking “, and before January 1, 2010”,

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

By Mr. MCCAIN (for himself and Mr. ENNSIGN):

S. 36. A bill to repeal the perimeter rule for Ronald Reagan Washington National Airport, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, I am pleased to be joined by Senator ENNSIGN in introducing the Abolishing Aviation Barriers Act of 2009. This bill would remove the arbitrary restrictions that prevent Americans from having an opportunity for free and open competition between airports in Western states and LaGuardia International Airport and Ronald Reagan Washington National Airport.

LaGuardia restricts the departure or arrival of non-stop flights to or from airports that are farther then 1,500 miles from LaGuardia. Washington National has a similar restriction for non-stop flights to or from airports 1,250 miles from Washington National. These restrictions are commonly referred to as the “perimeter rule.” This bill would abolish these archaic limitations that reduce consumers’ options for convenient flights and competitive fares.

The original purpose of the perimeter rule was to promote LaGuardia and Washington National as airports for business travelers flying to and from East Coast and Midwest cities and to promote traffic to other airports by diverting long haul flights to Newark and Kennedy airports in the New York metropolitan area and the Dulles airport in the Washington area. However, over the years, Congress has granted numerous exceptions to the perimeter rule because the air traveling public is eager for options. Today, exceptions are made for non-stop flights between LaGuardia and Denver and between Washington National and Denver, Las Vegas, Los Angeles, Phoenix, Salt Lake City and Seattle. Rather then continuing to take a piecemeal approach to promoting consumer choice, I urge Congress to take this opportunity once and for all to do away with this outdated rule.

I continue to believe that Americans should have access to air travel at the lowest possible cost and with the most convenience for their schedule. Therefore, I have always advocated for the removal of any artificial barrier that prevents free market competition. In 2004, I co-sponsored legislation to repeal the Wright Amendment which prohibited flights from Dallas’ Love Field airport to 43 states. This year, I am proud to once again join with my colleagues to eliminate another unnecessary restraint through the Abolishing Aviation Barriers Act of 2009.

A 1999 study by the Transportation Research Board, the most recent available, stated that perimeter rules “no longer serve their original purpose and have produced too many adverse side effects, including barriers to competition. . . . The rules arbitrarily prevent some airlines from extending their networks to these airports; they discourage competition among the airports in the region and among the airlines that serve the airports; and they are subject to chronic attempts by interest groups to obtain exemptions.” That same year, the Government Accountability Office, GAO, stated that the
companies of all sizes, in a wide range of industries, have taken advantage of the research and development tax credit during its existence. According to a recent study by Ernst & Young, 17,700 businesses claimed $6.6 billion research and development tax credits in 2005, the most recent year available. Almost a quarter of these businesses were small businesses with $1 million of assets or less, and almost half were businesses with assets of $1–$5 million, which is the lifeblood of the economy. Firms in the manufacturing, information, and services sectors claimed the majority of the credit, and the states with the highest number of companies reporting research and development activities tend to absorb the majority of the credit, and the states with the highest number of companies reporting research and development activities tend to absorb the majority of the credit.

By Mr. McCaIN: S. 37. A bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit; to the Committee on Finance.

Mr. M CCAIN. Mr. President, today I introduce the Economic Growth Through Innovation Act of 2009. This bill would make permanent the current research and development tax credit. Otherwise, this tax credit will expire on December 31, 2009.

A permanent credit would provide an incentive to innovate, and remove uncertainty now hanging over businesses as they make research and development investment decisions for 2010 and beyond. The research and development tax credit was first established in 1981 and has been extended and revised repeatedly since then. Failure to make the tax credit permanent has led to reduced investment in research, which has led to fewer jobs being created in the United States. Tax policies have a powerful influence on business investment and hiring decisions, and that is why I have chosen to introduce this bill on the first day of the 111th Congress. Additionally, both President-elect Obama and I were in full agreement during the campaign that making permanent the research and development tax credit was critical to spur investment in developing technologies.

In the 1980s, the U.S. was a leader among nations for providing the most generous tax treatment of research and development. By 2004, the most recent study, the United States had fallen to 17th, which explains why the U.S. is no longer considered by many to be the world leader in innovation and technology. A permanent, meaningful research and development tax credit will ensure that businesses keep funding research and development, which may lead to numerous new discoveries in the U.S. such as fuel-efficient vehicles, cancer treatment or the development of cleaner energy.

Studies have shown that on average, companies invest $94 in research and development for every $6 the Federal Government invests in the tax credit. While I understand that some economists may estimate this tax credit may cost many billions of dollars, the research tax revenue to the Federal government, I believe it is essential to spur an economic recovery.

Companies of all sizes, in a wide range of industries, have taken advantage of the research and development tax credit during its existence. According to a recent study by Ernst & Young, 17,700 businesses claimed $6.6 billion research and development tax credits in 2005, the most recent year available. Almost a quarter of these businesses were small businesses with $1 million of assets or less, and almost half were businesses with assets of $1–$5 million, which is the lifeblood of the economy. Firms in the manufacturing, information, and services sectors claimed the majority of the credit, and the states with the highest number of companies reporting research and development activities tend to absorb the majority of the credit, and the states with the highest number of companies reporting research and development activities tend to absorb the majority of the credit.

By Mr. McCaIN (for himself and Mr. DORGAN): S. 38. A bill to establish a United States Boxing Commission to administer the Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. M CCAIN. Mr. President, today I am pleased to be joined by Senator DORGAN in introducing the Professional Boxing Amendments Act of 2009. This legislation is virtually identical to a measure reported by the Commerce Committee during the first executive session of the 110th Congress, after being approved unanimously by the Senate in 2005. Simply put, this bill would better protect professional boxing from the fraud, corruption, and ineffective regulation that have plagued the sport for far too many years, and that have devastated physically and financially many of our Nation’s professional boxers. I remain committed to moving the Professional Boxing Amendments Act through the Senate and I trust that my colleagues will once again vote favorably on this important legislation.

Since 1996, Congress has made efforts to improve the sport of professional boxing—and for very good reason. With rare exception, professional boxers come from the lowest rung on our economic ladder. Often they are the least educated, and most exploited athletes in our nation. The Professional Boxing Safety Act of 1996 and the Muhammad Ali Boxing Reform Act of 2000 established uniform health and safety standards for professional boxers, as well as basic protections for boxers against the sometimes coercive, exploitative, and unethical business practices of promoters, managers, and sanctioning organizations. But further action is needed.

The Professional Boxing Amendments Act would strengthen existing Federal boxing law by improving the boxers’ health and safety for professional boxers, establishing a centralized medical registry to be used by local commissions to protect boxers, reducing the arbitrary practices of sanctioning organizations, and enhancing the uniformity and reliability of standards for professional boxing contracts. Most importantly, this legislation would establish a Federal regulatory entity to oversee professional boxing and set basic uniform standards for certain aspects of the sport.

Current law has improved to some extent the state of professional boxing. However, I remain concerned, as do many others, that the sport remains at risk. In 2009, the Government Accountability Office spent more than six months studying ten of the country’s busiest state and tribal boxing commissions. Government auditors found that many State and tribal boxing commissions still do not comply with Federal boxing law, and that there is a troubling lack of enforcement by both Federal and State officials.

Ineffective and inconsistent oversight of professional boxing has contributed to the corruption scandals, controversies, unethical practices, and unnecessary deaths in the sport. These problems have led many in professional boxing to conclude that the only solution is an effective and accountable national self-regulating organization. But further action is needed.

Professional boxing remains the only major sport in the United States that does not have a national association, league, or other regulatory body to establish and enforce uniform rules and practices. Because a powerful few benefit greatly from the current system of patchwork compliance and enforcement of Federal boxing law, a national self-regulating organization—though preferable to Federal government oversight is not a realistic option.

This bill would establish the United States Boxing Commission “USBC” or Commission. The Commission would be responsible for protecting the health, safety, and general interests of professional boxers. The USBC would also be responsible for enforcing uniform, fair, and ethical professional boxing. More specifically, the Commission would administer Federal boxing law and coordinate with other Federal regulatory agencies to ensure that this law is enforced; oversee all professional boxing matches in the United States; and work with the boxing industry and local commissions to improve the safety, integrity, and professionalism of professional boxing.
professional boxing in the United States.

The USBC would also license boxers, promoters, managers, and sanctioning organizations. The Commission would have the authority to revoke such a license for violations of Federal boxing law, including misconduct, to protect the health and safety of a boxer, or if the revocation is otherwise in the public interest.

It is important to state clearly and plainly for the record that the purpose of this legislation is to provide professional boxing with the necessary regulation and supervision of professional boxing to the extent not inconsistent with the provisions of Federal boxing law.

Let there be no doubt, however, of the very basic and pressing need in professional boxing of a Federal boxing commission. The establishment of the USBC would address that need. The problems that plague the sport of professional boxing undermine the credibility of the sport in the eyes of the public and—more importantly— compromise the safety of boxers. The Professional Boxing Amendments Act provides an effective approach to curbing these problems.

As this measure continues through the legislative process, I fully expect Congress will ensure that funding offsets are provided to it and every other spending measure as we work to restore fiscal discipline to Washington in a bipartisan manner. I urge my colleagues to support this legislation.

By Mr. M CCAIN (for himself and Mr. KYL):

S. 39. A bill to repeal section 10(f) of Public Law 93–331, commonly known as the "Bennett Freeze"; to the Committee on Indian Affairs.

Mr. MCCAIN. Mr. President, I am pleased to introduce legislation that would repeal section 10(f) of Public Law 93–331, commonly known as the "Bennett Freeze." Passage of this legislation would officially mark the end of roughly 40 years of litigation and landlock between the Navajo Nation and the Hopi Tribe.

For decades the Navajo and the Hopi have engaged in a bitter dispute in over land rights in the Black Mesa area just south of Kayenta, Arizona. The conflict extends as far back as 1882 when the boundaries of the Hopi and Navajo reservations were initially defined resulting in a tragic saga of litigation and vacillating federal Indian policy. By 1966, relations between the tribes became so strained over development and access to sacred religious sites in the disputed area that the federal government imposed a construction freeze on the disputed reservation land. The freeze prohibited any additional housing development in the Black Mesa area and restricted repairs on existing dwellings. This injunction became known as the "Bennett Freeze," named after former BIA Commissioner Robert Bennett who imposed the ban.

The Bennett Freeze was intended to be a temporary measure to prevent one tribe from taking advantage of another until the land dispute could be settled. Unfortunately, the conflict was nowhere near resolution, and the construction freeze ultimately devastated economic development in northern Arizona for years to come. By some accounts, nearly 8,000 people currently living in the Bennett Freeze area reside in conditions that haven't changed in half a century. While the population of the area has increased 65 percent, families have been forced to live together in homes that have been declared unfit for human habitation by the United Nations and non-governmental organizations. Only 3 percent of the families affected by the Bennett Freeze have electricity. Only 10 percent have running water. Almost none have natural gas.

In September 2005, the Navajo and Hopi peoples' desire to live together in mutual respect prevailed when both tribes approved an intergovernmental agreement to resolve outstanding litigation in the Bennett Freeze area. This landmark agreement also clarifies the boundaries of the Navajo and Hopi reservations in Arizona, and ensures that access to religious sites of both tribes is protected. As such, the Navajo Nation, the Hopi Tribe, and the Department of Interior all support congressional legislation to lift the freeze.

The bill I am introducing today would repeal the Bennett Freeze. The intergovernmental compact approved last year by both tribes, the Department of Interior, and signed by the U.S. District Court for Arizona, marks a new era in Navajo-Hopi relations. Lifting the Bennett Freeze gives us an opportunity to put decades of conflict between the Navajo and Hopi behind us.

By Mr. M CCAIN (for himself and Mr. KYL):

S. 40. A bill to designate Fossil Creek, a tributary of the Verde River in the State of Arizona, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, I am pleased to be joined by my colleague, Senator KYL, in reintroducing a bill to designate Fossil Creek as a Wild and Scenic River. Fossil Creek is a thing of beauty. With its picturesque scenery, lush riparian ecosystem, unique geological features, and deep iridescent blue pools and waterfalls, this tributary to the Wild and Scenic Verde River and Lower Colorado River Watershed stretches 14 miles through east central Arizona. It is home to a wide variety of wildlife, some of which are threatened or endangered species. Over 35 species of fish and amphibians inhabit the Fossil Creek area and use it to migrate between the range lowlands and the Mogollon-Colorado Plateau highlands. Fossil Creek also supports a variety of aquatic species and is one of the few perennial streams in Arizona with multiple native fish. Fossil Creek was named in the 1800s when early explorers described the fossil-like appearance of creek-side rocks and vegetation coated with calcium carbonate deposits from the creek's water. In the early 1900s, pioneers recognized the potential for hydroelectric power generation in the creek's constant and abundant spring fed baseflow. They claimed the channel's water rights and built a dam and generating facilities known as the Childs-Irving hydro-project. Over time, the project was acquired by Arizona Public Service, APS, one of the state's largest electric utility providers serving more than a million Arizonans. Because the existing project generates a fraction of 1 percent of the total power generated by APS, the decision was made ultimately to decommission the aging dam and restore Fossil Creek to its pre-settlement conditions.

APS has partnered with various environmental groups, federal land managers, and state, tribal and local governments to safely remove the Childs-Irving power generating facilities and restore the riparian ecosystem. In 2005, APS removed the dam system and returned full flows to Fossil Creek. Researchers predict Fossil Creek will soon become a fully regenerated Southwest native fishery providing a most-valuable opportunity to reintroduce at least six threatened and endangered native fish species as well as rebuild the native populations presently living in the creek.

There is a growing need to provide additional protection and adequate staffing and management at Fossil Creek. Recreational visitation to the riverbed is expected to increase dramatically, and by the Forest Service's own admission, they aren't able to manage current levels of visitation or monitor the conditions. While responsible recreation and other activities at Fossil Creek are to be encouraged, we must also ensure the long-term success of the ongoing restoration efforts. Designation under the Wild and Scenic Rivers Act would help to ensure the appropriate level of protection and resources are devoted to Fossil Creek. Already, Fossil Creek has been found eligible for Wild and Scenic designation by the Forest Service and the proposal has widespread support from surrounding communities. All of the lands potentially affected by a designation are owned and managed by the Forest Service and will not affect private
property owners. I fully expect that as this measure continues through the legislative process, Congress will ensure that funding offsets are provided to it and every other spending measure as we work to restore fiscal discipline in Washington in a bipartisan manner.

For the unique and valuable treasure, and would benefit greatly from the protection and recognition offered through Wild and Scenic designation.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 49. A bill to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law; to the Committee on Finance.

Mr. LEAHY. Mr. President, I am pleased to join with Senator CORNYN once again to introduce the Public Corruption Prosecution Improvements Act of 2009, a bill that will strengthen and clarify key aspects of Federal criminal law and provide new tools to help investigators and prosecutors attack public corruption nationwide.

The start of a new Congress presents a unique opportunity to restore the faith of the American people in their government. That is why I sought to offer an early version of this bill as my first amendment two years ago when that new Congress began. Regrettably, a Republican objection to it prevented its adoption at that time.

As we have seen in recent months, public corruption can erode the trust the American people have in those who are given the privilege of public service. Too often, though, loopholes in existing laws have meant that corrupt conduct can go unchecked.

Make no mistake: The stain of corruption has spread to all levels of government. This is a problem that victimizes every American by chipping away at the foundations of our democracy. Rooting out the kinds of public corruption that have resulted in convictions of members of both the Senate and the House, and many others, requires us to give prosecutors the tools and resources they need to investigate and prosecute criminal public corruption offenses. This bill will do exactly that.

The bill Senator CORNYN and I introduce today will provide investigators and prosecutors more time and, even more crucially, more resources to pursue public corruption cases. It also amends several key statutes to broaden their application in corruption contexts and to eliminate legal ambiguities that have allowed grifters to escape prosecution for serious corruption. The bill includes a fix to the gratuities statute that makes clear that public officials may not accept anything of value, other than what is permitted by existing rules and regulations, given to them because of their official position. This important provision contains appropriate safeguards to ensure that only corrupt conduct is prosecuted, but it puts teeth behind the ethical reforms the Senate adopted under the leadership of Senator Obama.

The bill also appropriately clarifies the definition of what it means for a public official to perform an "official act," for the purposes of the bribery statute and the new anti-corruption provisions added by the American Recovery and Reinvestment Act of 2009.

The bill also extends the statute of limitations from 5 to 6 years for the most serious public corruption offenses. Public corruption cases are among the most difficult and time-consuming cases to investigate. Bank fraud, arson and passport fraud, among other offenses, all have 10-year statutes of limitations. Public corruption offenses cut to the heart of our democracy. This modest increase to the statute of limitations is a reasonable step to help our corruption investigators and prosecutors do their jobs.

This bill goes further by amending several key statutes to broaden their application in corruption and fraud contexts and to eliminate legal ambiguities that have allowed grifters to escape prosecution for serious corruption. The bill includes a fix to the gratuities statute that makes clear that public officials may not accept anything of value, other than what is permitted by existing rules and regulations, given to them because of their official position. This important provision contains appropriate safeguards to ensure that only corrupt conduct is prosecuted, but it puts teeth behind the ethical reforms the Senate adopted under the leadership of Senator Obama.

The bill also appropriately clarifies the definition of what it means for a public official to perform an "official act," for the purposes of the bribery statute and the new anti-corruption provisions added by the American Recovery and Reinvestment Act of 2009.

Finally, the bill raises the statutory maximum penalties for several laws dealing with official misconduct, including theft of Government property and bribery. These increases reflect the serious and corrosive nature of these crimes, and would harmonize the punishment for these crimes with other similar statutes.

If we are serious about addressing the kinds of egregious misconduct that we have witnessed over the past several years in high-profile public corruption cases, Congress should enact meaningful legislation to give investigators and prosecutors the tools and resources they need to enforce our laws. Passing ethics and lobbying reform in the last Congress was a step in the right direction. Now we should finish the job by strengthening the criminal law to enable federal investigators and prosecutors to bring those who undermine the public trust to justice. I am disappointed that Republican objections prevented the full Senate from passing this critical bill early in the last Congress. I hope that this year all Senators will support this bipartisan bill and take firm action to stamp out intolerable corruption.

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. 3. STRENGTHENING PUBLIC CORRUPTION PROSECUTIONS.

(a) In General.—Chapter 213 of title 18, United States Code, is amended by adding after section 1346 the following:

"Sec. 1346A. For serious public corruption offenses.

"(a) In General.—Chapter 213 of title 18, United States Code, is amended by adding after section 1346 the following:

"(b) Clerical Amendment.—The table of contents at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following:

"329A. Corruption offenses."
SEC. 5. THEFT OR BRIBERY CONCERNING PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE.

Section 666(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B), by—

(A) striking "anything of value" and inserting "any thing or things of value"; and

(B) striking "of $5,000 or more" and inserting "of $1,000 or more";

(2) in subparagraph (A), by inserting "otherwise than as provided by law for the proper discharge of an official duty, or by rule or regulation—"; and

(3) in the matter following paragraph (2), by striking "ten years" and inserting "15 years".

SEC. 6. PENALTY FOR SECTION 641 VIOLATIONS.

Section 641 of title 18, United States Code, is amended by striking "ten years" and inserting "15 years".

SEC. 7. PENALTY FOR SECTION 201(b) VIOLATIONS.

Section 201(b) of title 18, United States Code, is amended by striking "fifteen years" and inserting "20 years".

SEC. 8. INCREASE OF MAXIMUM PENALTIES FOR CERTAIN PUBLIC CORRUPTION OFFENSES.

(a) SOLLICITATION OF POLITICAL CONTRIBUTIONS.—Section 662(a) of title 18, United States Code, is amended by striking "three years" and inserting "10 years".

(b) PROMISE OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 600 of title 18, United States Code, is amended by striking "one year" and inserting "10 years".

(c) DEPRIVATION OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 601(a) of title 18, United States Code, is amended by striking "three years" and inserting "10 years".

(d) INTIMIDATION TO SECURE POLITICAL CONTRIBUTIONS.—Section 606 of title 18, United States Code, is amended by striking "three years" and inserting "10 years".

(e) SOLLICITATION AND ACCEPTANCE OF CONTRIBUTIONS IN FEDERAL OFFICES.—Section 607(a)(2) of title 18, United States Code, is amended by striking "three years" and inserting "10 years".

(f) OWNERSHIP OR POSSESSION OF STolen GOODS.—Section 608 of title 18, United States Code, is amended by striking "five years" and inserting "15 years".

(g) FRAUD IN FEDERAL OFFICES.—Section 609 of title 18, United States Code, is amended by striking "five years" and inserting "15 years".

(h) VIOLATIONS OF FEDERAL LAWS RELATING TO THE SALE OR DISTRIBUTION OF COUNTERFEIT COINS.—Section 610 of title 18, United States Code, is amended by striking "five years" and inserting "15 years".

(i) VIOLATIONS OF FEDERAL LAWS RELATING TO THE SALE OR DISTRIBUTION OF COUNTERFEIT U.S. MINT MEDALS.—Section 611 of title 18, United States Code, is amended by striking "five years" and inserting "15 years".

(j) VIOLATIONS OF FEDERAL LAWS RELATING TO THE SALE OR DISTRIBUTION OF COUNTERFEIT U.S. COMMEMORATIVE COINS.—Section 612 of title 18, United States Code, is amended by striking "five years" and inserting "15 years".

SEC. 9. ADDITION OF DISTRICT OF COLUMBIA TO THEFT OR BRIBERY CONCERNING PROGRAMS RECEIVING FEDERAL FUNDS.

Section 641 of title 18, United States Code, is amended by inserting "the District of Columbia" before "before the period at the end the following:

"3237. Offense taking place in more than one district".

SEC. 10. ADDITIONAL RICO PREDICATES.

(a) IN GENERAL.—Section 1961(1) of title 18, United States Code, is amended—

(1) by inserting "section 641 (relating to embezzlement or theft of public money, property, or records),"; and

(2) by inserting "section 666 (relating to theft or bribery concerning programs receiving Federal funds),".

(b) CONFORMING AMENDMENTS.—Section 1965(c)(3)(D)(ii)(I) of title 18, United States Code, is amended—

(1) by striking "section 641 (relating to public money, property, or records),"; and

(2) by striking "section 666 (relating to theft or bribery concerning programs receiving Federal funds),".

(c) Table of Sections.—The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended to read as follows:

"3237. Offense taking place in more than one district"

SEC. 11. ADDITIONAL WIRETAP PREDICATES.

Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 641 (relating to theft or bribery concerning programs receiving Federal funds)," after "section 224 (bribery concerning legislative campaigns),".

SEC. 12. CLARIFICATION OF CRIME OF ILLEGAL GRATUITIES.

Section 201(c)(1) of title 18, United States Code, is amended—

(1) by striking the matter before subpara- graph (A) and inserting "otherwise than as provided by law for the proper discharge of official duty, or by rule or regulation—";

(2) in subparagraph (A), by inserting "or person selected to be a public official,"

(3) in subparagraph (B), by striking all after ""5,000 or more";

(4) in subparagraph (C), by striking "$25,000,000 for each of the fiscal years 2009, 2010, 2011, and 2012, to increase the number of personnel to investigate and prosecute public corruption offenses including sections 201, 203 through 209, 641, 645, 646, 1001, 1311, 1343, 1951, and 1953 of title 18, United States Code.

SEC. 13. ADDITION OF DISTRICT OF COLUMBIA TO THEFT OR BRIBERY CONCERNING PROGRAMS RECEIVING FEDERAL FUNDS.

Section 641 of title 18, United States Code, is amended by striking "$25,000,000 for each of the fiscal years 2009, 2010, 2011, and 2012, to increase the number of personnel to investigate and prosecute public corruption offenses including sections 201, 203 through 209, 641, 645, 646, 1001, 1311, 1343, 1951, and 1953 of title 18, United States Code.

SEC. 14. ADDITION OF DISTRICT OF COLUMBIA TO THEFT OR BRIBERY CONCERNING PROGRAMS RECEIVING FEDERAL FUNDS.

Section 641 of title 18, United States Code, is amended by striking "$25,000,000 for each of the fiscal years 2009, 2010, 2011, and 2012, to increase the number of personnel to investigate and prosecute public corruption offenses including sections 201, 203 through 209, 641, 645, 646, 1001, 1311, 1343, 1951, and 1953 of title 18, United States Code.

SEC. 15. ADDITION OF DISTRICT OF COLUMBIA TO THEFT OR BRIBERY CONCERNING PROGRAMS RECEIVING FEDERAL FUNDS.

Section 641 of title 18, United States Code, is amended by striking "$25,000,000 for each of the fiscal years 2009, 2010, 2011, and 2012, to increase the number of personnel to investigate and prosecute public corruption offenses including sections 201, 203 through 209, 641, 645, 646, 1001, 1311, 1343, 1951, and 1953 of title 18, United States Code.

 SEC. 16. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO INVESTIGATE AND PROSECUTE PUBLIC CORRUPTION OFFENSES.

There are authorized to be appropriated to the Offices of the Inspectors General and the Department of Justice, including the United States Attorneys' Offices, the Federal Bureau of Investigation, and the Public Integrity Section of the Criminal Division, $25,000,000 for each of the fiscal years 2009, 2010, 2011, and 2012, to increase the number of personnel to investigate and prosecute public corruption offenses including sections 201, 203 through 209, 641, 645, 646, 1001, 1311, 1343, 1951, and 1953 of title 18, United States Code.

SEC. 17. AMENDMENT OF THE SENTENCING GUIDELINES RELATING TO CERTAIN CRIMES.

(a) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend its guidelines and its policy statements applicable to persons convicted of an offense under section 641 or 666 of title 18, United States Code, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

(b) REQUIREMENTS.—In carrying out this section, the Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect Congress' intent that the guidelines and policy statements reflect the serious nature of the offenses described in subsection (a), the incidence of such offenses, and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(2) consider the extent to which the guidelines may or may not appropriately account for—

(A) the potential and actual harm to the public and the amount of any loss resulting from the offense;

(B) the level of sophistication and planning involved in the offense;

(C) whether the offense was committed for purposes of commercial advantage or private financial benefit;

(D) whether the defendant acted with intent to cause either physical or property harm in committing the offense;

(E) the extent to which the offense represented an abuse of trust by the offender and undertook the conduct in a manner that undermined public confidence in the Federal, State, or local government; and
(F) whether the violation was intended to
or had the effect of creating a threat to pub-
lic health or safety, injury to any person or
even death;
(2) ensure reasonable consistency with other
relevant directives and with other sen-
tencing guidelines;
(3) account for any additional aggravating
or mitigating circumstances that might jus-
tify exceptions to the generally applicable
sentencing ranges;
(5) make any necessary conforming changes
to the sentencing guidelines; and
(6) assure that the guidelines adequately
meet the purposes of sentencing as set forth
in section 3553(a)(2) of title 18, United States
Code.

By Mr. INOUYE:
S. 50. A bill to amend chapter 81 of
title 5, United States Code, to author-
ize the use of clinical social workers to
conduct evaluations to determine
work-related emotional and mental ill-
nesses; to the Committee on Homeland
Security and Governmental Affairs.

Mr. INOUYE. Mr. President, today I
introduce the Clinical Social Workers'
Recognition Act to correct a con-
tinuing problem in the Federal Em-
ployees Compensation Act. This bill
will also provide clinical social work-
ers the recognition they deserve as inde-
pendent providers of quality mental
health care services.

Clinical social workers are author-
ized to independently diagnose and
 treat mental illnesses through public
and private health insurance plans
migrating citizens across the nation. However, Title V of the
United States Code, does not per-
mit the use of mental health evalua-
tions conducted by clinical social workers for use as evidence in deter-
mining workers’ compensation claims brought by Federal employees. The bill I am introducing corrects this problem.

It is a sad irony that Federal employ-
ees may select a clinical social worker
toward their health plans to provide
mental health services, but may not go
to the same professional for workers’
compensation evaluations. The failure
to recognize the validity of evaluations provided by clinical social workers
necessarily limits Federal employees’
selection of a provider to conduct the
workers’ compensation mental health
evaluations. Lack of this recognition
may well impose an undue burden on
Federal employees where clinical social
workers are the only available pro-
viders of mental health care.

Mr. President, I ask unanimous con-
sent 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. 50
Be it enacted by the Senate and House of Rep-
resentatives of the United States of America in
Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the “Clinical So-
cial Workers’ Recognition Act of 2009”.

SEC. 2. EXAMINATIONS BY CLINICAL SOCIAL
WORKERS FOR FEDERAL WORKER
COMPENSATION CLAIMS.
Section 8101 of title 5, United States Code, is amended—
(1) in paragraph (2), by striking “and osteo-
pathic practitioners” and inserting “oste-
opathic practitioners, and clinical social
workers”;
and
(2) in paragraph (3), by striking “oste-
opathic practitioners” and inserting “oste-
opathic practitioners, social work-
ners’.”.

By Mr. INOUYE:
S. 51. A bill to amend title 10, United States Code, to recognize the United States Military Cancer Institute as an
establishment within the Uniformed Services University of the Health
Sciences, to require the Institute to
promote the health of members of the
Armed Forces and their dependents by
enhancing cancer research and treat-
ment, to provide for a study of the epi-
demiological causes of cancer among
various ethnic groups for cancer pre-
vention and early detection efforts, and
for other purposes; to the Committee
on Armed Services.

Mr. INOUYE. Mr. President, today, I
am, again, introducing the United
States Military Cancer Institute Re-
search Collaborative Act. This legisla-
tion, twice passed by the Senate yet
unsuccessful in the House, would for-
malize establish the United States Mil-
tary Cancer Institute (USMCI), and sup-
port the collaborative augmentation of
research efforts in cancer epidemi-
ology, prevention and control. Al-
though the USMCI already exists as an
informal collaborative effort, this bill
will formalize the institution with a
mission of providing for the
maintenance of health in the military
by enhancing cancer research and
treatment, and studying the epidemi-
ological causes of cancer among various
ethnic groups. By formally establishing
the USMCI, it will be in a better posi-
tion to unite military research efforts
with other cancer research centers.

Cancer prevention, early detection,
and treatment are significant issues
for the military. Since the USMCI was
organized to coordinate the existing
military cancer assets. The USMCI has a comprehensive database
of its beneficiary population of 9 mil-
lion people. The military’s nationwide
tumor registry, the Automated Central
Tumor Registry, has acquired more
than 180,000 cases in the last 14 years,
and a serum repository of 30 million
specimens from military personnel col-
lected sequentially since 1987. This pop-
ulation is predominantly Caucasian,
Asian-American, and Hispanic.

The USMCI currently resides in the
Washington, D.C., area, and its compo-
nents are located at the National Naval
Medical Center, the Malcolm Grow
Medical Center, the Armed Forces In-
inute of Pathology, and the Armed
Forces Radiobiology Research Insti-
tute. There are more than 70 research
workers, both active duty and Depart-
ment of Defense civilian scientists,
working in the USMCI.

The Director of the USMCI, Dr. John
Potter, intends to expand research ac-
tivities to military medical centers
across the nation. Special emphasis
will be placed on the study of genetic
and environmental factors in carci-
genesis among the entire population,
including Asian, Caucasian, African-
American and Hispanic subpopulations.

Mr. President, I ask unanimous con-
sent 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:

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

SECTION 1. THE UNITED STATES MILITARY
CANCER INSTITUTE.
(a) ESTABLISHMENT.—Chapter 104 of title 10,
United States Code, is amended by adding at
the end the following new section:

“2118. United States Military Cancer Insti-
tute.”

“(a) ESTABLISHMENT.—(1) There is a United
States Military Cancer Institute in the Uni-
versity. The Director of the United States
Military Cancer Institute is the head of the
Institute.

(2) The Institute is composed of clinical
and basic scientists in the Department of De-
fense who have an expertise in research, pa-
tient care, and education relating to oncol-
ogy and who meet applicable criteria for par-
ticipation in the Institute.

(3) The components of the Institute in-
clude military treatment and research facil-
ties that meet applicable criteria and are
designated as affiliates of the Institute.

(b) RESEARCH.—(1) The Director of the
United States Military Cancer Institute
shall carry out research studies on the fol-
lowing:

“(A) The epidemiological features of can-
cer, including assessments of the carci-
genetic effect of genetic and environ-
mental factors, and of disparities in health, inherent
or common among populations of various
ethnic origins.

“(B) The prevention and early detection
cancer.

“(C) Basic, translational, and clinical in-
vestigation matters relating to the matters
described in subparagraphs (A) and (B).

“(2) The research studies under paragraph
(1) shall include complementary research on
oncologic nursing.

(c) COLLABORATIVE RESEARCH.—The Direc-
tor of the United States Military Cancer
Institute shall carry out the research studies
under subsection (b) in collaboration with
other cancer research organizations and en-
tities selected by the Institute for purposes of the
research studies.

“(d) ANNUAL REPORT.—(1) Promptly after
the end of each fiscal year, the Director of
the United States Military Cancer Institute
shall submit to the President of the Univer-
sity a report on the results of the research
studies carried out under subsection (b).

“(2) Not later than 80 days after receiving
the annual report under paragraph (1), the
President of the University shall transmit
such report to the Secretary of Defense and
to Congress.

(d) CLINICAL AMENDMENT.—The table of
sections at the beginning of chapter 104 of
such title is amended by adding at the end
the following new item:

“2118. United States Military Cancer Insti-
tute.”

By Mr. INOUYE:
S. 52. A bill to amend title XIX of the
Social Security Act to provide 100 per-
cent reimbursement for medical assist-
ance provided to a Native Hawaiian
through a Federally qualified health
Mr. INOUYE. Mr. President, today I am, again, introducing the Nursing School Clinics Act. This measure builds on our concerted efforts to provide access to quality health care for all Americans by offering grants and incentives for nursing schools to establish early primary care clinics in underserved areas where additional medical services are most needed. In addition, this measure provides the opportunity for nursing schools to enhance the scope of student training and education by providing first-hand real experience in primary care facilities.

Primary care clinics administered by nursing schools are university of non-profit primary care centers developed mainly in collaboration with university schools of nursing and the communities they serve. These centers are staffed by faculty and staff who are nurse practitioners and public health nurses. Students supplement patient care while receiving preceptorships provided by college of nursing faculty and primary care physicians, often associated with academic institutions, who serve as collaborators with nurse practitioners. To date, the comprehensive models of care provided by nursing clinics have yielded excellent results, including significantly fewer emergency room visits, fewer hospital inpatient days, and less use of specialists, as compared to conventional primary health care.

The bill reinforces the principle of combining health care delivery in underserved areas with the education of advanced practice nurses. To accomplish these objectives, Title XIX of the Social Security Act would be amended to designate that the services provided in these nursing school clinics are reimbursable under Medicaid. The combination of grants and the provision of Medicaid reimbursement furnishes the financial incentives for clinic operators to establish the clinics.

In order to meet the increasing challenges of bringing cost-effective and high quality health care to all Americans, we must consider a wide range of proposals, both large and small. Most importantly, we must approach the issue of health care with creativity and determination, ensuring that all reasonable avenues are pursued. Nurses have always been an integral part of health care delivery. The Nursing School Clinics Act recognizes the central role nurses can perform as care givers to the medically underserved.

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. 52

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 "Native Hawaiian Medicaid Coverage Act of 2009.

SEC. 2. MEDICAID COVERAGE OF SERVICES PROVIDED BY NURSING SCHOOL CLINICS.

(a) IN GENERAL.—Section 1906(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(1) in paragraph (27), by striking "and" at the end; and

(2) by redesignating paragraph (28) as paragraph (29); and

(b) NURSING SCHOOL CLINIC SERVICES DEFINED.—Section 1902(a)(10)(C)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by inserting "(28) nursing school clinic services (as defined in subsection (y)) furnished by or under the supervision of a nurse practitioner or a clinical nurse specialist in section 1861(aa)(5), whether or not the nurse practitioner or clinical nurse specialist is under the supervision of, or associated with, a physician or other health care provider; and".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to payments made under a State plan beginning with the first calendar quarter beginning after the date of enactment of this Act.

By Mr. INOUYE:

S. 54. A bill to amend title XVIII of the Social Security Act to provide for patient protection by establishing minimum nurse staffing ratios at certain Medicare providers, and for other purposes; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I am, again, reintroducing the Registered Nurse Safe Staffing Act. For over four decades I have been a committed supporter of nurses and the delivery of safe patient care. While enforceable regulations will help to ensure patient safety, the complexity and variability of today's hospitals require that staffing patterns be determined at the hospital and unit level, with the professional input of registered nurses. More than a decade of research demonstrates that merely the skill mix of nursing staff directly affect the clinical outcomes of hospitalized patients. Studies show that when there are more registered nurses, there are lower mortality rates, shorter lengths of stay, reduced costs, and fewer complications.

A study published in the Journal of the American Medical Association found that the risks of patient mortality rose by 7 percent for every additional patient added to a average nurse to patient load. In the midst of a nursing shortage and increasing financial pressures, hospitals often find it difficult to maintain adequate staffing.
While nursing research indicates that adequate registered nurse staffing is vital to the health and safety of patients, there is no standardized public reporting mechanism, nor enforcement of adequate staffing plans. The only regulations addressing nursing staff exist vaguely in Medicare Conditions of Participation which states: “The nursing service must have an adequate number of licensed registered nurses, licensed practice, vocational, nurses, and other personnel to provide nursing care to all patients as needed.”

This bill will require Medicare Participating Hospitals to develop and maintain reliable and valid systems to determine sufficient registered nurse staffing. Given the demands that the healthcare industry faces today, it is our responsibility to ensure that patients have access to adequate nursing care. However, we must ensure that the decisions by which care is provided are made by the clinical experts, the registered nurses caring for these patients. Support of this bill supports our Nation’s nurses during a critical short-age, but more importantly, works to ensure the safety of their patients.

Mr. President. I ask unanimous consent that the text of the bill be printed in the Record, as follows:

S. 54

Be it enacted by the Senate and House of Represent-atives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Registered Nurse Safe Staffing Act of 2009”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) There are hospitals throughout the United States that have inadequate staffing of registered nurses to protect the well-being and health of the patients.

(2) Studies show that the health of patients in hospitals is directly proportionate to the number of registered nurses working in the hospital.

(3) There is a critical shortage of registered nurses in the United States.

(4) This shortage is revealed in unsafe staffing levels in hospitals.

(5) Patient safety is adversely affected by these unsafe staffing levels, creating a public health crisis.

(6) Registered nurses are being required to perform professional services under conditions that do not support quality health care or a healthy work environment for registered nurses.

(7) As a payer for inpatient and outpatient hospital services for individuals entitled to benefits under the Medicare program established under title XVIII of the Social Security Act, the Federal Government has a compelling interest in promoting the safety of such individuals by requiring any hospital participating in such program to establish minimum safe staffing levels for registered nurses.

SEC. 3. ESTABLISHMENT OF MINIMUM STAFFING RATIOS BY MEDICARE PARTICIPATING HOSPITALS.

(a) Requirement of Medicare Provider Agreement.—(1) In subparagraph (A), by striking “and” at the end; (2) in subparagraph (V), by striking the period at the end and inserting ‘‘; and’’; and (3) by inserting after subparagraph (V) the following new subparagraph:

“(W) in the case of a hospital, to meet the requirements of section 1899;”

(b) Requirement of the Social Security Act.—(1) As a payer for inpatient and outpatient hospital services, the Federal Government has an interest in promoting the safety of such individuals by requiring any hospital participating in such program to establish minimum safe staffing levels for registered nurses.

(c) Recordkeeping; Data Collection; Evaluation.—(1) Recordkeeping.—Each participating hospital shall maintain for a period of at least 3 years (or, if longer, until the conclusion of pending enforcement activities) such records as the Secretary deems necessary to determine whether the hospital has adopted and implemented a staffing system pursuant to subsection (a).

(2) Data Collection on Certain Outcomes.—The Secretary shall require the collection, maintenance, and submission of data by each participating hospital sufficient to establish the link between the hospital’s staffing system established pursuant to subsection (a) and—

(A) patient acuity from maintenance of acuity data through entries on patients’ charts;

(B) patient outcomes that are nursing sensitive, such as patient falls, adverse drug events, injuries to patients, skin breakdown, pneumonia, infection rates, upper gastrointestinal bleeding, shock, cardiac arrest, length of stay, and patient readmissions;

(C) operational outcomes, such as workload, injury or illness, vacancy, and turnover rates, nursing care hours per patient day, on-call use, overtime rates, and needle-stick injuries; and

(D) patient complaints related to staffing levels.

(3) Evaluation.—Each participating hospital shall annually evaluate its staffing system and establish minimum registered nurse staffing ratios to assure ongoing reliability and validity of the system and ratios. The evaluation shall be conducted by a joint management-staff committee comprised of at least 50 percent of registered nurses who provide direct patient care.

(4) Enforcement.—(1) Responsibility.—The Secretary shall enforce the requirements and prohibitions of this section in accordance with the succeeding provisions of this subsection.

(2) Procedures for Receiving and Investigating Complaints.—The Secretary shall establish procedures under which—

(A) any person may file a complaint that a participating hospital has violated a requirement or a prohibition of this section; and

(B) such complaints are investigated by the Secretary.

(3) Remedies.—If the Secretary determines that a participating hospital has violated a requirement of this section, the Secretary—

(A) shall require the facility to establish a quality improvement plan to prevent the recurrence of such violation; and

(B) may impose civil money penalties under paragraph (4).

(4) Civil Money Penalties.—

(A) In General.—In addition to any other penalties prescribed by law, the Secretary may impose a civil money penalty of not more than $3,000 for each day any violation of a requirement of this section, except that the Secretary shall impose a civil money penalty

(1) in subparagraph (A), by striking “and” at the end;

(2) in subparagraph (V), by striking the period at the end and inserting “; and”; and

(3) by inserting after subparagraph (V) the following new subparagraph:

“(W) in the case of a hospital, to meet the

requirements of section 1899.”

Sec. 3. Establishment of Minimum Staffing Ratios by Medicare Participating Hospitals.

(a) Requirement of Medicare Provider Agreement—(1) The section is amended—

“(1) in subparagraph (A), by striking “and” at the end; (2) in subparagraph (V), by striking the period at the end and inserting “; and”; and (3) by inserting after subparagraph (V) the following new subparagraph:

“(W) in the case of a hospital, to meet the requirements of section 1899.”

(b) Requirement of the Social Security Act—(1) As a payer for inpatient and outpatient hospital services, the Federal Government has an interest in promoting the safety of such individuals by requiring any hospital participating in such program to establish minimum safe staffing levels for registered nurses.

(c) Recordkeeping; Data Collection; Evaluation—(1) Recordkeeping—Each participating hospital shall maintain for a period of at least 3 years (or, if longer, until the conclusion of pending enforcement activities) such records as the Secretary deems necessary to determine whether the hospital has adopted and implemented a staffing system pursuant to subsection (a).

(2) Data Collection on Certain Outcomes—The Secretary shall require the collection, maintenance, and submission of data by each participating hospital sufficient to establish the link between the hospital’s staffing system established pursuant to subsection (a) and—

(A) patient acuity from maintenance of acuity data through entries on patients’ charts;

(B) patient outcomes that are nursing sensitive, such as patient falls, adverse drug events, injuries to patients, skin breakdown, pneumonia, infection rates, upper gastrointestinal bleeding, shock, cardiac arrest, length of stay, and patient readmissions;

(C) operational outcomes, such as workload, injury or illness, vacancy, and turnover rates, nursing care hours per patient day, on-call use, overtime rates, and needle-stick injuries; and

(D) patient complaints related to staffing levels.

(3) Evaluation—Each participating hospital shall annually evaluate its staffing system and establish minimum registered nurse staffing ratios to assure ongoing reliability and validity of the system and ratios. The evaluation shall be conducted by a joint management-staff committee comprised of at least 50 percent of registered nurses who provide direct patient care.

(4) Enforcement—(1) Responsibility—The Secretary shall enforce the requirements and prohibitions of this section in accordance with the succeeding provisions of this subsection.

(2) Procedures for Receiving and Investigating Complaints—The Secretary shall establish procedures under which—

(A) any person may file a complaint that a participating hospital has violated a requirement or a prohibition of this section; and

(B) such complaints are investigated by the Secretary.

(3) Remedies—If the Secretary determines that a participating hospital has violated a requirement of this section, the Secretary—

(A) shall require the facility to establish a quality improvement plan to prevent the recurrence of such violation; and

(B) may impose civil money penalties under paragraph (4).

(4) Civil Money Penalties—

(A) In General—In addition to any other penalties prescribed by law, the Secretary may impose a civil money penalty of not more than $3,000 for each day any violation of a requirement of this section, except that the Secretary shall impose a civil money penalty...
penalty of more than $10,000 for each such violation in the case of a participating hospital. The Secretary determines has a penalty of more than $10,000 for each such violation that is similar to other health care professionals and does not receive any other employment-related benefits for which the individual would otherwise be eligible.

(ii) an adverse evaluation or decision in any investigation or proceeding of any provision of the Service Act or under any federal, state, or local collective bargaining agreement, credentialing, or licensing of the individual;

(iii) a personnel action that is adverse to the individual concerned.

(1) RELATIONSHIP TO STATE LAWS.—Nothing in this section shall be construed as exempting any person from any requirement imposed on the hospital by a State or political subdivision of a State, or by a political subdivision of a State, in which the hospital is located.

(2) DEFINITIONS.—In this section:

(1) CHANGE OF OWNERSHIP.—With respect to a participating hospital that had a change in ownership as determined by the Secretary, the penalties imposed on the hospital while under previous ownership shall no longer be published by the Secretary of such state or political subdivision of a state, or by a political subdivision of a state, to the hospital.

(2) RELIEF FOR PREVAILING EMPLOYEES.—An employee of a participating hospital who has been disciplined or retaliated against in employment in violation of this subsection may initiate judicial action in a United States district court. A prevailing employee may initiate judicial action in a United States district court. A prevailing employee may be entitled to reinstatement, reimbursement for lost wages, and work benefits caused by the unlawful acts of the employing hospital.

(3) RELIEF FOR PREVAILING PATIENTS.—A patient of a participating hospital who has been disciplined or retaliated against in violation of this subsection may initiate judicial action in a United States district court. A prevailing patient may be entitled to reimbursement for any losses, including any attorney’s fees and costs associated with pursuing the case.

(4) LIMITATION ON ACTIONS.—No action may be brought under this paragraph more than 2 years after the discrimination or retaliation with respect to which the action is brought.

(5) TREATMENT OF ADVERSE EMPLOYMENT ACTIONS.—For purposes of this subsection—

(A) an adverse employment action shall be treated as retaliation or discrimination; and

(B) the term ‘adverse employment action’ includes—

(i) the failure to promote an individual or provide any other employment-related benefit for which the individual would otherwise be eligible;

(ii) an adverse evaluation or decision made on an individual that is directly related to accreditation, credentialing, or the privileging of the individual; and

(iii) a personnel action that is adverse to the individual concerned.

(6) TREATMENT OF PROHIBITED ACTIONS.—Other Federal, State, or local collective bargaining agreements, legislation, and regulations provide any other employment-related benefits for which the individual would otherwise be eligible.

(7) RELATIONSHIP TO FEDERAL LAWS.—This section shall be interpreted consistent with other Federal, State, or local laws applicable to practices prohibited under this section.

(8) RELATIONSHIP TO STATE LAWS.—Nothing in this section shall be construed as exempting any person from any requirement imposed on the hospital by a State or political subdivision of a State, or by a political subdivision of a State, in which the hospital is located.

(9) RELIEF FOR PREVAILING PATIENTS.—A patient of a participating hospital who has been disciplined or retaliated against in violation of this subsection may initiate judicial action in a United States district court. A prevailing patient may be entitled to reinstatement, reimbursement for lost wages, and work benefits caused by the unlawful acts of the employing hospital.

(10) RELIEF FOR PREVAILING EMPLOYEES.—An employee of a participating hospital who has been disciplined or retaliated against in employment in violation of this subsection may initiate judicial action in a United States district court. A prevailing employee may be entitled to reinstatement, reimbursement for lost wages, and work benefits caused by the unlawful acts of the employing hospital.

(11) DEFINITIONS.—In this section:

(1) RELATIONSHIP TO STATE LAWS.—Nothing in this section shall be construed as exempting any person from any requirement imposed on the hospital by a State or political subdivision of a State, or by a political subdivision of a State, in which the hospital is located.

(2) RELIEF FOR PREVAILING EMPLOYEES.—An employee of a participating hospital who has been disciplined or retaliated against in employment in violation of this subsection may initiate judicial action in a United States district court. A prevailing employee may be entitled to reinstatement, reimbursement for lost wages, and work benefits caused by the unlawful acts of the employing hospital.

(3) RELIEF FOR PREVAILING PATIENTS.—A patient of a participating hospital who has been disciplined or retaliated against in violation of this subsection may initiate judicial action in a United States district court. A prevailing patient may be entitled to reinstatement, reimbursement for lost wages, and work benefits caused by the unlawful acts of the employing hospital.

(4) LIMITATION ON ACTIONS.—No action may be brought under this paragraph more than 2 years after the discrimination or retaliation with respect to which the action is brought.

(5) TREATMENT OF ADVERSE EMPLOYMENT ACTIONS.—For purposes of this subsection—

(A) an adverse employment action shall be treated as retaliation or discrimination; and

(B) the term ‘adverse employment action’ includes—

(i) the failure to promote an individual or provide any other employment-related benefit for which the individual would otherwise be eligible;

(ii) an adverse evaluation or decision made on an individual that is directly related to accreditation, credentialing, or the privileging of the individual; and

(iii) a personnel action that is adverse to the individual concerned.

(6) TREATMENT OF PROHIBITED ACTIONS.—Other Federal, State, or local collective bargaining agreements, legislation, and regulations provide any other employment-related benefits for which the individual would otherwise be eligible.

(7) RELATIONSHIP TO FEDERAL LAWS.—This section shall be interpreted consistent with other Federal, State, or local laws applicable to practices prohibited under this section.
allow them to function to the full extent of their State practice licenses. Those who need the services of outpatient rehabilitation facilities should have access to a wide range of social and behavioral science expertise. Clinical psychologists and clinical social workers are independent providers of mental health care services under the Federal Employee Health Benefits Program, the TRICARE Military Health Program of the Uniformed Services, the Medicare (Part B) Program, and numerous private insurance plans. This legislation will ensure that these qualified professionals achieve the same recognition under the Medicare comprehensive outpatient rehabilitation facility program.

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. 56

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

SEC. 1. SHORT TITLE.
This Act may be cited as the “Autonomy for Psychologists and Social Workers Act of 2009”.

SEC. 2. REMOVAL OF RESTRICTION THAT A CLINICAL PSYCHOLOGIST OR CLINICAL SOCIAL WORKER PROVIDE SERVICES (AS DEFINED IN SUBSECTION (hh)(2)) TO A PATIENT UNDER THE MEDICARE COMPREHENSIVE OUTPATIENT REHABILITATION FACILITY TO A PATIENT ONLY UNDER THE SUPERVISION OF A PHYSICIAN.

(a) IN GENERAL.—Section 1861(cc)(2)(E) of the Social Security Act (42 U.S.C. 1395x(cc)(2)(E)) is amended by striking “physician” and inserting “physician, except that” after “a”。

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services provided on or after January 1, 2010.

By Mr. INOUYE:

S. 57. A bill to amend title VII of the Public Health Service Act to establish a psychology post-doctoral fellowship program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, today, I am reintroducing legislation to amend Title VII of the Public Health Service Act to establish a psychology post-doctoral program. Psychologists have made a unique contribution in reaching out to the Nation’s medically underserved populations. Expertise in behavioral science is useful in addressing grave concerns such as violence, addiction, mental illness, adolescent and child behavioral disorders, and family dysfunction. Essential to the advancement of psychology post-doctoral programs could be an effective way to find solutions to these issues.

Similar programs supporting additional, specialized training in traditionally underserved settings have been successful in retaining participants to serve the same populations. For example, mental health professionals who have participated in these specialized programs have tended not only to meet their repayment obligations, but have continued to work in the public sector or with the underserved.

While a doctorate in psychology provides broad knowledge and mastery in a wide variety of clinical skills, specialized post-doctoral fellowship programs help to develop particular diagnostic and treatment skills required to respond effectively to underserved populations. For example, what appears to be poor academic motivation in a child recently relocated from Southeast Asia might actually reflect a cultural value of reserve rather than a disinterest in academic learning. Specialized assessment skills enable the clinician to initiate effective treatment.

Domestic violence poses a significant public health problem and is not just a problem for the criminal justice system. Violence against women results in thousands of hospitalizations a year. Rates of child and spouse abuse in rural areas are particularly high, as are the rates of alcohol abuse and depression in adolescents. A post-doctoral fellowship program in the psychology post-doctoral programs could be of special benefit in addressing these problems.

Given the demonstrated success and effectiveness of specialized training programs, it is incumbent upon us to encourage participation in post-doctoral fellowships that respond to the needs of the Nation’s underserved.

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. 57

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

SEC. 1. SHORT TITLE.
This Act may be cited as the “Psychology in the Service of the Public Act of 2009”.

SEC. 2. GRANTS FOR FELLOWSHIPS IN PSYCHOLOGY.
Part C of title VII of the Public Health Service Act (42 U.S.C. 293k et seq.) is amended by adding after section 749 the following:

S. 749. GRANTS FOR FELLOWSHIPS IN PSYCHOLOGY.

(a) IN GENERAL.—The Secretary shall establish a psychology post-doctoral fellowship program to make grants to and enter into contracts with eligible entities to encourage the provision of psychological training and services in underserved areas.

(b) ELIGIBLE ENTITIES.—

(1) INDIVIDUALS.—In order to receive a grant under this section an individual shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary shall require, including a certification that such individual—

(A) has received a doctoral degree through a graduate program in psychology accredited by an accredited institution at the time such grant is awarded;

(B) will provide services to a medically underserved population during the period of such grant;

(C) will comply with the provisions of subsection (c); and

(D) will provide any other information or assurances as the Secretary determines appropriate.

(2) INSTITUTIONS.—In order to receive a grant or contract under this section, an institution shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary shall require, including a certification that such institution—

(A) is an entity, approved by the State, that provides psychological services in medically underserved areas or to medically underserved populations (including entities that care for the mentally retarded, mental health institutions, and prisons);

(B) will use amounts provided to such institution under this section to provide financial assistance in the form of fellowships to qualified individuals who meet the requirements of subparagraphs (A) through (C) of paragraph (1);

(C) will not use more than 10 percent of amounts provided under this section to pay for the administrative costs of any fellowship programs established with such funds; and

(D) will provide any other information or assurances as the Secretary determines appropriate.

(c) CONTINUED PROVISION OF SERVICES.—Any individual who receives a grant or fellowship under this section shall certify to the Secretary that such individual will continue to provide the type of services for which such grant or fellowship is awarded for not less than 1 year after the term of the grant or fellowship has expired.

(d) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Secretary shall promulgate regulations necessary to carry out this section, including regulations that define the terms ‘medically underserved areas’ and ‘medically underserved populations’.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of the fiscal years 2010 through 2012.”

By Mr. INOUYE:

S. 58. A bill to amend the Internal Revenue Code of 1986 to modify the application of the tonnage tax on vessels operating in the dual United States domestic and foreign trades, and for other purposes; to the Committee on Finance.

Mr. INOUYE. Mr. President, foreign registered ships now carry 97 percent of the imports and exports moving in United States international trade. These foreign vessels are held to lower standards than United States registered ships, and are virtually untaxed. Their costs of operation are, therefore, lower than United States ship operating costs, which explains their 97 percent market share.

Three years ago, in order to help level the playing field for United States-flag ships that compete in international trade, Congress enacted, under the American Jobs Creation Act of 2009, a 10 percent tonnage tax on foreign ships, with a grandfather clause applying the tax only to those vessels constructed before the enactment of the Jobs Act. The grandfather clause included all of the foreign vessels previously registered in the United States. At the time, because Congress was trying to enact a number of other critical programs, it only provided for a two-year extension of the tonnage tax, with a provision that it would expire on December 31, 2010, absent a further extension.

In December of 2010, the tax was extended again, this time for one year. It is now time to make a permanent fix.

The American Jobs Creation Act of 2009 and the International Shipbuilding Trade Act of 2008, together with this Amended Tonnage Tax Act, will level the playing field for U.S. flag competitors—giving American shipbuilders and shipowners the opportunity to compete on terms that are equal to those facing foreign competitors. Together, these laws are creating a world-class domestic shipbuilding industry that will be a significant source of jobs and economic growth for the United States.
of 2004, Public Law 108–357. Subchapter R, a "tonnage tax" that is based on the tonnage of a vessel, rather than taxing international income at a 35 percent corporate income tax rate. However, during the House and Senate conference, the House had included language that states that a United States vessel cannot use the tonnage tax on international income if that vessel also operates in United States domestic commerce for more than 30 days per year.

This 30-day limitation dramatically limits the availability of the tonnage tax for those United States ships that operate in both domestic and international trade and, accordingly, severely hinders their competitiveness in foreign commerce. It is important to recognize that ships operating in United States domestic trade already have significant cost disadvantages. Specifically, (1) they are built in higher priced United States shipyards; (2) do not receive Maritime Security Payment program when operated in international trade; and (3) are owned by United States-based American corporations. The inability of these domestic operators to use the tonnage tax for their international service is a further, unnecessary burden on their competitive position in foreign commerce.

When windows of opportunity present themselves in international trade, American tax policy and maritime policy should facilitate the participation of these American-built ships. Instead, the 30-day limit makes them ineligible to use the tonnage tax, and further handicaps American vessels when competing for international cargo. Denying the tonnage tax to coastwise qualified ships further stymies the operation of American built ships in international commerce, and further exacerbates America's 97 percent reliance on foreign ships to carry its international cargo.

The concerns were of sufficient importance that in December 2006 Congress repealed the 30-day limit on domestic trading but only for approximately 50 ships operating in the Great Lakes. These ships primarily operate in domestic trade on the Great Lakes, but also carry cargo between the United States and Canada in international trade (Section 415 of P.L. 109–432, the Tax Relief and Health Care Act of 2006).

The identifiable universe of remaining ships other than the Great Lakes ships that operate in domestic trade, but that may also operate temporarily in international trade, totals 13 United States flag vessels. These 13 ships normally operate in domestic trade that involve Washington, Oregon, California, Hawaii, Alaska, Florida, Mississippi, and Louisiana. In the interest of providing equity to the United States corporations that own and operate these 13 vessels, my bill would repeal the 30-day limit on domestic operations and enable these vessels to utilize the tonnage tax on their international income—so they receive the same treatment as other United States flag international operators. I stress that, under my bill, these ships will continue to pay the normal 35 percent United States corporate tax rate on their domestic income.

Repeal of the tonnage tax's 30-day limit on domestic operations is a necessary step toward providing tax equity between United States flag and foreign flag vessels. I strongly urge the tax committees of the Congress to give this legislation their expedited consideration and approval.

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. 58

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

SECTION 1. MODIFICATION OF THE APPLICATION OF THE TONNAGE TAX ON VESSELS OPERATING IN THE DUAL UNITED STATES DOMESTIC AND FOREIGN TRADE.

(a) IN GENERAL.—Subsection (f) of section 1355 of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended to read as follows:

"(1) an electing corporation shall be treated as continuing to use a qualifying vessel in the United States foreign trade during any period of use in the United States domestic trade,

"(2) gross income from such United States domestic trade shall not be excluded under section 1357(a), but shall not be taken into account for purposes of section 1355(b)(1)(B) or for purposes of section 1356 in connection with the application of section 1357 or 1356."

(b) REGULATORY AUTHORITY FOR ALLOCATION OF CREDITS, INCOME, AND DEDUCTIONS.—Section 1358 of the Internal Revenue Code of 1986 (relating to allocation of credits, income, and deductions) is amended—

(1) by striking "in accordance with this subsection" in subsection (c) and inserting "to the extent provided in such regulations as may be prescribed by the Secretary", and

(2) by adding at the end the following new subsection:

"(d) REGULATIONS.—The Secretary shall prescribe regulations consistent with the provisions of this subsection for the purpose of allocating gross income, deductions, and credits between or among qualifying shipping activities and other activities of a taxpayer.";

(c) CONFORMING AMENDMENTS.—

(1) Section 1355(a)(4) of the Internal Revenue Code of 1986 is amended by striking "exclusively".

(2) Section 1355(b)(1)(B) of such Code is amended by striking "as a qualifying vessel" and inserting "in the transportation of goods or passengers".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. INOUYE:

S. 59. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in professional psychology eligible to participate in various health professions loan programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, I rise again today to reintroduce legislation to modify Title VII of the U.S. Public Health Service Act in order to provide students enrolled in graduate psychology programs with the opportunity to participate in various health professions loan programs.

Providing students enrolled in graduate psychology programs with eligibility for financial assistance in the form of loans, loan guarantees, and scholarships will facilitate a much-needed infusion of behavioral science expertise into our country's public health providers. There is a growing recognition of the valuable contribution being made by psychologists toward solving some of our Nation's most distressing problems.

The participation of students from all backgrounds and clinical disciplines is vital to the success of health care training. The Title VII programs plays a significant role in providing financial support for the recruitment of minorities, women, and individuals from economically disadvantaged backgrounds. Minority therapists have an advantage in the provision of critical services to minority populations because often they can communicate with clients in their own language and cultural framework. Minority therapists are more likely to work in community settings where ethnic minority and economically disadvantaged individuals are more likely to seek care. It is critical that continued support be provided for the training of individuals who provide health care services to underserved communities.

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. 59

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 "Strengthens the Public Health Service Act".

SEC. 2. PARTICIPATION IN VARIOUS HEALTH PROFESSIONS LOAN PROGRAMS.

(a) LOAN AGREEMENTS.—Section 721 of the Public Health Service Act (42 U.S.C. 292r) is amended—

(1) in subsection (a), by inserting "or any public or nonprofit school that offers a graduate program in professional psychology" after "veterinary medicine";

(2) in subsection (b)(4), by inserting "or to a graduate degree in professional psychology" after "or doctor of veterinary medicine or an equivalent degree"; and

(3) in subsection (c)(1), by inserting "or schools that offer graduate programs in professional psychology" after "veterinary medicine or an equivalent degree".

(b) LOAN PROVISIONS.—Section 722 of the Public Health Service Act (42 U.S.C. 292r) is amended—

(1) in subsection (b)(1), by inserting "or to a graduate degree in professional psychology" after "or doctor of veterinary medicine or an equivalent degree";
(2) in subsection (c), in the matter preceding paragraph (1), by inserting “or at a school that offers a graduate program in professional psychology” after “veterinary medicine”;

and

(3) in subsection (k)—

(A) in the matter preceding paragraph (1), by striking “or podiatry” and inserting “podiatric medicine”;

(B) in paragraph (4), by striking “or podiatric medicine” and inserting “podiatric medicine, or professional psychology”.

SEC. 4. AMENDMENTS.

(a) HEALTH PROFESSIONS DATA.—Section 792(a) of the Public Health Service Act (42 U.S.C. 295k(a)) is amended by striking “clinical psychology, or professional psychology” and inserting “podiatric medicine, or professional psychology”.

(b) PROHIBITION AGAINST DISCRIMINATION ON BASIS OF SEX.—Section 794 of the Public Health Service Act (42 U.S.C. 295m) is amended by inserting “women” after “veterinary medicine”.

(c) DEFINITIONS.—Section 798(1)(B) of the Public Health Service Act (42 U.S.C. 295p(1)(B)) is amended by striking “clinical” each place the term appears and inserting “professional”.

By Mrs. FEINSTEIN (for herself, Mr. SCHUMER, Ms. SNOWE, and Mrs. BOXER): S. 60. A bill to prohibit the sale and counterfeiting of Presidential inaugural tickets; to the Committee on Rules and Administration.

Mrs. FEINSTEIN. Mr. President, I am pleased to join Senators SCHUMER, SNOWE, and BOXER in introducing legislation to prohibit the selling and counterfeiting of tickets to the Presidential inaugural ceremony.

The presidential inauguration of the President of the United States is one of the most important rituals of our democracy, and the chance to witness this solemn event should not be bought and sold similar to tickets to a sporting event.

This is a dignified and critical moment of transition in Government, a moment of which Americans have always been justifiably proud. It is, in fact, the major symbol of the real strength of our democracy—the peaceful transition from one elected President to the next.

Tickets to the official Presidential inaugural ceremony are supposed to be free for the people: for the volunteers who gave up their weekends, walking miles door to door to encourage voters to turn out at the polls on election day, for members of the African-American community to see one of their own take the oath of office for the highest office in the land, for schoolchildren to witness history, and for the American public to watch this affirmation of our Constitution, this peaceful transition from one administration to another.

This is going to be the major civic event of our time. Excitement is at an all time high, and every one of us has received more phone calls for tickets than we could possibly ever meet. People are desperate to become part of it, to touch it, to be around, to feel it, to listen to it, and they are coming from all over America. We can barely get more than 1.5 million people descend on the Nation’s Capital for this inauguration.

Before I introduced a similar bill at the end of the last Congress, tickets to the Presidential inaugural being offered for sale on the Internet for $5,000 apiece, with some going as high as $40,000 each. To their credit, some Internet websites voluntarily agreed to sell these tickets online. I want to thank and commend Craigslist, eBay, and StubHub for leading the way on this issue.

However, it is clear that relying on voluntary industry compliance to prevent these tickets from being sold is simply not enough. Today, some Internet sites are still offering these tickets for sale at prices up to $750 per ticket.

Let me be clear—these are free tickets that have not yet been distributed by congressional and Presidential transition offices. These unscrupulous websites who continue to offer these tickets for sale do not have any tickets to offer for sale.

These tickets are supposed to be free for the people. Once more, these tickets are not yet even available. They will not be distributed to congressional offices until the end of the week before the inauguration. Even then the offices will require in-person pickup, with security identification, they will be free and they should stay that way.

We are asking people to pick up their tickets the day before the inauguration in my office. Everyone will submit their name, their address, and their driver’s license. They will have to verify they are the actual person who has tickets waiting for them. I believe this kind of procedure deters unscrupulous people from selling these tickets on the Internet. No websites or other ticket outlets have inaugural swearing-in tickets to sell, despite what some of them claim.

Congress has the responsibility of overseeing this historic event. This bill will ensure that these tickets are not sold to the highest bidder, and that the inauguration has all the respect and dignity it deserves.

This legislation is aimed at stopping those who seek to profit by selling these tickets. It would also target those who seek to dupe the public with fraudulent or counterfeit tickets or those who merely promise but can’t deliver on tickets that they do not actually have.

Those who violate the law under this legislation face a class A misdemeanor with a substantial fine, imprisonment of up to 1 year, or both.

The bill also exempts official Presidential Inaugural Committees, and there is good reason for this. Presidential Inaugural Committees are used to organize and operate the public inaugural ceremonies. Donations made in return for inaugural tickets have long been used by both political parties to fund the Presidential inaugural festivities.

Unlike unscrupulous websites and ticket scalpers, there is no “profit” made by Presidential Inaugural Committees in giving these tickets to people in return for inaugural donations. This exemption will allow both parties to raise the needed funds to put on Presidential inaugurations in the future.

It is my hope that Congress will pass this legislation quickly, before President-elect Obama’s inauguration on January 20th. I think it is very important to establish once and for all that tickets to the inauguration of the next President of the United States are not issues of commerce, but rather free tickets to be given to the people.

So I hope that this week this legislation can pass unanimously on a hotline by this body.

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. 60

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

SECTION 1. PROHIBITION ON SALE AND COUNTERFEITING OF INAUGURAL TICKETS.

(a) In General.—Chapter 25 of title 18, United States Code, is amended by adding at the end the following:

"515. Prohibition on sale and counterfeiting of inaugural tickets.

(1) with the intent to defraud, falsely make, forge, counterfeit, or falsely alter a ticket to a Presidential inaugural ceremony;

(2) with the intent to defraud, falsely make, forge, counterfeit, or falsely alter a ticket to a Presidential inaugural ceremony; or

(3) with the intent to defraud, use, unlawfully possess, or exhibit a ticket to a Presidential inaugural ceremony, knowing the ticket to be falsely made, forged, counterfeit, or falsely altered.

(b) Exemption.—This section shall not apply to the sale for money or property, facilitation of such a sale, or attempt of such a sale, of a ticket to a Presidential inaugural ceremony—

(1) that occurs after the date on which the Presidential inaugural ceremony for which the ticket was issued occurs; or

(2) by an official presidential inaugural committee established on behalf of a President elect of the United States.

(c) Penalty.—Whoever violates subsection (a) shall be fined not more than $5,000 apiece, with some going as high as $40,000 each. To their credit, some Internet websites who continue to offer these tickets for sale do not have any tickets to offer for sale.

By Mr. DURBIN (for himself, Mrs. BOXER, Mrs. FEINSTEIN, Mr. HARKIN, Mr. SCHUMER, and Mr. WHITEHOUSE):
S. 61. A bill to amend title 11 of the United States Code with respect to modification of certain mortgages on principal residences, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, as the 111th Congress begins, the most important item on our agenda is to help end the worst economic crisis America has faced since the Great Depression.

I look forward to working with my colleagues in the Senate to develop and approve an economic turnaround package as quickly as possible.

But even if Congress authorizes as much as $1 trillion in new Government spending over the next 2 years to stimulate the economy, if we don’t address the origins of this crisis, I fear the impact of any recovery package will be dampened.

This economic crisis began with the bubble that burst in the housing market. So we have to address that, first and foremost. Families need to be able to stay in their homes, and communities need to be stabilized before the economy can start to grow again.

That’s why, as my first bill in the new Congress, I am reintroducing the Helping Families Save Their Homes in Bankruptcy Act.

When I first began working on this bill almost two years ago, the Center for Responsible Lending, Credit Suisse, and others estimated that 2 million homes were at risk of foreclosure.

The Mortgage Bankers Association and the rest of the mortgage industry scoffed at such a number.

Last month, Credit Suisse estimated that 8.1 million homes are likely to be lost to foreclosure by 2012. If the economy continues to worsen, they believe foreclosures will exceed 10 million homes.

If over 8 million families—representing 16 percent of all mortgages—are losing their homes, our economy is not going to recover.

I first introduced this bill in September of 2007. I have chaired three hearings on the subject and tried three times to pass this legislation last year.

I have chaired three times to pass this legislation last year.

This bill would allow mortgages on primary residences to be modified in bankruptcy just like other debts—including vacation homes, family farms, and yachts.

Only families living in the home would qualify—no speculators are allowed.

Mortgage modifications that ignore the other pile of debt a household is facing is a set-up for failure. That's a formulation that has doomed foreclosure prevention plans from being successful for even the most proactive and well-intentioned mortgage servicers.

The bill would allow judges to cut through all of the constraints that have doomed foreclosure prevention plans from being successful for even the most proactive and well-intentioned mortgage servicers.

There are very real constraints on some of the current efforts to prevent foreclosure today because most mortgages are modified and sold to different investors.

Servicers that modify mortgages without the consent of all the investors fear that they could be sued.

Some investors refuse to approve sensible restructurings, because there is little incentive for the owner of a second mortgage to approve a modification of a first mortgage that will see the second mortgage wiped out.

Mortgage modifications that ignore the other pile of debt a household is facing is a set-up for failure. That's a leading reason why we see so many redefaults on newly modified mortgages through the current programs.

Finally, servicers who are on the front lines answering the phone calls from homeowners and processing the paperwork often are compensated more for foreclosures than modifications.

My proposal allows judges to cut through these complicating factors to rework the underlying loans.

The mortgage's that are modified in bankruptcy will provide far more value to the lenders and the investors than foreclosures.

The bill would provide borrowers who are frustrated with their mortgage servicers some desperately needed leverage to get their banker’s full attention. It provides an incentive for banks to modify loans before the judges in bankruptcy do it for them.

Best of all, this program would cost the taxpayers nothing. Given the staggering amounts that taxpayers have been asked to give to the mortgage industry lately, the taxpayers are ready for a plan that doesn’t cost them anything and that will actually work.

Since the Mortgage Bankers Association still opposes this plan, after taking billions of taxpayer money and after failing to do anything meaningful on their own to address this crisis, I want to address their primary remaining objection to this plan as clearly as possible so that everyone listening to this debate understands why the industry is wrong, once and for all.

A few weeks ago, the Chairman of the Mortgage Bankers Association testified in the Senate Judiciary Committee that my bill would create a tax of $295, per month, for every homeowner in America, forever.

The Mortgage Bankers Association claims that changing the bankruptcy code will create new costs for lenders that must then be passed on to all borrowers. They have concocted a list of incremental costs that they call a “tax,” as they call it. But they don't provide a single shred of evidence to support any of these cost estimates. Not one. They just made them all up.

On the other hand, a study conducted by Professor John B. Levin in the Georgetown Law School uses actual statistical data to show that there is virtually no impact on mortgage interest rates just because mortgages can be modified by judges in bankruptcy.

The main problem with the argument that my bill will increase future mortgage rates is this:

The choice for mortgage lenders and investors is not full payment of the original mortgage versus a lower payment from a judicially modified mortgage.

The choice is between a lower payment from a judicially modified mortgage and mortgage failure.

Valparaiso's Professor White reports that in his large study sample, mortgage servicers and their investors lost an average of 55 percent of the value of the mortgages that failed through foreclosure, or about $145,000 per loan.

If those loans would have been modified in bankruptcy and investors would have been given ownership of a sustainable mortgage worth at least the fair market value of the home plus an interest rate that included a premium for risk. These modified mortgages would on average have created far better returns than the foreclosures that actually occurred.

Therefore, when the Mortgage Bankers Association claims with no evidence whatsoever that my bill would raise mortgage interest rates, we should all ask them this: Why would mortgage bankers charge future borrowers higher interest rates tomorrow because of a change in the law that
helps the bankers reduce their losses today? I urge the Senate to move swiftly to enact the economic recovery package that America desperately needs. And as part of that effort I urge my colleagues to support the remedy to the foreclosure crisis that will provide the most help to the 8.1 million families across the country who are at risk of losing their homes.

If we don't address the core of the crisis, I fear that the stimulus may not work as well as it should. I look forward to working with Chairman DODD, Senator SCHUMER, all of the other Senators who have supported this provision, and President-elect Obama to see that it is signed into law quickly.

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. 61

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 “Helping Families Save Their Homes in Bankruptcy Act of 2009”.

SEC. 2. ELIGIBILITY FOR RELIEF.

Section 109 of title 11, United States Code, is amended—

(1) by adding at the end of subsection (e) the following: “For purposes of this subsection, the computation of debts shall not include the secured or unsecured portions of—

(1) debts secured by the debtor's principal residence if the current value of that residence is less than the secured debt limit; or

(2) debts secured or formerly secured by real property that was the debtor's principal residence that was sold in foreclosure or that the debtor surrendered to the creditor if the current value of that real property is less than the secured debt limit.”; and

(2) by adding at the end of subsection (h) the following:

(3) the requirements of paragraph (1) shall not apply in a case under chapter 13 with respect to a debtor who submits to the court a certification that the debtor has received notice that the holder of a claim secured by the debtor’s principal residence may commence a foreclosure on the debtor’s principal residence.

SEC. 3. PROHIBITING CLAIMS ARISING FROM VIOLATIONS OF CONSUMER PROTECTION LAWS.

Section 502(b) of title 11, United States Code, is amended—

(1) by redesignating paragraph (11) as paragraph (12),

(2) in paragraph (10) by striking “and” at the end, and

(3) by inserting after paragraph (10) the following:

“(11) notwithstanding paragraph (2) and otherwise applicable nonbankruptcy law, including subparagraph (A) of paragraph (1) with respect to a claim secured by a security interest in the debtor's principal residence that is the subject of a notice that a foreclosure may be commenced, modify the rights of the holder of such claim—

(A) by providing for payment of the amount of the allowed secured claim as determined under section 506(a); or

(B) if any applicable rate of interest is adjustable under the terms of such security interest by prohibiting, reducing, or delaying adjustments to such rate of interest applicable on and after the date of filing of the plan;

(C) by modifying the terms and conditions of such loan—

(i) to extend the repayment period for a period that is no longer than the longer of 40 years (reduced by the period for which such loan has been outstanding) or the remaining term of such loan, beginning on the date of the order for relief; and

(ii) to provide for the payment of interest accruing after the date of the order for relief under this chapter at an annual percentage rate calculated on the unpaid portion of the claim, in an amount equal to the then most recently published annual yield on conventional mortgages published by the Board of Governors of the Federal Reserve System, as of the applicable time set forth in the rules of the Board, plus a reasonable premium for risk; and

(D) by providing for payments of such modified loan directly to the holder of the claim; and”.

SEC. 5. COMBATING EXCESSIVE FEES.

Section 1322(c) of title 11, United States Code, is amended—

(1) in paragraph (1) by striking “and” at the end,

(2) in paragraph (2) by striking the period at the end and inserting a semicolon, and

(3) by adding at the end the following:

“(3) the debtor's property, and property of the estate are not liable for a fee, cost, or charge that is incurred while the case is pending and arises from a debt that is secured by a claim whose rights are modified except to the extent that—

(A) the holder of the claim for such debt files with the court (annually or, in order to permit a more frequent periodicity as the court determines necessary) notice of such fee, cost, or charge before the earlier of—

(i) 1 year after such fee, cost, or charge is incurred; or

(ii) 60 days before the closing of the case; and

(B) such fee, cost, or charge—

(i) is lawful under applicable nonbankruptcy law, reasonable, and provided for in the applicable security agreement; and

(ii) is secured by property the value of which is greater than the amount of such claim, including such fee, cost, or charge;

(iii) the failure of a party to give notice described in paragraph (3) for all purposes, and any attempt to collect such fee, cost, or charge shall constitute a violation of section 522(a)(2) or, if the violation occurs before the date of discharge, of section 526(a); and

(iv) a plan may provide for the waiver of any payment penalty on a claim secured by the debtor’s principal residence.”.

SEC. 6. CONFIRMATION OF PLAN.

Section 1325(a) of title 11, the United States Code, is amended—

(1) in paragraph (8) by striking “and” at the end,

(2) in paragraph (9) by striking the period at the end and inserting a semicolon, and

(3) by inserting after paragraph (9) the following:

“(10) notwithstanding subsection (I) of paragraph (5)(B)(i), the plan provides that the holder of a claim whose rights are modified pursuant to section 1322(b)(11) retain the lien until the later of—

(A) the payment of such holder’s allowed secured claim; or

(B) discharge under section 1328; and

(11) the plan modifies a claim in accordance with section 1322(b)(11), and the court finds that such modification is in good faith.”.

SEC. 7. DISCHARGE.

Section 1328 of title 11, the United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “other than payments to holders of claims whose rights are modified under section 1322(b)(11)” after “paid” the last place it appears, and

(B) in paragraph (1) by inserting “or, to the extent of the unpaid portion of an allowed secured claim, provided for in section 1322(b)(11)” after “liquidated”;

(2) in subsection (c)(1) by inserting “or, to the extent of the unpaid portion of an allowed secured claim, provided for in section 1322(b)(11)” after “liquidated”;

(3) in paragraph (2) by striking the period at the end and inserting a semicolon;

(4) by adding at the end the following:

“(D) if any applicable rate of interest is adjustable under the terms of such security interest by prohibiting, reducing, or delaying adjustments to such rate of interest applicable on and after the date of filing of the plan, the court finds that such modification is in good faith.”.

SEC. 8. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall apply with respect to cases commenced under title 11 of the United States Code before, on, or after the date of the enactment of this Act.

By Mr. INOUYE:

S. 63. A bill to amend title XIX of the Social Security Act to improve access to advanced practice nurses and physicians assistants under the Medicaid Program; to the Committee on Finance.

Mr. INOUYE. Mr. President, today, I, again, introduce the Medicaid Advanced Practice Nurse and Physician Assistants Access Act of 2009. This legislation would change the Federal law to expand fee-for-service Medicaid to include direct payment for services provided by all nurse practitioners, clinical nurse specialists, and physician assistants. It would ensure all nurse practitioners, certified nurse midwives, and physician assistants are recognized as primary care case managers, and require Medicaid panels to include advanced practice nurses on their managed care panels.

Advanced practice nurses and physicians assistants are registered nurses who have attained additional expertise in the clinical management of health conditions. Typically, an advanced practice nurse holds a master's degree with didactic and clinical preparation beyond that of the registered nurse. They are employed in clinics, hospitals, and private practices. While there are many titles given to these advanced practice...
nurses, such as pediatric nurse practitioners, family nurse practitioners, certified nurse midwives, certified registered nurse anesthetists, and clinical nurse specialists, our current Medicaid law has not kept up with the multiple specialties and titles of these advanced practice nurses and has recognized the critical role physician assistants play in the delivery of primary care.

I have been a long-time advocate of advanced practice nurses and their ability to extend health care services to underserved and underinsured communities. They have improved access to health care in Hawaii and throughout the United States by their willingness to practice in what some providers might see as undesirable locations—extremely rural, frontier, or urban areas. This legislation ensures they are recognized and reimbursed for providing the necessary health care services patients need, and it gives those patients the choice of selecting advanced practice nurses and physician assistants as their primary care providers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

Those being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 63

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

SEC. 1. SHORT TITLE. This Act may be cited as the "Medicaid Advanced Practice Nurses and Physician Assistants Access Act of 2009".

SEC. 2. IMPROVED ACCESS TO SERVICES OF ADVANCED PRACTICE NURSES AND PHYSICIAN ASSISTANTS UNDER STATE MEDICAID PROGRAMS.

(a) PRIMARY CARE CASE MANAGEMENT.—Section 1905(a)(2) of the Social Security Act (42 U.S.C. 1396b(a)(2)) is amended by inserting ''(A)'' after ''(21)'';

(b) FEE-FOR-SERVICE PROGRAM.—Section 1905(a)(2) of such Act (42 U.S.C. 1396b(a)(2)) is amended by striking ''services furnished by a nurse practitioner, clinical nurse specialist, physician assistants, certified registered nurse anesthetists, and certified registered nurse midwives'' after ''services furnished by a'' and inserting ''services furnished by a nurse practitioner, clinical nurse specialist, and certified registered nurse midwives''

(c) INCLUDING IN MIX OF SERVICE PROVIDERS UNDER MEDICAID MANAGED CARE ORGANIZATIONS.—Section 1932(b)(5)(B) of such Act (42 U.S.C. 1396d-2(b)(5)(B)) is amended by inserting ''(A)'' after ''(21)'';

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished in calendar quarters beginning on or after the 90th day after the date of the enactment of this Act, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

By Mr. INOUYE:

S. 65. A bill to provide relief to the Pottawatomi Nation in Canada for settlement of certain claims against the United States; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, almost 14 years ago, I stood before you to introduce a bill to provide an opportunity for the Pottawatomi Nation in Canada to have the merits of their claims against the United States determined by the United States Court of Federal Claims.

That bill was introduced as Senate Resolution 223, which referred the Pottawatomi’s claim to the Chief Judge of the U.S. Court of Federal Claims and required the Chief Judge to report back to the Senate and provide sufficient findings and conclusions to enable the Congress to determine whether the claim of the Pottawatomi Nation in Canada is legal or equitable in nature, and the amount of damages, if any, which may be legally or equitably due from the United States.

Nine years ago, the Chief Judge of the Court of Federal Claims reported back that the Pottawatomi Nation in Canada has a legitimate and credible legal claim. By settlement stipulation, the United States took the position that it would be "fair, just and equitable" to settle the claims of the Pottawatomi Nation in Canada for the sum of $1,830,000. This settlement amount was reached by the parties after 7 years of extensive, fact-intensive litigation. Independently, the Court of Federal Claims concluded that the settlement amount is "not a granted" and that the "settlement was predicated on a credible legal claim." Pottawatomi Band of Chippewa Indians v. United States, Cong. Ref. 94-1037X at 28 ( Ct. Fed. Cl., September 15, 2000) (Report of Hearing Officer).

The bill I introduce today is to authorize the payment of those funds that the United States has concluded would be "fair, just and equitable" to satisfy this legal claim from amounts appropriated under section 1304 of title 31 of the United States Code. If enacted, this bill will finally achieve a determination in Canada that has for far too long been denied.

For the information of our colleagues, this is the historical background that informs the underlying legal claim of the Canadian Pottawatomi.

The members of the Pottawatomi Nation in Canada are one of the descendant groups—successors-in-interest—of the historical Pottawatomi Nation and their claim is the latter part of the 18th century. The historical Pottawatomi Nation was aboriginal to the United States. They occupied and possessed a vast expanse in what is now the States of Ohio, Michigan, Indiana, Illinois, and Wisconsin. From 1795 to 1833, the United States annexed most of the traditional land of the Pottawatomi Nation through a series of treaties of cession—many of these cessions were made under extreme duress and the threat of military action. In exchange, the Pottawatomi were repeatedly made promises that the remainder of their lands would be secure and, in addition, that the United States would pay certain annuities to the Pottawatomi.

In 1829, the United States formally adopted a Federal policy of removal—an effort to remove all Indian tribes from their traditional lands east of the Mississippi River to the west. As part of that effort, the United States increasingly pressured the Pottawatomis to cede the remainder of their traditional lands—some 5 million acres in and around the city of Chicago and remove themselves west. For years, the Pottawatomis stubbornly resisted their ceding the remainder of their tribal territory. Then in 1833, the United States, pushed by settlers seeking more land, sent a Treaty Commission to the Pottawatomis with orders to extract a cession of the remaining lands. The Treaty Commissioners spent 2 weeks using extraordinarily coercive tactics—including threats of war—in an attempt to get the Pottawatomis to agree to cede their territory. Finally, those Pottawatomis who were present rallied and refused to sign on September 26, 1833, to which they ceded their remaining tribal estate through what would be known as the Treaty of Chicago. Seventy-seven members of the Pottawatomis signed the Treaty of Chicago. Members of the "Wisconsin Band" were not present and did not assent to the cession.

In exchange for their land, the Treaty of Chicago provided that the United States would give to the Pottawatomis 5 million acres of comparable land in what is now Missouri. The Pottawatomis were familiar with the Missouri land, aware that it was similar to their homeland. But the Senate refused to ratify that negotiated agreement and unilaterally switched the land to 5 million acres in Iowa. The Treaty Commissioners were sent back to acquire Pottawatomi assent to the Iowa land. All but seven of the original 77 signatories refused to accept the change even with promises that if they were satisfied, ratification would be done." Treaty of Chicago, as amended, Article 4. Nevertheless, the Treaty of Chicago was ratified as amended by the
Senate in 1834. Subsequently, the Pottawatomis sent a delegation to evaluate the land in Iowa. The delegation reported back that the land was “not fit for snakes to live on.”

While some Pottawatomis remained west of the Mississippi—particularly the Wisconsin Band, whose leaders never agreed to the Treaty—refused to do so. By 1836, the United States began to forcefully remove Pottawatomis who remained in the east—with devastating consequences. As is true with many other American Indian tribes, the forced removal westward came at great human cost. Many of the Pottawatomis were forcefully removed by mercenaries who were paid on a per capita basis government contract. Over one-half of the Indians removed by these means died en route. Those who reached Iowa were almost immediately removed further to inhospitable parts of Kansas against their will and under duress.

Knowing of these conditions, many of the Pottawatomis including most of those in the Wisconsin Band vigorously resisted forced removal. To avoid Federal troops and mercenaries, much of the Wisconsin Band ultimately found it necessary to move to Canada. They were often pursued to the border by government troops, government-paid mercenaries or both. Official files of the Canadian and United States governments disclose that many Pottawatomis were forced to leave their homes without their horses or any of their possessions other than the clothes on their backs.

By the late 1830s, the government refused payment of annuities to any Pottawotami groups that had not removed west. In the 1860s, members of the Wisconsin Band—those still in their traditional territory and those forced to flee to Canada—petitioned Congress for the payment of their treaty annuities promised under the Treaty of Chicago and other cession treaties. By the Act of June 25, 1864 (13 Stat. 172) the Congress declared that the Wisconsin Band did not forfeit their annuities by not removing and directed that the share of the Pottawatomis Indians who had refused to relocate to the west should be retained for their use in the United States Treasury. (H.R. Rep. No. 470, 64th Cong., 2d Sess.)

In 1903, the Wisconsin Band—most of whom now resided in three areas, the States of Michigan and Wisconsin and the Province of Ontario—petitioned the Senate once again to pay them their fair portion of annuities as required by the law and treaties. (Sen. Doc. No. 185, 57th Cong., 2d Sess.) By the Act of June 21, 1906 (34 Stat. 380), the Congress directed the Secretary of the Interior to investigate claims made by the Pottawatomis, and if convinced by the evidence presented a report of the Wisconsin Band Pottawatomis that still remained in the East. In addition, the Congress ordered the Secretary to determine the “the Wisconsin Bands proportionate shares of the annuities, trust funds, and other monies paid to or expended for the tribe to which they belong in which the claimant Indians have not shared, and the amount of such monies due the Treasury of the United States to the credit of the claimant Indians as directed the provision of the Act of June 25, 1864.”

In order to carry out the 1906 Act, the Secretary of the Interior directed Dr. W.M. Wooster to conduct an enumeration of Wisconsin Band Pottawatomis in both the United States and Canada. Dr. Wooster documented 2007 Wisconsin Pottawatomis: 457 in Wisconsin and Michigan and 1550 in Canada. He also concluded that the proportionate share of annuities for the Pottawatomis in Wisconsin and Michigan was $477,339 and that the proportionate share of annuities due the Pottawatomis in Canada was $1,517,226. The Congress thereafter enacted a series of appropriation Acts from June 30, 1913 to May 29, 1928 to satisfy most of the monies owed to those Wisconsin Band Pottawatomis residing in the United States. However, the Wisconsin Band Pottawatomis who resided in Canada were never paid their share of the tribal funds.

Since that time, the Pottawatomis in Canada has diligently and continuously sought to enforce their treaty rights. Although the Congress referenced the treaty rights of the Pottawatomis in Canada in the 1906 Act, the Pottawatomis then came to the U.S. Congress for redress of their claim.

In 1946, the Congress waived its sovereign immunity and established the Indian Claims Commission for the purpose of granting tribes their long-declayed day in court. The Indian Claims Commission Act, ICCA, granted the Commission jurisdiction over claims such as the type involved here. In 1948, the Wisconsin Band Pottawatomis from both sides of the border—brought suit together in the Indian Claims Commission for recovery of damages. Hannahville Indian Community v. U.S., No. 28 (Ind. Cl. Comm. Filed May 4, 1948). Unfortunately, the Indian Claims Commission dismissed Pottawatomis in Canada’s part of the claim ruling that the Commission had no jurisdiction to consider claims of Indians living outside the jurisdiction of the United States. Hannahville Indian Community v. U.S., 115 Ct. Cl. 823 (1950). The claim of the Wisconsin Band residing in the United States that was filed in the Indian Claims Commission was finally decided in favor of the Wisconsin Band by the U.S. Claims Court in 1983. Hannahville Indian Community v. United States, 4 Ct. Cl. 445 (1983).

The Court of Claims concluded that the Wisconsin Band Pottawatomis was entitled to 30% of the proportionate share of unpaid annuities from 1838 through 1967 due under various treaties, including the Treaty of Chicago and entered judgment for the American Wisconsin Band Pottawatomis for any monies not paid. Still the Pottawatomis Nation in Canada was excluded because of the jurisdictional limits of the ICCA.

Undaunted, the Pottawatomis Nation in Canada came to the Senate and after careful consideration, we finally gave them their long-awaited day in court through the congressional reference process. The court has now reported back to us that their claim is meritorious and that the payment that this bill would make constitutes a “fair, just, and equitable” resolution to this claim.

The Pottawatomis in Canada has sought justice for over 150 years. They have done all that we asked in order to establish their claim. Now it is time for us to finally live up to the promise our government made so many years ago. It will not correct all of the wrongs of the past, but it is a demonstration that this government is willing to admit when it has let down an obligation. We, the United States is willing to do what we can to see that justice—so long delayed is not now denied.

Finally, I would just note that the claim of the Pottawatomis Nation in Canada is supported through specific resolutions by the National Congress of American Indians, the oldest, largest and most-representative tribal organization here in the United States, the Assembly of First Nations, which includes all recognized tribal entities in Canada, and each and every of the Pottawatomis tribal groups that remain in the United States today.

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. 65

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

SECTION 1. SETTLEMENT OF CERTAIN CLAIMS.

(a) AUTHORIZATION FOR PAYMENT.—Notwithstanding any other provision of law, subject to subsection (b), the Secretary of the Treasury shall pay out of any money in the Treasury of the United States $1,830,000 from amounts appropriated under section 1304 of title 31, United States Code.

(b) PAYMENT IN ACCORDANCE WITH Stipulation for Recommendation of Settlement.—The payment under subsection (a) shall—

(1) be made in accordance with the terms and conditions of the stipulation for Recommendation of Settlement dated May 22, 2000, entered into between the Pottawatomis and the United States.
S. 66. A bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

Mr. INOUYE. Mr. President, today I am reintroducing a bill which is of great importance to a group of patriotic Americans. This legislation is designed to extend space-available travel privileges on military aircraft to those who have been totally disabled in the service of our country.

Currently, retired members of the Armed Services are permitted to travel on a space-available basis on non-scheduled military flights within the continental United States, and on scheduled overseas flights operated by the Military Airlift Command. My bill would provide the same benefits for veterans with 100 percent service-connected disabilities.

We owe these heroic men and women who have given so much to our country a debt of gratitude. Of course, we can never repay them for the sacrifices they have made on behalf of our Nation, but surely try to make their lives more pleasant and fulfilling.

One way in which we can help is to extend military travel privileges to these disabled former members of the Armed Forces. My bill was ordered to 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. 66

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

SECTION 1. DETERMINATIONS BY THE SECRETARY OF THE ARMY.

(a) IN GENERAL.—Chapter 54 of title 10, United States Code, is amended by inserting after section 1064 the following new section:

"1064a. Use of commissary and exchange stores by certain disabled former prisoners of war."

"(a) ISSUANCE OF CERTIFICATE OF SERVICE.—

The Secretary of the Army shall issue a certificate of service to each person determined by the Secretary of Veterans Affairs who has a service-connected disability rated as 30 percent or more, to the same extent as the Secretary of the Army shall issue to the Secretary of Veterans Affairs for a service-connected disability rated as 30 percent or more under section 101 of title 38, United States Code.

(b) COVERED INDIVIDUALS.—Subsection (a) applies to any former prisoner of war who:

(1) has a service-connected disability rated as 30 percent or more,

(2) is entitled to compensation under the laws administered by the Secretary of Veterans Affairs for a service-connected disability rated as 30 percent or more under section 101 of title 38, United States Code, and

(3) is determined by the Secretary of Veterans Affairs to be entitled to the benefits of chapter 17 of title 38, United States Code, or has a total disability rating.

(c) DEFINITIONS.—In this section:

"(1) The term ‘service-connected’ has the meaning given that term in section 101(16) of title 38, United States Code.

"(2) The term ‘service-connected’ has the meaning given that term in section 101(16) of title 38, United States Code.

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(b) INFORMATION TO BE CONSIDERED.—In making a determination for the purpose of subsection (a), the Secretary shall consider all information and evidence (relating to service referred to in subsection (a) that is available to the Secretary, including information and evidence submitted by the applicant, if any.)
the military service described in the certificate.

SEC. 3. APPLICATIONS BY SURVIVORS.

An application submitted by a surviving spouse, child, or parent of a deceased person described in section 2(a) shall be treated as an application submitted by such person.

SEC. 4. LIMITATION PERIOD.

The Secretary of the Army may not consider for the purpose of this Act any application received by the Secretary more than two years after the date of the enactment of this Act.

SEC. 5. PROSPECTIVE APPLICATION OF DETERMINATIONS BY THE SECRETARY OF THE ARMED FORCES.

No benefits shall accrue to any person for any period of time more than two years after the date of the enactment of this Act.

SEC. 6. REGULATIONS.

The Secretary of the Army shall prescribe regulations to carry out sections 1, 3, and 4.

SEC. 7. RESPONSIBILITIES OF THE SECRETARY OF VETERANS AFFAIRS.

Any entitlement of a person to receive veterans’ benefits by reason of this Act shall be administered by the Department of Veterans Affairs pursuant to regulations prescribed by the Secretary of Veterans Affairs.

SEC. 8. DEFINITION.

In this Act, the term “World War II” means the period beginning on December 7, 1941, and ending on December 31, 1946.

By Mr. INOUYE (for himself, Mr. LIEBERMAN, Mr. CARPER, Ms. MURkowski, Mr. LEVIN, and Mr. AKAKA),

S. 69. A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation of Axis countries' nationals and persons of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. INOUYE. Mr. President, I rise to speak in support of the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act.

The story of U.S. citizens taken from their homes on the west coast and confined in camps is a story that was made known after a fact-finding study by a Commission that Congress authorized in 1980. That study was followed by a formal apology by President Reagan and a bill for reparations. Far less known, and indeed, I myself did not initially know, is the story of Latin Americans of Japanese descent taken from their homes in Latin America, stripped of their passports, brought to the U.S., and kept in internment camps.

This is a story about the U.S. government’s act of reaching its arm across international borders, into a community that did not lose an immediate threat to the nation, in order to use them, devoid of passports or any other proof of citizenship, for exchange with Americans with Japan. Between the years 1941 and 1945, our Government, with the help of Latin American officials, arbitrarily arrested persons of Japanese descent from streets, homes, and workplaces. Approximately 2,300 undocumented persons were brought to camp sites in the U.S., where they were held under armed guard, and then held in reserve for prisoner exchange. Those used in an exchange were sent to Japan, a foreign country that many had never set foot on since their ancestors' immigration to Latin America.

Despite their involuntary arrival, Latin American internees of Japanese descent were considered by the Immigration and Naturalization Service as illegal entrants. By the end of the war, some Japanese Latin Americans had been sent to Japan. Those who were not used in a prisoner exchange were cast out into a new and English-speaking country, and subject to deportation proceedings. Some returned to Latin America. Others remained in the U.S., because their country of origin in Latin America refused their re-entry, because they were unable to present a passport.

When I first learned of the wartime experiences of Japanese Latin Americans, it seemed unbelievable, but indeed, it happened. It is a part of our national history, and it is a part of the living histories of the many families whose lives were forever tied to internment camps in our country.

The outline of this story was sketched out in a book published by the Commission on Wartime Relocation and Internment of Citizens formed in 1980. This Commission had set out to learn about Japanese Americans. Towards the close of their investigations, the Commissioners stumbled upon this extraordinary effort by the U.S. government to relocate, intern, and deport Japanese persons formerly living in Latin America. Because this finding surfaced late in its study, the Commission was unable to fully uncover the facts, but found them significant enough to include in its published study, urging a deeper investigation.

I rise today to introduce the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act.

This Act may be cited as the “Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act.”

SEC. 1. SHORT TITLE.

This Act may be cited as the “Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act.”

SEC. 2. FINDINGS.

(a) FINDINGS.—Based on a preliminary study published in December 1982 by the Commission on Wartime Relocation and Internment of Civilians, Congress finds the following:

(1) During World War II, the United States—

(A) expanded its internment program and national security investigations to conduct the program and investigations in Latin America; and

(B) financed relocation to the United States, and internment, of approximately 2,300 Latin Americans of Japanese descent, for the purpose of exchanging the Latin American internees of Japanese descent for United States citizens held by Axis countries.

(2) Approximately 2,300 men, women, and children of Japanese ancestry in Latin American countries were held in the custody of the Department of State in internment camps operated by the Immigration and Naturalization Service from 1943 to 1948.

(3) Those men, women, and children either—

(A) were arrested without a warrant, hearing, or indictment by local police, and sent to the United States for internment; or

(B) in some cases involving women and children, voluntarily entered internment camps to remain with their arrested husbands, fathers, and other male relatives.

(4) Passports held by individuals who were Latin Americans of Japanese descent were routinely confiscated before the individuals arrived in the United States, and the Department of State ordered United States consuls in Latin American countries to refuse to issue visas to the individuals prior to departure.

(5) Despite their involuntary arrival, Latin American internees of Japanese descent were considered to be and treated as illegal entrants by the Immigration and Naturalization Service. Thus, the internees became illegal aliens in United States custody who were subject to deportation proceedings for immediate removal from the United States. In some cases, Latin American internees of Japanese descent were deported to Axis countries to enable the United States to conduct prisoner exchanges.

(6) Approximately 2,300 men, women, and children of Japanese descent were relocated from their homes in Latin America, detained in internment camps in the United States, and in some cases, deported to Axis countries to enable the United States to conduct prisoner exchanges.

(7) The Commission on Wartime Relocation and Internment of Japanese Americans investigated Federal actions conducted pursuant to Executive Order 9066 (relating to authorizing the Secretary of War to prescribe military areas) and concluded that the program of internment of Latin Americans of Japanese descent was not conducted pursuant to Executive Order 9066, an examination of that extraordinary program is necessary to establish a complete account of Federal actions to detain and intern civilians of enemy or foreign nationality, particularly of Japanese descent.

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:
CIVIL LIBERTIES ACT OF 1988 (50 U.S.C. App. 1989b et seq.), which formally apologized and provided compensation payments to former Japanese Americans interned pursuant to Executive Order 9066.

(b) PURPOSE.—The purpose of this Act is to establish a fact-finding Commission to extend the study of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act, to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, including that the United States require the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent.

SEC. 3. ESTABLISHMENT OF THE COMMISSION.

(a) IN GENERAL.—There is established the Commission on Wartime Relocation and Internment of Latin Americans of Japanese descent (referred to in this Act as the “Commission”).

(b) COMPOSITION.—The Commission shall be composed of 9 members, who shall be appointed not later than 60 days after the date of enactment of this Act, of whom—

(1) 3 members shall be appointed by the President;

(2) 3 members shall be appointed by the Speaker of the House of Representatives on the joint recommendation of the majority leader of the House of Representatives and the minority leader of the House of Representatives; and

(3) 3 members shall be appointed by the President pro tempore of the Senate, on the joint recommendation of the majority leader of the Senate and the minority leader of the Senate.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission in the performance of services for the Commission or such subcommittee or member considered advisable; and

(d) MEETINGS.—(1) FIRST MEETING.—The President shall call the first meeting of the Commission not later than the later of—

(A) 60 days after the date of enactment of this Act; or

(B) 30 days after the date of enactment of legislation making appropriations to carry out this Act.

(2) SUBSEQUENT MEETINGS.—Except as provided in paragraph (1), the Commission shall meet at the call of the Chairperson.

(e) MEMBERS.—Members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(f) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a Chairperson and Vice Chairperson from among its members. The Chairperson and Vice Chairperson shall serve for the life of the Commission.

SEC. 4. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) extend the study of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act, to include the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent; and

(b) INVESTIGATE.—In the performance of the duties of the Commission, the Chairperson and Vice Chairperson, in the name of the Commission and in the name of such subcommittee or member considered advisable; and

(e) TRANSLATION.—The members of the Commission shall be appropriately translated in their original language.

(f) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall be entitled to receive their per diem allowance at a rate prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(g) STAFF.—(1) IN GENERAL.—The Chairperson of the Commission may, without regard to civil service laws and regulations, appoint and terminate the employment of such personnel as may be necessary to enable the Commission to perform its duties.

(d) SUPPORT OF INQUIRY.—The Chairperson of the Commission may fix the compensation of the personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, for the purpose of carrying out this Act—

(1) hold such public hearings in such cities and countries, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(b) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—(1) ISSUANCE.—Subpoenas issued under subsection (a) shall bear the signature of the Chairperson of the Commission and shall be served by any person or class of persons designated by the Chairperson for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or refusal to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring attendance and testimony of such witnesses or the production of documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) WITNESS ALLOWANCES AND FEES.—Sec. 1821 of title 28, United States Code, shall apply to witnesses summoned or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information necessary to the performance of its duties. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. 6. PERSONNEL AND ADMINISTRATIVE PROVISIONS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall be entitled to receive their per diem allowance at a rate prescribed for level IV of the Executive Schedule under section 5315 of title 5.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of the executive branch under subchapter V of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) IN GENERAL.—The Chairperson of the Commission may, without regard to civil service laws and regulations, appoint and terminate the employment of such personnel as may be necessary to enable the Commission to perform its duties.

(d) SUPPORT OF INQUIRY.—The Chairperson of the Commission may fix the compensation of the personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5.

(f) OTHER ADMINISTRATIVE MATTERS.—The Commission may—

(1) enter into agreements with the Administrator of General Services to procure necessary financial and administrative services;

(2) enter into contracts to procure supplies, services, and property; and

(3) enter into contracts with Federal, State, or local agencies, or with private institutions or organizations, for the conduct of research or surveys, the preparation of reports, and other activities necessary to enable the Commission to perform its duties.

SEC. 7. TERMINATION.

The Commission shall terminate 90 days after the date on which the Commission submits its report to Congress under section 4(b).

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

(b) AVAILABILITY.—Any sums appropriated under the authority contained in this section shall remain available without fiscal year limitation, until expended.

By Mr. INOUYE:

S. 70. A bill to restore the traditional day of observance of Memorial Day, and for other purposes; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, in our effort to accommodate many Americans by making Memorial Day the last Monday in May, we have lost sight of the significance of this day to our Nation. My bill would restore Memorial Day to May 30 and authorize the flag to fly at half mast on that day. In addition, this legislation would authorize the President to issue a proclamation
designating Memorial Day and Veterans Day as days for prayer and cere- monies. This legislation would help restore the recognition our veterans deserve for the sacrifices they have made on behalf of our Nation.

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. 72

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

SECTION 1. RESTORATION OF TRADITIONAL DAY OF OBSERVANCE OF MEMORIAL DAY.

(a) DESIGNATION OF LEGAL PUBLIC HOLIDAY.—Section 6103(a) of title 5, United States Code, is amended by striking “Memorial Day, the last Monday in May.” and inserting the following:

“Memorial Day, May 30.”;
(b) OBSERVANCES AND CEREMONIES.—Section 115 of title 36, United States Code, is amended—

(1) in subsection (a), by striking “The last Monday in May” and inserting “May 30”; and
(2) in subsection (b)—
(A) by striking “and” at the end of para-graph (3);
(B) by redesignating paragraph (4) as para-graph (5); and
(C) by inserting after paragraph (3) the fol-low ing:

“(4) calling on the people of the United States to observe Memorial Day as a day of cere-monies to show respect for United States veter ans of wars and other military conflicts; and”;
(c) DISPLAY OF FLAG.—Section 6(d) of title 4, United States Code, is amended by striking “the last Monday in May;” and inserting “May 30;”.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 72. A bill to reauthorize the pro grams of the Department of Housing and Urban Development for housing assis-tance for Native Hawaiians; to the Committee on Indian Affairs.

Mr. INOUYE. Mr. President, I rise to introduce a bill to reauthorize Title VIII of the Native American Housing Assistance and Self-Determination Act. Senator AKAKA joins me in spon-soring this measure. Title VIII provides authority for the appropriation of funds for the construction of low-income housing for native Hawaiians and further provides authority for access to loan guarantees associated with the construction of housing to serve native Hawaiians.

Three studies have documented the acute housing needs of native Hawaiians—which include the highest rates of overcrowding and homelessness in the State of Hawaii. Those same stud- ies indicate that inadequate housing rates for Native Hawaiians are amongst the highest in the Nation.

The reauthorization of Title VIII will support the continuation of efforts to assure that the native people of Hawaii may one day have access to housing oppor-tunities that are comparable to those now enjoyed by other Americans.

Mr. President, I would 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. 72

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hawaiian Homeownership Opportunity Act of 2009”.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR HOUSING.


SEC. 3. LOAN GUARANTEES FOR NATIVE HAWAI- IAN HOUSING.

Section 181A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13b) is amended—

(1) in subsection (b), by striking “or as a result of a lack to access to private financial markets”;
(2) in subsection (c), by striking paragraph (2) and inserting the following:

“(2) ELIGIBLE HOUSING.—The loan will be used to construct, acquire, refinance, or re-habilitate one- to four-family dwellings that are—
(A) standard housing; and
(B) located on Hawaiian Home Lands.”;
and
(3) in subsection (j)(7), by striking “fiscal years” and all that follows through the end of the paragraph and inserting the following: “fiscal years 2009, 2010, 2011, 2012, and 2013.”

SEC. 4. ELIGIBILITY OF DEPARTMENT OF HAWAI- IAN HOME LANDS FOR TITLE VI LOAN GUARANTEES.

Title VI of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191 et seq.) is amended—

(1) in the title heading, by inserting “AND NATIVE HAWAIIAN” after “TRIBAL”;
(2) in section 601 (25 U.S.C. 4191)—
(A) in subsection (a)—
(1) by striking “or tribally designated housing entities” and inserting “, or tribal housing entities”,
(2) in paragraph (1), by striking “title VIII, as applicable,” after paragraph “(ii)”,
(3) in paragraph (2), by striking “(ii)”,
(4) in paragraph (3), by inserting “and” and “tribe”,
(5) in paragraph (4), by striking “title VIII, as applicable,” after the colon; and
(B) in subsection (b), by inserting “or title VIII, as applicable” before the period at the end;
(3) in section 602 (25 U.S.C. 4192)—
(A) in subsection (a)—
(1) by striking “or the Department of Hawaiian Home Lands”, and inserting “or the Department of Hawaiian Home Lands”;
(2) in paragraph (2), by striking “or Hawaiian Home Lands”;
(3) in paragraph (3)—
(I) by inserting “or Department” after “tribe”;
(II) by inserting “or title VIII, as applica-ble,” after “title I”;
and
(III) by inserting “, or title VIII, as applicable”;
and
(B) in subsection (b), by striking (I) and (II) by inserting “or title VIII, as applicable”;
(4) in the first sentence of section 603 (25 U.S.C. 4193), by striking “title VIII, as applicable”;
(5) in section 605(b) (25 U.S.C. 4195(b)), by striking “or housing entity” and inserting “or housing entity”, and “tribe”;
and
(6) in section 606(b) (25 U.S.C. 4196(b)), by striking “1999” through “2007” and inserting “2009 through 2013”.

By Mrs. FEINSTEIN:

S. 73. A bill to establish a systematic mortgage modification program at the Federal Deposit Insurance Corporation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FEINSTEIN. Mr. President, I rise today to introduce legislation that will limit foreclosures and stabilize home values through Federal loan guarantees and standardized proce-dures for mortgage workout agree- ments.

The Systematic Foreclosure Preven-tion and Mortgage Modification Act would implement the foreclosure preven-tion plan developed by Federal De-posit Insurance Corporation, FDIC, Civilian, and S. 73.

There are three key components of this legislation.

Servicers would be incentivized to modify mortgages, receiving $1,000 to $2,500 per each modified mortgage; the Federal Government would share up to 50 percent of any loss should the homeowner default after re ceiving a modification; and participat-ing servicers would be required to systematically review and modify all subprime loans in their portfolios, ap-plying a standard calculation to help expedite loan modifications as cost-effec-tively as possible.

The FDIC estimates that roughly 2.2 million home loans with $444 billion, could be modified under this plan, with 1.5 million foreclosures avoided.

This legislation is projected to cost at least $25 billion; however, no addi-tional spending is necessary.

This effort would be funded solely through the Troubled Assets Relief Program, TARP, to ensure that one of the core objectives of the bill, assistance to homeowners, is achieved.

Foreclosures are in the best interest of no one.

Neighborhoods are decimated when homes are repossessed or left vacant, property values decline, local economies suffer, and crime often increases in blighted areas. Lenders must sustain the costs of foreclosure and are left with the burden of reselling properties in a distressed market.

Homeowners are forced to give up on the American dream, and in some cases, tenants are forced out of homes they have been renting.

To date, no TARP funds have been allocated by Treasury to directly address the foreclosure crisis. This must change, and it must change now.

According to the FDIC, the pace of loan modifications continues to be very slow, with only 4 percent of troubled mortgages being modified to prevent foreclosures each month.

A systematic approach is needed to expedite this process. The FDIC has
implemented such a program successfully at Indy Mac Federal Bank, to reduce mortgage payments as low as 31 percent of monthly income.

Loan modifications are based on interest rate reductions, extended loan terms, and principal forgiveness.

Unfortunately, those that have received TARP funds have not been compelled to implement foreclosure reduction measures, and adequate incentive structures are not in place.

This legislation provides prudent and cost-effective steps to improve assistance for struggling homeowners while also stabilizing the housing market.

Foreclosures have had a devastating impact on our national economy, and the damage in my state has been particularly severe.

California accounts for 1/3 of all foreclosure activity in the United States. Roughly 800,000 foreclosures will be filed in my state in 2008—a 70 percent increase over 2007, when 461,392 foreclosures occurred in California.

The foreclosure rate in California is the fourth highest in the Nation, with one foreclosure filing for every 218 households.

In fact, 6 of the 10 metropolitan areas with the highest foreclosure rate in the Nation are in California.

This includes: Merced—one out of every 76 homes in foreclosure; Modesto—one out of every 93 homes in foreclosure; Stockton—one out of every 94 homes in foreclosure; Riverside and San Bernardino—one out of every 107 homes in foreclosure; Bakersfield—one out of every 129 homes in foreclosure; and Vallejo and Fairfield—one out of every 133 homes in foreclosure. And, the situation is only getting worse.

Property values have plummeted across California, making it difficult for many residents with adjustable rate mortgages to refinance into more stable, fixed-rate products.

One California community is in a special category of need: the city of Stockton, which has been referred to as “America’s foreclosure capital.”

The foreclosure crisis has devastated this city of more than 260,000 residents. Home foreclosures impact neighborhoods and reduce property values. But, the spillover effect in Stockton has been overwhelming.

Jobs: The downturn in the construction industry has contributed to an unemployment rate of 11.9 percent in San Joaquin County, well above the national average.

Schools: Foreclosures have displaced many students who were forced to change schools or leave the area when their families lost their homes.

The student population of Stockton Unified School District, the biggest in San Joaquin County, was down about 200 students last year.

Student displacement has a direct impact on school budgets, which are linked to student attendance.

Most unfortunately, the emotional impact on children being forced to switch schools in the middle of the year can be tremendous.

Public Services: High foreclosure rates have taken a toll on the city of Stockton’s budget.

Stockton now faces a nearly $25 million budget deficit.

City officials have been forced to consider voluntary buyouts for municipal employees and mandatory 10-day furloughs to help close the gap.

Because property values have fallen—due to foreclosures and increased inventory—Stockton also is facing lower tax revenues, which are dependent upon filling the city’s $180 million general fund.

This could have a dramatic effect on the city’s emergency services; about 75 percent of Stockton’s general fund pays for police and fire services.

It is essential that we not forget communities such as Stockton. We cannot sit idly by and watch them fall through the cracks.

This legislation is a much-needed step forward to provide relief to Main Street.

Millions of Americans have lost their homes to foreclosure, and millions more are at risk of losing their homes in the coming months.

Part of this problem was driven by abusive and predatory lending practices.

Part of the problem can be attributed to lax underwriting standards and regulators who were asleep at the wheel.

Part of this problem was due to individuals who made bad choices.

But, this is a problem that now impacts—either directly or indirectly—all hard-working American families.

These are significant challenges we face, and innovative solutions are required.

This bill will serve as a companion to legislation introduced in the House by my colleague from California, Representative MAXINE WATERS.

I look forward to working with her, and my colleagues on both sides of the aisle, to pass this important legislation as soon as possible.

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 “Systematic Foreclosure Prevention and Mortgage Modification Act”.

SEC. 2. SYSTEMATIC FORECLOSURE PREVENTION AND MORTGAGE MODIFICATION PLAN ESTABLISHED.

(a) IN GENERAL.—The Chairperson of the Federal Deposit Insurance Corporation shall establish a systematic foreclosure prevention and mortgage modification program by—

(1) paying servicers $1,000 to cover expenses for each loan modified according to the required standards; and

(2) sharing up to 50 percent of any losses incurred if a modified loan should subsequently default.

(b) PROGRAM COMPONENTS.—The program established under subsection (a) shall include the following components:

(1) ELIGIBLE BORROWERS.—The program shall be limited to loans secured by owner-occupied properties.

(2) EXCLUSION FOR EARLY PAYMENT DEFAULT.—To promote sustainable mortgages, government loss sharing shall be available only after the borrower has made a minimum of 6 payments on the modified mortgage.

(3) STANDARD NET PRESENT VALUE TEST.—In order to promote consistent and simplicity in implementation and audit, a standard test comparing the expected net present value of modifying past due loans compared to the net present value of foreclosing on them will be applied. Under this test, standard assumptions shall be used to ensure that a consistent standard for affordability is provided based on a 31 percent borrower mortgage debt-to-income ratio.

(4) SYSTEMATIC LOAN REVIEW BY PARTICIPATING SERVICERS.—Participating servicers shall be required to systematically review each of all the loans under their management, to subject each loan to a standard net present value test to determine whether it is a suitable candidate for modification, and to modify all loans that pass this test. The penalty for failing to undertake such a systematic review and to carry out modifications where they are justified would be disqualification from further participation in the program until such a systematic program was introduced.

(c) MODIFICATIONS.—Modifications may include any of the following:

(A) Reduction in interest rates and fees.

(B) Forgiveness of principal.

(C) Extension of the California loan maturity.

(D) Other similar modifications.

(5) REDUCED LOSS SHARE PERCENTAGE FOR UNDERWATER LOANS.—For loan-to-value ratios above 100 percent, the government loss share shall be progressively reduced from 50 percent to 20 percent as the current loan-to-value ratio rises, except that loss sharing shall not be available if the loan-to-value ratio of the first lien exceeds 150 percent.

(7) SIMPLIFIED LOSS SHARE CALCULATION.—In order to ensure the administrative efficiency and consistency of the program, the calculation of loss share basis would be as simple as possible. In general terms, the calculation shall be based on the difference between the net present value, as defined by the chairperson of the Federal Deposit Insurance Corporation, of the modified loan and the amount of recoveries obtained in a disposition by refinancing, short sale, or real estate owned sale, net of disposal costs as estimated according to industry standards. Interim modifications shall be allowed.

(d) TROUBLED ASSETS.—The costs incurred necessary to implement this Act and prevent default.

(9) 8-YEAR LIMIT ON LOSS SHARING PAYMENT.—The loss sharing guarantee shall terminate at the end of the 8-year period beginning on the date the modification was consummated.

(c) REGULATIONS.—The Corporation shall prescribe such regulations as may be necessary to implement this Act and prevent evasion thereof.

(d) TROUBLED ASSETS.—The costs incurred by the Federal Government in carrying out the loan modification programs established under this Act shall be covered out of the funds made available to the Secretary of the

(e) MODIFICATIONS TO PROGRAM.—The Chairperson of the Federal Deposit Insurance Corporation may make any modification to the program established under subsection (a) that the Chairperson determines are appropriate for the purpose of maximizing the number of foreclosures prevented.

(f) REPORT.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Chairperson of the Federal Deposit Insurance Corporation shall submit a progress report to the Congress containing such findings and such recommendations for legislative or administrative action as the Chairperson may determine to be appropriate.

By Mrs. HUTCHISON (for herself, Mr. VITTER, Mr. MARTINEZ, Mr. CORNYN, and Mr. ENNSIGN):

S. 74. A bill to provide permanent tax relief from the marriage penalty.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce a bill to provide permanent tax relief from the marriage penalty—the most egregious, anti-family provision in the tax code. One of my highest priorities in the United States Senate has been to relieve American taxpayers of this punitive burden.

We have made important strides to eliminate this unfair tax and provide marriage penalty relief by raising the standard deduction and enlarging the 15 percent tax bracket for married joint filers to twice that of single filers. Before these provisions were changed, 42 percent of married couples paid an average penalty of $1,400.

Enacting marriage penalty relief was a giant step for tax fairness, but it may be fleeting. Even as married couples use the money they now save to put food on the table and clothes on their children, a tax increase looms in the future. Since the 2001 tax relief bill was restricted, the marriage penalty provisions will only be in effect through 2010. Without action, marriage will again become a taxable event and a significant number of married couples will again pay more in taxes unless we act decisively. Given the challenges many families face in making ends meet, we must make sure we do not backtrack on this important reform.

The benefits of marriage are well established, yet, without marriage penalty relief, the tax code provides a significant disincentive for people to walk down the aisle. Marriage is a fundamental institution in our society and should not be discouraged by the IRS. Children living in a married household are far less likely to live in poverty or to suffer from child abuse. Research indicates these children are also less likely to be depressed or have developmental problems. Scourges such as adolescent drug use are less common in married families, and married mothers are less likely to be victims of domestic violence.

We should celebrate marriage, not penalize it. The bill I am offering would make marriage penalty relief permanent, because marriage should not be a taxable event. I call on the Senate to finish the job we started and make marriage penalty relief permanent today.

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. 74

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 “Permanent Marriage Penalty Relief Act of 2009".

SEC. 2. REPEAL OF SUNSET ON MARRIAGE PENALTY RELIEF. Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to—

(1) sections 301, 302, and 303 of such Act (relating to marriage penalty relief), and

(2) sections 101(b) and 101(c) of the Working Families Tax Relief Act of 2004 (relating to marriage penalty relief in the standard deduction and 15-percent income tax bracket, respectively).

By Mr. KOHL:

S. 75. A bill to amend title XVIII of the Social Security Act to require the use of generic drugs under the Medicare Part D prescription drug program when available unless the brand-name drug is determined to be medically necessary by the individual responsible for Medicare.

Mr. KOHL. Mr. President, I rise today to introduce the Generics First Act. This legislation requires the Federal Government’s Medicare Part D prescription drug program to use generic drugs whenever available, unless a brand-name drug is determined to be medically necessary by a physician. Modeled after similar provisions in many state-administered Medicaid programs, this measure would reduce the high costs of the new prescription drug program and keep savings medals in the Medicare drug coverage gap, or “donut hole,” by guiding beneficiaries toward cost-saving generic drug alternatives.

We know that the cost of prescription drugs is prohibitive, placing a financial strain on seniors, families, and businesses that are struggling to pay their health care bills. According to the National Bureau of Economic Research, spending on prescription drugs alone totaled $1,000 billion in 2007. People need help now and we must respond by expanding access to generic drugs.

Generics, which on average cost 60 percent less than their brand-name counterparts, are a big part of the solution to health care costs that are spiraling out of control.

Generic drugs that are approved by the FDA must meet the same rigorous standards for safety and effectiveness as brand-name drugs. In addition to being safe and effective, the generic must have the same active ingredient or ingredients, be the same strength, and have the same labeling for the approved uses as the brand-name drug.

In other words, generics perform the same medicinal purposes as their respective brand-name product.

We know generic drugs have the potential to save seniors thousands of dollars and curb health spending for the Federal Government and families. Every year, more blockbuster drugs are coming off patent, setting up the potential for billions of dollars in savings. This legislation is just one part of a larger agenda I’m pushing to remove the obstacles that prevent generics from getting to market, and I urge my colleagues to support this legislation.

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. 75

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 “Generics First Act of 2009”.

SEC. 2. REQUIRED USE OF GENERIC DRUGS UNDER THE MEDICARE PART D PRESCRIPTION DRUG PROGRAM. (a) IN GENERAL.—Section 1860D–2(e)(2) of the Social Security Act (42 U.S.C. 1395w–2(e)(2)) is amended by adding at the end the following new subparagraph:

“(c) NON-GENERIC DRUGS UNLESS CERTAIN REQUIREMENTS ARE MET.—

“(1) no generic drug has been approved under the Federal Food, Drug, and Cosmetic Act with respect to the drug; or

“(2) the use of a generic drug would not be medically necessary by the individual responsible for the drug.

“(b) EFFECTIVE DATE.—The amendment made by this section shall apply to drugs dispensed on or after the date of enactment of this Act.

By Mr. INOUYE:

S. 76. A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend that Act; to the Committee on Finance.

Mr. INOUYE. Mr. President, I rise today, again, to introduce a bill to reauthorize the Native Hawaiian Health Care Improvement Act. Senator AKAKA joins me in sponsoring this measure.

The Native Hawaiian Health Care Improvement Act was enacted into law in 1988, and has been reauthorized several times throughout the years.
The Act provides authority for a range of programs and services designed to improve the health care status of the native people of Hawaii.

With the enactment of the Native Hawaiian Health Care Improvement Act and the establishment of native Hawaiian health care systems on most of the islands that make up the State of Hawaii, we have witnessed significant improvements in the health status of native Hawaiians, but as the findings of unmet needs and health disparities show in this bill make clear, we still have a long way to go.

For instance, native Hawaiians have the highest cancer mortality rates in the State of Hawaii—rates that are 22 percent higher than the rate for the total State male population and 64 percent higher than the rate for the total State female population. Nationally, native Hawaiians have the third highest mortality rate as a result of breast cancer.

With respect to diabetes, in 2004 native Hawaiians had the highest mortality rate associated with diabetes in the State—a rate which is 119 percent higher than the statewide rate for all racial groups.

When it comes to heart disease, the mortality rate of native Hawaiians associated with heart disease is 46 percent higher than the rate for the entire State and the mortality rate for hypertension is 46 percent higher than that for the rest of the United States.

These statistics on the health status of native Hawaiians are but a small part of the long list of date that makes clear that our objective of assuring that the native people of Hawaii attain some parity of good health comparable to that of the larger U.S. population has not yet been achieved.

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. 76

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 “Native Hawaiian Health Care Improvement Reauthorization Act of 2009.”

SEC. 2. AMENDMENT TO THE NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT. The Native Hawaiian Health Care Improvement Act (42 U.S.C. 1701 et seq.) is amended to read as follows:

“SEC. 1. SHORT TITLE; TABLE OF CONTENTS. (a) SHORT TITLE.—This Act may be cited as the ‘Native Hawaiian Health Care Improvement Act.’

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

‘Sec. 1. Short title; table of contents.
‘Sec. 2. Findings.
‘Sec. 3. Establishment of the Native Hawaiian Health Care System.
‘Sec. 4. Declaration of national Native Hawaiian health policy.
‘Sec. 5. Comprehensive health care master plan.
‘Sec. 6. Functions of Pana Ola Lokahi.
‘Sec. 7. Native Hawaiian health care.
‘Sec. 8. Administrative grant for Pana Ola Lokahi.
‘Sec. 9. Administration of grants and contracts.
‘Sec. 10. Assignment of personnel.
‘Sec. 11. Native Hawaiian health scholarships and fellowships.
‘Sec. 12. Rule of construction.
‘Sec. 13. Use of Federal Government facilities and sources of supply.
‘Sec. 14. Definitions; other provisions of national significance.
‘Sec. 15. Rule of construction.
‘Sec. 16. Compliance with Budget Act.
‘Sec. 17. Severability.

SEC. 2. FINDINGS. (a) IN GENERAL.—Congress finds that—

(1) Native Hawaiians begin their story with the Kamehameha I, the first King of Hawai’i, and perpetuate their cultural and religious traditions, ancestral territory, and cultural identity;

(2) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago within Ke Moomianu, the Pacific Ocean; and

(3) have a distinct society that was first organized almost 2,000 years ago;

(4) the health status of Native Hawaiians are intrinsically tied to the deep feelings and attachment of Native Hawaiians to their lands;

(5) the long-range economic and social changes in Hawai’i over the 19th and early 20th centuries have been devastating to the health and well-being of Native Hawaiians;

(6) Native Hawaiians have never directly relinquished to the United States their claims to their inherent sovereignty as a people or over their national territory, either through their monarchy or through a plebiscite or referendum;

(7) the Native Hawaiian people are determined to preserve, develop, and transmit to future generations, in accordance with their own spiritual and traditional beliefs, their customs, practices, language, social institutions, ancestral territory, and cultural identity;

(8) in referring to themselves, Native Hawaiians use the term ‘Kanaka Maoli,’ a term frequently used in the 19th century to describe the native people of Hawai’i;

(9) the constitution and statutes of the State of Hawai’i—

(i) acknowledge the distinct land rights of Native Hawaiian people as beneficiaries of the public lands trust; and

(ii) reaffirm and protect the unique right of the native Hawaiian people to practice and perpetuate their cultural and religious customs, beliefs, practices, and language;

(10) at the time of the arrival of the first nonindigenous people in Hawai’i in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient, subsistence social system based on communal land tenure with a sophisticated language, culture, and religion;

(iii) a unified monarchical government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawai’i;

(iv) throughout the 19th century until 1893, the United States—

(A) recognized the independence of the Hawaiian Nation;

(B) extended full and complete diplomatic recognition to the Hawaiian Government; and

(C) entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887, respectively;

(12) in 1893, John L. Stevens, the United States Minister assigned to the sovereign and independent Kingdom of Hawai’i, conspired with a small group of non-Hawaiian residents of the Kingdom, including citizens of the United States, to overthrow the indigenous and lawful government of Hawai’i;

(13) in pursuance of that conspiracy—

(A) the United States Minister and the naval representative of the United States conspired with and armed the United States Navy to invade the sovereign Hawaiian Nation in support of the overthrow of the indigenous and lawful Government of Hawai’i; and

(B) after that event, the United States Minister extended diplomatic recognition of a provisional government formed by usurpators with the consent of the native people of Hawai’i or the lawful Government of Hawai’i, in violation of—

(i) treaties between the Government of Hawai’i and the United States; and

(ii) international law;

(14) in a message to Congress on December 18, 1893, President Grover Cleveland—

(A) reported fully and accurately on those illegal actions;

(B) acknowledged that by those acts, described by the President as acts of war, the government of a peaceful and friendly people was overthrown; and

(C) concluded that a ‘substantial wrong has thus been done which a due regard for national character requires the rights of the injured people required that we should endeavor to repair’;

(15) Queen Lil’ikalani, the lawful monarch of Hawai’i, and the Hawaiian Patriotic League, representing the aboriginal citizens of Hawai’i, promptly petitioned the United States for redress of those wrongs and restoration of the indigenous government of the Hawaiian nation, but no action was taken on that petition;

(16) in 1898, Congress enacted Public Law 103-150 (107 Stat. 1510), in which Congress—

(A) acknowledged the significance of those events; and

(B) apologized to Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawai’i with the participation of agents and citizens of the United States, and the resulting deprivation of the rights of Native Hawaiians to self-determination;

(17) between 1897 and 1998, when the total Native Hawaiian population in Hawai’i was less than 40,000, more than 38,000 Native Hawaiians signed petitions (commonly known as ‘Ku’u Petitions’ protesting annexation by the United States and requesting restoration of the monarchy);

(18) despite Native Hawaiian protests, in 1900, the United States—

(A) annexed Hawai’i through Resolution No. 55 (commonly known as the ‘Newlands Resolution’) (30 Stat. 750), without the consent of, or compensation to, the indigenous people of Hawai’i or the sovereign government of those people; and

(B) denied those people the mechanism for expression of their inherent and sovereign rights through self-government and self-determination of their lands and ocean resources;

(19) through the Newlands Resolution and the Act of April 30, 1900 (commonly known as the ‘1900 Organic Act’) (31 Stat. 141, chapter 339), the United States—

(A) received 1,750,000 acres of land formerly owned by the Crown and Government of the Hawaiian Kingdom; and

(B) exempted the land from then-existing public law land sales by the United States thereby establishing a special trust relationship between the United States and the inhabitants of Hawai’i;
“(20) in 1921, Congress enacted the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), which—

(A) designated 200,000 acres of the ceded public lands for progressive homesteading by Native Hawaiians; and

(B) affirmed the trust relationship between the United States and Native Hawaiians, as defined by the Interior Secretary, for the purpose of maintaining and improving the health status of the Hawaiian people; and

(21) in 1924, Congress again acknowledged the unique status of the Native Hawaiian people by including in the Act of June 20, 1926 (52 Stat. 781), a provision—

(A) to lease land within the extension to Native Hawaiians; and

(B) to permit fishing in the area ‘‘only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance’’;

(22) under the Act of March 18, 1939 (48 U.S.C. prec. 491 note; 73 Stat. 4), the United States—

(A) transferred responsibility for the administration of the Hawaiian home lands to the States—

(B) reaffirmed the trust relationship that existed between the United States and the Native Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and legislative amendments affecting the rights of beneficiaries under that Act;

(23) the Act referred to in paragraph (22), the United States—

(A) transferred responsibility for administration over portions of the ceded public lands not retained by the United States to the States; but

(B) reaffirmed the trust relationship that existed between the United States and the Native Hawaiian people by retaining the legal responsibility of the State for the betterment of the conditions of Native Hawaiians under section 5(f) of that Act (73 Stat. 6);

(24) in 1978, the people of Hawai‘i—

(A) amended the constitution of Hawai‘i to establish the Office of Hawaiian Affairs; and

(B) assigned to that Office the authority—

(i) to accept and hold in trust for the Native Hawaiian people trust land and personal property transferred from any source;

(ii) to receive payments from the State owed to the Native Hawaiian people in satisfaction of the pro rata share of the proceeds of the public land trust established by section 5(f) of the Act of March 18, 1939 (48 U.S.C. prec. 491 note; 73 Stat. 6);

(iii) to appoint the lead State agency for matters affecting the Native Hawaiian people; and

(iv) to formulate policy on affairs relating to the Native Hawaiian people;

(25) the authority of Congress under the Constitution to legislate in matters affecting the aboriginal or indigenous people of the United States includes the authority to legislate in matters affecting the Native people of Alaska and Hawai‘i;

(26) the United States has recognized the authority of the Native Hawaiian people to continue to work toward an appropriate form of sovereignty, as defined by the Native Hawaiian people in provisions set forth in legislation, including the authority of the Hawaiian Island of Kaho‘olawe to custodial management by the State in 1994;

(27) in furtherance of the trust responsibility for the betterment of the conditions of Native Hawaiians, the United States has established a program for the provision of comprehensive health and disease prevention services to maintain and improve the health status of the Hawaiian people;

(28) that program is conducted by the Native Hawaiian Health Care Systems and Papa Ola Lokahi;

(29) health initiatives implemented by the United States and other health institutions and agencies responsible for reducing the century-old morbidity and mortality rates of Native Hawaiian people by—

(A) providing comprehensive disease prevention;

(B) providing health promotion activities; and

(C) increasing the number of Native Hawaiians in the health and allied health professions;

(30) those accomplishments have been achieved through implementation of—

(A) the Native Hawaiian Health Care Act of 1988 (Public Law 100–579); and

(B) the reauthorization of that Act under section 9168 of the Department of Defense Appropriations Act, 1993 (Public Law 102–386; 106 Stat. 1948);

(31) the historical and unique legal relationship to Native Hawaiians has been consistently recognized and affirmed by Congress through the enactment of more than 160 Federal laws that extend to the Native Hawaiian people the same rights and privileges accorded to American Indian, Alaska Native, Eskimo, and Aleut communities, including—

(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

(B) the American Indian Religious Freedom Act (42 U.S.C. 1996);

(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.); and

(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(32) the United States has recognized and reaffirmed the trust relationship to the Native Hawaiian people by—

(A) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

(B) the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987 (42 U.S.C. 6000 et seq.);

(C) the Veterans’ Benefits and Services Act of 1988 (Public Law 100–607; 102 Stat. 3122);

(D) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(E) the Native Hawaiian Health Care Act of 1988 (42 U.S.C. 1701 et seq.);

(F) the Health Professions Reauthorization Act of 1988 (Public Law 100–607; 102 Stat. 3122);

(G) the Nursing Shortage Reduction and Education Extension Act of 1988 (Public Law 100–607; 102 Stat. 3153);

(H) the Handicapped Programs Technical Amendments Act of 1988 (Public Law 100–630);

(I) the Indian Health Care Amendments of 1988 (Public Law 100–713); and

(J) the Native American Health Planning Improvement Act of 1990 (Public Law 101–527);

(33) the United States has affirmed that Native Hawaiians, as colonial inhabitants, have the same rights and privileges as other residents of the ceded lands under the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001 et seq.;

(34) in addition, the United States—

(A) has recognized that Native Hawaiians, as aboriginal, indigenous, native people of Hawai‘i, are a unique population group in Hawai‘i and in the continental United States;

(B) has so declared in—

(i) the documents of the Office of Management and Budget entitled—

(1) for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity and dated October 30, 1997; and


(ii) the document entitled ‘‘Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement’’ (Bulletin 00–02 to the Heads of Executive Departments and Establishments) and dated March 9, 2000; and

(iii) the document entitled ‘‘Questions and Answers when Designing Surveys for Information Collections’’ (Memorandum for the President’s Management Council) and dated January 20, 2006;

(iv) Executive order number 13126 (Fed. Reg. 3165), relating to increasing participation of Asian American and Pacific Islanders in Federal programs (June 7, 1999);

(v) the document entitled ‘‘HHS Tribal Consultation Policy’’ and dated January 2005; and

(vi) the Department of Health and Human Services Intradepartmental Council on Native American Affairs, Revised Charter, dated March 7, 2005; and

(35) despite the United States having expressed in Public Law 103–150 (107 Stat. 1510) its commitment to a policy of reconciliation with the Native Hawaiian people for past grievances—

(A) the unmet health needs of the Native Hawaiian people remain severe; and

(B) the health status of the Native Hawaiian people continues to be far below that of the general population of the United States.

(b) FINDING OF UNMET NEEDS AND HEALTH DISPARITIES.—Congress finds that the unmet needs and serious health disparities that adversely affect the Native Hawaiian people include the following:

(1) CHRONIC DISEASE AND ILLNESS.—

(A) Cancer.—

(i) In general.—With respect to all cancer—

(I) as an underlying cause of death in the State, the cancer mortality rate of Native Hawaiians of 218.3 per 100,000 residents is 50 percent higher than the rate for the total population of the State of 145.4 per 100,000 residents;

(II) Native Hawaiian males have the highest cancer mortality rates in the State for cancers of the lung, breast, rectum, and cervix, kidney and renal tissue, and for all cancers combined;

(III) Native Hawaiian females have the highest cancer mortality rates in the State for cancers of the lung, breast, colon, rectum, pancreas, stomach, ovary, liver, cervix, kidney, and uterus, and for all cancers combined; and

(IV) for the period of 1995 through 2000—

(aa) the cancer mortality rate for all cancers for Native Hawaiian males of 217 per 100,000 residents was 22 percent higher than the rate for all males in the State of 179 per 100,000 residents; and

(bb) the cancer mortality rate for all cancers for Native Hawaiian females of 192 per 100,000 residents was 64 percent higher than the rate for all females in the State of 117 per 100,000 residents.

(ii) Breast Cancer.—With respect to breast cancer—
"(I) Native Hawaiians have the highest mortality rate in the State from breast cancer (30.79 per 100,000 residents), which is 33 percent higher than the rate for Caucasian Americans (23.07 per 100,000 residents); and

"(II) nationally, Native Hawaiians have the third-highest mortality rate as a result of breast cancer (25.0 per 100,000 residents), behind African Americans (31.4 per 100,000 residents) and Caucasian Americans (27.0 per 100,000 residents).

"(III) CANCER OF THE CERVIX.—Native Hawaiians have the highest mortality rate as a result of cancer of the cervix in the State (3.65 per 100,000 residents), followed by Filipinos (2.89 per 100,000 residents) and Caucasian Americans (2.61 per 100,000 residents).

"(IV) LUNG CANCER.—Native Hawaiian males and females have the highest mortality rates as a result of lung cancer in the State, at 74.79 per 100,000 for males and 47.84 per 100,000 for females, which are higher than the rates for the total population of the State by 48 percent for males and 93 percent for females.

"(V) PROSTATE CANCER.—Native Hawaiian males have the third-highest mortality rate as a result of prostate cancer in the State (21.48 per 100,000 residents), with Caucasian Americans having the highest mortality rate as a result of prostate cancer (21.96 per 100,000 residents).

"(B) DIABETES.—With respect to diabetes, in 2004—

"(i) Native Hawaiians had the highest mortality rate as a result of diabetes mellitus (28.9 per 100,000 residents) in the State, which is 119 percent higher than the rate for all racial groups in the State (13.2 per 100,000 residents);

"(ii) the prevalence of diabetes for Native Hawaiians was 12.7 percent, which is 87 percent higher than the total prevalence for all residents of the State of 6.8 percent; and

"(iii) a higher percentage of Native Hawaiians with diabetes experienced diabetic retinopathy, as compared to other population groups in the State.

"(C) ASTHMA.—With respect to asthma and lower respiratory disease—

"(i) in 2004, mortality rates for Native Hawaiians (31.6 per 100,000 residents) from chronic lower respiratory disease were 52 percent higher than the total population of the State (20.8 per 100,000 residents); and

"(ii) in 2005, the prevalence of current asthma among Native Hawaiian adults was 12.8 percent, which is 71 percent higher than the prevalence of the total population of the State of 7.5 percent.

"(D) CARDIOVASCULAR DISEASES.—

"(I) HEART DISEASE.—With respect to heart disease—

"(i) in 2004, the mortality rate for Native Hawaiians (15.6 per 100,000 residents) of heart disease and diabetes (3.5 per 100,000 residents) was 86 percent higher than the rate for the total population of the State (164.3 per 100,000 residents); and

"(ii) in 2005, the prevalence for heart attack was 4.4 percent for Native Hawaiians, which is 22 percent higher than the prevalence for the total population of the State of 3.6 percent.

"(II) HYPERTENSION.—With respect to hypertension—

"(i) the mortality rate from cerebrovascular diseases for Native Hawaiians (75.6 per 100,000 residents) was 33 percent higher than the rate for the total population of the State (46 per 100,000 residents); and

"(II) in 2005, the prevalence for stroke was 4.9 percent for Native Hawaiians, which is 69 percent higher than the prevalence for the total population of the State (2.9 percent).

"(III) OTHER CIRCULATORY DISEASES.—With respect to other circulatory diseases (including high blood pressure and atherosclerosis)—

"(I) in 2004, the mortality rate for Native Hawaiians of 20.6 per 100,000 residents was 46 percent higher than the rate for the total population of the State of 14.1 per 100,000 residents; and

"(II) in 2005, the prevalence of high blood pressure for Native Hawaiians was 26.7 percent, which is 10 percent higher than the prevalence for the total population of the State of 24.2 percent.

"(II) Infectious Disease and Illness.—

With respect to infectious disease and illness—

"(A) in 1998, Native Hawaiians comprised 20 percent of all deaths resulting from infectious diseases in the State for all ages; and

"(B) the incidence of acquired immune deficiency syndrome for Native Hawaiians is at least twice as high as per 100,000 residents (10.5 percent) than the incidence for any other non-Caucasian group in the State.

"(III) INJURIES.—With respect to injuries—

"(A) the mortality rate for Native Hawaiians as a result of injuries (32 per 100,000 residents) is 18 percent higher than the rate for the total population of the State (27.5 per 100,000 residents);

"(B) 32 percent of all deaths of individuals between the ages 0 and 4 years resulting from injuries were Native Hawaiian; and

"(C) the 2 primary causes of Native Hawaiian deaths in that age group were motor vehicle accidents (30 percent) and intentional self-harm (39 percent).

"(IV) DENTAL HEALTH.—With respect to dental health—

"(A) Native Hawaiian children experience significantly higher rates of dental caries and unmet treatment needs as compared to other children in the continental United States and other ethnic groups in the State;

"(B) the prevalence rate of dental caries in the primary (baby) teeth of Native Hawaiian children aged 5 to 9 years of age is more than twice the national average rate of 1.9 per child in that age range;

"(C) 81.9 percent of Native Hawaiian children aged 5 to 8 have 1 or more decayed teeth, as compared to 53 percent for the total population of the State; and

"(D) nearly 62 percent of all mothers in the State under the age of 19 years were Native Hawaiian.

"(C) SECONDARY CRUDES.—

"(I) 39 percent of all deaths of children under the age of 18 years in the State were Native Hawaiian;

"(II) perinatal conditions accounted for 38 percent of all Native Hawaiian deaths in that age group;

"(III) Native Hawaiian infant mortality rates (9.8 per 1,000 live births) are—

"(i) the highest in the United States;

"(ii) 151 percent higher than the rate for Caucasian infants (3.9 per 1,000 live births); and

"(IV) Native Hawaiians have 1 of the highest infant mortality rates in the United States, second only to the rate for African Americans of 13.6 per 1,000 live births.

"(B) Premature Birth.—

"(i) as of 2006, Native Hawaiian women had the highest prevalence (28.9 percent) of having had no prenatal care during the first trimester of pregnancy, as compared to the 5 largest ethnic groups in the State;

"(ii) the mothers in the State who received no prenatal care in the first trimester, 33 percent were Native Hawaiian;

"(iii) in 2005, 41 percent of mothers with live births who had not completed high school were Native Hawaiian; and

"(IV) in every region of the State, many Native Hawaiian newborns begin life in a potentially hazardous circumstance, far higher than any other racial group.

"(C) Births.—With respect to births, in 2005—

"(i) 45.2 percent of live births to Native Hawaiian mothers were nonmarital, putting the affected infants at higher risk of low birth weight and infant mortality;

"(ii) of the 2,904 live births to Native Hawaiian single mothers, 9 percent were low birth weight (defined as a weight of less than 2,500 grams); and

"(iii) 43.7 percent of all low birth-weight infants born to single mothers in the State were Native Hawaiian.

"(D) Teen PREGNANCIES.—With respect to teen pregnancies, in 2005—

"(i) Native Hawaiians had the highest rate of births to mothers under the age of 18 years (9.8 per 1,000 live births) as compared to the rate of 2.7 percent for the total population of the State; and

"(ii) nearly 62 percent of all mothers in the State under the age of 19 years were Native Hawaiian.

"(E) Fetal Mortality.—With respect to fetal mortality, in 2005—

"(i) Native Hawaiians had the highest number of fetal deaths in the State, as compared to Caucasian, Japanese, and Filippino residents and others;

"(ii) in every region of the State, many Native Hawaiian infants were born to mothers who were Native Hawaiian.

"(F) Maternal and Child Health—

"(A) IN GENERAL.—With respect to maternal and child health, in 2000—

"(i) as of 2005, Native Hawaiians had the highest prevalence of smoking of 27.9 percent, which is 64 percent higher than the rate for the total population of the State (17 percent); and

"(ii) 53 percent of Native Hawaiians reported having smoked at least 100 cigarettes in their lifetime, as compared to 43.9 percent for the total population of the State;

"(ii) 33 percent of Native Hawaiians in grade 6 have smoked cigarettes at least once in the past year, as compared to 22.5 percent in the State;

"(B) Maternal and Child Health—

"(A) IN GENERAL.—With respect to maternal and child health, in 2000—
which is 21 percent higher than the prevalence for the total population of the State (16.5 percent); and
(iv) the prevalence of heavy drinking among Native Hawaiians (10.1 percent) is 36 percent higher than the prevalence for the total population of the State (7.4 percent); and
(v)(i) in 2003, 17.2 percent of Native Hawaiians 10 percent of Native Hawaiians in grade 8, 68.9 percent of Native Hawaiians in grade 10, and 78.1 percent of Native Hawaiians in grade 12 reported using alcohol, at least once in their lifetime, as compared to 13.2, 36.8, 59.1, and 72.5 percent, respectively, of all adolescents in the State; and
(ii) 62.1 percent Native Hawaiians in grade 12 reported being drunk at least once, which is 20 percent higher than the percentage for all adolescents in the State (51.5 percent);
(vi) on entering grade 12, 60 percent of Native Hawaiian adolescents reported having used illicit drugs, including inhalants, at least once in their lifetime, as compared to—
(I) 46.9 percent of all adolescents in the State; and
(II) 52.8 percent of adolescents in the United States;
(vii) on entering grade 12, 58.2 percent of Native Hawaiian adolescents reported having used marijuana, at least once in their lifetime, which is 31 percent higher than the rate of other adolescents in the State (44.4 percent);
(viii) Native Hawaiian adolescents represented 40 percent of the total admissions to substance abuse treatment programs funded by the State Department of Health; and
(ix) in 2003, Native Hawaiian adolescents reported the highest prevalence for methamphetamine use in the State, followed by Caucasians, Filipinos, and Hawaiians, respectively.
(B) Crime.—With respect to crime—
(i) during the period of 1992 to 2002, Native Hawaiian arrests for violent crimes decreased, but the rate of arrest remained 33 percent higher than the rate of the total population of the State;
(ii) the robbery arrest rate in 2002 among Native Hawaiian juveniles and adults was 59 percent higher (6.2 arrests per 100,000 residents) than the rate for the total population of the State (3.9 arrests per 100,000 residents); and
(iii) in 2002—
(I) 46.9 percent of Native Hawaiian men comprised between 35 percent and 43 percent of each security or crime prison system;
(II) Native Hawaiian women comprised between 38.1 percent and 50.3 percent of each class of female prison inmates in the State;
(III) 11.2 percent of Native Hawaiians comprised 39.5 percent of the total incarcerated population of the State; and
(IV) Native Hawaiians comprised 40 percent of the total sentenced felon population, in the State, as compared to 25 percent for Caucasians, 12 percent for Filipinos, and 5 percent for Samoans.
(v) based on anecdotal information, Native Hawaiians are overrepresented in the State prison population;
(vi) of the 2,269 incarcerated Native Hawaiians, 70 percent are between 20 and 40 years of age; and
(vii) based on anecdotal information, Native Hawaiians are estimated to comprise between 60 percent and 70 percent of all jail and prison inmates in the State.
(C) Depression and suicide.—With respect to depression and suicide—
(i)(i) in 1999, the prevalence of depression among Native Hawaiians was 15 percent, as compared to the national average of approximately 10 percent; and
(ii) Native Hawaiian females had a higher prevalence of depression (18.8 percent) than Native Hawaiian males (11.9 percent);
(ii) in 2000—
(i) Native Hawaiian adolescents had a significantly higher suicide attempt rate (12.9 percent) than the rate for other adolescents in the State (9.6 percent); and
(ii) 29 percent of all Native Hawaiian adult deaths were due to suicide; and
(iii) in 2006, the prevalence of obsessive compulsive disorder among Native Hawaiian adolescent girls was 17.1 percent, as compared to a rate of—
(I) 9.2 percent for Native Hawaiian boys and non-Hawaiian girls; and
(ii) a national rate of 2 percent.
(D) Overweightness and obesity.—With respect to overweightness and obesity—
(A) during the period of 2000 through 2003, Native Hawaiian males and females had the highest age-adjusted prevalence rates for obesity (40.5 and 32.5 percent, respectively), which was—
(i) with respect to individuals of full Native Hawaiian ancestry, 97 percent higher than the total population of the State (16.5 per 100,000); and
(ii) with respect to individuals with less than 100 percent Native Hawaiian ancestry, 56.8 percent higher than the prevalence for the total population of the State (9.6 percent); and
(B) for 2005, the prevalence of obesity among Native Hawaiian adults was 43.0 percent, which was 119 percent higher than the prevalence for the total population of the State (19.7 percent).
(E) Family and child health.—With respect to family and child health—
(A) in 2000, the prevalence of single-parent families with minor children was highest among Native Hawaiian households, as compared to all households in the State (45.1 percent and 8.1 percent, respectively);
(B) in 2002, nonmarital births accounted for 56.8 percent of all live births among Native Hawaiians, compared to 31 percent of all live births in the State;
(C) the rate of confirmed child abuse and neglect among Native Hawaiians has consistently been 3 to 4 times the rates of other major ethnic groups, with a 3-year average of 63.9 cases in 2002, as compared to 12.8 cases for the total population of the State;
(D) spouse abuse or abuse of an intimate partner was highest for Native Hawaiians, as compared to all cases of abuse in the State (4.5 percent and 2.2 percent, respectively); and
(E) (i) ½ of uninsured adults in the State have family incomes below 200 percent of the Federal poverty level; and
(ii) Native Hawaiians residing in the State and the continental United States have a higher rate of uninsurance than other ethnic groups in the State and continental United States (14.5 percent and 9.5 percent, respectively).
(F) Health professions education and training.—With respect to health professions education and training—
(A) in 2003, 42.5 percent of Native Hawaiians had a higher rate of high school completion, as compared to the total adult population of the State (49.4 percent and 34.1 percent, respectively);
(B) Native Hawaiian physicians make up 4 percent of the total physician workforce in the State; and
(C) in 2006, Native Hawaiians comprised—
(i) 11.25 percent of individuals who earned bachelor's degrees; and
(ii) 6 percent of individuals who earned master's degrees also or completed another graduate degree;
(iii) 3 percent of individuals who earned doctorate degrees;
(iv) 7.9 percent of the credited student body at the University of Hawai'i at Manoa; and
(v) 0.4 percent of the instructional faculty at the University of Hawai'i Community Colleges.
(G) Disease prevention.—In this Act—
(1) DEPARTMENT.—The term ‘Department’ means the Department of Health and Human Services.
(2) Disease prevention.—The term ‘disease prevention’ includes—
(A) immunizations;
(B) control of high blood pressure;
(C) control of sexually transmissible diseases;
(D) prevention and control of chronic diseases;
(E) control of toxic agents;
(F) occupational safety and health;
(G) injury prevention;
(H) fluoridation of water;
(I) control of infectious agents; and
(J) provision of mental health care.
(3) Health promotion.—The term ‘health promotion’ includes—
(A) pregnancy and infant care, including prevention of fetal alcohol syndrome;
(B) cessation of tobacco smoking;
(C) reduction in the misuse of alcohol and harmful illicit drugs;
(D) improvement of nutrition;
(E) improvement in physical fitness;
(F) family planning;
(G) control of stress;
(H) reduction of major behavioral risk factors and promotion of healthy lifestyle practices; and
(I) integration of cultural approaches to health and well-being (including traditional practices relating to the atmosphere (lewa lanai), land (aina), water (wai), and ocean (ka'u).
(J) Health service.—The term ‘health service’ means—
(A) service provided by a physician, physician's assistant, nurse practitioner, nurse, dentist, or other health professional;
(B) a diagnostic laboratory or radiologic service;
(C) a preventive health service (including a perinatal service, well child service, family planning service, nutrition service, home health service, sports medicine and athletic training service, and general health service associated with enhanced health and wellness);
(D) emergency medical service, including a service provided by a first responder, emergency medical technician, or mobile intensive care technician;
(E) a transportation service required for adequate patient care;
(F) a preventive dental service;
(G) a pharmaceutical and medication service;
(H) a mental health service, including a service provided by a psychologist or social worker;
(I) a genetic counseling service;
(J) a health administration service, including a service provided by a health program administrator;
(K) a health research service, including a service provided by an individual with an advanced degree in medicine, nursing, psychology, social work, or any other related health program;
(L) an environmental health service, including a service provided by an epidemiologist, public health official, medical geographer, or medical anthropologist, or an individual specializing in biological, chemical, or environmental health determinants;
(M) a primary care service that may lead to specialty or tertiary care; and
(2) service provided by a psychologist or social worker;
(N) a complementary healing practice, including a service provided by an epidemiologist, public health official, medical geographer, or medical anthropologist, or an individual specializing in biological, chemical, or environmental health determinants;
“(5) NATIVE HAWAIIAN.—The term ‘Native Hawaiian’ means any individual who is Kanaka Maoli (a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State), as evidenced by—

(A) genealogical records;

(B) kama'aina witness verification from Native Hawaiians; or

(C) birth records of the State or any other State or territory of the United States.

(6) NATIVE HAWAIIAN HEALTH CARE SYSTEM.—The term ‘Native Hawaiian health care system’ means any of up to 8 entities in the State that—

(A) is organized under the laws of the State;

(B) provides or arranges for the provision of health services for Native Hawaiians in the State;

(C) is a public or nonprofit private entity;

(D) has Native Hawaiians significantly participating in the planning, management, provision, monitoring, and evaluation of health services;

(E) addresses the health care needs of an island’s Native Hawaiian population; and

(F) is organized under the laws of the State of Hawaii.

(7) NATIVE HAWAIIAN HEALTH CENTER.—The term ‘Native Hawaiian Health Center’ means any organization that is a primary health care provider that—

(A) has a governing board composed of individuals, at least 50 percent of whom are Native Hawaiians;

(B) has demonstrated cultural competency in a predominantly Native Hawaiian community;

(C) serves a patient population that—

(i) is made up of individuals at least 50 percent of whom are Native Hawaiian; or

(ii) has served 2,500 Native Hawaiians as annual users of services; and

(D) is recognized by Papa Ola Lokahi as having met criteria described in subparagraphs (A) through (C).

(8) NATIVE HAWAIIAN HEALTH TASK FORCE.—The term ‘Native Hawaiian Health Task Force’ means a task force established by the State Council of Hawaiian Homestead Associations to implement health and wellness strategies in Native Hawaiian communities.

(9) NATIVE HAWAIIAN ORGANIZATION.—The term ‘Native Hawaiian organization’ means any organization that—

(A) serves the interests of Native Hawaiians; and

(B) is recognized by Papa Ola Lokahi for planning, conducting, or administering programs authorized under this Act for the benefit of Native Hawaiians

(ii) is a public or nonprofit private entity.

(10) OFFICE OF HAWAIIAN AFFAIRS.—The term ‘Office of Hawaiian Affairs’ means the governmental entity that—

(A) is established under article XII, sections 5 and 6, of the Hawai‘i State Constitution; and

(B) charged with the responsibility to formulate policy relating to the affairs of Native Hawaiians.

(11) OFFICE OF NAhalo LOKAHI.—The term ‘Papa Ola Lokahi’ means an organization that—

(A) is composed of public agencies and private organizations focusing on improving the health status of Native Hawaiians; and

(B) governed by a board or the members of which shall include representation from—

(i) E Ola Mau;

(ii) the Office of Hawaiian Affairs;

(iii) Ali‘i Like, Inc.;

(iv) the University of Hawai‘i; and

(v) the Hawai‘i State Department of Health;

(vi) the Native Hawaiian Health Task Force;

(vii) the Hawai‘i State Primary Care Association;

(viii) the Native Hawaiian Health Care System serving the islands of Kaua‘i or Ni‘ihau (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of those islands);

(ix) Ke Ola Mamo, or a health care system serving the island of O‘ahu (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island);

(X) Hui No Ke Ola Pono, or a health care system serving the island of Maui (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island);

(XI) Na Pu‘uwai or a health care system serving the islands of Moloka‘i or Lana‘i (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of those islands);

(XII) Hui Malama Ola Na ‘Oiwi, or a health care system serving the island of Hawai‘i (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island);

(XIII) such other Native Hawaiian health care systems as are certified and recognized by Papa Ola Lokahi in accordance with this Act; and

(XIV) such other member organizations as the board of Papa Ola Lokahi shall admit from time to time, based on satisfactory demonstration of a record of contribution to the health and well-being of Native Hawaiians.

(B) EXCLUSION.—The term ‘Papa Ola Lokahi’ does not include any organization described in subparagraph (A) for which the Secretary has made a determination that the organization has not developed a mission statement that includes—

(i) clearly-defined goals and objectives for the contributions the organization will make to—

(I) Native Hawaiian health care systems; and

(ii) the national policy described in section 4; and

(iii) an action plan for carrying out those goals and objectives.

(12) SECRETARY.—The term ‘Secretary’ means the Secretary of Health and Human Services.

(13) STATE.—The term ‘State’ means the Hawai‘i State.

(14) TRADITIONAL NATIVE HAWAIIAN HEALTH.—The term ‘traditional Native Hawaiian healer’ means a practitioner—

(A) who—

(i) is of Native Hawaiian ancestry; and

(ii) has the knowledge, skills, and experience of whom by learning of Native Hawaiian healing practices acquired by—

(1) direct practical association with Native Hawaiian elders; and

(ii) oral traditions transmitted from generation to generation.

SEC. 4. DECLARATION OF NATIONAL NATIVE HAWAIIAN HEALTH POLICY.

(a) DECLARATION.—Congress declares that it is the policy of the United States to fulfill special responsibilities and legal obligations of the United States to the indigenous people of Hawai‘i resulting from the unique and historical relationship between the United States and the indigenous people of Hawai‘i,

(i) to raise the health status of Native Hawaiians to the highest practicable health level; and

(ii) to provide Native Hawaiian health care programs with all resources necessary to achieve that policy.

(b) INTENT OF CONGRESS.—It is the intent of Congress that—

(1) health care programs having a demonstrated effect of substantially reducing or eliminating the overrepresentation of Native Hawaiians among those suffering from chronic and acute disease and illness, and addressing the health needs of Native Hawaiians (including perinatal, early child development, and family-based health education programs) shall be established and implemented; and

(2) the United States—

(A) raise the health status of Native Hawaiians by the year 2010 to at least the levels described in the goals contained within Healthy People 2010 (or successor standards); and

(B) incorporate within health programs in the United States activities defined and identified by Kanaka Maoli, such as—

(i) incorporating and supporting the integration of cultural values and practices in health and well-being, including programs using traditional practices relating to the atmosphere (le‘a‘aina), land (‘aina), water (wai), or ocean (kai);

(ii) increasing the number of Native Hawaiian health and allied-health providers who provide care to or have an impact on the health status of Native Hawaiians;

(iii) increasing the use of traditional Native Hawaiian foods in—

(I) the diets and dietary preferences of people, including those in worksites and schools; and

(ii) school feeding programs;

(iv) identifying and instituting Native Hawaiian cultural values and practices within corporate, educational institutions and agencies providing health services to Native Hawaiians;

(v) facilitating the provision of Native Hawaiian healing practices by Native Hawaiian healers for individuals desiring that assistance;

(vi) supporting training and education activities and programs in traditional Native Hawaiian healing practices by Native Hawaiian healers; and

(vii) demonstrating the integration of health services for Native Hawaiians, particularly those that integrate mental, physical, and dental services in health care.

(c) REPORT.—The Secretary shall submit to the President, for inclusion in each report required to be submitted to Congress under section 12, a report on the progress made toward meeting the national policy described in this section.

SEC. 5. COMPREHENSIVE HEALTH CARE MASTER PLAN FOR NATIVE HAWAIIANS.

(a) DEVELOPMENT.—

(1) IN GENERAL.—The Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of coordi-}

ating, implementing, and updating a Native Hawaiian comprehensive health care master plan that is designed—
“(A) to promote comprehensive health promotion and disease prevention services; and

“(B) to maintain and improve the health status of Native Hawaiians; and

“(C) to support community-based initiatives that are reflective of holistic approaches to health.

“(2) CONSULTATION.—

“(A) NATION.—In carrying out this section, Papa Ola Lokahi and the Office of Hawaiian Affairs shall consult with representatives of—

“(i) the Native Hawaiian health care systems;

“(ii) the Native Hawaiian health centers; and

“(iii) the Native Hawaiian community.

“(B) MEMORANDA OF UNDERSTANDING.—Papa Ola Lokahi and the Office of Hawaiian Affairs may enter into memoranda of understanding or agreement for the purpose of acquiring joint funding, or for such other purposes as are necessary, to accomplish the objectives of this section.

“(3) HEALTH CARE FINANCING STUDY REPORT.—

“(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Native Hawaiian Health Care Improvement Reauthorization Act of 2009, Papa Ola Lokahi, in cooperation with the Office of Hawaiian Affairs and other appropriate agencies and the Department of Health and the Department of Human Services of the State, shall submit to Congress a report that describes the impact of Federal and State health care financing mechanisms and policies on the health and well-being of Native Hawaiians.

“(B) COMPONENTS.—The report shall include—

“(i) information concerning the impact on Native Hawaiian health and well-being of—

“(I) cultural competency;

“(II) risk assessment data;

“(III) eligibility requirements and exemptions; and

“(IV) reimbursement policies and capitation rates in effect as of the date of the report.

“(ii) such other similar information as may be important to improving the health status of Native Hawaiians in that information relates to health care financing (including barriers to health care); and

“(iii) recommendations for submission to the Secretary, for consultation and communication with Native Hawaiians.

“(B) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums as are necessary to carry out subsection (a).

“SEC. 6. FUNCTIONS OF PAPA OLA LOKAHI.

“(a) IN GENERAL.—Papa Ola Lokahi—

“(1) shall be responsible for—

“(A) the coordination, implementation, and updating, as appropriate, of the comprehensive health care master plan under section 5;

“(B) the training and education of individuals providing health services;

“(C) the identification of and research (including behavioral, biomedical, epidemiological, and health service research) into the diseases that are most prevalent among Native Hawaiians; and

“(D) the development and maintenance of an independent review board for all research projects involving all aspects of Native Hawaiian health, including behavioral, biomedical, epidemiological, and health service research;

“(2) may receive special project funds (including research endowments under section 786 of the Public Health Service Act (42 U.S.C. 293)) made available for the purpose of—

“(A) research on the health status of Native Hawaiians; and

“(B) addressing the health care needs of Native Hawaiians; and

“(3) shall serve as a clearinghouse for—

“(A) the maintenance of data associated with the health status of Native Hawaiians;

“(B) the identification and research into diseases affecting Native Hawaiians;

“(C) the availability of Native Hawaiian project funds, research projects, and publications;

“(D) the collaboration of research in the area of Native Hawaiian health; and

“(E) the timeliness dissemination of information pertinent to the Native Hawaiian health care systems.

“(b) CONSULTATION.—

“(1) IN GENERAL.—The Secretary and the Secretary of the Treasury shall consult with representatives of—

“(i) the Native Hawaiian community;

“(ii) Papa Ola Lokahi; and

“(iii) organizations providing health care services to Native Hawaiians in the State.

“(2) C OORDINATION.—Papa Ola Lokahi, may develop consultative, contractual, or other arrangements, including memoranda of understanding or agreement, with—

“(i) the Centers for Medicare and Medicaid Services;

“(ii) Papa Ola Lokahi; and

“(iii) any other Federal agency providing full or partial health insurance to Native Hawaiians.

“(ii) CONTENTS OF ARRANGEMENTS.—An arrangement under clause (i) may address—

“(i) the provision of health care services, including capitation rates and fee-for-service rates for Native Hawaiians who are entitled to or eligible for insurance;

“(ii) the scope of services provided to Native Hawaiians who are entitled to or eligible for medical assistance under the State plan or waiver; or

“(iii) any other matters that would enable Native Hawaiians to maximize health insurance benefits provided by Federal and State health insurance programs.

“(d) TECHNICAL SUPPORT.—

“(A) IN GENERAL.—The provision of health care services under any program operated by the Department or another Federal agency (including the Department of Veterans Affairs) may include the services of—

“(i) traditional tribal Native Hawaiian healers; and

“(ii) traditional healers providing traditional health care practices (as those terms are defined in section 4 of the Indian Health Care Improvement Act of 1980). (sec.)

“(B) EXEMPTION.—Services described in subparagraph (A) shall be exempt from national accreditation reviews, including reviews conducted by—

“(i) the Joint Commission on Accreditation of Healthcare Organizations; and

“(ii) the Commission on Accreditation of Rehabilitation Facilities.

“SEC. 7. NATIVE HAWAIIAN HEALTH CARE.

“(a) COMPREHENSIVE HEALTH PROMOTION, DISEASE PREVENTION, AND OTHER HEALTH SERVICES.—

“(1) GRANTS AND CONTRACTS.—The Secretary, in consultation with Papa Ola Lokahi, may make grants to, or enter into
contracts with 1 or more Native Hawaiian health care systems for the purpose of providing comprehensive health promotion and disease prevention services, as well as other health and cultural activities for Native Hawaiians who desire and are committed to bettering their own health.

"(2) LIMITATION ON NUMBER OF ENTITIES.—The Secretary may make a grant to, or enter into a contract with, not more than 8 Native Hawaiian health care systems under this subsection for any fiscal year.

"(b) PLANNING GRANT OR CONTRACT.—In addition to grants and contracts under subsection (a), the Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of planning Native Hawaiian health care systems to serve the health needs of Native Hawaiian communities on each of the islands of O'ahu, Molok'ai, Maui, Hawai'i, Lana'i, Kau'a'i, Kaho'olawe, and Ni'ihau in the State.

"(c) HEALTH SERVICES TO BE PROVIDED.—

"(1) IN GENERAL.—Each recipient of funds under subsection (a) may provide or arrange for—

(A) outreach services to inform and assist Native Hawaiians in accessing health services;

(B) education in health promotion and disease prevention for Native Hawaiians that, wherever practicable, is provided by—

(i) Native Hawaiian health care practitioners;

(ii) community outreach workers;

(iii) counselors;

(iv) cultural educators; and

(v) other disease prevention providers;

(C) services of individuals providing health services;

(D) collection of data relating to the prevention of diseases and illnesses among Native Hawaiians; and

(E) support of culturally appropriate activities that enhance health and wellness, including land-based, water-based, ocean-based, and spiritually-based projects and programs.

"(2) TRADITIONAL HEALERS.—The health care services referred to in paragraph (1) that are provided under grants or contracts under subsection (a) may be provided by traditional Native Hawaiian healers, as appropriate.

"(d) FEDERAL TORT CLAIMS ACT.—An individual who provides a medical, dental, or professional service to Native Hawaiians; and

"(e) SITE FOR OTHER FEDERAL PAYMENTS.—

"(1) IN GENERAL.—A Native Hawaiian health care system that receives funds under subsection (a) may serve as a Federal loan repayment facility.

"(2) REMISSION OF PAYMENTS.—A facility described in paragraph (1) shall be designated as a Federal loan repayment facility.

"(f) RESTRICTION ON USE OF GRANT AND CONTRACT FUNDS.—The Secretary shall not make a grant or enter into a contract with, an entity under subsection (a) unless the entity agrees that amounts received under the grant or contract will not, directly or under a contract—

(A) for any service other than a service described in subsection (c)(1);

(B) to purchase or improve real property (other than remodeling of existing improvements to real property); or

(C) to purchase major medical equipment.

"(g) LIMITATION ON CHARGES FOR SERVICES.—The Secretary shall not make a grant to, or enter into a contract with, an entity under subsection (a) unless the entity agrees that, with respect to the grant or contract, charges for health services provided directly or under a contract—

(1) are made according to a schedule of charges that is based, and spiritually-based projects and services through a contract entered into by the Secretary under section 7, the Secretary shall, before renewing the contract—

(A) treated as if the individual were a member of the Public Health Service; and

(B) subject to section 224 of the Public Health Service Act (42 U.S.C. 233).

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"(f) RESTRICTION ON USE OF GRANT AND CONTRACT FUNDS.—The Secretary shall not make a grant or enter into a contract with, an entity under subsection (a) unless the entity agrees that amounts received under the grant or contract will not, directly or under a contract—

(A) for any service other than a service described in subsection (c)(1);

(B) to purchase or improve real property (other than remodeling of existing improvements to real property); or

(C) to purchase major medical equipment.

"(g) LIMITATION ON CHARGES FOR SERVICES.—The Secretary shall not make a grant to, or enter into a contract with, an entity under subsection (a) unless the entity agrees that, with respect to the grant or contract, charges for health services provided directly or under a contract—

(1) are made according to a schedule of charges that is based, and spiritually-based projects and services through a contract entered into by the Secretary under section 7, the Secretary shall, before renewing the contract—

(A) treated as if the individual were a member of the Public Health Service; and

(B) subject to section 224 of the Public Health Service Act (42 U.S.C. 233).

"(e) SITE FOR OTHER FEDERAL PAYMENTS.—

"(1) IN GENERAL.—A Native Hawaiian health care system that receives funds under subsection (a) may serve as a Federal loan repayment facility.

"(2) REMISSION OF PAYMENTS.—A facility described in paragraph (1) shall be designated as a Federal loan repayment facility.
this Act shall be in accordance with all Fed-
eral contracting laws (including regula-
tions), except that, in the discretion of the
Secretary, such a contract may—

(2) FELLOWSHIPS.—A fellowship made under
any contract entered into under this Act—

(A) may be made—

(i) in advance;

(ii) by means of reimbursement; or

(iii) in installments; and

(B) shall be made on such conditions as the
Secretary determines to be necessary to carry
out this Act.

(e) REPORT.—

(1) In general.—For each fiscal year dur-
ing which an entity receives or expends
funds under a grant or contract under this
Act, the entity shall submit to the Secretary
and to Papa Ola Lokahi an annual report
that describes—

(A) the activities conducted by the entity under
the grant or contract; and

(B) the amounts and purposes for which
Federal funds were expended; and

(C) such other information as the Secre-
tary may request.

(2) AUDITS.—The reports and records of
any entity concerning any grant or contract
under this Act shall be subject to audit by—

(A) the Secretary;

(B) the Inspector General of the Depart-
mant of Health and Human Services; and

(C) the Comptroller General of the United
States.

(f) ANNUAL PRIVATE AUDIT.—The Sec-
retary shall conduct, as a cost of any grant
made or contract entered into under this Act
the cost of an annual private audit con-
ducted by a certified public accountant to

(a) in general.—The Secretary may enter
into an agreement with Papa Ola Lokahi or any of the Native Hawaiian health care
systems for the assignment of personnel
of the Department of Health and Human
Services with relevant expertise for the
purpose of—

(1) conducting research; or

(2) providing comprehensive health pro-
motion and disease prevention services and
health services to Native Hawaiians.

(b) GENERAL PERSONNEL PRO-
VISIONS.—Any assignment of personnel made
by the Secretary under any agreement en-
tered into under subsection (a) shall be treated
as an assignment of Federal per-
sontel to a local government that is made in
accordance with subchapter VI of chapter 33
of title 5, United States Code.

SEC. 11. NATIVE HAWAIIAN HEALTH SCHOLAR-
SHIPS AND FELLOWSHIPS.

(a) ELIGIBILITY.—Subject to the avail-
ability of amounts appropriated under sub-
section (b), the Secretary shall provide to
Papa Ola Lokahi, through a direct grant or a
cooperative agreement, funds for the purpose
of providing scholarship and fellowship as-
cistance, counseling, and placement service
assistance to students who are Native Ha-
waiians.

(b) PRIORITY.—A priority for scholarships
under subsection (a) may be provided to em-
ployees of—

(1) the Native Hawaiian Health Care Sys-
tems; and

(2) Native Hawaiian Health Centers.

(c) TERMS AND CONDITIONS.—

(1) SCHOLARSHIP ASSISTANCE.—

(A) IN GENERAL.—The scholarship assis-
tance described in subsection (a) shall be provided in accordance with subparagraphs (B)
through (G).

(B) NEED.—The provision of scholarships in each type of health profession training shall correspond to the need for each type of health professional to serve the Native Ha-
waiian community in providing health serv-
ces, as identified by Papa Ola Lokahi.

(C) ELIGIBLE APPLICANTS.—To the max-
imum extent practicable, the Secretary shall select scholarship recipients from a list of el-
gible applicants submitted by Papa Ola
Locahi.

(D) OBLIGATED SERVICE REQUIREMENT.—

(1) IN GENERAL.—An obligated service re-
quirement for each scholarship recipient (ex-
cept for a recipient receiving assistance un-
der paragraph (ii)) shall be fulfilled through service, in order of priority, in—

(i) any of the Native Hawaiian health care
systems;

(ii) any of the Native Hawaiian health centers;

(iii) I or more health professions shortage
areas, medically underserved areas, or geo-
graphic areas or facilities similarly des-
ignated by the Public Health Service in the
State;

(iv) a Native Hawaiian organization that
serves a geographic area, community, or or-
ganization that serves a significant Native Ha-
awaian population;

(v) any public agency or nonprofit orga-
ization providing services to Native Hawai-
ians; or

(VI) any of the uniformed services of the
United States.

(ii) ASSIGNMENT.—The placement service
for a scholarship shall assign each Native Hawaiian scholarship recipient to 1 or more appro-
priate sites for service in accordance with clause (i).

(3) RIGHTS AND BENEFITS.—An individual
who is a health professional designated in
section 338A of the Public Health Service Act
(42 U.S.C. 254) who receives a scholarship
under this subsection while fulfilling a ser-
vice requirement under that Act shall retain
the same rights and benefits as members of
the National Health Service Corps during the
period of service.

(4) NO INCLUSION OF ASSISTANCE IN GROSS
INCOME.—The assistance provided under this section shall be considered to be
qualified scholarships for the purpose of sec-

(5) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums as are necessary to carry out sub-
sections (a) and (c)(2) for each of fiscal years
through 2014.

SEC. 12. REPORT.

For each fiscal year, the President shall, at the time at which the budget of the United States is submitted under section 1105 of title 5, United States Code, submit to Congress a report on the progress made in
meeting the purposes of this Act, including—

(1) a review of programs established or as-
sisted, in accordance with subpart (b) in each type of health profession training

(2) an assessment of and recommenda-
tions for additional programs or additional assistance necessary to provide, at a mini-

mum, health services to Native Hawaiians,

and ensure a health status for Native Hawai-
ians, that are at a parity with the health
services available to, and the health status of,
the general public in the general public.

SEC. 13. USE OF FEDERAL GOVERNMENT FACILI-
TIES AND SOURCES OF SUPPLY.

(a) IN GENERAL.—The Secretary shall per-
mit an organization that enters into a con-
tract or receives grant under this Act to use
in carrying out projects or activities under
the contract or grant all existing facilities under the jurisdiction of the Secretary (in-
cluding all equipment and allied health
services), in accordance with such terms and conditions as may be agreed on for the use and maintenance of the facilities or equipment.

(b) DONATION OF PROPERTY.—The Sec-
retary may donate to an organization that
enters into a contract or receives grant under this Act, for use in carrying out a project or activity under the contract or grant, any personal or real property deter-
mined to be in excess of the needs of the De-
partment or the General Services Adminis-
tration.

(c) ACQUISITION OF SURPLUS PROPERTY.—
The Secretary may acquire excess or surplus Federal Government personal or real prop-
erty for donation to an organization under
subsection (b) if the Secretary determines
that the property is appropriate for use by the organization for the purpose for which a contract entered into or grant received by the organization is authorized under this Act.

SEC. 14. DEMONSTRATION PROJECTS OF Na-
TIONAL SIGNIFICANCE.

(a) AUTHORITY AND INTEREST.—

(1) IN GENERAL.—The Secretary, in con-
sultation with Papa Ola Lokahi, may allo-
cate amounts made available under this Act
for projects or activities described in sub-
section (b) to carry out Native Hawaiian
demonstration projects of national sig-
nificance.

(2) AREAS OF INTEREST.—A demonstration project described in paragraph (1) may relate to such areas of interest as—

(A) the development of a centralized data-
base and information system relating to the health status, health care needs, and
wellness of Native Hawaiians;

(B) the education of health professionals,
and other individuals in institutions of high-

er education, in Native Hawaiian heal-

ing practices, including Native Hawaiian healing practices;
Mr. KERRY. Mr. President, it is my great hope that Congress will move this year to see that the successful, bipartisan State Children’s Health Insurance Program, SCHIP, is allowed the opportunity to fulfill its promise to the low-income children who need parity. For over 11 years it has provided, along with Medicaid, the type of meaningful and affordable health insurance coverage that each and every American child deserves. Yet there is much work to be done to provide this program, and the reauthorization of SCHIP gives us the opportunity to expand these successful programs to many of the nine million uninsured children in the country today, starting with the 6 million that are already eligible for public programs but not yet enrolled.

While expanding coverage to the uninsured is our top priority, it is equally important to ensure that the types of benefits offered to our Nation’s children are quality services that are uniformly available. Unfortunately, when it comes to mental health coverage, that is too often not the case today. Therefore, I am introducing today, along with Senator Snowe, the Children’s Mental Health Parity Act, a bill that would ensure that the mental health care for all children enrolled in the State Children’s Health Insurance Plan, SCHIP, this was passed as part of the SCHIP reauthorization last year, but unfortunately the bill was vetoed by President Bush. I am encouraged by the passage of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act in October 2008. It is now time to extend the same parity in mental health coverage to our children that we give to adults. Mental Illness is a critical problem for the young people in this country today. The numbers are startling. Mental disorders affect about one in five American children and up to 20 percent experience serious emotional disturbances that severely impact their functioning. Low-income children, those the SCHIP program is designed to cover, have the highest rates of mental health problems.

Yet, the sad reality is that an estimated 75% of all young people struggling with mental health disorders do not receive the care they need. We are failing our children when we do not provide appropriate treatment of mental health disorders or the consequences of this failure could not be more severe. Without early and effective intervention, affected children are less likely to do well in school and more likely to have compromised employment and earnings opportunities. Moreover, untreated mental illness may increase a child’s risk of coming into contact with the juvenile justice system. Finally, children with mental disorders are at a much higher risk for suicide.

Unfortunately, many states with SCHIP programs are not providing the type of mental health care coverage that our most vulnerable children deserve. Many States impose discriminatory limits on mental health care coverage that do not apply to medical and surgical care. These can include caps on coverage of inpatient days and outpatient visits, as well as cost and testing restrictions that impair the ability of our physicians to make the best judgments for our kids.

The Children’s Mental Health Parity Act would prohibit discriminatory limits on mental health care in SCHIP plans by directing that any financial requirements or treatment limitations that apply to mental health substance abuse services must be no more restrictive than the financial requirements or treatment limits that apply to other medical services. This bill would also eliminate a harmful provision in current law that authorizes states to lower the amount of mental health coverage they provide to children to just 75 percent of the coverage provided in other health care plans used by states.

While many of the leading advocacy groups have endorsed the Children’s Mental Health Parity Act, including Mental Health America, the American Academy of Child & Adolescent Psychiatry, the Bazelon Center for Mental Health Law, Fight Crime: Invest in Kids, The National Association for Children’s Behavioral Health, the National Association of Psychiatric Health Systems, and the National Council for Community Behavioral Health care. We hope to see mental health covered through SCHIP be guaranteed that the mental health benefits they receive are just as comprehensive as those for medical and surgical care. It is no less important to care for our kids’ mental health, and this unfair and unwise disparity should no longer be acceptable. As we debate many important features of the SCHIP program during reauthorization, I look forward to working with colleagues on both sides of the aisle to see that this important and bipartisan bill receives the support that it deserves.

By Mr. KERRY (for himself and Ms. Snowe):
Today, Senator Snowe and I are introducing the Invest in Small Business Act of 2009 to encourage private investment in small businesses by making changes to the existing partial exclusion for gain from certain small business stock.

Investing in small businesses is essential to turning around the economy. Not only will investment in small business spur job creation, it will lead to new technological breakthroughs. We are at an important juncture in developing technologies to address global climate change. I believe that small business will repeat the role it played at the vanguard of the computer revolution—by leading the Nation in developing the technologies to substantially reduce carbon emissions. Small businesses already are at the forefront of these industries, and we need to do everything we can to encourage investment in small businesses.

Back in 1993, I worked with Senator Bumpers to enact legislation to provide a 50 percent exclusion for gain for individuals from the sale of certain small business stock that is held for 5 years. This provision would provide a 50 percent exclusion for gain for individuals from the sale of certain small business stock that is held for 5 years. Since the enactment of this provision, the capital gains rate has been lowered twice without a reduction in the exclusion. Due to the lower capital rates, this provision no longer provides a strong incentive for investment in small businesses.

The Invest in Small Business Act of 2009 makes several changes to the existing provision. This legislation increases the exclusion amount from 50 percent to 100 percent and decreases the holding period from 5 to 4 years. This bill would allow corporations to benefit from an extension provision as long as they own less than 25 percent of the small business corporation stock.

Currently, the exclusion is treated as a preference item for calculating the alternative minimum tax, AMT. The Invest in Small Business Act of 2009 would repeal the exclusion as an AMT preference item.

The Invest in Small Business Act of 2009 will provide an effective tax rate of 0 percent for the gain from the sale of certain small business. This lower capital gains rate will encourage investment in small businesses. In addition, the changes made by the Invest in Small Business Act of 2009 will make more taxpayers eligible for this provision.

I urge my colleagues to support the Invest in Small Business Act of 2009 which strengthens an existing tax incentive to provide an appropriate incentive to encourage innovation and entrepreneurship.

By Mr. KERRY:

Mr. KERRY. Mr. President, my home State of Massachusetts is setting an example for the rest of the country by taking bold steps to provide quality health coverage for everyone. Now it is time for Washington to do the same by bringing meaningful, affordable healthcare to those who are uninsured, in Massachusetts and across America.

In Massachusetts the cost of health care is a major obstacle to the overall goal of universal coverage. The problem of the uninsured can't be solved unless the issue of skyrocketing health costs to families and businesses is also tackled. And fully reforming the healthcare system requires that the Federal Government begin shouldering some of the burden to help alleviate costs.

Healthcare costs are highly concentrated in this country. The very few who suffer from catastrophic illness or injury drive costs up for everyone. One percent of the patients account for 25 percent of medical care costs, and 20 percent of patients account for 80 percent of costs. To make healthcare more affordable, we must find a better way to share the immense burden of insuring the chronically ill and seriously injured.

Part of the reason that businesses and health plans today fail to cover their workers is an aversion to risk. Patients who are catastrophically ill or injured often face the tragic combination of a serious health condition and financial peril. But there's a way to combat these costs.

Congress should make employers and healthcare plans an offer they can't refuse. It's called "reinsurance." Reinsurance provides a backstop for the high costs of healthcare. The Federal Government will reimburse a percentage of the highest cost cases if employers agree to offer comprehensive health insurance benefits to all full-time employees in the workplace. The Federal Government and health promotion benefits that are proven to make care affordable. This will result in lower costs and lower premiums for both employers and employees. If the Federal Government can help small and large businesses bear the burden of cost in the most expensive cases, we'll dramatically improve the access to health care for everyone.

That is why I am introducing the Healthy Businesses, Healthy Workers Reinsurance Act, to make the federal government a partner in helping businesses with the heavy financial burden of those catastrophic cases. Specifically, this legislation is designed to assist those catastrophic cases that cost more than $50,000 in a single year. Healthy Businesses, Healthy Workers will protect business owners from skyrocketing premiums, and provide more working families affordable, quality healthcare. With reinsurance, health insurance premiums for all of us will be lower. And with approximately 10 percent under this plan. This plan does have a cost associated with it, but the benefits will outweigh the costs. We spend hundreds of billions of dollars each year on inefficient and wasteful health expenditures. We need to make sure that these funds are being spent wisely to ensure that we can lower health care costs and improve coverage.

I believe that we must act now to address the health care crisis in America, taking steps that create real change and address both access to care and the cost of care. There is a growing bipartisan consensus that the Federal Government has a responsibility to help the catastrophically ill. As we take the next steps toward alleviating our nation's health care crisis, a common sense partnership between employers, families, and the government to share the costs of the sickest among us will lay the groundwork for achieving our ultimate goal: meaningful health care coverage for every single American. I ask all my colleagues to support this legislation.

By Mrs. FEINSTEIN:

S. 111. A bill for the relief of Joseph Gabra and Sharon Kamel; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am offering today private relief legislation to provide lawful permanent resident status to Joseph Gabra and his wife, Sharon Kamel, Egyptian nationals currently living with their children in Camarillo, California. Gabra and Sharon Kamel entered the United States legally on November 1, 1998, on tourist visas. They immediately filed for political asylum based on religious persecution.

The couple fled Egypt because they had been targeted for their active involvement in the Coptic Christian Church in Egypt. Mr. Gabra was employed from 1990–1998 by the Coptic Catholic Diocese Church in El-Fayoum as an accountant and "project coordinator in the Office of Social Elevation. He was responsible for building community facilities such as religious schools, among other things.

His wife, Sharon Kamel, was employed as the Director for Training in the Human Resources Department of the Coptic Church.

Both Mr. Gabra and Ms. Kamel had paid full-time positions with the Coptic Church.

Unfortunately, they and their family suffered abuse because of their commitment to their church. Mr. Gabra was repeatedly jailed by Egyptian authorities because of his work for the church. In addition, Ms. Kamel's cousin was murdered and her brother's business was fire-bombed.

When Ms. Kamel became pregnant with their first child, the family was warned by a member of the Muslim Church. In addition, Ms. Kamel's cousin was murdered and her brother's business was fire-bombed.

Frightened by these threats, the young family sought refuge in the United States. Unfortunately, when
they sought asylum here. Mr. Gabra, who has a speech impediment, had difficulty communicating his fear of persecution to the immigration judge.

The judge denied their petition, telling the family that he did not see why they could not just move to another city in Egypt to avoid the abuse they were suffering. Since the time that they were denied asylum. Ms. Kamel's brother, who lived in the same town and suffered similar abuse, was granted asylum.

I have decided to offer legislation on their behalf because I believe that, without it, this hardworking couple and their four United States citizen children would endure immense and unfair hardship.

First, in the ten years that Mr. Gabra and Ms. Kamel have lived here, they have worked to adjust their status through the appropriate legal channels. They left behind employment in Egypt and came to the United States on a lawful visa. Once here, they immediately notified authorities of their intent to seek asylum here. They have played by the rules and followed our laws.

In addition, during those ten years, the couple has had four U.S. citizen children who do not speak Arabic and are unfamiliar with Egyptian culture. If the family is deported, the children would have to acclimate to a different culture, language and way of life.

Jessica, age 10, is the Gabras' oldest child, and in the Gifted and Talented Education program in Ventura County. Rebecca, age 9, and Rafael, age 8, are old enough to understand that they would be leaving their schools, their teachers, their friends and their home. Veronica, the Gabra's youngest child, is just 3 years old.

More troubling is the very real possibility that if sent to Egypt, these four American children would suffer discrimination and persecution because of their religion, just as the rest of their family reports.

Mr. Gabra and Ms. Kamel have made a positive life for themselves and their family in the United States. Both have earned college degrees in Egypt and once in the United States, Mr. Gabra passed the Certified Public Accountant Examination on August 4, 2003. Since arriving here, Mr. Gabra has consistently supported his family.

The positive impact they have made on their community is highlighted by the fact that I received a letter of support on their behalf signed by 160 members of their church and community. From everything I have learned about the family, we can expect that they will continue to contribute to their community in productive ways.

Given these extraordinary and unique facts, I ask my colleagues to support this private relief bill on behalf of Joseph Gabra and Sharon Kamel.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, as follows:

**S. 111**

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

**SECTION 1. ADJUSTMENT OF STATUS.**

(a) In General.—Notwithstanding any other provision of law, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Joseph Gabra and Sharon Kamel shall be treated to the extent provided for in this Act as if they have been lawfully admitted to, and remained in, the United States, and shall be eligible for adjustment of status to that of an alien lawfully admitted for permanent residence under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) upon filing an application for such adjustment of status.

(b) APPLICABILITY OF FEE.—Subsection (a) shall apply only if the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of permanent resident status to Joseph Gabra and Sharon Kamel, the Secretary of State shall instruct theproper officer to reduce by 2, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Joseph Gabra and Sharon Kamel under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)), or, if applicable, the total number of immigrant visas that are made available to natives to the country of birth of Joseph Gabra and Sharon Kamel under section 202(e) of that Act (8 U.S.C. 1152(e)).

*By Mr. INOUYE:*

**S. 112.** A bill to require certain hospital support organizations to qualify as charitable organizations for purposes of determining acquisition indebtedness; to the Committee on Finance.

Mr. INOUYE. Mr. President, the legislation I have reintroduced will extend to qualified teaching hospital support organizations the existing debt-financed safe harbor rule. Congress enacted that rule to support the public service activities of tax-exempt schools, universities, pension funds, and consortia of such institutions. Our teaching hospitals require similar support.

As a result, for-profit hospitals are moving from older areas to affluent locations where residents can afford to pay for treatment. These private hospitals typically have no mandate for community service. In contrast, non-profit hospitals must fulfill a community service requirement. They must stretch their resources to provide increased service to their facilities, and maintain skilled staffing resulting in closures of non-profit hospitals due to this financial strain.

The program is particularly severe for teaching hospitals. Non-profit hospitals provide nearly all the post-graduate medical education in the United States. Post-graduate medical instruction is by nature not profitable. Instruction in the treatment of mental disorders and trauma is especially costly.

Despite their financial problem the Nation’s nonprofit hospitals strive to deliver a very high level of service. A study in the December 2006 issue of Archives of International Medicine had surveyed hospitals’ quality of care in four areas of treatment. It found that nonprofit hospitals consistently outperformed for-profit hospitals. It also found that teaching hospitals had a higher level of financial pressure in treatment and diagnosis. It said that investment in technology and staffing leads to better care. And it recommended that alternative payments and sources of payments be considered to finance these improvements.

The success and financial constraints of nonprofit teaching hospitals is evident in work of the Queen’s Health Systems in my State. This 147-year-old organization maintains the largest, private, nonprofit hospital in Hawaii. It serves as the primary clinical teaching facility for the University of Hawaii’s medical residency programs in medicine, general surgery, orthopedic surgery, obstetrics-gynecology, pathology, and psychiatry. It conducts educational and training programs for nurses and allied health personnel. It operates the only trauma unit as well as the chief behavioral health program in the State. It maintains clinics throughout Hawaii, health programs for the Hawaiian hospital on a rural, economically depressed island. Its medical reference library is the largest in the State. Not the least, it annually provides millions of dollars in uncompensated health care services. To help pay for these community benefits, the Queen’s Health Systems, as other nonprofit teaching hospitals, rely significantly on income from its endowment.

In the past, the Congress has allowed tax-exempt schools, colleges, universities, and pension funds to invest their endowment in real estate so as to better meet their financial needs. Under the tax code these organizations can incur debt for real estate investments without incurring an unrelated business tax on unrelated business activities.

If the Queen’s Health Systems were part of a university, it could borrow without incurring an unrelated business income tax. Not being part of a university, however, a teaching hospital and its support organization run into the tax code’s debt financing prohibition. Nonprofit teaching hospitals have the same if not more pressing needs as universities, schools, and pension trusts. The same safe harbor rule should be extended to teaching hospitals.

My bill would allow the support organizations for qualified teaching hospitals to engage in limited borrowing to enhance their endowment income. The proposal for teaching hospitals is actually more restricted than current law for schools, universities and pension trusts. Under safeguards developed by the Joint Committee on Taxation staff, a support organization for a teaching hospital can now develop land on a commercial basis. The proposal is tied directly to the organization endowment. The staff’s revenue
estimates show that the provision with its general application will help a number of teaching hospitals.

The U.S. Senate several times has acted favorably on this proposal. The Senate adopted a similar provision in H.R. 1836, the Health care Growth and Tax Relief Act of 2001. The House also expressed on that bill, however, objected that the provision was unrelated to the bill’s focus on individual tax relief and the conference deleted the provision from the final legislation. Subsequently, the Finance Committee included the provision in H.R. 7, the CARE Act of 2002, and in S. 476, the CARE Act of 2003 which the Senate passed. In a previous Congress’ S. 6, the Marriage, Opportunity, Relief, and Empowerment Act of 2005, which the Senate leadership introduced, also included the proposal.

As the Senate Finance Committee’s recent hearings show, substantial health needs would go unmet if not for our charitable hospitals. It is time for the Congress to assist the Nation’s teaching hospitals in their charitable, educational service.

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. 112

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

SECTION 1. TREATMENT OF CERTAIN HOSPITAL EDUCATIONAL SERVICE.

(a) In General.—Subparagraph (C) of section 514(c)(9) of the Internal Revenue Code of 1986 (relating to real property acquired by a qualified organization) is amended by striking ‘‘(i) qualified hospital support organization’’ and inserting ‘‘(i) qualified hospital support organization’’.

(b) Qualified Hospital Support Organizations.—Paragraph (9) of section 514(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

‘‘(i) QUALIFIED HOSPITAL SUPPORT ORGANIZATIONS.—For purposes of subparagraph (C)(iv), the term ‘qualified hospital support organization’ means, with respect to any eligible indebtedness (including any qualified refinancing of such eligible indebtedness), a support organization (as defined in section 509(a)(3)) which supports a hospital described in section 119(d)(4)(B) and with respect to which—

‘‘(I) more than half of its assets (by value) at any time since its organization—

‘‘(i) were acquired, directly or indirectly, by testamentary gift or devise, and

‘‘(II) consisted of real property, and

‘‘(ii) the fair market value of the organization’s real estate acquired, directly or indirectly, by gift or devise, exceeded 25 percent of the fair market value of all investment assets held by the organization immediately prior to the date on which the eligible indebtedness was incurred.

For purposes of this subparagraph, the term ‘eligible indebtedness’ means indebtedness secured by real property acquired by the organization, directly or indirectly, by gift or devise, the proceeds of which are used exclusively to acquire any leasehold interest in such real property, or for improvements on, or repairs to, such real property. A determination under clauses (i) and (ii) of this subparagraph shall be made each time such eligible indebtedness (as defined re- financing of such an eligible indebtedness) is incurred. For purposes of this subparagraph, a refinancing of such an eligible indebtedness shall be deemed if such refinancing does not exceed the amount of the refinanced eligible indebtedness immediately before the refinancing.

(c) Effective Date.—The amendments made by this section shall apply to indebtedness incurred on or after the date of the enactment of this Act.

By Mr. INOUYE:

S. 113. A bill to amend the Public Health Service Act to provide health care practitioners in rural areas with training in preventive health care, including both physical and mental care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, I rise today, again, to introduce the Rural Preventive Health Care Training Act, a bill that responds to the dire need of our rural communities for quality health care and disease prevention programs. Almost one fourth of Americans live in rural areas and frequently lack access to Medical care. As many as 21 million of the 3 million people living in under-served rural areas are without access to a primary care provider. Even in areas where providers do exist, there are numerous limits to access, such as geography, distance, lack of transportation, and lack of knowledge about available resources. Due to the diversity of rural populations, language and cultural obstacles are often a factor in the access to care.

Compound these problems with limited financial resources, and the result is that many Americans living in rural communities go without vital health care, especially preventive care. Children fail to receive immunizations and routine checkups. Preventable illnesses and injuries occur needlessly, and lead to expensive hospitalizations. Early symptoms of emotional problems and substance abuse go undetected, and often develop into full-blown disorders. An Institute of Medicine report entitled, ‘‘Reducing Risks for Mental Disorders: Frontiers for Preventive Intervention Research,’’ highlights the benefits of preventive care for all health problems. The training of health care providers in prevention is crucial in order to meet the demand for care in underserved areas. Currently, rural health care providers lack preventive care training opportunities.

Interdisciplinary preventive training of rural health care providers must be increased. Such training, rural health care providers can build a strong educational foundation from the behavioral, biological, and psycho-logical sciences. Interdisciplinary team prevention training will also facilitate operations at sites with both health and mental health clinics by facilitating routine consultation between groups. Emphasizing the mental health disciplines and their services as part of their training would significantly contribute to the overall health of rural communities.

The Rural Preventive Health Care Training Act would implement the risk-reduction model described in the Institute of Medicine. This model relies on the identification of risk factors and targets specific interventions for those risk factors. The human suffering caused by poor health is immeasurable, and places a huge financial burden on communities, families, and individuals. By implementing preventive measures to reduce this suffering, the potential psychological and financial savings are enormous.

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. 113

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 ‘‘Rural Preventive Health Care Training Act of 2009’’.

SEC. 2. PREVENTIVE HEALTH CARE TRAINING.

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by inserting after section 754 the following:

‘‘SEC. 754A. PREVENTIVE HEALTH CARE TRAINING.

‘‘(a) In General.—The Secretary may make grants to, and enter into contracts with, eligible applicants to enable such appli-cants to provide preventive health care training, in accordance with subsection (c), to health care practitioners practicing in rural areas. Such grants may include the identification of risk factors and targets specific interventions for those risk factors. The human suffering caused by poor health is immeasurable, and places a huge financial burden on communities, families, and individuals. By implementing preventive measures to reduce this suffering, the potential psychological and financial savings are enormous.

Mr. President, I ask unanimous consent, that the text of the bill be printed in the RECORD.

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S. 113

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SECTION 1. SHORT TITLE.

This Act may be cited as the ‘‘Rural Preventive Health Care Training Act of 2009’’. 
"(5) for other purposes as the Secretary determines to be appropriate.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the cost-effective, re-engineered approach, $5,000,000 for each of fiscal years 2010 through 2013.".

By Mr. INOUYE:
S. 114. A bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research; to the Committee on Health, Education, Labor, and Pension.

Mr. INOUYE. Mr. President, I rise, again, today to reintroduce legislation to amend the Public Health Service Act for the establishment of a National Center for Social Work Research. Social workers provide a multitude of health care delivery services throughout our Nation’s children, families, the elderly, and persons suffering from various forms of abuse and neglect. The purpose of this center is to support and disseminate information about the basic social work research and training, with emphasis on service to underserved and rural populations. While the Federal Government provides funding for various social work research activities through the National Institutes of Health and other Federal agencies, there presently is no coordination or direction of these critical activities and no overall assessment of needs and opportunities for empirical knowledge development. The establishment of a Center for Social Work Research would result in improved behavioral and mental health care outcomes for our Nation’s children, families, the elderly, and others.

In order to meet the increasing challenges of bringing cost-effective, research-based quality health care to all Americans, we must recognize the important contributions of social work researchers to health care delivery and central role that the Center for Social Work research and training and recommendation for approval applications for projects that demonstrate the probability of making valuable contributions to the knowledge; and

"(iii) may review any grant, contract, or cooperative agreement proposed to be made or entered into by the Center;

"(b) may collect, by correspondence or by personal investigation, information relating to studies that are being carried out in the United States or any other country and, with the approval of the Director of the Center, make such information available through appropriate publications; and

"(c) may appoint subcommittees and convene workshops and conferences.

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The advisory council shall be composed of the ex officio members described in paragraph (2) and not more than 18 individuals to be appointed by the Secretary under paragraph (3).

"(2) EX OFFICIO MEMBERS.—The ex officio members of the advisory council shall include—

"(A) the Secretary of Health and Human Services, the Director of NIH, the Director of the National Institute of Mental Health, the Director of the Division of Epidemiology and Services Research, the Assistant Secretary of Health and Human Services for the Administration for Children and Families, the Assistant Secretary of Education for the Office of Educational Research and Improvement, the Assistant Secretary of Housing and Urban Development for Community Planning and Development, and the Assistant Attorney General for Office of Justice Programs (or the designees of such officers); and

"(B) such additional officers or employees of the United States as the Secretary determines necessary for the advisory council to effectively carry out such authority.

"(3) APPOINTED MEMBERS.—The Secretary shall appoint to the advisory council, of which—

"(A) not more than two-thirds of such individuals shall be professional social workers who are recognized experts in the area of clinical practice, education, or research; and

"(B) not more than one-third of such individuals shall be public and shall include leaders in fields of public policy, law, health policy, economics, and management.

The Secretary shall make appointments to the advisory council in such a manner as to ensure that the terms of the members do not all expire in the same year.

"(4) COMPENSATION.—Members of the advisory council who are officers or employees of the United States shall not receive any compensation for service on the advisory council.

The remaining members shall receive, for each day (including travel time) they are engaged in the performance of the functions of the advisory council, compensation at rates not to exceed the daily equivalent of the maximum rate payable for a position at grade GS-15 of the General Schedule.

"(C) TERMS.
By Mrs. FEINSTEIN:

S. 116. A bill to require the Secretary of the Treasury to allocate $10,000,000,000 of Troubled Asset Relief Program funds to local governments that have suffered significant losses due to highly-rated investments in failed financial institutions; to the Committee on Banking, Housing, and Urban Affairs.

The TARP Assistance for Local Governments Act would require the Treasury Secretary to provide $10 billion in TARP funds to local governments that suffered losses due to highly-rated investments in failed financial institutions; and limit relief to local governments with investments in failed financial institutions that were highly rated, as determined by the Treasury Secretary.

This legislation is necessary because local governments are in jeopardy of losing up to $300 billion as a result of these investments.

In California 28 cities and counties could lose nearly $300 million. These investments include basic operational funds which cities and counties rely upon to function.

For many cities and counties that are already struggling with budget shortfalls, the consequences of these losses are severe.

Public safety, education, public health, infrastructure, and transit will be compromised.

Communities large and small are significantly impacted. These are examples from my State that demonstrate the gravity of this situation.

This list was included in a December 22 letter to Secretary Paulson, and to date, I have not received a response. San Mateo County sustained a loss of $30 million, which will require the county to abandon plans for a new and urgently needed county jail. The current jail will continue to operate in overcrowded conditions, far beyond the rating of the facility. The result will be unsafe working conditions for the corrections personnel and the likelihood that convicted criminals will be released into the community early and in large numbers.

The City of Shafter, a small community of 15,000 in the San Joaquin Valley, sustained a loss of $300,000, or nearly 4 percent of its annual budget. The City will be forced to make across-the-board cuts in all services, including police and fire.

Monterey County is facing a $30 million loss. Amid numerous other cuts, hardest hit will be programs targeting gang activities, including a special task force and the construction of new adult and juvenile corrections facilities to manage these criminals.

The San Mateo County Transportation Authority sustained a loss of more than $25 million, which will mean delays and higher costs for major projects that will reduce emissions and traffic, specifically the electrification of the Caltrain Peninsula Commuter Rail Service. Similarly, cuts in high-occupancy vehicle lanes will place more people on the local roads for longer times at a major cost in compromised air quality.

The City of Culver City has lost $1 million. This will result in a substantial decrease in local government revenues and higher liability exposure from accidents, greater environmental degradation from storm water drain off, and worsened traffic congestion in a region of the U.S. ranked as one of the worst for traffic.

The Hillsborough City School District lost over $924,000. Projects to create more classrooms for increased enrollment will not take place, increasing class size. Combined with other budget cuts from the State, all the District’s programs are threatened.

The Vallejo Sanitation and Flood Control District, which provides sanitary sewer and storm water services to the City of Vallejo, population 119,600, and nearby areas of Solano County, sustained losses of $4.5 million in Lehman Brothers investments and $1.46 million in Washington Mutual mutual investments. The result is that aging infrastructure in this community will not be replaced. The City of Vallejo recently declared Chapter 9 Municipal bankruptcy.

Sacramento County sustained an interest in costs of $8 million related to an interest rate swap agreement with Lehman. This increase means fewer funds for sheriff’s patrol and investigations and probation supervision, resulting in an increased risk to the safety of the community. This community will not be replaced. The City of Vallejo recently declared Chapter 9 Municipal bankruptcy.

The San Mateo County Community College District sustained a loss of $25 million in voter-approved bond funds. As a result, the District will be forced to abandon a program to build more classrooms, and, therefore, turn away thousands of potential students, many of them unemployed adults seeking job training.

The economic rescue legislation included a provision to require the Secretary of the Treasury to consider the impact of these losses on local governments when disbursing TARP funds. But, to date, the Secretary has not exercised his authority to assist local governments with such funds.

The TARP Assistance for Local Governments Act of 2009 will change this, and ensure that communities remain solvent and taxpayers are protected.

Given the urgency of this situation, we can no longer afford to wait.

I hope that my colleagues will join me in supporting this important legislation.
By Mr. KOHL (for himself, Ms. COLLINS, Mrs. LINCOLN, Mrs. BOXER, and Ms. MIKULSKI):

S. 117. A bill to protect the property and security of homeowners who are subject to foreclosure proceedings, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KOHL. Mr. President, I am introducing the Foreclosure Rescue Fraud Act of 2009 with my colleagues Senators COLLINS and LINCOLN. This legislation, which we introduced last Congress, was designed to combat financial predators who take advantage of homeowners in foreclosure.

Foreclosure rescue scams are another consequence of the housing crisis that is plaguing the country. Foreclosure filings have been climbing across the country for the past two years and in Wisconsin, filings have risen 22 percent over the past year. Additionally, the Federal Reserve estimates that 2.5 million Americans will face foreclosure in 2008. As default rates and foreclosure activity have steadily increased, so have financial scams which prey on homeowners. The Better Business Bureau listed foreclosure rescue scams as one of the top ten financial scams in 2008.

For most people, their home is their greatest asset. When a homeowner falls behind in their payments, it can cause a great deal of emotional stress on the family. Scam artists prey on owner’s desperation and give them a false sense of security, claiming they can help “save their home.” The types of scams vary, but the end result is that the homeowner is left in a more desperate situation than before.

The Foreclosure Rescue Fraud Act aims to prevent these cruel abuses by increasing disclosure and creating strict requirements for a person or entity offering foreclosure-rescue services. The legislation prohibits a “foreclosure consultant” from collecting any fee or compensation before completing contracted services, and from obtaining a power of attorney from a homeowner. It also requires full disclosure of third-party consideration in the property and creates a 3-day right to cancel the foreclosure-rescue contract. Finally, the legislation creates a federal “floor” of protection and allows states without rescue-fraud laws to use these provisions as a way to help scam victims. The Foreclosure Rescue Fraud Act will make it easier for states and the Federal Government to combat these schemes and protect people who are already financially distressed from being made worse off.

The past year has exposed the irregularities and inadequacies of our banking regulations. As Congress continues to work on proposals to restore confidence in our financial industry, it is imperative to put in place rules and regulations that better protect consumers in order to avoid further economic strain.

By Mr. KOHL (for himself, Mr. SCHUMER, Mr. DURBIN, Mr. BROWN, Mr. NELSON of Florida, Ms. STABENOW, Mr. LEAHY, and Mr. CASEY):

S. 118. A bill to amend section 202 of the Housing and Urban Development Act of 1968, to improve the program under such section for supportive housing for the elderly, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KOHL. Mr. President, I am introducing the Section 202 Supportive Housing for the Elderly Act of 2008 with my colleague Senator CHARLES SCHUMER for the purpose of expanding and improving the Department of Housing and Urban Development’s Section 202 Supportive Housing for the Elderly Program. Section 202 provides capital grants to nonprofit community organizations for the development of supportive housing and provision of rental assistance exclusively for low-income seniors. This program supplies housing that includes access to supportive services to allow seniors to remain safely in their homes and age in place. Access to supportive services reduces the occurrence of costly nursing home stays and helps save both seniors and the Federal Government money.

There are over 300,000 seniors living in 6,000 Section 202 developments across the country. Unfortunately, the program is far from meeting the growing demand. Approximately 730,000 additional senior housing units will be needed by 2020 in order to address the future housing needs of low-income seniors. There are currently 10 seniors vying for each unit that becomes available, with many seniors waiting years before finding a home. To make matters worse, we are losing older Section 202 properties to developers of high-priced condominiums and apartments. As a result, many seniors currently participating in the program could end up homeless.

Congress needs to act now to address the demand for safe, affordable senior housing. Our legislation would promote the construction of new senior housing facilities as well as preserve and improve upon existing facilities. The legislation would also support the conversion of existing facilities into assisted living facilities that provide a wide variety of additional supportive health and social services. Under current law, these structures are time-consuming and bureaucratic, often requiring waivers and special permission from HUD.

Finally, our legislation provides priority consideration for our homeless seniors seeking a place to call their own. With this bill, we hope to reduce current impediments and increase the availability of affordable and supportive housing for our Nation’s most vulnerable seniors.

I want to thank the American Association of Homes and Services for the Aging as well as the Wisconsin Association of Homes and Services for the Aging for being champions of this legislation and for working with us to develop a comprehensive bill that will help meet the growing need for senior housing in this Nation.

Senior citizens deserve to have housing that will help them maintain their independence. I urge that my colleagues join Senator SCHUMER and me in our efforts to ensure that older Americans have a place to call home during their golden years.

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. 118

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Section 202 Supportive Housing for the Elderly Act of 2009”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 101. New Construction Reforms.
Sec. 102. Refinancing.
Sec. 103. Definition of private nonprofit organization.
Sec. 104. First priority for homeless elderly.
Sec. 105. Nonmetropolitan allocation.
Sec. 106. Definitions.
Sec. 107. Additional provisions.
Sec. 108. Title V—National Senior Housing Clearinghouse.
Sec. 109. Title I—New Construction Reforms.
Sec. 110. Title II—Refinancing.
Sec. 111. Title III—Assisted Living Facilities.
Sec. 112. Title IV—Facilitating Affordable Housing Preservation Transitions.
Sec. 113. Title V—National Senior Housing Clearinghouse.
Sec. 114. Title VI—Emergency Situations.

SECTION 2. Sec. 201. Definition of emergency situations.

(a) Initial Project Rental Assistance.

(b) Renewal of and increases in contract amounts.

(i) Expiration of contract term. Upon the expiration of such contract term, the Secretary shall adjust the annual contract amount to provide for reasonable project costs, and any increases, including adequate reserves, supportive services, and service coordinators, except that any contract amounts not used by a project during a contract term shall not be available for such adjustments upon renewal.

(ii) Emergency situations. In the event of emergency situations that are outside the
control of the owner, the Secretary shall in-
crease the annual contract amount, subject
to reasonable review and limitations as the
Secretary shall provide.".

SEC. 102. SELECTION CRITERIA.
Section 202(l)(3) of the Housing Act of 1959
(12 U.S.C. 1701q(j)(3)) is amended—
(1) by redesignating subparagraphs (F) and
(G) as subparagraphs (G) and (H), respec-
tively; and
(2) by inserting after subparagraph (E) (as
so redesignated by paragraph (2) of this sub-
section) the following new subparagraph:
"(F) the extent to which the applicant has
ensured that a service coordinator will be
employed and retained for the housing,
who has the managerial capacity and re-
sponsibility for carrying out the actions
described in subparagraphs (A) and (B) of
subsection (e)(2);"

SEC. 103. DEVELOPMENT COST LIMITATIONS.
Section 202(b)(1) of the Housing Act of 1959
(12 U.S.C. 1701q(h)(1)) is amended, in the
matter preceding subparagraph (A), by inserting
"reasonable" before "development cost limi-
tations".

SEC. 104. OWNER DEPOSITS.
Section 202(k)(4)(A) of the Housing Act of 1959
(12 U.S.C. 1701q(h)(4)(A)) is amended by
inserting after the period at the end the fol-
lowing: "In complying with this paragraph, the
Secretary shall either operate or approve:

(1) mark-up-to-market contracts pursuant
to section 524(a)(4) of the Multifamily As-
sisted Housing Reform and Affordability
Act (42 U.S.C. 1431n note), as such section is
carried out by the Secretary for properties
owned by nonprofit organizations; or

(2) mark-up-to-budget contracts pursu-
tant to section 524(a)(4) of the Multifamily
Assisted Housing Reform and Affordability
Act (42 U.S.C. 1431n note), as such section is
carried out by the Secretary for properties
owned by eligible owners (as such term is de-
efined in section 202(k) of the Housing Act of
1959 (12 U.S.C. 1701q(k)); and"

(1) by adding after the period at the end
the following:
"(3) notwithstanding paragraph (2)(A), the
prepayment and refinancing authorized pur-
suant to paragraph (2)(B) involves an in-
dependent sale, the Secretary shall carry out
the following:"

(2) by adding at the end the following:
"(C) by inserting ''project-based'' before
"housing assisted under this section to estab-
lish the following: "In complying with this
paragraph, the Secretary shall either operate
or approve:

(1) mark-up-to-market contracts pursuant
to section 524(a)(3) of the Multifamily As-

(2) by amending paragraph (2) to read as
follows:
"(2) the amount by which the value of the
project less the outstanding in-
dependent sale, the Secretary shall carry out
the following:"

(3) in paragraph (1), by striking "not more
than 15 percent of";

(4) by adding at the end the following:
"(3) notwithstanding paragraph (2)(A), the
prepayment and refinancing authorized pur-
suant to paragraph (2)(B) involves an in-
dependent sale, the Secretary shall carry out
the following:"

(5) by striking paragraph (2) as a whole.

(6) the payment to the project owner,
spouse, or third party developer of a devel-
oper’s fee in an amount not to exceed—
(A) in the case of a project refinanced
through the State low income housing tax
credit program, the fee permitted by the low
income housing tax credit program as cal-
culated by the State program as a percent-
age of the acceptable development cost as de-
efined by that State program; or

(B) in the case of a project refinanced
without the transfer of the project, to the
project owner or the project sponsor, in an amount
equal to the difference between the appraised
value of the project less the outstanding in-
debtedness and total acceptable develop-
ment costs.

For purposes of paragraphs (6)(B) and (7)(B),
the term “acceptable development cost” shall
include, as applicable, the cost of ac-
cquiring and preparing the site, rehabilitation,
loan prepayment, initial reserve deposits, and trans-
action costs.

SEC. 204. USE OF PROJECT RESIDUAL RECEIPTS.
Section 202(l)(1) of the American Homeownership
(1) by striking "not more than 15 percent of";
and
(2) by inserting before the period at the end
the following: "or other purposes approved
by the Secretary.

SEC. 205. ADDITIONAL PROVISIONS.
Section 811 of the American Homeownership
and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended by
adding at the end the following new sub-
sections:

(1) by striking "or approving the stand-
ard"; and

(2) by amending the matter preceding para-
graph (1) as a whole.

(3) in paragraph (1), by striking "not more
than 15 percent of";

(4) by adding at the end the following:
"(3) notwithstanding paragraph (2)(A), the
prepayment and refinancing authorized pur-
suant to paragraph (2)(B) involves an in-
dependent sale, the Secretary shall carry out
the following:"

(5) by striking paragraph (2) as a whole.

(6) the payment to the project owner,
spouse, or third party developer of a devel-
oper’s fee in an amount not to exceed—
(A) in the case of a project refinanced
through the State low income housing tax
credit program, the fee permitted by the low
income housing tax credit program as cal-
culated by the State program as a percent-
age of the acceptable development cost as de-
efined by that State program; or

(B) in the case of a project refinanced
without the transfer of the project, to the
project owner or the project sponsor, in an amount
equal to the difference between the appraised
value of the project less the outstanding in-
debtedness and total acceptable develop-
ment costs.

For purposes of paragraphs (6)(B) and (7)(B),
the term “acceptable development cost” shall
include, as applicable, the cost of ac-
cquiring and preparing the site, rehabilitation,
loan prepayment, initial reserve deposits, and trans-
action costs.

SEC. 202. MARK-UP-TO-MARKET CONTRACTS.
Subsection (b) of section 811 of the Amer-
ican Homeownership and Economic Opportu-
unity Act of 2000 (12 U.S.C. 1701q note) is amended—
(1) by inserting after "National Housing
Agency," the following: "or approving the stand-
ards, used by authorized lenders to under-
write loans refinanced with risk sharing is pro-
vided by section 542 of the Housing and
Community Development Act of 1992
(12 U.S.C.1701 note);" and

(2) by striking "may" and inserting "shall".

SEC. 203. USE OF UNEXPENDED AMOUNTS.
Subsection (c) of section 811 of the Amer-
ican Homeownership and Economic Opportu-
ity Act of 2000 (12 U.S.C. 1701q note) is amended—
(1) by striking "Use of Unexpended Amounts"; and

(2) by amending the matter preceding para-
graph (1) as a whole.

(3) by striking "not more than 15 percent of";
and
(2) by inserting before the period at the end
the following: "or other purposes approved
by the Secretary."
“(1) Assistance under the contract shall be made available to the private nonprofit organization owner—

(A) for a term of at least 20 years, subject to amendment; and

(B) under the same rules governing project-based rental assistance made available under section 8 of the Housing Act of 1937.

(2) Any projects for which a senior preservation rental assistance contract is provided shall be subject to a use agreement to ensure continued affordability for the responsibilities of the programs. Such use agreements shall remain in effect for the duration provided under section 202 of the Housing Act of 1937 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act) and the continued subordination of the loan for the project to the debt previously approved by the Secretary so that the proceeds of the project as affordable housing or for refinancing agencies for a price not to exceed the unpaid principal balances of such mortgages and otherwise in accordance with the requirements of section 203.

(3) In carrying out the demonstration program required under paragraph (1), the Secretary shall—

(A) prohibit State housing finance agencies from having the authority to approve or condition the approval of, awards of subordinate debt funds, allocations of tax credits, or tax exempt bonds based on the use of financing for the first mortgage that is provided by such State housing finance agency; and

(B) require such agencies to allow, in accordance with the relevant terms for sales of subsidized loans on multifamily housing projects under section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11). For the purpose of demonstrating the efficiency, effectiveness, time, and timing of asset management and regulatory oversight of certain portfolios of such mortgages by State housing finance agencies, the Secretary shall carry out a demonstration program, in not more than 5 States, to sell portfolios of such mortgages to State housing finance agencies for a price not to exceed the unpaid principal balances of such mortgages and otherwise in accordance with the requirements of section 203.

(4) In carrying out the demonstration program required under paragraph (1), the Secretary shall—

(A) prohibit State housing finance agencies from having the authority to approve or condition the approval of, awards of subordinate debt funds, allocations of tax credits, or tax exempt bonds based on the use of financing for the first mortgage that is provided by such State housing finance agency; and

(B) require such agencies to allow, in accordance with the relevant terms for sales of subsidized loans on multifamily housing projects under section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11). For the purpose of demonstrating the efficiency, effectiveness, time, and timing of asset management and regulatory oversight of certain portfolios of such mortgages by State housing finance agencies, the Secretary shall carry out a demonstration program, in not more than 5 States, to sell portfolios of such mortgages to State housing finance agencies for a price not to exceed the unpaid principal balances of such mortgages and otherwise in accordance with the requirements of section 203.

(5) In carrying out the demonstration program required under paragraph (1), the Secretary shall—

(A) prohibit State housing finance agencies from having the authority to approve or condition the approval of, awards of subordinate debt funds, allocations of tax credits, or tax exempt bonds based on the use of financing for the first mortgage that is provided by such State housing finance agency; and

(B) require such agencies to allow, in accordance with the relevant terms for sales of subsidized loans on multifamily housing projects under section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11). For the purpose of demonstrating the efficiency, effectiveness, time, and timing of asset management and regulatory oversight of certain portfolios of such mortgages by State housing finance agencies, the Secretary shall carry out a demonstration program, in not more than 5 States, to sell portfolios of such mortgages to State housing finance agencies for a price not to exceed the unpaid principal balances of such mortgages and otherwise in accordance with the requirements of section 203.

(6) In carrying out the demonstration program required under paragraph (1), the Secretary shall—

(A) prohibit State housing finance agencies from having the authority to approve or condition the approval of, awards of subordinate debt funds, allocations of tax credits, or tax exempt bonds based on the use of financing for the first mortgage that is provided by such State housing finance agency; and

(B) require such agencies to allow, in accordance with the relevant terms for sales of subsidized loans on multifamily housing projects under section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11). For the purpose of demonstrating the efficiency, effectiveness, time, and timing of asset management and regulatory oversight of certain portfolios of such mortgages by State housing finance agencies, the Secretary shall carry out a demonstration program, in not more than 5 States, to sell portfolios of such mortgages to State housing finance agencies for a price not to exceed the unpaid principal balances of such mortgages and otherwise in accordance with the requirements of section 203.

(7) In carrying out the demonstration program required under paragraph (1), the Secretary shall—

(A) prohibit State housing finance agencies from having the authority to approve or condition the approval of, awards of subordinate debt funds, allocations of tax credits, or tax exempt bonds based on the use of financing for the first mortgage that is provided by such State housing finance agency; and

(B) require such agencies to allow, in accordance with the relevant terms for sales of subsidized loans on multifamily housing projects under section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11). For the purpose of demonstrating the efficiency, effectiveness, time, and timing of asset management and regulatory oversight of certain portfolios of such mortgages by State housing finance agencies, the Secretary shall carry out a demonstration program, in not more than 5 States, to sell portfolios of such mortgages to State housing finance agencies for a price not to exceed the unpaid principal balances of such mortgages and otherwise in accordance with the requirements of section 203.

(8) In carrying out the demonstration program required under paragraph (1), the Secretary shall—

(A) prohibit State housing finance agencies from having the authority to approve or condition the approval of, awards of subordinate debt funds, allocations of tax credits, or tax exempt bonds based on the use of financing for the first mortgage that is provided by such State housing finance agency; and

(B) require such agencies to allow, in accordance with the relevant terms for sales of subsidized loans on multifamily housing projects under section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11). For the purpose of demonstrating the efficiency, effectiveness, time, and timing of asset management and regulatory oversight of certain portfolios of such mortgages by State housing finance agencies, the Secretary shall carry out a demonstration program, in not more than 5 States, to sell portfolios of such mortgages to State housing finance agencies for a price not to exceed the unpaid principal balances of such mortgages and otherwise in accordance with the requirements of section 203.

(9) In carrying out the demonstration program required under paragraph (1), the Secretary shall—

(A) prohibit State housing finance agencies from having the authority to approve or condition the approval of, awards of subordinate debt funds, allocations of tax credits, or tax exempt bonds based on the use of financing for the first mortgage that is provided by such State housing finance agency; and

(B) require such agencies to allow, in accordance with the relevant terms for sales of subsidized loans on multifamily housing projects under section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11). For the purpose of demonstrating the efficiency, effectiveness, time, and timing of asset management and regulatory oversight of certain portfolios of such mortgages by State housing finance agencies, the Secretary shall carry out a demonstration program, in not more than 5 States, to sell portfolios of such mortgages to State housing finance agencies for a price not to exceed the unpaid principal balances of such mortgages and otherwise in accordance with the requirements of section 203.
(4) the estimated cost to a potential tenant to rent or reside in each available unit in each property, project, or facility described in paragraph (1); and

(b) ADJUSTMENT OF STATUS.—If Guy Privat Tape and Lou Nazie Raymonde Toto shall each be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawfully permanent resident status.

(b) ADJUSTMENT OF STATUS.—If Guy Privat Tape or Lou Nazie Raymonde Toto enters the United States before the filing deadline established in subsection (a) of this section, Mr. Tape or Lou Nazie Raymonde Toto, as appropriate, shall be considered to have entered
and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) Application and Payment of Fees.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) Reduction of Immigrant Visa Numbers.—Upon granting an immigrant visa or permanent residence to Guy Privat Tape and Lou Nazie Raymonde Toto, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Guy Privat Tape and Lou Nazie Raymonde Toto under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Guy Privat Tape and Lou Nazie Raymonde Toto under section 203(e) of such Act (8 U.S.C. 1152(e))

By Mrs. FEINSTEIN:
S. 120. A bill for the relief of Denes Fulop and Gyorgyi Fulop; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today a private immigration relief bill to provide lawful permanent residence status to Denes and Gyorgyi Fulop, Hungarian nationals who have lived in the United States since the early 1980s. The Fulops are the parents of six U.S. citizen children.

I first introduced this bill in June, 2000. Today, the Fulops continue to face deportation having exhausted all administrative remedies under our immigration system.

The Fulops’ story is a compelling one and one which I believe merits Congress’ consideration for humanitarian relief.

The most poignant tragedy to affect this family occurred in May of 2000, when the Fulops’ eldest child, Robert “Bobby” Fulop, an accomplished 15-year-old teenager, died suddenly of a heart aneurism. Bobby was considered the shining star of his family.

That same year their 6-year-old daughter, Elizabeth, was diagnosed with moderate pulmonary stenosis, a potentially life-threatening heart condition. When Bobby’s heart condition was diagnosed, the family decided to move to Hungary to help Mr. Fulop’s brother build his home. Mr. Fulop’s brother helped her, and they went to help remodel his home.

The Fulops are good and decent people. Mr. Fulop is a masonry contractor and the owner and President of his own construction company—Sumeg International. He has owned this business for almost 14 years.

The couple is active in their church and community. As Pastor Peter Petrovic of the Apostolic Christian Church of San Diego says in his letter of support, “[t]he family is an exceptional asset to their community.” Mrs. Fulop has served as a Sunday school teacher and volunteer regularly at Heritage K-8 Charter School in Escondido. Mrs. Morris, a Heritage K-8 Charter School faculty member says in her letter of support that Mrs. Fulop is “...a valuable asset to our school and community.”

Mr. President, this is a tragic situation. Essentially, as happened to many families under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the rules of the game were changed in the middle. When the Fulops applied for relief from deportation they were eligible for suspension of deportation. By the time the INS got around to their application, nearly three years later, they were no longer eligible and in fact suspension of deportation as a form of relief ceased to exist.

The Fulops today have been in the United States since the early 1980s. Most harmful is the effect that their deportation will have on the children. Their two eldest children are attending college, one studying structural engineering and the other studying to become a dental hygienist.

It is my hope that Congress sees fit to provide an opportunity for this family to remain together in the United States given their many years here, the harm that they have already experienced and the harm that would come from their deportation to their six U.S. citizen children.

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. 120
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADJUSTMENT OF STATUS.

(a) In General.—Notwithstanding any other provision of law or any order, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Denes Fulop and Gyorgyi Fulop shall be deemed to have been lawfully admitted to, and remained in, the United States and shall be eligible for issuance of an immigrant visa or for adjustment of status under section 245 of the Immigration and Nationality Act.

(b) Application and Payment of Fees.—Subsection (a) shall apply only if the applications for issuance of immigrant visas or for adjustment of status are filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) Reduction of Immigrant Visa Numbers.—Upon granting an immigrant visa or permanent residence to Guy Privat Tape and Lou Nazie Raymonde Toto, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Guy Privat Tape and Lou Nazie Raymonde Toto under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Guy Privat Tape and Lou Nazie Raymonde Toto under section 203(e) of such Act (8 U.S.C. 1152(e)).

By Mrs. FEINSTEIN:
S. 121. A bill for the relief of Esidronio Arreola-Saucedo, Maria Elena Cobian Arreola, Nayely Bibiana Arreola, and Cindy Jael Arreola; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today private immigration relief legislation to provide lawful permanent residence status to Esidronio Arreola-Saucedo, Maria Elena Cobian Arreola, Nayely Bibiana Arreola and Cindy Jael Arreola, to the Committee on the Judiciary.

Mr. and Mrs. Arreola have lived in the United States for over 20 years. Two of their five children, Nayely, age 23, and Cindy, age 19, also stand to benefit from this legislation. Their other three children, Roberto, age 16, Daniel, age 13, and Saray, age 11, are United States citizens. Today, Mr. and Mrs. Arreola and their two eldest children face deportation.

The story of the Arreola family is compelling and I believe they merit Congress’ special consideration for such an extraordinary form of relief as a private bill.
The Arreolas are in this uncertain situation in part because of grievous errors committed by their previous counsel, who has since been disbarred. In fact, the attorney’s conduct was so egregious that it compelled an immigration judge to write the Executive Office of Immigration Review requesting his disbarment for the disservice he caused his immigration clients.

Mr. Arreola has lived in the United States since 1986. He was an agricultural migrant worker in the fields of California for several years, and his work has made him eligible for permanent residence through the Seasonal Agricultural Workers, SAW, program, had he known about it.

Mrs. Arreola was living in the United States at the time she became pregnant with her daughter Cindy, but returned to Mexico to give birth so as to avoid any problems with the Immigration and Naturalization Service.

Given the length of time that the Arreolas have lived in the United States it is quite likely that they would have qualified for relief from deportation pursuant to the cancellation of removal provisions of the Immigration and Nationality Act, but for the conduct of their previous attorney.

Perhaps one of the most compelling reasons for permitting the family to remain in the United States is the devastation of their situation if their deportation would have on their children, all of whom are U.S. citizens—and the other two who have lived in the United States since they were toddlers. For these children, this country is the only country they really know.

Nayely, the oldest, recently graduated from Fresno Pacific University with a degree in Business Administration and was recently hired as a substitute teacher in Tulare County. She was the first in her family to graduate from high school and the first to graduate college. She attended Fresno Pacific University, a regionally ranked university, on a full tuition scholarship package and worked part-time in the admissions office.

At her young age, Nayely has demonstrated a strong commitment to the ideals of citizenship in her adopted country. She has worked hard to achieve her full potential both in her academic endeavors and through the services she provides her community. As the Associate Dean of Enrollment Services, Cary Templeton, at Fresno Pacific University states in a letter of support, “[t]he leaders of Fresno Pacific University saw in Nayely, a young person who will become exemplary of all that is good in the American dream.”

In high school, Nayely was a member of Advancement Via Individual Determination, AVID, a college preparatory program in which students commit to determining their own futures through achieving a college degree. Nayely was also President of the Key Club, a community service organization. She helped mentor freshmen and participated in several other student organizations in her school. Perhaps the greatest hardship to this family, if forced to return to Mexico, will be her lost opportunity to realize her dreams and further contribute to her community and this country.

It is clear to me that Nayely feels a strong sense of responsibility for her community and country. By all indications, this is the case as well for all of the members of her family.

The Arreolas have other family who are lawful permanent residents of this country or United States citizens. Mrs. Arreola has three brothers who are U.S. citizens and Mr. Arreola has a sister who is a U.S. citizen. It is also my understanding that they have no immediate family in Mexico.

According to immigration authorities, this family has never had any problems with law enforcement. I am told that they have filed their taxes for every year from 1990 to the present. They have a strong record of support and support themselves. As I previously mentioned, Mr. Arreola was previously employed as a farm worker, but now has his own business repairing electronics. His business has been successful enough to enable him to purchase a home for his family.

It seems so clear to me that this family has embraced the American dream and their continued presence in our country would do so much to enhance the values we hold dear. Enactment of the legislation I have reintroduced today will enable the Arreolas to continue to make significant contributions to their community as well as the United States.

I ask my colleagues to support this private bill.

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. 121

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

SECTION 1. ADJUSTMENT OF STATUS.

(a) In General.—Notwithstanding any other provision of law or any order, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Esidronio Arreola-Saucedo, Marina Elna Cobian Arreola, Nayely Bibiana Arreola, and Cindy Jael Arreola shall be deemed to have been lawfully admitted to, and remained in, the United States, and shall be entitled to adjustment of status to immigrant visa or for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255).

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the applications for issuance of immigrant visas or the applications for adjustment of status are filed with appropriate fees not later than 9 months after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISAS NUMBERS.—Upon the grant of any immigrant visas to Esidronio Arreola-Saucedo, Maria Elna Cobian Arreola, Nayely Bibiana Arreola, and Cindy Jael Arreola, the Secretary of State shall instruct the proper officer to reduce by 4, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Esidronio Arreola-Saucedo, Marina Elna Cobian Arreola, Nayely Bibiana Arreola, and Cindy Jael Arreola under section 202(e) of such Act (8 U.S.C. 1152(c)).

By Mrs. FEINSTEIN:

S. 122. A bill for the relief of Robert Liang and Alice Liang; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today private relief legislation to provide lawful permanent residence status to Robert Kuan Liang and his wife, Chun-Mei, Alice, Hsu-Liang, former agricultural workers who live in San Bruno, California.

I have decided to reintroduce private relief immigration bills on their behalf because I believe that, without them, this hardworking couple and their two children would endure an immense and unfair hardship. Indeed, without this legislation, this family may not remain a family for much longer.

The Liangs are foreign nationals facing deportation due to overstays of their temporary visas and the failure of their previous attorney to timely file a suspension of deportation application before the immigration laws changed in 1996.

Mr. Liang is a foreign national and refugee from Laos. His wife is a citizen of Taiwan. They entered the United States over 25 years ago as tourists and established residency in San Bruno, California. Because they overstayed the terms of their temporary visas, they now face deportation from the United States.

After living here for so many years, removal from the United States would not come easily or perhaps without tearing this family apart. The Liangs have three children born in this country: Wesley, 17 years old, Bruce, 13 years old, and Eva, 11 years old. Young Wesley suffers from asthma and has a history of social and emotional anxiety.

The immigration judge who presided over the Liangs’ case in 1997 concluded that there was no question that the Liang children would be adversely impacted if they were required to leave their relatives and friends behind in California to follow their parents to Taiwan, a country whose language and culture is unfamiliar to them.

I can only imagine how much more they would be adversely impacted now given the passage of 9 more years.

The Liangs have paid annual income tax returns; established a successful business, Feng Yong Restaurant, in the United States; are home owners, and
There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 122

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

SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law or any order, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Robert Liang and Alice Liang shall be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for issuance of an immigrant visa or for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255).

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the applications for issuance of immigrant visas or the applications for adjustment of status are filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISAS NUMBERS.—Upon the granting of immigrant visas to Robert Liang and Alice Liang, the Secretary of State shall instruct the proper officials to reduce by the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Robert Liang and Alice Liang under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1158(a)), or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Robert Liang and Alice Liang under section 203(e) of that Act (8 U.S.C. 1152(e)).

By Mrs. FEINSTEIN:

S. 123. A bill for the relief of Jose Buendia Balderas, Alicia Aranda De Buendia, and Ana Laura Buendia Aranda; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am reintroducing legislation to provide lawful permanent residence status to Jose Buendia Balderas, his wife, Alicia Aranda De Buendia, and their daughter, Ana Laura Buendia Aranda, Mexican nationals who have been living and working in the Fresno area of California for over 20 years. Jose is a hardworking individual who epitomizes the American dream. His father worked as an agricultural laborer in the Bracero program over 25 years ago. In 1981, Jose followed his father to the United States—where he worked in the shadows to help provide for his family in Mexico.

Since then, Jose has moved from working as a landscaper to construction, where he is now a valued employee of Benchmark Construction in Reedley, California. He has been employed by this cement company for the past 8 years. Although he knew nothing about construction when he began working in the field, he was disciplined and persistent in his training and is now a lead foreman.

His employer, Timothy Bone, says Mr. Buendia is a “reliable, hard-working and conscientious” employee. In fact, it was Mr. Bone who contacted my office to seek relief for Mr. Buendia.

Alicia Buendia, Jose Buendia’s wife, has been working as a seasonal fruit packer for several years. The family has consistently paid all of their taxes. Recently, they paid off their mortgage and today, they are debt free. They have health insurance, savings and retirement accounts, participate in the company profit-sharing company, and have provided for their family in Mexico. In short, they are living the American dream.

Their daughter, Ana Laura, is an outstanding student. She earned a 4.0 GPA at Reedley High School and was awarded an engineering scholarship to the University of California–Irvine. Unfortunately, because of her immigration status, she was unable to accept the scholarship and her parents now pay full out-of-state tuition for her to attend the University of California–Irvine. She is now completing her second year there.

Their son, Jose, is a U.S. citizen, and graduated high school with a 3.85 grade point average and honors, and is currently an engineering student at Reedley Junior College. For both Jose and Ana Laura, the United States is the only country they know.

What makes the story of the Buendias so tragic is that they would have been eligible for legal status but for the unscrupulous practices of their former immigration attorney.

Because Mr. Buendia has been in this country for so long, he qualified for legalization pursuant to the Immigration and Reform Control Act of 1986. Unfortunately, his legalization application was never acted upon because his attorney, Jose Velez, was convicted of fraudulently submitting legalization and Special Agricultural Worker applications.

This criminal conduct tainted all of Mr. Velez’s clients. Although Mr. Buendia’s application was found not to contain any fraudulent documentation, it was submitted while his lawyer was under investigation. The result was that Mr. Buendia was unable to be interviewed and obtain legal status.

To complicate matters, it took the Immigration and Naturalization Service nearly 7 years to determine that Mr. Buendia’s application contained no fraudulent information. In the meantime, the Immigration and Naturalization Service reinterpreted the law and determined that he was no longer eligible for relief because he had left the United States briefly when he married his wife.

Despite these setbacks, the Buendia family has continued to seek legal status. They believed they were successful when an immigration judge granted the family relief based on the hardship their U.S. citizen son would face if his family was deported to Mexico. Unfortunately, the government appealed the judge’s decision and had it overturned by the Board of Immigration Appeals.

Despite the problems with adjusting their legal status, this family has forged ahead and continued to play a meaningful role in their community.
They have worked hard. They have invested in their neighborhood. They are active in the PTA and their local church.

I believe the Buendia family should be allowed to continue to live in this country that has become their own. If this legislation is approved, the Buendias will be able to continue to contribute significantly to the United States. It is my hope that Congress passes this private legislation.

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. 123.

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

SECTION 1. PERMANENT RESIDENT STATUS FOR JOSÉ BUENDIA BALDERAS, ALICIA ARANDA DE BUENDÍA, AND ANA LAURA BUENDÍA ARANDA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), José Buendía Balderas, Alicia Aranda De Buendía, and Ana Laura Buendía Aranda shall each be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If José Buendía Balderas, Alicia Aranda De Buendía, or Ana Laura Buendía Aranda enter the United States before the filing deadline specified in subsection (c), José Buendía Balderas, Alicia Aranda De Buendía, or Ana Laura Buendía Aranda, as appropriate, shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status to lawful permanent resident is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to José Buendía Balderas, Alicia Aranda De Buendía, and Ana Laura Buendía Aranda, the Secretary of State shall instruct the proper officer to reduce by 3, during the current or next following fiscal year

(i) the total number of immigrant visas that are made available to natives of the country of birth of José Buendía Balderas, Alicia Aranda De Buendía, and Ana Laura Buendía Aranda under section 202(e) of such Act (8 U.S.C. 1152(e))

By Mrs. FEINSTEIN: S. 124. A bill for the relief of Shigeru Yamada; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today private relief legislation to provide lawful permanent residence status to Shigeru Yamada, a 24-year-old Japanese national who lives in Chula Vista, California. The House passed a private relief bill on behalf of Mr. Yamada last year, but unfortunately he was unable to move the bill in the Senate before the end of the 110th Congress.

I have decided to re-introduce a private bill on his behalf because I believe that Mr. Yamada represents a model American citizen, for whom removal from the United States would represent an unfair hardship. Without this legislation, Mr. Yamada will be forced to return to a country in which he lacks any linguistic, cultural or family ties.

Mr. Yamada legally entered the United States with his mother and two sisters in 1992 at the young age of 10. The family was fleeing from Mr. Yamada’s alcoholic father, who had been physically abusive to his mother, the children and even his own parents. Since the family fled from Japan with his father and is unsure if he is even alive. Tragically, Mr. Yamada experienced further hardship when his mother was killed in a car crash in 1995. Orphaned at the age of 13, Mr. Yamada spoke before the time of her death. had she survived, her son would likely have become an American citizen through this marriage.

The death of his mother marked more than a personal tragedy for Mr. Yamada; it also served to impede the process for him to legalize his status. At the time of her death, Mr. Yamada’s family was living legally in the United States. His mother had acquired a student visa for herself and her children qualified as her dependants. Her death revoked his legal status in the United States.

In addition, Mr. Yamada’s mother was engaged to an American citizen at the time of her death. Had she survived, her son would likely have become an American citizen through this marriage.

Mr. Yamada has exhausted all administrative options under our current immigration system. Throughout high school, he contacted attorneys in the hopes of legalizing his status, but his attempts were unsuccessful. Unfortunately, time has run out and, for Mr. Yamada, the only option available to him today is private relief legislation.

For several reasons, it would be tragic for Mr. Yamada to be deported from the United States and forced to return to Japan.

First, since arriving in the United States, Mr. Yamada has lived as a model American. He graduated with honors from Eastlake High School in 2000, where he excelled in both academics and athletics. Academically, he earned a number of awards including being named an “Outstanding English Student” his freshman year, an All-American Scholar, and earning the United States National Minority Leadership Award.

His teacher and coach, Mr. John describes him as being “responsible, hard working, organized, honest, caring and very dependable.” His role as the vice president of the Associated Student Body his senior year is an indication of Mr. Yamada’s high level of leadership, as well as, his popularity and trustworthiness among his peers.

As an athlete, Mr. Yamada was named the “Most Inspirational Player of the Year” in junior varsity baseball and football, as well as, varsity football. His football coach, Mr. Jose Mendoza, expressed his admiration by saying that he has “every reason to believe that Mr. Yamada will be an asset to the United States.” Mr. Yamada himself contributed significantly to the United States living as a coach for the Eastlake High School Girl’s softball team. The former head coach, who has since retired, Dr. Charles Sorge, describes him as an individual full of “intelligence,” who understands that as a coach it is important to work as a “team player.”

His level of commitment to the team was further illustrated to Dr. Sorge when he discovered, halfway through the season, that Mr. Yamada’s commute to and from practice was 2 hours long each way. It takes an individual with character to volunteer his time to coach and never bring up the issue of how long his commute takes him each day. Dr. Sorge hopes that, once Mr. Yamada legalizes his immigration status, he will be formally hired to continue coaching the team.

Third, sending Mr. Yamada back to Japan would be an immense hardship for him and his family. Mr. Yamada does not speak Japanese. He is unaware of the nation’s current cultural trends. And, he has no immediate family members that he knows of in Japan. Sending Mr. Yamada back to Japan would serve to split his family apart and separate him from everyone and everything that he knows.

His sister contends that her younger brother would be “lost” if he had to return to live in Japan on his own. It is unlikely that he would be able to find any gainful employment in Japan due to his inability to speak or read the language.

As a member of the Chula Vista community, Mr. Yamada has distinguished himself as an honorable individual. His teacher, Mr. Robert Hughes, describes him as being an “upstanding ‘All-American’ young man.” Until being picked up during a routine check of non-legalization status on a city bus, he had never been arrested or convicted of any crime. Mr. Yamada is not, and has never been, a burden on
the State. He has never received any Federal or State assistance.

With his hard work and giving attitude, Shigeru Yamada represents the ideal American citizen. Although born in Japan, he is truly American in every other sense.

Given these extraordinary and unique facts, I ask my colleagues to support this private relief bill on behalf of Mr. Yamada. 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. 124

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

SECTION 1. PERMANENT RESIDENT STATUS FOR SHIGERU YAMADA.

(a) In General.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Shigeru Yamada shall be eligible for issuance of an immigrant visa or for adjustment of status to lawful permanent resident.

(b) Adjustment of Status.—If Shigeru Yamada enters the United States before the filing date specified in subsection (c), Shigeru Yamada shall be considered to have entered and remained lawfully and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) Application and Payment of Fees.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) Reduction of Immigrant Visa Numbers.—Nothing in this section shall affect the number of immigrant visas that are made available to natives of the country of birth of Shigeru Yamada under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Shigeru Yamada under section 202(e) of that Act (8 U.S.C. 1152(e)).

By Mrs. FEINSTEIN:
S. 125. A bill for the relief of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to offer legislation to provide lawful permanent resident status to Alfredo Plascencia Lopez and his wife, Maria del Refugio Plascencia, Mexican nationals who live in the San Bruno area of California.

I have decided to offer legislation on their behalf. I believe that, without it, this hardworking couple and their four United States citizen children would endure an immense and unfair hardship. Indeed, without this legislation, this family may not remain a family for much longer.

The Plascencias have worked for years to adjust their status through the appropriate legal channels, only to have their efforts thwarted by inattentive representation. Recently, the Plascencia’s lawyer refused to return their calls or otherwise communicate with them in any way. He also failed to forward crucial immigration documents, or even notify the Plascencias that they were in danger of losing the legal representation they received. Mr. and Mrs. Plascencia only became aware that they had been ordered to leave the country 15 days prior to their deportation.

Although the family was stunned and devastated by this discovery, they acted quickly to secure legitimate counsel and to file the appropriate paperwork to delay their deportation to determine if any other legal action could be taken.

For several reasons, it would be tragic for this family to be removed from the United States.

First, since arriving in the United States in 1988, Mr. and Mrs. Plascencia have proven themselves to be a responsible and civic-minded couple who share our American values of hard work, dedication to family, and devotion to community.

Second, Mr. Plascencia has been gainfully employed at Vince’s Shellfish for the over 14 years, where his dedication and willingness to learn have propelled him from part-time work to a managerial position. He now oversees the market’s entire packing operation and several employees.

The president of the market, in one of the several dozen letters I have received in support of Mr. Plascencia, referred to him as “a valuable and respected employee” who “handles himself in a very professional manner” and serves as “a role model” to other employees. Others who have written to me praising Mr. Plascencia’s performance have referred to him as “gifted,” “trusted,” “honest,” and “reliable.”

Third, like her husband, Mrs. Plascencia has distinguished herself as a medical assistant at a Kaiser Permanente hospital in the Bay Area. Not satisfied with working as a maid at a local hotel, Mrs. Plascencia went to school, earned her high school equivalency degree and improved her skills to become a medical assistant.

Those who have written to me in support of Mrs. Plascencia, of which there are several, have described her work as “responsible,” “efficient,” and “compassionate.”

In fact, Kaiser Permanente’s Director of Internal Medicine, Nurse Rose Carino, wrote to say that Mrs. Plascencia is “an asset to the community and exemplifies the virtues we Americans extol: hardworking, devoted to her family, trustworthy and loyal, [and] a valued employee and role model.”

Together, Mr. and Mrs. Plascencia have used their professional successes to realize many of the goals dreamed of by all Americans. They saved up and bought a home. They own a car. They have good health care benefits and the children have begun saving for retirement.

They want to send their children to college and give them an even better life.

This legislation is important because it would preserve these achievements and ensure that Mr. and Mrs. Plascencia will be able to make substantive contributions to the community in the future.

It is important, also, because of the positive impact it will have on the couples’ children. Mr. Plascencia is a United States citizen and each of whom is well on their way to becoming productive members of the Bay Area community.

Christina, 17, is the Plascencia’s oldest child, and an honor student. Erika, 14, and Alfredo, Jr., 12, have worked hard at their studies and received praise and good grades from their teachers. In fact, the principal of Erika’s school has recognized her as the Most Artistic” student in her class. Erika’s teacher, Mrs. Nascon, remarked on a report card, “Erika is a bright spot in my classroom.”

The Plascencias also have two young children: 6-year-old Daisy and 2-year-old Juan-Pablo.

Removing Mr. and Mrs. Plascencia from the United States would be tragic for their children. Children who were born in the United States and who through no fault of their own have been thrust into a situation that has the potential to dramatically alter their lives.

It would be especially tragic for the Plascencias’ older children—Christina, Erika, and Alfredo—to have to leave the United States. They are old enough to understand that they are leaving their schools, their teachers, their friends, and their home. They would leave everything that is familiar to them.

Their parents would find themselves in Mexico without a job and without a house. The children would have to acculturate to a different culture, language, and way of life.

The only other option would be for Mr. and Mrs. Plascencia to leave their children here with relatives. This separation is a choice which no parents should have to make.

Many of the words I have used to describe Mr. and Mrs. Plascencia are not my own. They are the words of the American who lives and works with the Plascencias day in and day out and who find them to embody the American spirit.
I have sponsored this legislation, and asked my colleagues to support it, because I believe that this is a spirit that we must nurture wherever we can find it. Forcing the Plascencias to leave the United States would extinguish that spirit. I ask my colleagues to support this private bill, on behalf of the Plascencia family.

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.

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

SECTION 1. PERMANENT RESIDENT STATUS FOR ALFREDO PLASCIENCIA LOPEZ AND MARIA DEL REFUGIO PLASCIENCIA.

(a) In General.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Alfredo Plascencia Lopez and Maria Del Refugio Plascencia shall each be eligible for the issuance of an immigrant visa or for adjustment of status that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of that Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) Adjustment of Status.—If Alfredo Plascencia Lopez or Maria Del Refugio Plascencia entered the United States before the filing deadline specified in subsection (c), Alfredo Plascencia Lopez or Maria Del Refugio Plascencia, as appropriate, shall be considered to have entered and remained lawfully and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) Application and Payment of Fees.—Subsections (a) and (b) shall apply only if the application for issuance of immigrant visas or the application for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) Immigrant Visa Holders.—Upon the granting of immigrant visas or permanent residence to Alfredo Plascencia Lopez or Maria Del Refugio Plascencia, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia under section 202(e) of that Act (8 U.S.C. 1152(e)).

By Mrs. FEINSTEIN:

S. 126. A bill for the relief of Claudia Marquez Rico; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am offering today private relief legislation to provide lawful permanent resident status to Claudia Marquez Rico, a Mexican national living in Redwood City, CA.

Born in Jalisco, Mexico, Claudia was brought to the United States by her parents 16 years ago. Claudia was just 6 years old at the time. She has two younger brothers, Jose and Omar, who came to America with her, and a sister, Maribel, who was born in California and is a U.S. Citizen. America is the only home they know.

Eight years ago that home was visited, and Mrs. Marquez were driving to work early on the morning of October 4, 2000, they were both killed in a horrible traffic accident when their car collided with a truck on an isolated rural road.

The children were with their aunt and uncle, Hortencia and Patricio Alcala. The Alcalas are a generous and loving couple. They are U.S. citizens with two children of their own and took the Marquez children in and did all they could to comfort them in their grief. They supervised their schooling, and made sure they received the counseling they needed, too. The family is active in their parish at Buen Pastor Catholic Church, and Patricio Alcala serves as a youth soccer coach. In 2001, the Alcalas were appointed the legal guardians of the Marquez children.

Sadly, the Marquez family decided to prove their legal representation. At the time of their parents' death, Claudia and Jose were minors, and qualified for special immigrant juvenile status. This category was enacted by Congress to protect children like them from the hardship that would result from deportation under such extraordinary circumstances, when a State court deems them to be dependent due to abuse, abandonment or neglect.

Today, their younger brother Omar is a U.S. Citizen, due to his adjustment as a special immigrant juvenile. Unfortunately, the family's previous lawyer failed to secure this relief for Claudia, and she has now reached the age of majority without having resolved her immigration status.

I should note that their former lawyer, Walter Pineda, is currently under investigation by the State Bar for professional incompetence and 5 counts of moral turpitude for mishandling immigration cases and appears on his way to disbarment.

I am offering legislation on Claudia's behalf because I believe that, without it, this family would endure an immense and unfair hardship. Indeed, without this legislation, this family will not remain a family for much longer.

Despite the adversity they encountered, Claudia finished school. She supports herself, her 17-year-old sister, Maribel, and her younger brother Omar. Again, both Maribel and Omar are now U.S. Citizens.

Claudia has no close relatives in Mexico. She has never visited Mexico, and she was so young when she was brought to America that she has no memories of it. How can we expect her to start a new life there now?

It would be gross injustice to add to this family's misfortune by tearing these siblings apart. This is a close family, and they have come to rely on each other heavily in the absence of their deceased parents. This bill will prevent the added tragedy of another wrenching separation.

Given these extraordinary and unique facts, I ask my colleagues to support this private relief bill on behalf of Claudia Marquez Rico.

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. 126

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

SECTION 1. PERMANENT RESIDENT STATUS FOR CLAUDIA MARQUEZ RICO.

(a) In General.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Claudia Marquez Rico shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) Adjustment of Status.—If Claudia Marquez Rico enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and, if otherwise eligible, shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) Application and Payment of Fees.—Subsections (a) and (b) shall apply only if the application for issuance of immigrant visas or for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) Reduction of Immigrant Visa Numbers.—Upon the granting of an immigrant visa or permanent residence to Claudia Marquez Rico, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Claudia Marquez Rico under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Claudia Marquez Rico under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) Denial of Preference Immigration Treatment for Certain Relatives.—The natural parents, brothers, and sisters of Claudia Marquez Rico shall not be accorded any right, privilege, or status under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

By Mrs. FEINSTEIN:

S. 127. A bill for the relief of Jacqueline W. Coats; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today private relief legislation to provide lawful permanent resident status to Jacqueline Coats, a 28-year-old widow currently living in San Francisco.

Mrs. Coats came to the U.S. in 2001 from Kenya on a student visa to study Mass Communications at San Jose State University. Her visa status lapsed in 2003, and the Department of
homeland Security began deportation proceedings against her.

Mrs. Coats married Marlin Coats on April 17, 2006, after dating for several years. The couple was happily married and planning to start a family when, on May 13, Mr. Coats tragically died in a boating accident, saving two young boys from drowning.

The couple had been on a Mother’s Day outing at Ocean Beach with some of Mr. Coats’ nephews when they heard cries for help. Having worked before as a lifeguard in the past, Mr. Coats instinctively dove into the water. The two children were saved with the help of a rescue crew, but Mr. Coats, caught in a riptide, died. Mrs. Coats received a medal honoring her husband.

Four days before Mr. Coats’ death, the couple prepared and signed an application for a green card at their attorney’s office. Unfortunately the petition was not filed until after his death, rendering it invalid. Mrs. Coats currently has a green card process. Had her husband lived, the Coats family, with whom she lives in Kenya, a country she has not lived in for many years with a clean record, he and his family will be deported.

Mrs. Coats, devastated by the loss of her husband, is now caught in a battle for her right to stay in America. At a recent news conference with her lawyer, Thip Ark, she explained of her situation, “I feel like I have nothing to live for. I have had to go home many times. . . . I’ve been here four years . . . It would be like starting a new life.”

Mrs. Ark explains that Mrs. Coats is extremely close with her late husband’s family, with whom she lives in San Leandro, California. Mrs. Coats has said that her husband’s large family has become her own. Ramona Burton of San Francisco, one of Marlin Coats’ seven brothers and sisters explains, “She spent her first American Christmas with her, her first Thanksgiving . . . I can’t imagine looking around and not seeing her there. She needs to be there.”

The San Francisco and Bay Area community has rallied strong support for Mrs. Coats. The San Francisco chapters of the NAACP, the San Francisco Board of Supervisors, and the San Francisco Police Department, have all passed resolutions in support of Mrs. Coats’ right to remain in the country.

Unfortunately, this private relief bill is not approved, this young woman, and the Coats family, will face yet another disorienting and heartbreaking tragedy. Mrs. Coats will be deported to Kenya, a country she has not lived in since she was 21. In her time of grieving, she would be forced to leave her home, her job with AC Transit, her new family, and everything she has known for the past 5 years.

I cannot think of a compelling reason why the United States should not allow this young widow to continue the green card process. Had her husband lived, Mrs. Coats would have filed the papers without difficulty. It was because of her husband’s selfless and heroic act that Mrs. Coats must now struggle to remain in the country. As one concerned California constituent wrote to me, “If ever there was a case where common fairness, morality and decency should reign over legal technicalities, it is this. A country, need to reward heroism and good.”

I believe that we can reward the late Mr. Coats for his noble actions by granting his wife citizenship. It is what he intended for her. It can even be argued that Mr. Coats’ act was one of his dying wishes, as the papers were signed just 4 days prior to his death.

For these reasons, I reintroduce this private relief immigration bill and ask my colleagues to support it on behalf of Mrs. Coats.

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. 127
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, . . .

SECTION 1. PERMANENT RESIDENT STATUS FOR JACQUELINE W. COATS.

(a) In General.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Jacqueline W. Coats shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of that Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) Adjustment of Status.—If Jacqueline W. Coats enters the United States before the filing deadline specified in subsection (c), Jacqueline W. Coats shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of enactment of this Act.

(c) Application and Payment of Fees.—Subsections (a) and (b) apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) Reduction of Immigrant Visa Numbers.—Upon the granting of an immigrant visa or permanent to Jacqueline W. Coats, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Jacqueline W. Coats under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Jacqueline W. Coats under section 202(e) of that Act (8 U.S.C. 1152(e)).

By Mrs. FEINSTEIN: S. 128. A bill for the relief of Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and their daughter, Adilene Martinez—Mexican nationals now living in San Francisco, California.

This family embodies the true American success story and I believe they merit Congress’ special consideration for such an extraordinary form of relief as a private bill.

Jose Martinez came to the United States eighteen years ago from Mexico. He started working as a bus boy in restaurants in San Francisco. In 1990, he began working as a cook at Palio D’Asti, an award winning Italian restaurant in San Francisco.

According to the people who worked with him, he “never made mistakes, never lost his temper, and never seemed to sweat.”

Over the years, Jose Martinez has worked his way through the ranks. Today he is the sous chef at Palio D’Asti, where he is respected by everyone in the restaurant, from dishwashers to cooks, busboys to waiters, bartenders to managers.

Mr. Martinez has unique skills: he is an excellent chef; he is bilingual; he is a leader in the workplace. He is described as “an exemplary employee” who is not only “good at his job, but is also a great boss to his subordinates.”

He and his wife, Micaela, have made a home in San Francisco. Micaela has been working as a housekeeper. They have three daughters, two of whom are United States citizens. Their oldest child Adilene, 20, is undocumented.

Adilene recently graduated from the Immaculate Conception Academy and is attending San Francisco City College.

One of the most compelling reasons for allowing the family to remain in the United States is that they are employed as chefs. Unfortunately, there is such a backlog for green cards right now that even though he has a work permit, owns a home in San Francisco, works two jobs, and has been in the United States for twenty years with a clear record, he and his family will be deported.

Mr. Martinez and his family have applied unsuccessfully for legal status several ways:

In May 2002, Mr. and Mrs. Martinez filed for political asylum. Their case was denied and a subsequent application for a Cancellation of Removal was also denied because the immigration court judge could not find “requisite hardship” required for this relief.

Ironically, the immigration judge who reviewed their case found that Mr. Martinez’s culinary ability was a negative factor—as it indicated that he could find a job in Mexico.

In 2001, his sister, who has legal status, petitioned for Mr. Martinez to get a green card. Unfortunately, because of the current green card backlog, Mr. Martinez has several years to wait before he is eligible for a green card.
Finally, Daniel Schrerrer, the executive chef and owner of Pallo D’Asti, has petitioned for legal status for Mr. Martinez based on Mr. Martinez’s unique skills as a chef. Although Mr. Martinez’s work petition was approved by U.S. Citizenship and Immigration Services back in 2007, they have been lawfully admitted to, and residing in, the United States for the past 10 years. Consequently, they will face a 5 to 10 year ban from returning to the United States. In addition, this bill remains the only means for Adlene to gain legal status.

The Martinez family has become an important and valued part of their community. They are active members of their church, their children’s school, and Comite de Padres Unido, a grassroots immigrant organization in California.

They volunteer extensively—advocating for safe new parks in the community for the children, volunteering at their children’s school, and working on a voter registration campaign, even though they are unable to vote themselves.

In fact, I have received 46 letters of support from teachers, church members, and members of their community who attest to their honesty, responsibility, and long-standing commitment to their community. Their supporters include San Francisco Supervisor Aaron Peskin; the Director of Immigration Policy at the Immigrant Legal Resource Center, Mark Silverman.

This family has truly embraced the American dream. I believe their continued presence in our country would do much to enhance the values we hold dear. Enactment of the legislation would ensure that the Martinez family could continue to make significant contributions to their community as well as the United States.

I ask my colleagues to support this private bill. 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:

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

SECTION 1. ADJUSTMENT OF STATUS.

(a) In General.—Notwithstanding any other provision of law, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adlene Martinez shall each be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for adjustment of status to that of an alien lawfully admitted for permanent residence under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) upon filing an application for such adjustment of status.

(b) APPLICATION AND PAYMENT OF FEES.—

Subsection (a) shall apply only if the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) CONCURRENT VISA NUMBERS.—Upon the granting of permanent resident status to Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adlene Martinez, the Secretary of State shall instruct the proper officer to reduce by 3, during the current or subsequent fiscal year, the total number of immigrant visas available to nationals of the country of the birth of Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adlene Martinez under section 202(e) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1152(e) and 1153(a), as applicable.

By Mrs. FEINSTEIN:

S. 129. A bill for the relief of Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am reintroducing a private relief bill on behalf of Ruben Mkoian, his wife, Asmik Karapetian and their son, Arthur Mkoyan. The Mkoian family are Armenian nationals who have been living and working in Fresno, California, for over 20 years. The story of the Mkoian family is compelling and I believe they merit Congress’s special consideration for such an extraordinary form of relief as a private bill.

Let me first start with how the Mkoian family arrived in the United States. While in Armenia, Mr. Mkoian worked as a police sergeant in a division dealing with vehicle licensing. As a result of his position, he was offered a bribe to register 20 stolen vehicles. He refused the bribe and reported the incident to the police chief. He later learned that his co-worker had registered the vehicles at the request of the chief.

After he reported the offense, Mr. Mkoian’s supervisor informed him that the department was to undergo an inspection. Mr. Mkoian was instructed to take a vacation during this time period. Mr. Mkoian believed that the inspection was a result of the complaint that he had filed with the higher authorities.

During the inspection, however, Mr. Mkoian worked at a store that he owned rather than taking a vacation. During that time, individuals kept entering his store and attempted to damage it and break merchandise. When he threatened to call the police, he received threatening phone calls telling him to ‘“shut up”’ or else he would ‘“regret it.” Mr. Mkoian believed that these threats were related to the illegal vehicle registrations occurring in his department because he had nothing else to be silent about.

Later that same month, three men grabbed his life and attempted to kidnap his child, Arthur, on the street. Mrs. Mkoian was told that her husband should “shut up.” No one suffered any injuries from the incident. In October 1991, a bottle of gasoline was thrown into the Mkoian’s residence and their house was burned down. The final incident occurred on April 1, 1992, when four or five men assaulted Mr. Mkoian in his store. He was beaten and hospitalized for 22 days.

Following that experience, Mr. Mkoian left Armenia for Russia, and then came to the United States on a visitor’s visa in search of a better life. Three years later his wife Asmik and his then 3-year-old son Arthur to the United States, also on visitor’s visas. The family applied for political asylum, but the 9th Circuit Court of Appeals denied their request in January 2008. Thus, the family has no further legal recourse by which to remain in the country other than this bill.

Since arriving in the United States, the family has thrived. Arthur is now 18 years old and the family has expanded to include Arsen, who is a U.S. citizen.

Both Arthur and Arsen are very special children. In high school, Arthur maintained a 4.0 grade average and was a valedictorian for the class of 2008. I first introduced this bill on his graduation day. Today, Arthur is a freshman at the University of California, Davis.

Arsen is following in his older brother’s footsteps. At age 12, he stands out among his peers and is on the honor roll at Tenaya Middle School in Fresno.

In addition to raising two outstanding children, Mr. and Mrs. Mkoian have maintained steady jobs and have devoted time and energy into the community and their church. Mr. Mkoian is working at HB Medical Transportation, as a driver in Fresno. His wife, Asmik, has two jobs as a medical receptionist with Dr. Kumar in Fresno and as a sales clerk at Gottschalks Department Store. In addition, she has taken classes at Fresno Community College and has completed her Medical Assistant Program.

The family are active members of the St. Paul Armenian Church, and Mr. Mkoian is a member of the PTA of the St. Paul Armenian Saturday School. There has been an outpouring of support for this family from their church, the schools their children attend, and the community at large.

To date, we have received over 200 letters of support for the family in addition to numerous telephone calls. I also note that I have letters from both Congressman GEORGE RADANOVICH and JIM COSTA, requesting that I offer this bill for the Mkoian family.

This case warrants our compassion and our extraordinary consideration. I ask my colleagues to support this private bill. Mr. President, I ask by unanimous consent that the text of the bill be printed in the Record, as follows:

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

SECTION 1. PERMANENT RESIDENT STATUS FOR RUBEN MKOIAN, ASMISK KARAPETIAN, AND ARTHUR MKOIAN.

(a) In General.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Ruben Mkoyan, Asmik Karapetian, and Arthur Mkoyan shall each be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Ruben Mkoyan, Asmik Karapetian, or Arthur Mkoyan enters the United States before the filing deadline specified in subsection (c), Ruben Mkoyan, Asmik Karapetian, or Arthur Mkoyan, as appropriate, shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is postmarked not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon granting an immigrant visa or permanent resident status to Ruben Mkoyan, Asmik Karapetian, and Arthur Mkoyan under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Ruben Mkoyan, Asmik Karapetian, and Arthur Mkoyan under section 202(e) of such Act (8 U.S.C. 1152(e)).

By Mrs. FEINSTEIN:

S. 130. A bill for the relief of Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am reintroducing a private relief bill on behalf of Jorge Rojas Gutierrez, his wife, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez. The Rojas family members are Mexican nationals living in the San Jose area of California.

The story of the Rojas family is compelling, and I believe they merit Congress’s special consideration for such an extraordinary form of relief as a private bill.

Mr. Rojas and his wife Ms. Gonzalez originally came to the United States in 1990 when their son Jorge Rojas, Jr. was just 2 years old. In 1995, they left the country under a temporary permit and then re-entered on visitors’ visas.

The family has since expanded to include a son, Alexis Rojas, now age 16, and a daughter Tania Rojas, now age 14.

Since arriving in the United States, this family has dedicated themselves to community involvement, a strong work ethic and volunteerism. They have been since their arrival in 1990. The family has been described by their friends and colleagues as a “model American family.” I would like to tell you some more about each member of the Rojas family.

Mr. Rojas has been working individual who has been employed by Valley Crest Landscape Maintenance in San Jose, California, for the past 14 years. Currently, Mr. Rojas works on commercial landscaping projects. He is well-respected by his supervisor and his peers.

In addition to supporting his family, Jorge has volunteered his time and talents to provide modern green landscaping and a recreational jungle gym to Sherman Oaks Community Charter School. Mr. Rojas’ two youngest children attend school.

Ms. Gonzalez, in addition to raising her three children, has been very active in the local community. She has worked to help other immigrants as a translator and a tutor for immigrant children at Sherman Oaks Community Charter School and the Y.M.C.A. Kids after-school program.

She has placed soccer teams, and has recently directed a Thanksgiving food drive. Ms. Gonzalez also devotes many hours of her time to the organization People Acting in Community Together, PACT, where she works to prevent crime, gangs and drug dealing in San Jose neighborhoods and schools.

Perhaps one of the most compelling reasons for permitting the family to remain in the United States is the impact their deportation would have on their children. Two of the children, Alexis and Tania, are U.S. citizens. Jorge Rojas, Jr. has lived in the United States since he was a toddler. For these children, this country is the only country they really know.

Jorge Rojas, Jr., who entered the United States as an infant with his parents, is now 20 and is currently working at Jamba Juice. He graduated from Del Mar High School in 2007 and is currently taking classes at San Jose City College.

Alexis and Tania are students at Sherman Oaks Community Charter School. They are described by their teachers as “fantastic, wonderful, and gifted” students. In fact, the principal at Sherman Oaks has described all three of the children as “honest, hard-working academic honor students” and have commended all of them for their on-campus leadership.

It seems so clear to me that this family has embraced the American dream. Many of the children in our country would do so much to enhance the values we hold dear. I have received 30 letters from the community in support of this family. Enactment of the legislation I have reintroduced today will enable the Rojas family to continue to make significant contributions to their community as well as the United States.

Mr. President, I ask my colleagues to support this private bill. 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. 130

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

SECTION 1. PERMANENT RESIDENT STATUS FOR JORGE ROJAS GUTIERREZ, OLIVA GONZALEZ GONZALEZ, AND JORGE ROJAS GONZALEZ.

(a) In General.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez shall each be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—Upon granting an immigrant visa or for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is postmarked not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon granting an immigrant visa or permanent resident status to Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez, the Secretary of State shall instruct the proper officer to reduce by 3, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, or Jorge Rojas Gonzalez, as appropriate, shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(e) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(f) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon granting an immigrant visa or permanent resident status to Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez, the Secretary of State shall instruct the proper officer to reduce by 3, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez, under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez, under section 202(e) of such Act (8 U.S.C. 1152(e)).

By Mrs. FEINSTEIN:

S. 131. A bill to amend the Truth in Lending Act to provide for enhanced disclosure under an open end credit plan; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, today I am introducing the Credit Card Modernization Act. This bill would help American consumers by requiring banks to notify credit card holders of the true cost if
they choose to make the minimum payment each month.

Americans today own more credit cards than ever before. The average American has approximately four credit cards. In 2007, 1 in 7 Americans held more than 10 cards.

Unsurprisingly, this increase in credit card ownership has resulted in a dramatic increase in credit card debt. Over the past 2 decades, Americans’ combined credit card debt has nearly tripled—from $238 billion in 1989 to a staggering $791 billion in 2008.

Today, the average American household has approximately $10,678 in credit card debt, up 29 percent from 2000. Among credit card users, 55 percent carry a balance on their credit card, a 2 percent increase from last year. Approximately 1 in 6 families with credit cards pays only the minimum due every month.

Young Americans are using credit cards to finance everything from daily expenses to college tuition. Forty-one percent of college students have a credit card, and, of those, only 65 percent pay their bills in full every month.

Over the past year, as economic conditions have worsened, it has become even harder for families to pay off their debt. Whether it is a mortgage, or tuition, or medical expenses, people are finding it harder than ever to meet all of their expenses.

In July of this year, 28 percent of people surveyed reported that their ability to pay off their credit card balances has become more strained.

This increasing debt is contributing to more and more Americans filing for bankruptcy.

Ever since the Bankruptcy Reform Act was enacted in 2005, non-business bankruptcies have been increasing at a rapid pace. The numbers this year already show a staggering hike. Between September 2007 and September 2008, Americans filed over one million non-business bankruptcies, up 30 percent from the previous year.

Many of these personal bankruptcies are people who are turning to credit cards to finance their expenses. Today’s families have even more credit card debt than usual—sometimes because they have been struggling to pay a mortgage and have started using credit cards for daily expenses.

One family, the Forsyths, found themselves in trouble after moving to a new State for a better job opportunity. Unable to sell their old house, they rented. But when the renter stopped making payments, the family became overwhelmed with two mortgage payments. Credit cards helped at first—providing payment for food, utilities, and clothes—but the family quickly accumulated $20,000 in debt and was left with no alternative other than bankruptcy.

The benefits offered by credit cards are attractive, but these cards also pose enormous financial risk. Dianne McLeod discovered this in a painful way after back-to-back medical emergencies depleted her finances. Although credit cards initially enabled her to maintain her lifestyle, before long these cards and two mortgages meant that she later found that she was spending more than 40 percent of her monthly income on interest payments, in addition to thousands of dollars annually in fees.

Today, credit cardholders receive no information on the impact of carrying a balance with compounding interest. As a result, many cardholders make only the minimum payment. After a few years, they find that the interest on the debt is almost twice the amount of their original purchases—and they do not know what to do about it.

I first introduced the Credit Card Minimum PaymentNotification Act during the debate on the 2005 bankruptcy bill. As I said then, I believe the bill failed to balance responsibility and fairness. Consumers should not be so easily bamboozled when they do not have the basic tools and information they need to make informed choices.

The Credit Card Minimum PaymentNotification Act would help prevent this problem by requiring credit card companies to add two items to each consumer’s monthly credit card statement:

A general notice that would read: “Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance.”

An individualized notice to credit card holders that specifies clearly on their bill how much time it will take to repay their debt and the total amount they will pay if they only make the minimum payments.

For consumers with variable rate cards, the bill would also require companies to provide a toll-free number where cardholders can access credit-counseling services.

The disclosure requirements in the bill would only apply if the consumer has a minimum payment that is less than 10 percent of the debt on the credit card. Otherwise, none of these disclosures would be required on their statement.

Last year, a Gallup—Experian poll found that about 11 percent of credit cardholders consistently make only the minimum payment on their cards each month.

Consider what this could mean for the average household.

For example, if the average credit card debt is $10,678, the average fixed credit card interest rate is approximately 12 percent. If the 2 percent minimum payment is all that is paid on its debt each month, it would take more than 18 years to retire the bill and the total cost would be $23,552.66—and that’s just the minimum assuming that the family didn’t ever charge another dime on that bill.

In other words, the family would need to pay $10,374.66 in interest just to repay $10,678 in original debt.

For individuals or families with more than average debt, the pitfalls are even greater. $20,000 of credit card debt at the average 12 percent interest rate will take over 36 years and more than $28,261 to pay off if only the minimum payments are made.

Twelve percent is relatively low. Average interest rates range around 20 percent on credit cards, and penalty interest rates can reach as high as 32 percent. A family that has the average debt with a 20 percent interest rate and makes the minimum payments will need a lifetime over 85 years—and $62,158 to pay off the initial $10,678 bill.

That’s $51,480 just in interest—an amount that approaches 5 times the original debt.

Credit cards are an important part of everyday life, and they help the economy operate more smoothly by giving consumers and merchants a reliable, convenient way to exchange funds. But the bottom line is that for many consumers, the two percent minimum payment is a financial trap.

The Credit Card Minimum PaymentNotification Act is designed to ensure that people are not caught in this trap through lack of information.

Last month, the Federal Reserve Board approved new rules that will improve disclosures, but the rules do not go far enough. Under the rules, starting July 1, 2010, credit card companies will have to warn consumers about the effect of making minimum payments on the length of time it will take to pay off their balances. But the warnings may be only examples and will not show the effect on the amount that consumers pay over time.

Before approving the final rules, the Federal Reserve Board interviewed consumers who typically carried credit card balances. Those consumers found disclosures most helpful when they provided specific information and included warnings about the amount that would have to be paid over time.

The Credit Card Minimum PaymentNotification Act would provide the straightforward disclosure that consumers find most helpful and most effective.

This disclosure will ensure that consumers know exactly what it means for them to carry a balance and make minimum payments, so they can make informed decisions on credit card use and repayment.

In conclusion, the burden on banks will be minimal. Calculations like these are purely formulaic. Credit card companies already complete similar calculations to determine credit risk and when they tell consumers what their required minimum payment is each month.

The harsh effects of the 2005 bankruptcy bill are becoming apparent. During the debate over that bill, I had hoped that Congress would succeed in balancing the need to incentivize consumers to act responsibly with the promise of a fresh start for those who fell impossibly behind. I do not believe that that balance was reached.
I continue to believe that consumers need a meaningful disclosure informing them of the effects of making minimum payments.

Today, as Americans face increasing struggles with debt and expenses, the bill is needed more than ever. I urge my colleagues to support this legislation.

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. 2. ENHANCED DISCLOSURE UNDER AN OPEN-END CREDIT PLAN.

Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(13) ENHANCED DISCLOSURE UNDER AN OPEN END CREDIT PLAN.—

"(A) IN GENERAL.—A credit card issuer shall, with each billing statement provided to a cardholder in a State, provide the following on the front of the first page of the billing statement, in type no smaller than that required for any other required disclosure, but in no case in less than 8-point capital letters:

"(i) A written statement in the following form: 'Minimum Payment Warning: Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance.'

"(ii) A written statement providing individualized information indicating the number of years and months and the total cost to finance charges are not imposed.'

"(B) DEFINITION OF OPEN-END CREDIT CARD ACCOUNT.—In this paragraph, the term ‘open-end credit card account’ means an account in which the consumer credit is granted by a creditor under a plan in which the creditor reasonably expects to be paid in full from time to time on an unpaid balance, and the amount of credit that may be extended from time to time on an unpaid balance is generally made available to the extent that any outstanding balance is repaid and up to any limit set by the creditor.

"(C) EXEMPTIONS.—

"(i) A credit card issuer may make disclosures required under this subsection applicable in any billing cycle in which the account agreement requires a minimum payment of not less than 10 percent of the outstanding balance.

"(ii) NO FINANCE CHARGES.—This paragraph shall not apply in any billing cycle in which finance charges are not imposed.

By Mrs. FEINSTEIN (for herself, Mr. HATCH, Mr. BAYH, Mr. SPECTER, Mr. SCHUMER, and Ms. CANTWELL):

S. 132. A bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to join Senators HATCH, BAYH, SCHUMER, and SPECTER in introducing comprehensive anti-gang legislation—the Gang Abatement and Prevention Act of 2009.

This bill has changed significantly since Senator HATCH and I began introducing anti-gang legislation over 10 years ago. The current version of the bill reflects changes that have been made to comprehensively address the gang problem, including provisions emphasizing prevention and intervention programs as well as strong enforcement provisions.

This recognizes that the root causes of gang violence need to be addressed—identifying successful community programs and then investing significant resources in schools and religious and community organizations to prevent young people from joining gangs in the first place.

The bill constitutes a balanced approach to fighting the gang problem, with authorization for hundreds of millions of dollars for proven gang prevention and intervention programs, as well as strong enforcement provisions.

The rise of criminal street gangs and the effect these gangs are having on our Nation are two of the fundamental issues facing us today. This country is in the midst of an epidemic of gang violence that cuts across every age and every race and plagues our cities, suburbs and rural areas. This violence often involves teens and children as both victims and perpetrators.

Almost every day, gang violence is in the news across the country, with gang-related killings of children and innocent bystanders almost too numerous to count. A person only needs to glance at the newspaper or watch the evening news to see how gang violence is affecting our communities.

A snapshot of gang violence that occurred over a 4-day period in Los Angeles in March 2009 illustrates how insidious these gangs have become. On March 2, 2008, Jamiel Shaw, a 17-year-old high school football star, was shot to death just three doors from his home in Mid-City Los Angeles as he rushed home to make curfew. Two gang members pulled up in a car, asked if Jamiel was a gang member, and then shot him when he didn’t answer. Jamiel was not in a gang and was a dedicated student who was being recruited by Stanford and Rutgers to play collegiate football. His mother, a sergeant in the U.S. Army who was serving her second tour of duty in Iraq, had to return home to Los Angeles to bury her son.

On March 4, 2008, 6-year-old Lavarea Elvy was shot in the head in the Harbor Gateway area of South Los Angeles as she sat in the family car. A gang member and a gang associate of a Hispanic street gang have been charged in this attempted murder.

On March 6, 2008, 13-year-old Anthony Escobar was killed while picking lemons in a neighbor’s yard in the Echo Park area of Los Angeles. Anthony was not a gang member, and police believe he was targeted by gang members who came to his neighborhood for no other reason than to kill someone.

Stories like these are not limited to California. They are becoming commonplace across the country. Consider the following incidents of gang violence from across the country:

In February 2008, Julia Steele, an 80-year-old woman from St. Louis, Missouri, was killed when she was caught in the crossfire of gunfire between rival gang members. Julia’s 80-year-old friend was also injured when their car slammed into other vehicles after the shooting.

Beginning in May 2008, police in Billings, Montana had to increase neighborhood patrols due to repeated drive-by shootings conducted by gang members.

On July 2008, a 7-year-old boy was wounded while playing kickball near his suburban Roxbury, Massachusetts home. He was shot by an adult gang member from Boston, who police believe had traveled to the suburbs for no other reason than to shoot someone.

In October 2008, Christopher Walker, a 16-year-old high school junior and member of the varsity basketball team, was shot and killed by a gang member near Henry Ford High School, his high school in Detroit, Michigan. According to media reports, Chris’ death has sparked much anger in the community over growing gang violence in the area.

Across the country, in rural areas, suburbs, and cities, gang violence is literally holding neighborhoods hostage and Congress needs to do something about it. Our national gang problem is immense and growing, and it is not going away.

On January 18, 2007, FBI Director Mueller acknowledged that gang crime has become “part of a clear national trend.” FBI statistics show that there are over 30,000 criminal street gangs operating in the United States, with more than one million gang members.
According to the FBI, gangs have an impact on at least 2,500 communities across the Nation. These criminal street gangs engage in drug trafficking, robbery, extortion, gun trafficking, and murder. They recruit children and teens, destroy families, cripple communities, and kill innocent people.

In California, the State Attorney General has estimated that there are 171,000 juveniles and adults committed to criminal street gangs and their way of life. That's greater than the population of 28 California counties.

From 1992 to 2003, there were more than 7,500 gang-related homicides reported in California. In 2007, 469 of the 2,258 homicides in California were gang-related.

Los Angeles Police Department Chief Bill Bratton put it bluntly: "There is nothing more insidious than these gangs. They are worse than the Mafia. Show me a city, and I'll show you a gang." The Mafia indifferently killed 300 people. You can't."

It's not just a California problem or an issue limited to big cities. In Chicago, the FBI estimates that there are over 60,000 gang members. A 2008 DOJ Report notes the rapid spread of gangs and violence to suburban areas. FBI Director Mueller recently recognized the national scope of the gang problem when he said: "Gangs are no longer limited to Los Angeles. Like a cancer, gangs are spreading to communities across America."

Our cities and States need our help—a long-term commitment to combat gang violence and a Federal helping hand to get our youth out of gangs and keep them from joining gangs in the first place.

Senator HATCH and I have now been introducing comprehensive Federal gang legislation for over a decade. Our gang bills have been modified and refined over the years, most recently in the bill that passed in the Senate in the 110th Congress by unanimous consent.

The bill that we introduce today is a balanced and measured approach to dealing with the gang problem. It has no death penalty provisions, no mandatory minimums, and we have eliminated juvenile justice changes that previously proved to be an impediment to the larger bill's passage.

The bill that we offer today provides a Federal helping hand to fight the gang problem. It provides a comprehensive approach to address gang violence, combining enforcement, prevention, and intervention efforts in a collaborative approach that has proven effective in models like Operation Ceasefire.

The bill recognizes that the Federal Government must also fight gangs and that more tools must be made available to Federal law enforcement agents and prosecutors to stop the epidemic of gang violence. To this end, the bill establishes new, common sense Federal anti-gang crimes and tougher Federal penalties.

Existing Federal street gang laws are frankly weak, and are almost never used. Currently, a person committing a gang crime might have extra time tacked on to the end of their Federal sentence. That is because Federal law currently focuses on gang violence only as a sentencing enhancement, rather than as a stand-alone crime.

The bill that I offer today would make it a separate Federal crime for any criminal street gang member to commit, conspire or attempt to commit violent crimes—including murder, kidnapping, extortion—in furtherance of the gang.

The penalties for gang members committing such crimes would increase considerably. For gang-related murder, kidnapping, aggravated sexual abuse or maiming, the penalties would range up to life imprisonment.

For any other serious violent felony, the penalty would range up to 30 years. For other crimes of violence—defined as the actual or intended use of physical force against the person of another—the penalty could bring up to 20 years in prison.

The bill also creates a new crime for recruiting juveniles and adults into a criminal street gang, with a penalty of up to 10 years, or if the recruiting involved a juvenile or recruiting from prison, up to 20 years.

It also creates new Federal crimes for committing violent crimes in connection with drug trafficking, and increases existing penalties for violent crimes in aid of racketeering.

Finally, the bill creates a host of other violent crime reforms, including closing a loophole that allows carjackers to avoid convictions, increasing the penalties for those who use guns in violent crimes or transfer guns knowing they will be used in crimes, and limiting bail for violent felons who possess firearms.

But the bill also recognizes that we cannot simply arrest our way out of the gang problem. It focuses on prevention and intervention strategies to prevent our youth from joining street gangs and to give existing gang members a way out of that lifestyle.

Specifically, the bill would authorize over $1 billion in new funds over the next 5 years to address the gang problem, including: $411.5 million to fund gang prevention and intervention programs, like Operation Ceasefire, a proven gang prevention and intervention program successfully used in communities across the country; $187.5 million to establish High Intensity Interstate Gang Activity Areas—Federal, State, and local law enforcement task forces to combat gangs and implement prevention programs; $100 million to fund the DOJ's Project Safe Neighborhood Program, the Federal Government's primary anti-gang initiative; $50 million for the Project Safe Streets Program, the FBI's primary gang investigation tool; $100 million for more prosecution, and equipment for gang investigations; $270 million for State witness protection programs in gang cases.

This balanced approach—of prevention and intervention plus common sense enforcement—will send a clear message to gang members: a new day has arrived and the Federal Government will no longer sit on the sidelines while gang violence engulfs the country.

This bill will provide gang members with new opportunities, with schools and social services agencies empowered to make alternatives to gangs a realistic option. But if gang members continue to engage in violence, they will face new and serious Federal consequences.

For more than 10 years now, Senator HATCH and I have been trying to pass Federal anti-gang legislation. There have been times when we have gotten close, including last session when the Senate passed this same bill. Unfortunately, while Congress as a whole has failed to act, violent street gangs have only expanded nationwide and become more empowered and entrenched in other States and communities.

I believe this bill can again pass in the Senate and be enacted into law. The time has arrived for us to finally address this problem, and I believe this bill is well-suited to help solve it.

I urge my colleagues to favorably consider this legislation in the 111th Congress.

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 “Gang Abatement and Prevention Act of 2009”.

SEC. 2. TABLE OF CONTENTS.
The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Findings.

TITLE I—NEW FEDERAL CRIMINAL LAWS NEEDED TO FIGHT VIOLENT NATIONAL, INTERNATIONAL, REGIONAL, AND LOCAL GANGS THAT AFFECT INTERSTATE AND FOREIGN COMMERCE

Sec. 101. Revision and extension of penalties related to criminal street gang activity.

TITLE II—VIOLENT CRIME REFORMS TO REDUCE GANG VIOLENCE

Sec. 201. Violent crimes in aid of racketeering activity.

Sec. 202. Murder and other violent crimes committed during and in relation to a drug trafficking crime.

Sec. 203. Expansion of rebuttable presumption against release of persons charged with firearms offenses.

Sec. 204. Statute of limitations for violent crimes.

Sec. 205. Study of hearsay exception for forfeiture future by wrongdoing.

Sec. 206. Possession of firearms by dangerous felons.
TITLE III—INCREASED FEDERAL RESOURCES TO DETECT AND PREVENT SERIOUSLY AT-RISK YOUTH FROM JOINING ILLEGAL STREET GANGS AND FOR OTHER PURPOSES

Sec. 301. Designation of and assistance for high intensity gang activity areas.

Sec. 302. Gang prevention grants.

Sec. 303. Enhancement of Project Safe Neighborhoods initiative to improve enforcement of criminal laws against violent gangs.

Sec. 304. Additional resources needed by the Federal Bureau of Investigation to investigate and prosecute violent criminal street gangs.

Sec. 305. Grants to prosecutors and law enforcement to combat violent crime.

Sec. 306. Expansion and reauthorization of the mentoring initiative for system involved youth.

Sec. 307. Demonstration grants to encourage creative approaches to gang activity and after-school programs.

Sec. 308. Short-Term State Witness Protection Prevention grant program.

Sec. 309. Witness protection services.

Sec. 310. Expansion of Federal witness relocation and protection program.

Sec. 311. Family abuse prevention grant program.

Sec. 312. Study on adolescent development and sentences in the Federal system.

Sec. 313. National youth anti-heroism media campaign.

Sec. 314. Training at the national advocacy center.

TITLE IV—CRIME PREVENTION AND INTERVENTION STRATEGIES

Sec. 401. Short title.

Sec. 402. Purposes.

Sec. 403. Definitions.


Sec. 405. Innovative crime prevention and intervention strategy grants.

SEC. 3. FINDINGS.

Congress finds that—

(1) violent crime and drug trafficking are pervasive problems at the national, State, and local level;

(2) according to recent Federal Bureau of Investigation, Uniform Crime Reports, violent crime in the United States is on the rise, with a 2.3 percent increase in violent crime in 2005 (the largest increase in the United States in 15 years) and an even larger 3.7 percent increase for the first 6 months of 2006, and the Police Executive Research Forum reports that, among jurisdictions pro-

viding information, homicides are up 10.21 percent, robberies are up 12.27 percent, and aggravated assaults with firearms are up 9.98 percent since 2004;

(3) these disturbing rises in violent crime are attributable in part to the spread of criminal street gangs and the willingness of gang members to commit acts of violence and drug trafficking;

(4) according to a recent National Drug Threat Assessment, criminal street gangs are responsible for much of the retail distribution of the drugTRAFFIC ENTERPRISES);

(1) CRIMINAL STREET GANG.—The term 'criminal street gang' means a formal or informal group, organization, or association of 5 or more individuals—

(A) each of whom has committed at least 1 gang crime; and

(B) who collectively commit 3 or more gang offenses (not less than 1 of which is a serious violent felony), in separate criminal episodes (not less than 1 of which occurs in a specified period ending on the date of enactment of the Gang Abatement and Prevention Act of 2006), and the last of which occurs not later than 5 years after the commission of a prior gang crime (excluding any time of imprisonment for that individual).

’(2) GANG CRIME.—The term ‘gang crime’ means an offense under Federal law punishable by imprisonment for more than 1 year, or a felony offense under State law that is punishable by a term of imprisonment of 5 years or more in any of the following categories:

(A) A crime that has as an element the use, attempted use, or threatened use of physical force against the person of another, or is burglary, arson, kidnapping, or extortion.

(B) A crime involving obstruction of justice, or tampering with or retaliating against a witness, victim, or informant.

(C) A crime involving the manufacturing, importing, distributing, possessing with intent to distribute, or otherwise trafficking in a controlled substance or listed chemical (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

(D) Any conduct punishable under—

(1) section 944 (relating to explosive materials);

(ii) subsection (a)(1), (d), (g)(1) where the underlying conviction is a violent felony or a serious drug offense (as those terms are defined in section 924(e)), (g)(2), (g)(3), (g)(4), (g)(5), (g)(6), (g)(7), (g)(10), (g)(11), (1), (k), (l), (m), (n), (o), (p), (q), (u), or (x) of section 922 (relating to unlawful acts relating to firearms and dangerous weapons in Federal facilities);

(vii) section 931 (relating to purchase, ownership, or possession of body armor by violent felons);

(vi) section 1028 and 1029 (relating to fraud, identity theft, and related activity in connection with identification documents or access devices);

(viii) section 1084 (relating to transmission of wagering information);

(ix) section 1022 (relating to interstate and foreign travel or transportation in aid of racketeering enterprises);

(x) section 1056 (relating to the laundering of proceeds of committed in a criminal street gang.


‘525. Forfeiture.

‘521. Definitions.

‘522. Crime prevention and intervention efforts, particularly targeted at juveniles and young adults, prior to and during gang involvement;

(10) State and local prosecutors and law enforcement officers, in hearings before the Committee on the Judiciary of the Senate and elsewhere, to the extent possible, and deterrent through increased vigilance, appropriate criminal penalties, partnerships between Federal and State and local law enforcement and proactive prevention and intervention efforts, particularly targeted at juveniles and young adults, prior to and during gang involvement;

(10) State and local prosecutors and law enforcement officers, in hearings before the Committee on the Judiciary of the Senate and elsewhere, to the extent possible, and deterrent through increased vigilance, appropriate criminal penalties, partnerships between Federal and State and local law enforcement and proactive prevention and intervention efforts, particularly targeted at juveniles and young adults, prior to and during gang involvement;

(10) State and local prosecutors and law enforcement officers, in hearings before the Committee on the Judiciary of the Senate and elsewhere, to the extent possible, and deterrent through increased vigilance, appropriate criminal penalties, partnerships between Federal and State and local law enforcement and proactive prevention and intervention efforts, particularly targeted at juveniles and young adults, prior to and during gang involvement;

(10) State and local prosecutors and law enforcement officers, in hearings before the Committee on the Judiciary of the Senate and elsewhere, to the extent possible, and deterrent through increased vigilance, appropriate criminal penalties, partnerships between Federal and State and local law enforcement and proactive prevention and intervention efforts, particularly targeted at juveniles and young adults, prior to and during gang involvement;
SEC. 221. CRIMINAL STREET GANG CRIMES.—(a) General Provisions.—It shall be unlawful for any person to knowingly commit, or conspire, threaten, or attempt to commit, a crime of violence, in aid of an enterprise engaged in racketeering activity, or to facilitate the commission of, the violation of any criminal law of the United States, if the activities of that criminal street gang occur in or affect interstate or foreign commerce.

(b) Penalties.—Any person who violates subsection (a) shall—

(1) for murder, kidnapping, conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States, or maiming, imprisonment for any term of years; or life;

(2) for any other serious violent felony, by imprisonment for not more than 30 years; or

(3) for any crime of violence that is not a serious violent felony, by imprisonment for not more than 20 years.

SEC. 222. CRIMINAL STREET GANG PRODUCTIONS.—(a) General Provisions.—It shall be unlawful for any person to knowingly recruit, employ, solicit, induce, command, coerce, or cause another person to be or remain as a member of a criminal street gang, or to participate in the activities of a criminal street gang, if the activities of that criminal street gang occur in or affect interstate or foreign commerce.

(b) Penalties.—Any person who violates subsection (a) shall—

(1) for murder, kidnapping, conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States, or maiming, imprisonment for any term of years; or life;

(2) for any other serious violent felony, by imprisonment for not more than 30 years; or

(3) for any crime of violence that is not a serious violent felony, by imprisonment for not more than 20 years.

SEC. 223. CRIMINAL STREET GANG INFECTION.—(a) General Provisions.—It shall be unlawful for any person to knowingly recruit, employ, solicit, induce, command, coerce, or cause another person to be or remain as a member of a criminal street gang, or to participate in the activities of a criminal street gang, if the activities of that criminal street gang occur in or affect interstate or foreign commerce.

(b) Penalties.—Any person who violates subsection (a) shall—

(1) for murder, kidnapping, conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States, or maiming, imprisonment for any term of years; or life;

(2) for any other serious violent felony, by imprisonment for not more than 30 years; or

(3) for any crime of violence that is not a serious violent felony, by imprisonment for not more than 20 years.

SEC. 224. CRIMINAL STREET GANG CRIMES.—(a) General Provisions.—It shall be unlawful for any person to knowingly recruit, employ, solicit, induce, command, coerce, or cause another person to be or remain as a member of a criminal street gang, or to participate in the activities of a criminal street gang, if the activities of that criminal street gang occur in or affect interstate or foreign commerce.

(b) Penalties.—Any person who violates subsection (a) shall—

(1) for murder, kidnapping, conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States, or maiming, imprisonment for any term of years; or life;

(2) for any other serious violent felony, by imprisonment for not more than 30 years; or

(3) for any crime of violence that is not a serious violent felony, by imprisonment for not more than 20 years.

SEC. 225. CRIMINAL STREET GANG ACTIVITIES.—(a) General Provisions.—It shall be unlawful for any person to knowingly recruit, employ, solicit, induce, command, coerce, or cause another person to be or remain as a member of a criminal street gang, or to participate in the activities of a criminal street gang, if the activities of that criminal street gang occur in or affect interstate or foreign commerce.

(b) Penalties.—Any person who violates subsection (a) shall—

(1) for murder, kidnapping, conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States, or maiming, imprisonment for any term of years; or life;

(2) for any other serious violent felony, by imprisonment for not more than 30 years; or

(3) for any crime of violence that is not a serious violent felony, by imprisonment for not more than 20 years.
provision for an appropriate increase in the offense level for violations of section 922(g) of this title, or both; and
SEC. 209. PUBLICITY CAMPAIGN ABOUT NEW CRIMES.
(a) IN GENERAL.—Section 1951(b) of title 18, United States Code, is amended—
(1) by striking ‘‘or’’ and the end of paragraph (r); and
(2) by redesignating paragraph (s) as paragraph (r); and
(3) by inserting after paragraph (r) the following:
‘‘(u) any violation of section 641 of title 18, United States Code, is a Federal offense, punishable by imprisonment for not more than 5 years, a fine not to exceed $250,000, or both.’’.

SEC. 210. STATUTE OF LIMITATIONS FOR TERRORISM.
(a) IN GENERAL.—Section 328(a) of title 18, United States Code, is amended—
(1) in the subsection heading, by striking ‘‘EIGHT-YEAR’’ and inserting ‘‘TEN-YEAR’’; and
(2) in the first sentence, by striking ‘‘8 years’’ and inserting ‘‘10 years’’.

SEC. 211. CRIMES COMMITTED IN INDIAN COUNTRY OR EXCLUSIVE FEDERAL JURISDICTION AS RACKETEERING PREDICATES.
Section 1961(1)(A) of title 18, United States Code, is amended by inserting ‘‘, or’’, or would have been so chargeable if the act or threat (other than gambling) had not been committed in Indian country (as defined in section 1151) or in any other area of exclusive Federal jurisdiction,’’ after ‘‘chargeable under State law’’.

SEC. 212. PRECINCT CRIMES FOR AUTHORIZATION OF INTERCEPTION OF WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS.
Section 2516(1) of title 18, United States Code, is amended—
(1) by striking ‘‘or’’ and the end of paragraph (r); and
(2) by redesignating paragraph (s) as paragraph (r); and
(3) by inserting after paragraph (r) the following:
‘‘(s) any violation of section 641 of the Controlled Substances Act (relating to murder and other violent crimes in furtherance of a drug trafficking crime);’’.

SEC. 213. CLARIFICATION OF HOBBES ACT.
Section 1513(a) of title 18, United States Code, is amended—
(1) in paragraph (1), by inserting ‘‘including the unlawful impersonation of a law enforcement officer (as that term is defined in section 242(c) of this title),’’ after ‘‘by means of force or other means,’’; and
(2) in paragraph (2), by inserting ‘‘including the unlawful impersonation of a law enforcement officer (as that term is defined in section 242(c) of this title),’’ after ‘‘by wrongful use of actual or threatened force’’.

SEC. 214. INTERSTATE TAMPERING WITH OR RECALLATION AGAINST A WITNESS, VICTIM, OR INFORMANT IN A STATE CRIMINAL PROCEEDING.
(a) IN GENERAL.—Section 1951(b) of title 18, United States Code, is amended by inserting after section 1513 the following:
‘‘1513A. Interstate tampering with or retaliation against a witness, victim, or informant in a state criminal proceeding.
‘‘(a) IN GENERAL.—It shall be unlawful for any person—
‘‘(1) to travel in interstate or foreign commerce, or to use the mail or any facility in interstate or foreign commerce, or to employ, use, command, counsel, persuade, induce, entice, or coerce any individual to do the same, with the intent to—

Paragraph (3), by inserting after the term ‘‘FEDERAL JURISDICTION’’ the following:
‘‘INTERSTATE OR EXCLUSIVE FEDERAL JURISDICTION’’.

SEC. 200. PUBLICITY CAMPAIGN ABOUT NEW CRIMINAL PENALTIES.
The Attorney General is authorized to conduct media campaigns in any area designated as a high intensity gang activity area under section 301 and any area with existing and emerging problems with gangs, as needed, to educate individuals in that area about the changes in criminal penalties made by this Act, and shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives the amount of expenditures and all other aspects of the media campaign.

SEC. 210. STATUTE OF LIMITATIONS FOR TERRORISM OFFENSES.
Section 328(a) of title 18, United States Code, is amended—
(1) by striking ‘‘or’’ and the end of paragraph (r); and
(2) by redesignating paragraph (s) as paragraph (r); and
(3) by inserting after paragraph (r) the following:
‘‘(u) any violation of section 641 of the Controlled Substances Act (relating to murder and other violent crimes in furtherance of a drug trafficking crime);’’.

SEC. 213. CLARIFICATION OF HOBBES ACT.
Section 1513(a) of title 18, United States Code, is amended—
(1) in paragraph (1), by inserting ‘‘including the unlawful impersonation of a law enforcement officer (as that term is defined in section 242(c) of this title),’’ after ‘‘by means of force or other means,’’; and
(2) in paragraph (2), by inserting ‘‘including the unlawful impersonation of a law enforcement officer (as that term is defined in section 242(c) of this title),’’ after ‘‘by wrongful use of actual or threatened force’’.

SEC. 214. INTERSTATE TAMPERING WITH OR RECALLATION AGAINST A WITNESS, VICTIM, OR INFORMANT IN A STATE CRIMINAL PROCEEDING.
(a) IN GENERAL.—Section 1951(b) of title 18, United States Code, is amended by inserting after section 1513 the following:
‘‘1513A. Interstate tampering with or retaliation against a witness, victim, or informant in a state criminal proceeding.
‘‘(a) IN GENERAL.—It shall be unlawful for any person—
‘‘(1) to travel in interstate or foreign commerce, or to use the mail or any facility in interstate or foreign commerce, or to employ, use, command, counsel, persuade, induce, entice, or coerce any individual to do the same, with the intent to—

Paragraph (3), by inserting after the term ‘‘FEDERAL JURISDICTION’’ the following:
‘‘INTERSTATE OR EXCLUSIVE FEDERAL JURIS-
TITLE III—INCREASED FEDERAL RESOURCES TO DETECT AND PREVENT SERIOUSLY AT-RISK YOUTH FROM JOINING ILLEGAL STREET GANGS AND FOR OTHER PURPOSES

SEC. 201. DESIGNATION OF AND ASSISTANCE FOR HIGH INTENSITY GANG ACTIVITY AREAS.

(a) DEFINITIONS.—In this section:

(1) GOVERNOR.—The term "Governor" means the Governor of a State, the Mayor of a city, the Tribal leader of a tribe, the Governor of a territory, or the Mayor of a city, as the case may be.

(2) HIGA.—The term "HIGA" means an area identified as a high intensity gang activity area.

(3) TRIBAL LEADER.—The term "tribal leader" means the Tribal leader of a tribe.

(b) CRITERIA FOR DESIGNATION.—In this section, the term "high intensity gang activity area" means an area identified as a high intensity gang activity area.

(c) DEMANDS.—In this section, the term "demand" means a demand for assistance.

(d) DIRECTING.—In this section, the term "directing" means directing.

SEC. 202. ASSISTANCE TO STATES AND TERRITORIES.

(a) IN GENERAL.—Pursuant to its authority under section 106 of the Controlled Substances Act (21 U.S.C. 841 et seq.), as added by this Act, shall run consecutively, to an extent that the sentencing Commission determines appropriate, to the sentence imposed for the underlying drug trafficking offense;

(4) account for any aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(5) ensure reasonable consistency with other relevant offense characteristics, other sentencing guidelines, and statutes;

(6) ensure that the guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of this title, United States Code.

(b) CONFORMING AMENDMENT.—Section 1521 is amended, in the section heading, by adding at the end the following: "in a Federal proceeding.";

(2) by striking the item relating to section 1512 and inserting the following: "1512. Tampering with a witness, victim, or informant in a Federal proceeding.";

(3) by inserting after the item relating to section 1513 the following: "1513A. Interstate tampering with or retaliating against a witness, victim, or informant in a State criminal proceeding.";

(c) CHAPTER ANALYSIS.—The table of sections for chapter 73 of title 18, United States Code, is amended—

(i) by inserting at the end the following: "1513A. Interstate tampering with or retaliating against a witness, victim, or informant in a State criminal proceeding.";

(iii) by striking the item relating to section 1591 and inserting the following: "1591. Tampering with a witness, victim, or informant in a Federal proceeding."; and

SEC. 215. AMENDMENT OF SENTENCING GUIDELINES AND POLICY STATEMENTS.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend its guidelines and policy statements to conform with this title and the amendments made by this title;

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) establish new guidelines and policy statements, as warranted, in order to implement new or revised criminal offenses under this title and the amendments made by this title;

(2) consider the extent to which the guidelines and policy statements adequately address—

(A) whether the guidelines offense levels and enhancements—

(i) are sufficient to deter and punish such offenses; and

(ii) are adequate in view of the statutory increases in penalties contained in this title and the amendments made by this title; and

(B) whether any existing or new specific offense characteristics should be added to reflect congressional intent to increase penalties for the offenses set forth in this title and the amendments made by this title;

(3) ensure that specific offense characteristics are added to increase the guideline range;

(A) by at least 2 offense levels, if a criminal defendant committing a gang crime or gang recruiting offense was an alien who was present in the United States in violation of section 1325 or 1326 of the Immigration and Nationality Act (8 U.S.C. 1325 and 1326) at the time the offense was committed; and

(B) by at least 6 offense levels, if the defendant has been convicted of an offense involving the use, manufacture, or possession of a firearm in connection with the commission of the offense;

(4) determine that circumstances a sentence of imprisonment imposed under this title or the amendments made by this title shall run consecutively to any other sentence imposed for any other crime, except that the Commission shall ensure that a sentence of imprisonment imposed under section 424 of the Controlled Substances Act (21 U.S.C. 841 et seq.), as added by this Act, shall run consecutively, to an extent that the sentencing Commission determines appropriate, to the sentence imposed for the underlying drug trafficking offense;

(5) account for any aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(6) ensure reasonable consistency with other relevant offense characteristics, other sentencing guidelines, and statutes;

(7) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(8) ensure that the guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of this title, United States Code.

(b) OTHER VIOLATIONS.—Any person who violates subsection (a)(1)(B) by threatened use of force or violates paragraph (1)(B) or (2) of subsection (a) shall be fined under this title, imprisoned not more than 10 years, or both.

(c) VENUE.—A prosecution under this section may be brought in the district in which the official proceeding (whether or not pending, about to be instituted or was completed) was intended to be affected or was completed, or in which the conduct constituting the alleged offense occurred.

(d) OTHER PROCEEDINGS.—In a Federal proceeding—

(1) the Attorney General, or other appropriate official of the United States, may designate as a high intensity gang activity area to identify and coordinate efforts to access Federal programs and resources available to provide gang prevention, intervention, and reentry assistance;

(2) prioritize and administer the Federal program and resource requests made by the local collaborative working group established under subparagraph (A) for each high intensity gang activity area;

(3) provide all necessary funding for the operation of each local collaborative working group for each high intensity gang activity area; and

(4) provide all necessary funding for national and regional meetings of local collaborative working groups, street criminal gang enforcement teams, and educational, community, social service, faith-based, and other related organizations, as needed, to ensure effective operation of such teams through the sharing of intelligence and best practices and for any other related purpose.

SEC. 203. OTHER PURPOSES.

(a) IN GENERAL.—Pursuant to its authority under section 1003(e) of the Indian Self-Determination and Educational Assistance Act, the Department of Justice (in this section referred to as "the Department") shall—

(1) establish local collaborative working groups for each high intensity gang activity area; and

(2) provide the Community Access到文本文档的自然语言注释。如果您需要进一步的帮助，请告诉我。
service agencies, job agencies, faith-based organizations, and other organizations have committed resources to—

(i) respond to the gang crime problem; and
(ii) participate in a gang enforcement team;

(d) the extent to which a significant increase in the allocation of Federal resources would respond to the gang crime activities in the area; and

(E) any other criteria that the Attorney General considers to be appropriate.

(5) designations.—If the Attorney General establishes a high intensity gang activity area that substantially overlaps geographic areas existing as high intensity drug trafficking areas in this section referred to as a "HIDTA"), the Attorney General shall direct the local collaborative working group for that high intensity gang activity area to enter into an agreement with the Executive Board for that HIDTA, providing that—

(A) the Executive Board of that HIDTA shall establish a separate high intensity gang activity area law enforcement steering committee, and select (with a preference for Federal, State, local, or tribal law enforcement agencies that are within the geographic area of that high intensity gang activity area) the members of that committee, subject to the concurrence of the Attorney General;

(B) the high intensity gang activity area law enforcement steering committee established under subparagraph (A) shall administer the funds allocated under subparagraph (g)(1) for the criminal street gang enforcement team, after consulting with, and consistent with the goals and strategies established by, that local collaborative working group;

(C) the high intensity gang activity area law enforcement steering committee established under subparagraph (A) shall select, from Federal, State, and local law enforcement agencies within the geographic area of that high intensity gang activity area, the members of the Criminal Street Gang Enforcement Team, in accordance with paragraph (3); and

(D) the Criminal Street Gang Enforcement Team of that high intensity gang activity area, and its law enforcement steering committee, may, with approval of the Executive Board of that HIDTA, which high intensity gang area substantially overlaps, utilize the intelligence-sharing, administrative, and other resources of the other HIDTA.

(e) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—The Office of Justice Programs of the Department of Justice, after consulting with relevant law enforcement officials, the Attorney General, and the National Gang Research, Evaluation, and Policy Institute, shall report the results of these evaluations by no later than 6 months after the date of its formation, the Institute shall establish and implement a core research agenda designed to address areas of particular challenge, including—

(A) how best to apply and continue to test the models described in paragraph (2) in particularly large jurisdictions, and to develop training for working with gang intervention workers, create best practices for independent cooperation between officers and intervention workers, and develop training for community policing.

(B) how to foster and maximize the continuing impact of community moral voices in this context.

(C) how to ensure the long-term sustainability of reduced violent crime levels once initial levels of enthusiasm may subside; and

(D) how to apply existing intervention frameworks to emerging local, regional, national, or international gang problems, such as the emergence of the gang known as MS-13.

(2) ACTIVITIES.—The Institute shall—

(A) provide and facilitate the implementation of data-driven, effective gang violence reduction, intervention, suppression, prevention, and reentry strategies. The conference shall be attended by appropriate representatives from criminal street gang enforcement teams, and local strategies, including programs that substantially overlaps with any other promising municipally driven, comprehensive community-wide strategy that is demonstrated to be effective in reducing gang violence;

(B) assist in the development of technical assistance through conducting timely research on effective models and designing and promoting implementation of effective local strategies, including programs that substantially overlaps with local strategies, including programs that substantially overlaps with any other promising municipally driven, comprehensive community-wide strategy that is demonstrated to be effective in reducing gang violence;

(C) provide and contract for technical assistance as needed in support of its mission.

(3) SUPPORT.—The Institute shall—

(A) how best to apply and continue to test the models described in paragraph (2) in particularly large jurisdictions, and to develop training for working with gang intervention workers, create best practices for independent cooperation between officers and intervention workers, and develop training for community policing.

(C) ensure the long-term sustainability of reduced violent crime levels once initial levels of enthusiasm may subside; and

(D) how to apply existing intervention frameworks to emerging local, regional, national, or international gang problems, such as the emergence of the gang known as MS-13.

(4) NATIONAL DEMONSTRATION SITES.—Not later than 120 days after the date of its formation, the Institute shall establish or support demonstration sites, including sites, and the range of particular gang-related issues. After establishing primary national demonstration sites, the Institute shall establish such other secondary sites, to the extent necessary, to research and disseminate information about methods to reduce and prevent gang violence, including guidance on successful demonstration models, case studies, evaluations, and best practices. The Institute shall also create a website, designed to support the implementation of successful gang violence prevention models, and disseminate appropriate information to assist jurisdictions in reducing gang violence.

(5) GANG INTERVENTION ACADEMIES.—Not later than 6 months after the date of its formation, the Institute shall, either directly or through contracts with qualified nonprofit organizations, establish a gang intervention academy, located in a high intensity gang activity area, to promote effective gang intervention and community policing.

(6) USE OF FUNDS.—Of amounts made available under this paragraph shall be to increase professionalism of gang intervention workers, improve officer training for working with gang intervention workers, create best practices for independent cooperation between officers and intervention workers, and develop training for community policing.

(7) NATIONAL GAN R ESEARCH, EVALUATION, AND POLICY INSTITUTE.—

(A) the Committee on the Judiciary, the Committee on Education and Labor, and the Committee on Energy and Commerce of the House of Representatives.

(B) any other criteria that the Attorney General determines to be appropriate.

(C) the age, composition, and membership of each group for that high intensity gang activity area that substantially overlaps geographical areas existing as high intensity drug trafficking areas in this section referred to as a HIDTA.

(g) USE OF FUNDS.—Of amounts made available under this Act and the amendments made by this Act. Funds shall be used—

(A) to hire additional United States attorneys, and nonattorney coordinators and paralegals as necessary, to carry out the provisions of this section.

(B) to provide and contract for technical assistance through conducting timely research on effective models and designing and promoting implementation of effective local strategies, including programs that substantially overlaps with any other promising municipally driven, comprehensive community-wide strategy that is demonstrated to be effective in reducing gang violence;

(C) to establish a National Gang Research, Evaluation, and Policy Institute (in this subsection referred to as the "Institute").

(2) ACTIVITIES.—The Institute shall—

(A) how best to apply and continue to test the models described in paragraph (2) in particularly large jurisdictions, and to develop training for working with gang intervention workers, create best practices for independent cooperation between officers and intervention workers, and develop training for community policing.

(C) ensure the long-term sustainability of reduced violent crime levels once initial levels of enthusiasm may subside; and

(D) how to apply existing intervention frameworks to emerging local, regional, national, or international gang problems, such as the emergence of the gang known as MS-13.
(1) 50 percent shall be used for the operation of criminal street gang enforcement teams; and
(2) 50 percent shall be used—
(A) for providing youth with positive alternatives to gangs and other violent groups and to address the needs of those who leave gangs and other violent groups through—
(i) service providers in the community, including schools and school districts; and
(ii) faith leaders and other individuals experienced at reaching youth who have been involved in violence and violent gangs or groups;
(B) for the establishment and operation of the National Gang Research, Evaluation, and Policy Institute; and
(C) to support and provide technical assistance to research in criminal justice, social services, and community gang violence prevention collaborations.

(h) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to carry out this section $70,000,000 for each of fiscal years 2009 through 2013. Any funds made available under this subsection shall remain available until expended.

SEC. 305. ENHANCEMENT OF PROJECT SAFE NEIGHBORHOODS INITIATIVE TO IMPROVE ENFORCEMENT OF CRIMINAL LAWS AGAINST VIOLENT GANGS.

(a) IN GENERAL.—While maintaining the focus of Project Safe Neighborhoods as a comprehensive, strategic approach to reducing gun violence in America, the Attorney General is authorized to expand the Project Safe Neighborhoods program to require each United States attorney to—
(1) identify, investigate, and prosecute significant criminal street gangs operating within their districts; and
(2) coordinate the identification, investigation, and prosecution of criminal street gangs among Federal, State, and local law enforcement agencies.

(b) ADDITIONAL STAFF FOR PROJECT SAFE NEIGHBORHOODS.—

(1) IN GENERAL.—The Attorney General may hire Assistant United States attorneys, non-attorney coordinators, or paralegals to carry out the provisions of this section.

(2) ENFORCEMENT.—The Attorney General may hire Bureau of Alcohol, Tobacco, Firearms, and Explosives agents for, and otherwise expend additional resources in support of, the Project Safe Neighborhoods/Firearms Violence Reduction Program.

(3) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated $20,000,000 for each of fiscal years 2009 through 2013 to carry out this section. Any funds made available under this paragraph shall remain available until expended.

SEC. 306. ADDITIONAL RESOURCES NEEDED BY THE BUREAU OF INVESTIGATION TO INVESTIGATE AND PROSECUTE VIOLENT CRIMINAL STREET GANGS.

(a) EXPANSION OF SAFE STREETS PROGRAM.—The Attorney General is authorized to expand the Safe Streets Program of the Federal Bureau of Investigation for the purpose of supporting criminal street gang enforcement teams.

(b) NATIONAL GANG ACTIVITY DATABASE.—

(1) IN GENERAL.—The Attorney General shall establish a National Gang Activity Database to be housed at and administered by the Department of Justice.

(2) DESCRIPTION.—The database required by paragraph (1) shall—
(A) be designed to disseminate gang information to law enforcement agencies throughout the country and, subject to appropriate controls, to disseminate aggregate statistical information to other members of the criminal justice system, community leaders, academics, and the public;
(B) contain critical information on gangs, gang members, firearms, criminal activities, violence, and other information useful for investigators in solving and reducing gang-related crimes;
(C) operate in a manner that enables law enforcement agencies to—
(i) identify gang members involved in crimes;
(ii) track the movement of gangs and members throughout the region;
(iii) coordinate law enforcement response to gang violence;
(iv) enhance officer safety;
(v) provide realistic, up-to-date figures and statistical data on gang crime and violence;
(vi) forecast trends and respond accordingly; and
(vii) more easily solve crimes and prevent violence; and
(D) be subject to guidelines, issued by the Attorney General, specifying the criteria for adding information to the database, the appropriate period for retention of such information, and a process for removing individuals from the database, and prohibiting disseminating gang information to any entity that is not a law enforcement agency, except aggregate statistical information where appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise authorized, there are authorized to be appropriated to the Attorney General $10,000,000 for each of fiscal years 2009 through 2013 to carry out this section.

(2) AVAILABLE.—Any amounts appropriated under paragraph (1) shall remain available until expended.

SEC. 307. GRANTS TO PROSECUTORS AND LAW ENFORCEMENT AGENCIES TO COMBAT VIOLENT CRIME.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 16902) is amended—
(1) in paragraph (3), by striking ‘‘and’’ at the end;
(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and
(3) by adding at the end the following:
‘‘(B) to hire additional prosecutors to—
‘‘(A) allow more cases to be prosecuted; and
‘‘(B) reduce backlogs; and
‘‘(6) to fund technology, equipment, and training for prosecutors and law enforcement agencies to increase accurate identification of gang members and violent offenders, and to maintain databases with such information

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to facilitate coordination among law enforcement and prosecutors.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

“SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

“(a) EXPANSION.—Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665a(a)) is amended by adding at the end the following: “The Administrator shall expand the number of sites receiving such grants from 4 to 12.”.

(b) AUTHORIZATION OF PROGRAM.—Section 290(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(c)) is amended—

(1) by striking “There are authorized” and inserting the following:

“(1) IN GENERAL.—There are authorized;” and

(2) by adding at the end the following:

“(2) AUTHORIZATION OF APPROPRIATIONS FOR MENTORING INITIATIVE.—There are authorized to be appropriated to carry out the Mentoring Initiative for System Involved Youth Programs under this section $4,800,000 for each of fiscal years 2009 through 2013.”.

SEC. 307. DEMONSTRATION GRANTS TO ENCOURAGE創建 APPROACHES TO GANG ACTIVITY AND AFTER-SCHOOL PROGRAMS.

(a) IN GENERAL.—The Attorney General may make grants to public or nonprofit private entities (including faith-based organizations) for the purpose of assisting the entities in carrying out projects involving innovative approaches to combat gang activity.

(b) CERTAIN APPROACHES.—Approaches under subsection (a) may include the following:

(1) Encouraging teen-driven approaches to gang activity prevention.

(2) Educating parents to recognize signs of problems and potential gang involvement in their children.

(3) Teaching parents the importance of a nurturing family and home environment to keep children out of gangs.

(4) Establishing communication between parents and children, especially programs that have been evaluated and proven effective.

(c) MATCHING FUNDS.—

(1) IN GENERAL.—The Attorney General may make a grant under this section only if the entity receiving the grant agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward the cost of activities to be performed with that grant in an amount that is not less than 25 percent of such costs.

(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required under paragraph (1) may be in cash or in kind, fairly evaluated, including facilities, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized by a significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(d) EVALUATION OF PROJECTS.—

(1) IN GENERAL.—The Attorney General shall establish criteria for the evaluation of projects involving innovative approaches under this section.

(2) GRANTEES.—A grant may be made under subsection (a) only if the entity involved—

(A) agrees to conduct evaluations of the approach in accordance with the criteria established under paragraph (1);

(B) agrees to submit to the Attorney General in the event of need the evaluations, as the Attorney General determines to be appropriate; and

(C) submits to the Attorney General, in the event of need under subsection (e), a plan for conducting the evaluations.

(e) APPLICATION FOR GRANT.—A public or nonprofit private entity desiring a grant under this section shall submit an application in such form, in such manner, and containing such agreements, assurances, and information (including the agreements under subsection (d)) to the Attorney General.

(f) REPORT TO CONGRESS.—Not later than February 1 of each year, the Attorney General shall submit to Congress a report describing the extent to which the approaches identified under subsection (a) have been successful and local reducing the rate of gang activity in the communities in which the approaches have been carried out. Each report under this subsection shall describe various approaches used under subsection (a) and the effectiveness of each of the approaches.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to carry out this section for each of the fiscal years 2009 through 2013.

SEC. 308. SHORT-TERM STATE WITNESS PROTECTION SECTION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Chapter 37 of title 28, United States Code, is amended by adding at the end the following:

“§ 570. Short-term state witness protection section

“(a) IN GENERAL.—There is established in the United States Marshals Service a Short-Term State Witness Protection Section that shall provide protection for witnesses in State and local trials involving homicide or other major violent crimes pursuant to cooperative agreements with State and local criminal prosecutor’s offices and the United States attorney for the District of Columbia.

“(b) ELIGIBILITY.—

“(1) In general.—The Short-Term State Witness Protection Section shall give priority in awarding grants and providing services to—

“(A) criminal prosecutor’s offices for States with an average of not less than 100 murders per year; and

“(B) criminal prosecutor’s offices for jurisdictions that include a city, town, or townships with an average violent crime rate per 100,000 inhabitants that is above the national average.

“(2) CALCULATION.—The rate of murders and violent crime under paragraph (1) shall be calculated using the latest available crime statistics from the Federal Bureau of Investigation and the period immediately preceding an application for protection.

“(3) CHAPTER ANALYSIS.—The chapter analysis for chapter 37 of title 28, United States Code, is amended by striking the items relating to sections 570 through 576 and inserting the following:

“§ 570. Short-term State Witness Protection Section.”.

(b) GRANT PROGRAM.—

(1) DEFINITIONS.—In this subsection—

(A) the term ‘criminal prosecutor’s office’ means a State or local criminal prosecutor’s office or the United States attorney for the District of Columbia; and

(B) the term ‘violent felony’ has the same meaning as in section 3559(c)(2) of title 18, United States Code.

(2) GRANTS AUTHORIZED.—

(A) IN GENERAL.—The Attorney General is authorized to make grants to eligible prosecutor’s offices for purposes of identifying witnesses in need of protection or providing short term protection to witnesses in trials involving homicide or serious violent felony.

(B) ALLOCATION.—Each eligible prosecutor’s office receiving a grant under this subsection may—

(i) use the grant to identify witnesses in need of protection or provide witness protection (including tattoo removal services); or

(ii) pursuant to a cooperative agreement with the Short-Term State Witness Protection Section of the United States Marshals Service, credit the grant to the Short-Term State Witness Protection Section to cover the costs to the section of providing witness protection on behalf of the eligible prosecutor’s office.

(3) APPLICATION.—

(A) IN GENERAL.—Each eligible prosecutor’s office desiring a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(B) CONTENTS.—An application submitted under subparagraph (A) shall—

(i) describe the activities for which assistance under this subsection is sought; and

(ii) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $90,000,000 for each of fiscal years 2009 through 2011.

SEC. 309. WITNESS PROTECTION SERVICES.

Section 3526 of title 18, United States Code (Cooperation of other Federal agencies and State governments; reimbursement of expenses) is amended by adding at the end the following:

“(c) In any case in which a State government requests the Attorney General to provide temporary protection under section 3521(e) of this title, the costs of providing temporary protection are not reimbursable if the investigation or prosecution in any way relates to crimes of violence committed by a criminal street gang, as defined under the laws of the relevant State seeking assistance under this title.”.

SEC. 310. EXPANSION OF FEDERAL WITNESS RELOCATION AND PROTECTION PROGRAM.

Section 3521(a)(1) of title 18 is amended by inserting “criminal street gang, serious drug offense, homicide,” after “organized criminal activity”.}

SEC. 311. FAMILY ABDUCTION PREVENTION GRANT PROGRAM.

(a) STATE GRANTS.—The Attorney General is authorized to make grants to States for projects involving—

(1) the identification of individuals suspected of committing a family abduction;

(2) the investigation by State and local law enforcement agencies of family abduction cases; and

(3) the training of State and local law enforcement agencies in responding to family abductions and recovering abducted children, including the development of written guidelines and technical assistance;

(4) outreach and media campaigns to educate parents on the dangers of family abduction; and

(5) the flagging of school records.

(b) MATCHING REQUIREMENT.—Not less than 50 percent of the cost of a project for which a grant is made under this section shall be provided by non-Federal sources.

(c) DEFINITIONS.—In this section:
(1) FAMILY ABDUCTION.—The term “family abduction” means the taking, keeping, or concealing of a child or children by a parent, other family member, or person acting on behalf of a family member, that prevents another individual from exercising lawful custody or visitation rights.

(2) Flagging.—The term “flagging” means the procedure by law enforcement authorities of the name and address of any person requesting the school records of an abducted child.

(3) State.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, any territory or possession of the United States, and any Indian tribe.

SEC. 312. STUDY ON ADOLESCENT DEVELOPMENT AND SENTENCES IN THE FEDERAL SYSTEM

(a) In general.—The United States Sentencing Commission shall conduct a study to examine the appropriateness of sentences for minor offenders in the Federal system.

(b) Contents.—The study conducted under subsection (a) shall—

(1) incorporate the most recent research and expertise in the field of adolescent brain development and culpability;

(2) evaluate the toll of juvenile crime, particularly violent juvenile crime, on communities;

(3) consider the appropriateness of life sentences without possibility for parole for particularly violent juvenile crime, on communities;

(4) evaluate issues of recidivism by juveniles who are released from prison or detention after serving determinate sentences.

(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $500,000 for fiscal year 2009 and such sums as may be necessary for each of fiscal years 2010 and 2011.

SEC. 313. NATIONAL YOUTH ANTI-HEROIN MEDIA CAMPAIGN


(1) in subsections (k) and (l) as subsections (l) and (m), respectively; and

(2) by inserting after subsection (j) the following:

“(k) PREVENTION OF HEROIN ABUSE.—

“(1) FINDINGS.—Congress finds the following:

“(A) Heroin, and particularly the form known as ‘heroin’ (a drug made by mixing black tar heroin with diphenhydramine), poses a significant and increasing threat to youth in the United States and other countries.

“(B) Drug organizations import heroin from outside of the United States, mix the highly addictive drug with diphenhydramine, and distribute it to youth.

“(C) Since the initial discovery of cheese heroin on Dallas school campuses in 2005, at least 21 minors have died after overdosing on cheese heroin in Dallas County.

“(D) The number of arrests involving possession of cheese heroin in the Dallas area during the 2006 school year increased over 60 percent from the previous school year.

“(E) The ease of communication via the Internet and cell phones allows a drug trend to spread rapidly across the country, creating a national threat.

“(F) Gangs recruit youth as new members by providing them with this inexpensive drug.

“(G) Reports show that there is rampant ignorance among youth about the dangerous and particularly potently addictive cheese heroin.

“(1) PREVENTION OF HEROIN ABUSE.—In conducting advertising and activities otherwise authorized under this section, the Director shall promote prevention of youth heroin use, including cheese heroin.”.

SEC. 314. TRAINING AT THE NATIONAL ADOVTO

(a) In general.—The National District Attorneys Association may use the services of the National Advocacy Center in Columbus, South Carolina to conduct a national training and mentoring program for State and local prosecutors for the purpose of improving the professional skills of State and local prosecutors and enhancing the ability of Federal, State, and local prosecutors, including Assistant U.S. Attorneys and State prosecutors, to identify, investigate, and prosecute drug organizations and heroin trafficking organizations.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Attorney General to carry out this section $6,500,000, to remain available until expended, for fiscal years 2009 through 2012.

TITLE IV. PREVENTION AND INTERVENTION STRATEGIES

SEC. 401. SHORT TITLE.

This title may be cited as the “Prevention Strategies for Eliminating Criminal Activity Using Tailored Interventions in Our Neighborhoods Act of 2009” or the “PRECAUTION Act”.

SEC. 402. PURPOSES.

The purposes of this title are to—

(1) establish a commitment on the part of the Federal Government to provide leadership on successful crime prevention and intervention strategies for the purpose of improving the professional skills of State and local prosecutors and enhancing the ability of Federal, State, and local prosecutors, including Assistant U.S. Attorneys and State prosecutors, to identify, investigate, and prosecute drug organizations and heroin trafficking organizations;

(2) further the integration of crime prevention and intervention strategies into traditional law enforcement practices of State and local law enforcement offices around the country;

(3) develop a plain-language, implementation-focused assessment of those current crime and delinquency prevention and intervention strategies that are supported by rigorous evidence;

(4) provide additional resources to the National Institute of Justice to administer research and development grants for promising crime prevention and intervention strategies;

(5) develop recommendations for Federal priorities for crime and delinquency prevention and intervention research, development, and funding that may augment important Federal grant programs, including the Edward Byrne Memorial Justice Assistance Grant Program under part I of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), grant programs administered by the Office of Community Oriented Policing Services of the Department of Justice, grant programs administered by the Drug Free Schools and Communities Program of the Department of Education, and other similar programs; and

(6) reduce the costs that rising violent crime imposes on interstate commerce.

SEC. 403. DEFINITIONS.

In this title, the following definitions shall apply:

(1) COMMISSION.—The term “Commission” means the National Commission on Public Safety Through Crime Prevention established under section 404(a).

(2) RIGOROUS EVIDENCE.—The term “rigorous evidence” means evidence generated by scientifically valid forms of outcome evaluation, particularly randomized trials (where practicable).

(3) SUBCATEGORY.—The term “subcategory” means 1 of the following categories:

(A) Family and community settings (including public health-based strategies).

(B) Law enforcement settings (including prosecution-based strategies).

(C) School settings (including antitag and general antigang and general antiviolence strategies).

(4) Top-tier.—The term “top-tier” means any strategy supported by rigorous evidence of the sizable, sustained benefits to participants in the strategy or to society.

SEC. 404. NATIONAL COMMISSION ON PUBLIC SAFETY THROUGH CRIME PREVENTION.

(a) Establishment.—There is established a commission to be known as the National Commission on Public Safety Through Crime Prevention.

(b) Members.—

(1) In general.—The Commission shall be composed of 9 members, of whom—

(A) 3 shall be appointed by the President, 1 of whom shall be the Assistant Attorney General for the Office of Justice Programs or a representative of such Assistant Attorney General;

(B) 2 shall be appointed by the Speaker of the House of Representatives, unless the Speaker is of the same party as the President, in which case 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the minority leader of the House of Representatives;

(C) 1 shall be appointed by the minority leader of the House of Representatives (in addition to any appointment made under subparagraph (B)) or the minority leader of the Senate, unless the majority leader of the Senate is of the same party as the President, in which case 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the majority leader of the Senate;

(D) 1 member appointed by the minority leader of the Senate (in addition to any appointment made under subparagraph (D));

(E) Individuals eligible.—Each member of the Commission shall be an individual who has knowledge or expertise in matters to be studied by the Commission.

(F) Required Representatives.—At least—

(i) 2 members of the Commission shall be respected social scientists with experience implementing or evaluating rigorous, outcome-based trials; and

(ii) 2 members of the Commission shall be law enforcement practitioners.

(2) Persons Eligible.—

(A) In general.—Each member of the Commission shall be an individual who has knowledge or expertise in matters to be studied by the Commission.

(B) Required Representatives.—At least—

(i) 2 members of the Commission shall be respected social scientists with experience implementing or evaluating rigorous, outcome-based trials; and

(ii) 2 members of the Commission shall be law enforcement practitioners.
(4) TERM.—Each member shall be appointed for the life of the Commission.

(5) TIME FOR INITIAL APPOINTMENTS.—The appointment of the members shall be made not later than 60 days after the date of enactment of this Act.

(6) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made, and shall be made not later than 60 days after the date on which the vacancy occurred.

(7) EX OFFICIO MEMBERS.—The Director of the National Institute of Justice, the Director of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Community Capacity Development Office, the Director of the Bureau of Justice Statistics, the Director of the Bureau of Justice Assistance, and the Director of Community Oriented Policing Services (or a representative of each such director) shall each serve in an ex officio capacity on the Commission to provide advice and information to the Commission.

(e) OPERATION.—

(1) CHAIRPERSON.—At the initial meeting of the Commission, the members of the Commission shall elect a chairperson from among their members, by a vote of 2/3 of the members of the Commission. The chairperson shall retain this position for the life of the Commission. If the chairperson leaves the Commission, the Commission shall select, by a vote of 2/3 of the members of the Commission, a new chairperson.

(2) MEETINGS.—The Commission shall meet at the call of the chairperson. The initial meeting of the Commission shall take place not later than 30 days after the date on which all members of the Commission have been appointed.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum to conduct business, and the Commission may establish a quorum for conducting hearings scheduled by the Commission.

(f) RULES.—

The Commission may establish rules by majority vote for the conduct of Commission business, if such rules are not inconsistent with this title or other applicable law.

(g) PUBLIC HEARINGS.—

(1) IN GENERAL.—The Commission shall hold public hearings. The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such other evidence as the Commission considers advisable to carry out its duties under this section.

(2) FOCUS OF HEARINGS.—The Commission shall focus its public hearings, each of which shall focus on 1 of the subcategories.

(h) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 192 of title 28, United States Code. The per diem and mileage allowances shall be paid from funds appropriated to the Commission.

(i) COMPREHENSIVE STUDY OF EVIDENCE-BASED CRIME PREVENTION AND INTERVENTION STRATEGIES.—

(1) IN GENERAL.—The Commission shall carry out a comprehensive study of the effectiveness of crime and delinquency prevention and intervention strategies, organized around the 3 subcategories.

(2) MATTERS INCLUDED.—The study under paragraph (1) shall include:

(A) a summary of research on the general effectiveness of incorporating crime prevention and intervention strategies into an overall law enforcement plan;

(B) any means by which to more effectively communicate the wealth of social science research to practitioners;

(C) a review of evidence regarding the effectiveness of specific crime prevention and intervention strategies, focusing on those strategies supported by rigorous evidence;

(D) an assessment of:

(i) promising areas for further research and development; and

(ii) other areas representing gaps in the body of knowledge that would benefit from additional research and development;

(E) an assessment of the best practices for implementing prevention and intervention strategies;

(F) an assessment of the best practices for gathering rigorous evidence regarding the implementation of intervention and prevention strategies;

(G) an assessment of those top-tier strategies best suited for duplication efforts in a range of settings across the country.

(3) INITIAL REPORT ON TOP-TIER CRIME PREVENTION AND INTERVENTION STRATEGIES.—

(A) DISTRIBUTION.—Not later than 18 months after the date on which all members of the Commission have been appointed, the Commission shall submit a public report to the President, the Attorney General, the Chief of the Federal Public Defender of each district, and the chief executive of each State, describing each strategy funded under section 405 and its results. This report shall be submitted not later than 3 years after the date of the selection of the chairperson of the Commission.

(B) COLLECTION OF INFORMATION AND EVIDENCE REGARDING GRANT RECIPIENTS.—The Commission’s collection of information and evidence regarding each grant recipient under section 405 shall include:

(A) ongoing communications with the grant administrator at the National Institute of Justice;

(B) visits by representatives of the Commission (including at least 1 member of the Commission) to the site where the grant recipient is carrying out the strategy with a grant under section 405, at least once in the second and once in the third year of that grant;

(C) a review of the data generated by the strategy monitoring the effectiveness of the strategy; and

(D) other means as necessary.

(3) MATTERS INCLUDED.—The report submitted under paragraph (2) shall include:

(A) the type of crime or delinquency prevention or intervention strategy;

(B) where the activities under the strategy were carried out, including geographic and demographic targets;

(C) partnerships with public or private entities through the course of the grant period;

(D) the type and design of the effectiveness study conducted under section 405(b)(3) for that strategy;

(E) the results of the effectiveness study conducted under section 405(b)(3) for that strategy;

(F) lessons learned regarding implementation of that strategy or of the effectiveness study conducted under section 405(b)(3), including recommendations regarding which types of environments might best be suited for successful replication; and

(G) recommendations regarding the need for additional research and development of the strategy.

(h) PERSONNEL MATTERS.—
shall be made for a period of not more than

affirmative vote of 2/3 of the members of

cess, or privileges.

affirmative vote of 2/3 of the members of the

Commission, any Federal Government employee,

Commission to the site where the activities under

the strategy are being carried out; the Commission

providing them with full information on the progress of

strategy being carried out with a grant under this

members of the Commission, to improve transparency,

concerning emergency Federal economic assis-

employee of the National Institute of Justice

employee of the National Institute of Justice

AIG, has received an additional $40 bil-

rescue plan.

violation for firms that fail to meet the

firms receiving government assistance pro-

Create penalties of at least $100,000 per

failure to meet the
corporate governance standards es-

established in the bill.

The need for such legislation has be-

three months since Congress approved the
economic rescue plan.

The economic rescue legislation passed in October includes several

firms. More than 200 financial institu-

tions, to improve transparency,

provide detailed, publicly available quar-

terly reports to Treasury outlining

how taxpayer dollars have been used;

establish corporate governance stand-

ards to ensure that firms receiving
government assistance do not waste money on

unnecessary expenditures, and cre-

ate penalties of at least $100,000 per

violation for firms that fail to meet

the corporate governance standards estab-

lished in the bill.

The need for such legislation has be-

come very apparent in the 3 months

since Congress approved the economic

rescue plan.

The economic rescue legislation passed in October includes several

provisions to ensure that public funds are
effectively distributed. But, it does

not include any reporting requirements

for firms that receive Federal dollars.

This is a significant omission, espe-

cially given the amount of Federal money that some firms are rec-

ieving. The Treasury Department has com-

mitted to purchasing $250 billion of

preferred stock in financial institu-

tions. More than 200 financial institu-

tions have received roughly $180 bil-

lion and CitiGroup has received $20 bil-

lion. Of these funds, $125 billion was al-

located to nine large national banks.

In addition to injecting capital into

banks, American Insurance Group, AIG, has received an additional $10 bil-

lion and Citigroup has received $20 bil-

lion of TARP funds.

Last month, GM received more than

$10 billion in financing through the re-

cently implemented Automotive Indus-

try Financing Program.

This effectively means that the en-

tirety of the first $350 billion of rescue

funds has been spent.

When you add up all of the taxpayer
dollars put on the line—from $30 billion

SEC. 405. INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGY GRANTS.

(a) GRANTS AUTHORIZED.—The Director of the National Institute of Justice shall make grants to public and private entities to fund the implementation and evaluation of innovative crime or delinquency prevention or intervention strategies. The purpose of grants under this section shall be to provide funds for all expenses related to the implementation of such a strategy and to conduct a rigorous study on the effectiveness of that strategy.

(b) GRANT DISTRIBUTION.—The amount of each grant under this section shall be made for a period of not more than 3 years.

(c) AMOUNT.—The amount of each grant under this section shall be sufficient to ensure that rigorous evaluations may be performed; and

(3) shall not exceed $2,000,000.

(3) EVALUATION SET-ASIDE.—

(A) IN GENERAL.—A grantees shall use not less than $300,000 and not more than $700,000 of the grant under this section for a rigorous study of the effectiveness of the strategy during the 3-year period of the grant for that strategy.

(B) REQUIREMENTS FOR STUDY.—

(I) IN GENERAL.—Each study conducted under paragraph (A) shall use an evaluator and a study design approved by the Director of the National Institute of Justice hired or assigned under subsection (c).

(ii) CRITERIA.—The employee of the National Institute of Justice hired or assigned under subsection (c) shall approve—

(I) an evaluator that has successfully carried out multiple studies producing rigorous evidence of effectiveness; and

(II) a proposed study design that is likely to produce rigorous evidence of the effectiveness of the strategy.

(III) APPROVAL.—Before a grant is awarded under this section, the evaluator and study design of a grantee shall be approved by the employee of the National Institute of Justice hired or assigned under subsection (c).

(4) DATE OF AWARD.—Not later than 6 months after the date of receiving recommendations relating to a subcategory from the Commission under section 404(f), the Director of the National Institute of Justice shall award all grants under this section relating to that subcategory.

(b) STUDY OVERSIGHT.—The employee of the National Institute of Justice hired or assigned under paragraph (1) shall be responsible for ensuring that grantees adhere to the study design approved before the applicable grant was awarded.

(c) LOAN.—The employee of the National Institute of Justice hired or assigned under paragraph (1) may use as a lien between the Commission and the recipients of a grant under this section. That employee shall be responsible for timely cooperation with Commission requests.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $150,000,000 for each of fiscal years 2009 through 2012 to carry out this subsection.

(4) APPLICATIONS.—A public or private entity desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director of the National Institute of Justice and the Secretary of Commerce shall require. The purpose of grants under this section shall be to provide funds for all expenses related to the implementation of such a strategy and to conduct a rigorous study on the effectiveness of that strategy.

(b) GRANT DISTRIBUTION.—The amount of each grant under this section shall be made for a period of not more than 3 years.

(c) AMOUNT.—The amount of each grant under this section shall be sufficient to ensure that rigorous evaluations may be performed; and

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provided to Bear Stearns in March, $300 billion available to Fannie Mae and Freddie Mac, $150 billion to AIG, $700 billion for TARP, plus the direct lending programs at the Federal Reserve— we are talking about well over $1 trillion in total.

I certainly don’t think it is unreasonable for the public to know how their money is being spent, and I am not the only Member of Congress or elected official who feels this way.

In order to avoid the conflicts of interest posed by the Congressional Oversight Panel for Economic Stabilization, the Treasury Department noted that it was committed to rigorous oversight of executive compensation packages. This may be the case, but executive compensation is only the beginning.

While I am pleased that CEOs at some financial institutions that accepted Federal assistance did not accept their annual bonuses last year, we still do not have an official accounting of how those bonus payments were used.

Certainly Americans deserve assurances that struggling firms will not use public funds to pay exorbitant salaries or bonuses.

The same can be said for these funds going toward dividend payments, or mergers and acquisitions.

The Government Accountability Office, GAO, has reported that the Treasury Department had no strong accountability or oversight function to ensure that banks were using rescue assistance with the best interests of the public in mind.

It noted that Treasury had little ability to ensure that participating firms complied with laws already limiting executive compensation and conflicts of interest.

An investigation last month by the Associated Press found that many banks that have accepted Federal assistance are not able to say with certainty how they have used the money. Some of these banks would not even discuss the issue.

We cannot be sure that the rescue funds are being used to stabilize the economy if banks are not keeping proper accounting of their use, and those that do will not disclose it.

Shining light on how firms use public dollars not only makes good sense, but it will also act as a deterrent to irresponsible behavior.

On August 7, 2008, the Wall Street Journal reported that AIG, which received billions of dollars in Federal rescue funds, was continuing to lobby State regulators to delay implementation of strengthened licensing standards for mortgage brokers and lenders.

AIG was banking against sensible standards created by the SAFE Mortgage Licensing Act. This bill, introduced by Senator Martinez and myself, established basic minimum regulations for the mortgage industry to ensure consumers were adequately protected.

Before this bill, in some States virtually anyone—even those with criminal records—could go out and get a mortgage broker’s license. Left unchecked, and with no regulations to stop them, unscrupulous mortgage brokers and lenders flooded the markets with subprime loans that they knew would go bust.

Of course, this has served as one of the catalysts for our current economic predicament.

And now AIG, propped up by billions in Government money after having succeeded to bad investments, was lobbying against the strong enforcement of State laws that might have helped prevent this catastrophe in the first place.

Senator Martinez and I wrote a letter to AIG and, to the company’s credit, CEO Edward Liddy immediately suspended the company’s lobbying operations.

I find it completely unacceptable that taxpayer dollars intended to stabilize the economy could find their way into the pockets of lobbying firms. The legislation which I am reintroducing today will make sure that does not happen.

I do not mean to pick on AIG, but they have also been the poster child for wasteful spending by rescued firms.

In September 2008, just days after receiving an $85 billion Federal lifeline, the management of AIG treated itself to a $444,000 spa weekend at the St. Regis resort in Monarch Beach, California. This后来 became $150,000 for fine dining and $23,000 in spa charges.

AIG executives spent the last 2 days of September 2008 on a golf outing at Mandalay Bay in Las Vegas at a cost of up to $500,000. They were planning to follow this with a few days at the Ritz Carlton in Half Moon Bay, but cancelled after it hit the news and drew fire from congressional leaders.

As news of these wasteful expenditures became public, AIG received another $37.8 billion in emergency loans from the Federal Government.

Shortly thereafter, the Associated Press reported that—even as AIG was asking Congress for these loans—AIG executives were spending $86,000 on a pheasant hunting expedition in England. During the trip, they stayed at a 17th century manor.

One AIG executive named Sebastian Preiti was quoted as saying that: ‘The recession will go on until about 2011, but the shooting was great today and we are relaxing fine.’

Once these lapses in judgment came to light, AIG chief executive Edward Liddy informed Congress that he was putting an end to all nonessential expenditures. Yet weeks later, an undercover news crew caught AIG executives at the Hilton Squaw Peak Resort in Phoenix, hosting a seminar for financial planners complete with cocktails and bumper stickers.

One would think that a brush with collapse and total failure might have a sobering effect on some of these firms. But this penchant for wasteful junkets in the face of complete failure was not unique to AIG.

Following enactment of TARP, news reports have uncovered multiple instances in which rescued firms have been caught making unnecessary and outrageous expenditures, leading many taxpayers to question why these firms are receiving Federal assistance in the first place.

In November, Treasury Secretary Paulson announced that the $700 billion approved by Congress to stabilize financial markets would not be used to purchase illiquid assets but rather to make direct capital injections into financial institutions.

Given this new mission, the need for additional transparency and disclosure is striking.

We have learned that we cannot necessarily count on these firms and their executives to act sensibly and do what is right.

The public needs to know that their tax dollars are being put to good use. A simple “trust me” from the bank executives is not enough.

Americans are struggling, and the pain in my State of California, where unemployment is 8.4 percent, and foreclosure filings exceeded 750,000 last year, is especially acute.

This bill puts in place commonsense solutions to fix some of the deficiencies in the economic stabilization bill.

This legislation is significant and sorely needed.

We must act soon to help restore confidence in this effort and shed light on how public funds are used. We promised the American people transparency and oversight, and this legislation will make good on that promise.

I hope my colleagues will join me to ensure that taxpayer dollars are spent efficiently and responsibly.

By Mr. KERRY (for himself, Ms. SNOWE, and Mrs. LINCOLN):

S. 138. A bill to amend the Internal Revenue Code of 1986 to repeal alternative minimum tax limitations on private activity bond interest, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, today Senator Snowe and I are introduce legislation to exempt private activity bond interest from the alternative minimum tax, AMT. My colleague from Connecticut, Representative Neal has introduced similar legislation. Under current law, interest paid on private activity bonds is subject to the alternative minimum tax. This results in the bonds not being very marketable in these difficult economic times.

Making private activity bonds no longer subject to the AMT would help with the issuance of bonds. This legislation would assist in needed relief to State and local governments across the Nation. It would provide more buyers to the market, resulting in interest savings for issuers, and ultimately tax-payers.
Subjecting private activity bond interest to the AMT could cost an issuer 25 to 30 more basis points when issuing an AMT bond compared to a non-AMT bond. However, the recent freezing of the municipal credit market has led to the differences to rise as much as 100 basis points. The result is less funding for various infrastructure projects including airports, docks and other transportation-related facilities; water, sewer and other utility facilities; and solid and hazardous waste disposal facilities.

Last Congress, I worked on a provision to exempt the interest from private activity housing bonds from the AMT and this provision was included in the Housing and Economic Recovery Act of 2008. The legislation Senator Sasse and I are introducing builds on this provision by exempting interest from all private activity bonds from the AMT.

I believe this legislation will help spur the economy and create jobs. This legislation will provide better funding options for essential infrastructure projects and create jobs across the country. I look forward to working with my colleagues on this important legislation.

By Mrs. FEINSTEIN:

S. 139. A bill to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing personally identifiable information, to disclose any breach of such information; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Data Breach Notification Act.

This is a commonsense bill that is aimed at protecting personal information and preventing identity theft. The bill would require businesses and government agencies to notify individuals whose sensitive personal information has been exposed in a data breach.

As many of you know, I have been urging the Senate to adopt this legislation since 2003, when California first imposed a State notification requirement.

That legislation has helped consumers in my State. Federal data breach law would provide uniformity and protect consumers throughout the country.

With every year that passes, the evidence in support of this legislation has only continued to mount.

The cost of identity theft is enormous—estimated at more than $50 billion per year. Some of the costs fall on businesses and banks, which suffer losses from five personal identifiable thefts. Some of the costs are also borne by consumers, whose finances and credit ratings are disrupted.

Since the beginning of 2005, over 240 million data records containing individual sensitive personal data have been exposed in data breaches.

It seems that not a week goes by without news of another security breach that exposes names, addresses, birth dates, social security numbers, or other personal data.

These breaches have spawned a vast online market in stolen identities. Today, each person whose identity is sold on the internet faces a high risk of becoming a victim of identity theft. Each of them faces the expensive and time-consuming nightmare of trying to restore their finances and credit ratings.

According to a report by the Identity Theft Resource Center, the news media reported more than 620 breaches involving personal information during 2008. That works out to about one data security breach every 14 hours—and those are just the ones that are big enough to be covered in the media.

Recent reports of security breaches involving sensitive personal data point out the extent of the problem.

In December 2008, during a website development project at the Florida Agency for Workforce Innovation, the Social Security numbers of more than a quarter of a million people were accidently posted online.

In August of last year, an employee working weekends at Countrywide copied customer records from an office computer and then sold the personal information of an estimated 2,000,000 mortgage applicants.

In May of 2007, a breach at the Transportation Security Administration made the names of Social Security numbers, birth dates, payroll information, and bank account information of more than 100,000 former employees vulnerable to theft or sale.

In January of that same year, hackers accessed information held by T.J. Maxx stores, including more than 45 million credit card numbers and more than 455,000 merchandise records containing customers’ drivers license numbers.

In May of 2006, there was a breach at the Department of Veterans Affairs that involved the names, birth dates, and Social Security numbers of every veteran discharged from the military since 1975—more than 28 million veterans—every veteran discharged from the military since 1975.

Another disturbing example took place last year at the State Department when the passport files of Senator Clinton, Senator McCain, and Senator Obama—the three leading presidential candidates at the time—were accessed by contractors working for the Department. Though the Department knew about the breaches right away, several months passed before our colleagues were told about the problem.

Unfortunately, this delay is not surprising—because there is currently nothing to require a Federal agency to tell us when a security breach affects our personal data.

That needs to change. That’s what my bill does.

Specifically, this legislation requires the Federal Government and private businesses to notify individuals when there has been a security breach involving their sensitive personal data: ensures that the notice is provided without unreasonable delay; creates very limited exceptions to notification for national security and law enforcement purposes; and where the law enforcement agency certifies that there is no significant risk of harm to the individual; establishes penalties against those who do not provide the required notice. The provisions of the bill would be enforced by the Federal and State attorneys general; and pre-empts State laws so that there is a single, nationwide notification requirement.

Data security breaches have real consequences. For one thing, they are bad for business because they lead to a loss of confidence—especially in online commerce. A 2005 survey for Consumer Reports showed that 25 percent of Internet users stopped shopping online because of fears about identity theft. Of those who still shopped online, 29 percent said that they had cut back on how often they buy products on the Internet.

Data breaches also pose serious harm for consumers. A November 2007 report from the Federal Trade Commission revealed that identity theft victims spent as much as $5,000 of their own money—and as many as 1,200 hours of their time—recovering from the harm to their finances caused by identity theft.

While not all data breaches lead to identity theft, the cost of stolen identities is so enormous that we should be doing everything we can to solve this problem.

The situation requires action. While Congress has been slow to act, the States have not. In the almost 6 years since the California law took effect, 43 States, the District of Columbia, Puerto Rico, and the Virgin Islands have passed similar laws.

A report issued by the Federal Trade Commission in December 2008 noted that these State data breach notification laws have direct benefits; many businesses across the country have strengthened their safeguard practices in order to avoid data breaches.

By forcing companies to consider the potential cost and liability that may ensue if information is compromised in a data breach, these laws have the indirect benefit of motivating companies to reassess their need to collect personal identifiable information in the first place.

The same benefits would flow from Federal legislation. Additionally, the Data Breach Notification Act would improve the law by creating a single, unified Federal standard to replace the patchwork of varied State laws currently in place. The December 2008 FTC report made the same point.

A Federal bill will simplify the process of compliance and notification for
businesses, while ensuring that all consumers get the information they need as soon as possible when breaches happen.

We have already waited too long. The Judiciary Committee endorsed this bill unanimously during the last Congress. The epidemic of data breaches in our nation continues unabated. This is a common-sense bill that we should take action on now.

I urge the Senate to pass the Data Breach Notification Act to give Americans the information they need to protect themselves from identity theft.

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. 139

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 “Data Breach Notification Act”.

SEC. 2. NOTICE TO INDIVIDUALS.

(a) IN GENERAL.—Any agency, or business entity engaged in interstate commerce, that uses, accesses, transmits, stores, discloses, or collects sensitive personally identifiable information shall, following the discovery of a security breach of such information, notify any resident of the United States whose sensitive personally identifiable information has been, or is reasonably believed to have been, accessed, or disclosed.

(b) OBLIGATION OF OWNER OR LICENSEE.—

(1) NOTICE TO OWNER OR LICENSEE.—Any agency, or business entity engaged in interstate commerce, that uses, accesses, transmits, stores, discloses of, or collects sensitive personally identifiable information that the agency, or business entity does not own or license shall notify the owner or licensee of the security breach involving such information.

(2) NOTICE TO THIRD PARTY.—Nothing in this Act shall prevent or abrogate an agreement between an agency or business entity required to give notice under this section and a designated third party, including an owner or business entity not required to give notice under this section and an agreement under subsection (a).

(3) NOTIFICATION TO DESIGNATED THIRD PARTY.—Nothing in this Act, including evidence demonstrating the reasons for any delay.

(d) DELAY OF NOTIFICATION AUTHORIZED FOR LAW ENFORCEMENT PURPOSES.—

(1) IN GENERAL.—If a Federal law enforcement agency determines that the notification required under this section would impede a law enforcement investigation, such notification shall be delayed upon written notice from such Federal law enforcement agency to the agency or business entity that experienced the breach.

(2) EXTENDED DELAY OF NOTIFICATION.—If the notification required under subsection (a) is delayed pursuant to paragraph (1), an agency or business entity that gave notice pursuant to subsection (a) may delay notice for 30 days after the date such law enforcement delay was invoked unless a Federal law enforcement agency provides written notification that further delay is necessary.

(3) LAW ENFORCEMENT IMMUNITY.—No cause of action shall lie in any court against any law enforcement agency for acts relating to the delay of notification for law enforcement purposes under this Act.

SEC. 3. EXCEPTIONS.

(a) EXEMPTION FOR NATIONAL SECURITY AND LAW ENFORCEMENT.

(1) IN GENERAL.—Section 2 shall not apply to an agency or business entity if the agency or business entity certifies, in writing, that notification of the security breach as required by section 2 reasonably could be expected to—

(A) cause damage to the national security;

(B) hinder a law enforcement investigation or the ability of the agency to conduct law enforcement investigations.

(2) LIMITATIONS.—An agency or business entity may not execute a certification under paragraph (1) if—

(A) concealed violations of law, inefficiency, or administrative errors;

(B) prevent embarrassment to a business entity, organization, or agency; or

(C) restrain competition.

(3) NOTICE.—In every case in which an agency or business entity issues a certification under paragraph (1), the certification, accompanied by a description of the factual basis for the certification, shall be immediately provided to the United States Secret Service.

(4) SECRET SERVICE REVIEW OF CERTIFICATIONS.

(A) IN GENERAL.—The United States Secret Service may review a certification provided by a business entity under paragraph (3), to determine whether an exemption under paragraph (1) is merited. Such review shall be completed not later than 10 business days after the date of receipt of the certification, except as provided in paragraph (5)(C).

(B) NOTICE.—Upon completing a review under subparagraph (A), the United States Secret Service shall immediately notify the agency or business entity, in writing, of its determination of whether an exemption under paragraph (1) is merited.

(C) EXEMPTION.—The exemption under paragraph (1) shall not apply if the United States Secret Service determines under this paragraph that the exemption is not merited.

(5) ADDITIONAL AUTHORITY OF THE SECRET SERVICE.—

(A) IN GENERAL.—In determining under paragraph (4) whether an exemption under paragraph (1) is merited, the United States Secret Service may request additional information from an agency or business entity regarding the basis for the claimed exemption, if such additional information is necessary to determine whether the exemption is merited.

(6) REQUIRED COMPLIANCE.—Any agency or business entity that receives a request for additional information necessary to determine whether an exemption under paragraph (1) is merited shall cooperate with any such request.

(7) TIMING.—If the United States Secret Service requests additional information under paragraph (5), the United States Secret Service shall notify the agency or business entity not later than 10 business days after the date of receipt of the additional information whether an exemption under paragraph (1) is merited.

(b) SAFE HARBOR.—

(1) IN GENERAL.—An agency or business entity that gives notice under subsection 2 of paragraphs 2 and that complies with the notice requirement under section 2 if—

(A) a risk assessment concludes that there is no significant risk that a security breach has resulted in, or will result in, harm to the individual whose sensitive personally identifiable information was subject to the security breach;

(B) without unreasonable delay, but not later than 45 days after the discovery of a security breach (unless extended by the United States Secret Service), the agency or business entity notifies the United States Secret Service, in writing, of—

(i) the results of the risk assessment; and

(ii) its decision to invoke the risk assessment exemption; and

(C) the United States Secret Service does not indicate, in writing, and not later than 10 business days after the date of receipt of the decision described in subparagraph (B)(ii), that notice should be given.

(2) PRESUMPTION.—There shall be a presumption that no significant risk of harm to the individual whose sensitive personally identifiable information was subject to a security breach if such information—

(A) was encrypted; or

(B) was rendered indecipherable through the use of best practices or methods, such as redaction, access controls, or other such mechanisms, that are widely accepted as an effective industry practice, or an effective industry standard.

(c) FINANCIAL FRAUD PREVENTION EXEMPTION.

(1) IN GENERAL.—A business entity will be exempt from the notice requirement under section 2 if the business entity utilizes or participates in a security breach data sharing service, that—

(A) is designed to block the use of the sensitive personally identifiable information to initiate unauthorized financial transactions before they are charged to the account of the individual; and

(B) provides for notice to affected individuals after a security breach that has resulted in fraud or unauthorized transactions.

(2) LIMITATION.—The exemption by this subsection does not apply if—

(A) the information subject to the security breach includes sensitive personally identifiable information, other than a credit card number or credit card security code, of any type; or

(B) the information subject to the security breach includes both the individual’s credit card number and the individual’s first and last name.

SEC. 4. METHODS OF NOTICE.

(a) IN GENERAL.—An agency, or business entity shall be in compliance with section 2 if it provides both:

(1) INDIVIDUAL NOTICE.—

(A) Written notification to the last known home mailing address of the individual in the records of the agency or business entity;

(B) telephone notice to the individual personally; or

(C) electronic notice, if the individual has consented to receive such notice and the notice is consistent with the provisions permitting

(2) MEDIA NOTICE.—Notice to major media outlets serving a State or jurisdiction, if the number of residents of such State whose sensitive personally identifiable information was, or is reasonably believed to have been, acquired by an unauthorized person exceeds 5,000.

SEC. 5. CONTENT OF NOTIFICATION.

(a) IN GENERAL.—Regardless of the method by which notice is provided to individuals under section 4, such notice shall include, to the extent possible—

(1) by an enumeration of the categories of sensitive personally identifiable information that was, or is reasonably believed to have been, acquired by an unauthorized person;

(2) a toll-free number—

(A) that the individual may use to contact the agency or business entity, or the agent of the agency or business entity; and

(B) from which the individual may learn what types of sensitive personally identifiable information the agency or business entity maintained about that individual; and

(3) contact telephone numbers and addresses for the major credit reporting agencies.

(b) ADDITIONAL CONTENT.—Notwithstanding section 4, the notice required under subsection (a) shall also include information regarding victim protection assistance provided for by that State.

SEC. 6. COORDINATION OF NOTIFICATION WITH CREDIT REPORTING AGENCIES.

If an agency or business entity is required to provide notification to more than 5,000 individuals under section 4(a), the agency or business entity shall also notify all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined in section 686(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)) of the timing and distribution of the notice. Such notice shall be given to the consumer credit reporting agencies without unreasonable delay and, if it will not delay notice to the affected individuals, prior to the distribution of notices to the affected individuals.

SEC. 7. NOTICE TO LAW ENFORCEMENT.

(a) SECRET SERVICE.—Any business entity or agency shall notify the United States Secret Service of the fact that a security breach has occurred if—

(1) the number of individuals whose sensitive personally identifying information was, or is reasonably believed to have been acquired by an unauthorized person exceeds 10,000;

(2) the security breach involves a database, networked or integrated databases, or other data system containing the sensitive personally identifiable information of more than 1,000,000 individuals nationwide;

(3) the security breach involves databases owned by the Federal Government; or

(4) the security breach primarily involves sensitive personally identifiable information of individuals known to the agency or business entity to be employees and contractors of the Federal Government involved in national security or law enforcement.

(b) NOTICE TO OTHER LAW ENFORCEMENT AGENCIES.—The United States Secret Service shall be responsible for notifying—

(1) the Federal Bureau of Investigation, if the security breach involves espionage, foreign counterintelligence, information protection against unauthorized disclosure for reasons of national defense or foreign relations, or any other computer data that term is defined in section 11y of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)), except for offenses affecting the duties of the United States Secret Service under section 3056(a) of title 18, United States Code;

(2) the United States Postal Inspection Service, if the security breach involves mail fraud; and

(3) the attorney general of each State affected by the security breach.

(c) THE UNITED STATES SECRET SERVICE.—The notices required under this section shall be delivered as follows:

(1) Notice under subsection (a) shall be delivered as promptly as possible, but not later than 14 days after discovery of the events requiring notice.

(2) Notice under subsection (b) shall be delivered not later than 14 days after the United States Secret Service receives notice of a security breach from an agency or business entity.

SEC. 8. ENFORCEMENT.

(a) CIVIL ACTIONS BY THE ATTORNEY GENERAL.—The Attorney General may bring a civil action in the appropriate United States district court against any business entity that engages in conduct constituting a violation of this Act and, upon proof of such conduct by a preponderance of the evidence, enjoin such conduct, and such business entity shall be subject to a civil penalty of not more than $1,000 per day per individual whose sensitive personally identifiable information was, or is reasonably believed to have been, accessed or acquired by an unauthorized person, up to a maximum of $1,000,000 per violation, unless such conduct is found to be willful or intentional.

(b) INJUNCTIVE ACTIONS BY THE ATTORNEY GENERAL.—

(1) IN GENERAL.—If it appears that a business entity has engaged, or is engaged, in any act or practice constituting a violation of this Act, the Attorney General may petition any appropriate district court of the United States for an order—

(A) enjoining such act or practice; or

(B) enforcing compliance with this Act.

(2) ISSUANCE OF ORDER.—A court may issue an order under paragraph (1), if the court finds that the conduct in question constitutes a violation of this Act:

(c) OTHER RIGHTS AND REMEDIES.—The rights and remedies available under this Act are cumulative and shall not affect any other rights and remedies available under law.

(d) FRAUD ALERT.—Section 605A(b)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681v(b)(1)) is amended by inserting ‘‘identity theft report’’.

SEC. 9. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State or any State or local law enforcement agency authorized by the Attorney General or the State statute to prosecute violations of consumer protection law, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of a business entity in a practice that is prohibited under this Act, the State or the State or local law enforcement agency may bring a civil action on behalf of the residents of the State’s jurisdiction in a district court of the United States of appropriate jurisdiction, including a State court, to—

(A) enjoin that practice;

(B) enjoin that practice under this Act; or

(C) obtain civil penalties of not more than $1,000 per day per individual whose sensitive personally identifiable information was, or is reasonably believed to have been, accessed or acquired by an unauthorized person, up to a maximum of $1,000,000 per violation, unless such conduct is found to be willful or intentional.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Attorney General of the United States—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

(B) EXEMPTION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to the filing of an action if the attorney general under this Act, if the State attorney general determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint for the action to the Attorney General of the United States if the State attorney general files the action.

(b) FEDERAL PROCEEDINGS.—Upon receiving notice under subsection (a), the Attorney General shall have the right to—

(1) move to stay the action, pending the final disposition of a pending Federal proceeding; or

(2) initiate an action in the appropriate United States district court under section 8 and move to consolidate all pending actions, including State actions, in such court;

(3) intervene in an action brought under subsection (a)(2); and

(4) file petitions for appeal.

(c) PENDING PROCEEDINGS.—If the Attorney General has instituted a proceeding or action for a violation of this Act or any regulations thereunder, no attorney general of a State may bring, during the pendency of any proceeding or action, bring an action under this Act against any defendant named in such criminal proceeding or civil action for any violation that is alleged in that proceeding or action.

(d) RULE OF CONSTRUCTION.—For purposes of paragraphs (a) and (b), nothing in this section shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) correct, suppress, or amend any public record of documentary and other evidence.

SEC. 10. EFFECT ON FEDERAL AND STATE LAW.

(a) IN GENERAL.—Nothing in this Act shall—

(1) alter or amend the laws of any State relating to notification or any other provision of law of any State relating to notification or privacy or security issues relating to data concerning an individual;

(2) constitute a power of the United States to override or pre-empt any provision of Federal law or any provision of law of any State relating to notification or privacy or security issues relating to data concerning an individual;

(b) EXCEPTION.—Nothing in this Act establishes a private cause of action against a business entity for violation of any provision of this Act.
SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out investigations and risk assessments of security breaches as required under this Act.

SEC. 12. REPORTING ON RISK ASSESSMENT EXEMPTIONS.

(a) IN GENERAL.—The United States Secret Service shall report to Congress not later than 180 days after the date of enactment of this Act, and upon the request by Congress thereafter, on—

(1) the number and nature of the security breaches described in the notices filed by those business entities invoking the risk assessment exemption under section 3(b) of this Act; and any response of the United States Secret Service to such notices; and

(2) the number and nature of security breaches subject to the national security and law enforcement exemptions under section 3(a) of this Act.

(b) REPORT.—Any report submitted under subsection (a) shall not disclose the contents of any risk assessment provided to the United States Secret Service under this Act.

SEC. 13. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) AGENCY.—The term ‘agency’ has the same meaning given such term in section 551 of title 5, United States Code.

(2) AFFILIATE.—The term ‘affiliate’ means persons related by common ownership or by corporate control.

(3) BUSINESS ENTITY.—The term ‘business entity’ means any organization, corporation, trust, partnership, sole proprietorship, unincorporated association, venture established to make a profit, nonprofit, and any contractor, subcontractor, affiliate, or licensee thereof engaged in interstate commerce.

(4) ENCRYPTED.—The term ‘encrypted’—

(A) means the protection of data in electronic form, in storage or in transit, using an encryption technology that has been adopted by an established standards setting body which renders such data indecipherable in the absence of associated cryptographic keys necessary to enable decryption of such data; and

(B) includes appropriate management and safeguards of such cryptographic keys so as to protect the integrity of the encryption.

(5) PERSONALY IDENTIFIABLE INFORMATION.—The term ‘personally identifiable information’ means any information, or compilation of information, in electronic or digital form serving as a means of identification, as defined by section 1028(d)(7) of title 18, United States Code.

(6) SECURITY BREACH.—The term ‘security breach’ means compromise of the security, confidentiality, or integrity of computerized data through misrepresentation or actions that violate a reasonable standard to conclude has resulted in acquisition of or access to sensitive personally identifiable information that is unauthorized or in excess of authorization.

(7) SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION.—The term ‘sensitive personally identifiable information’ means any information or compilation of information, in electronic or digital form that includes—

(A) an individual’s first and last name or first initial and last name in combination with any 1 of the following data elements:

(i) A non-truncated social security number, driver’s license number, passport number, or alien registration number;

(ii) Any 2 of the following:

(I) Home address or telephone number.

(II) Mother’s maiden name, if identified as such.

(III) Month, day, and year of birth.

(iii) Unique biometric data such as a fingerprint, voice print, a retina or iris image, or any other biometric or other information with respect to an individual, such as an individual’s biological traits or behaviors.

(iv) A unique account identifier, electronic identification number, user name, or routing code in combination with any associated security code, access code or password that is required for an individual to obtain money, goods, services or any other thing of value; or

(B) a financial account number or credit or debit card number in combination with any security code, access code or password that is required for an individual to obtain money, goods, services or any other thing of value; or

(C) an individual’s date of birth, place of birth, or both.

SEC. 14. EFFECTIVE DATE.

This Act shall take effect on the expiration of the time period of 60 days after the date of enactment of this Act.

By Mrs. FEINSTEIN:

S. 140. A bill to require the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes;

To the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation that will help address the threats to public health and safety caused by abandoned hardrock mines.

There are as many as 500,000 abandoned mines strewn across the western states—47,000 alone are found on California’s public lands.

The scope of this problem is huge.

In the past two years, eight accidents at abandoned mines were reported in California. Throughout the United States, at least 37 deaths occurred between 1999 and 2007 and the potential for more is ominous.

Basic remediation efforts, such as warning signs and fencing, can provide protection.

However, some abandoned mines pose a more serious threat. Environmental impact studies have shown that important watersheds are being polluted by high levels of elements such as mercury, lead, arsenic and asbestos.

In California alone, seventeen watersheds have been affected.

Yet not enough is being done to clean up these dangerous Gold Rush-era mines.

The bill that I am introducing today is not intended to be a comprehensive hardrock mining bill, but it is an important piece of the reform needed.

The Abandoned Mine Reclamation Act of 2009 which reform the 1972 Mining Law by establishing fees to support abandoned mine clean up; establishing an Abandoned Mine Clean up Fund.

Unlike the coal industry, the metal mining industry does not pay to clean up its legacy of abandoned mines, making lack of funding the primary obstacle to abandoned hardrock mine clean up.

This legislation would help fund the clean up of abandoned mines by placing an Abandoned Mine Reclamation fee on all hardrock minerals, using the underground coal industry fee program as a model. Specifically, it would create a 0.3 percent reclamation fee on the gross value of all hardrock mineral mining, including mining on Federal, State, tribal, local and private lands.

The condition of abandoned coal mines has greatly improved since the Surface Mining Control and Reclamation Act of 1977 established a fee to finance restoration of land abandoned or inadequately restored by coal mining companies.

This fund has been able to raise billions of dollars for coal mine reclamation. I believe that a similar program could be part of the solution to hardrock abandoned mine clean up.

This legislation establishes a royalty fee on Hardrock Mining Claims. Companies that mine for gold and silver on Federal lands are not currently required to pay any royalties to the Federal Government—even though we are experiencing near record high gold prices.

These companies should be required to pay their fair share.

The Abandoned Mine Reclamation Act establishes an 8 percent royalty on new mining operations located on Federal lands, and a 4 percent royalty for existing operations.

The legislation I am introducing today also creates an Abandoned Mine Fund.

In these times of budget deficits, it’s clear that we will not be able to simply appropriate the funds necessary to clean up the hundreds of thousands of abandoned hard rock mines.

So, this legislation will create an abandoned mine cleanup fund to ensure that we have a lasting source of funding for this critical clean up effort.

Specifically, the fund will direct the royalties, as well as other payments collected from mining operations, and dedicate them to the clean up of abandoned hardrock mines.

I recognize the important role that mining has played in California’s history.

The discovery of gold at Sutter Mill and Placerville, California in 1848 was a defining moment for my State and the U.S.

It is fair to say that without mining and the Gold Rush, California and the entire country would be a far different place than it is today.

The history of mining in California, however, is tarnished by the legacy of tens of thousands of abandoned mines.

In particular, abandoned mine sites on Federal lands.

A recent report from the Department of the Interior’s Inspector General underscores the scope and the urgency of the problem.
the abandoned mine problem on public lands—in particular, those managed by the Bureau of Land Management and the National Park Service.

The report concluded that public health and safety have been compromised by mismanagement, funding shortfalls and systematic neglect. The report found the potential for more deaths and injuries is ominous. A number of abandoned mine sites on public lands present an immediate danger due to open shafts, collapsing mine walls and mine structures. Some have deadly gases that accumulate in underground passages. And others leach hazardous chemicals like arsenic, lead and mercury into groundwater.

The Bureau of Land Management’s abandoned mines program has been neglected and understaffed. In some cases, staff were told by their supervisors to ignore these problems; and those who did come forward to identify contaminated sites were criticized or outright threatened.

The scope of the problem is less severe at the National Parks Service. But perennial funding shortfalls impede the clean up of known abandoned mines.

At the heart of the problem is a century-old law signed by President Ulysses S. Grant to promote the settlement of publicly-owned lands in the western states. The 1872 Mining Law created national standards for hardrock mining operations on Federal public lands; however, it has not been substantially updated for 137 years. Under this outdated framework, the hardrock mining industry does not pay royalties for minerals taken from Federal land and is not obligated to share in the cost of clean up for abandoned mines. Since the enactment of this law, hundreds of thousands of mines have been abandoned.

Congress needs to move swiftly to address this issue before more damage and accidents occur.

Though this legislation is a significant step forward for the funding of abandoned mines, I know that there is much more mining reform to be done. I look forward to working with my colleagues to modernize our Nation’s mining laws and accelerate the clean up of dangerous abandoned mines.

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. 140

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Abandoned Mine Reclamation Act of 2009”.

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

Sec. 1. Definitions and references.
Sec. 2. Application rules.
Sec. 3. Application rules.
Sec. 4. Effect of payments for use and occupancy of claims.

TITILE II—ABANDONED MINE CLEANUP FUND

Sec. 201. Establishment of Fund.
Sec. 203. Use and objectives of the Fund.
Sec. 204. Eligible lands and waters.
Sec. 205. Application for permits.
Sec. 206. Availability of amounts.

TITILE III—EFFECTIVE DATE

Sec. 301. Effective date.
(2) A plan of operations for a Federal land subject to an existing permit shall provide for a plan modification to an operations permit for the Federal land subject to such plan of operations.

(d) AUDITS.—The Secretary is authorized to conduct such audits of all claim holders, operators, transporters, purchasers, processors, or other persons directly or indirectly involved in the production or sales of minerals covered by this Act, as the Secretary deems necessary for the purposes of ensuring compliance with the requirements of this section.

(e) COOPERATIVE AGREEMENTS.—(1) The Secretary is authorized to enter into cooperative agreements with the Secretary of Agriculture to share information concerning the royalty management of locatable minerals, concentrates, or products derived therefrom which are produced or stored on a claim or on lands open to location under this section in cooperation with the Secretary, and to carry out any other activity described in this section.

(f) INTEREST AND SUBSTANTIAL UNDERREPORTING Requirements.—The terms of section 101(a)(3). (ii) during such 10-year period, modifications of any such plan may be made in accordance with such plan provisions of law applicable prior to the enactment of this Act if such modifications are deemed minor by the Secretary concerned; and (iii) such plan shall provide for such additional commitments in accordance with the terms of the approved plan as the Secretary may require for the purposes of ensuring compliance with the requirements of this section.

(A) In the case of underreporting of royalty payments, except as provided in paragraph (4), the Secretary shall assess a penalty of not greater than 25 percent of the amount of that underpayment, interest shall be computed and charged on the amount of that underpayment, and such interest shall accrue at the same interest rate as the rate applicable to underpayment for royalty payments under this section.

(4) Royalty computations shall establish and maintain records, reports, or information that may be covered by this Act, as the Secretary deems necessary for the purposes of ensuring compliance with this Act and other Federal laws. The Secretary, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and other Federal officials shall ensure that such information is provided in accordance with the requirements of this Act.

(5) INTEREST AND SUBSTANTIAL UNDERREPORTING REQUIREMENTS.—(1) In the case of mining claims where royalty payments are not made by the date on which such payments are due, the Secretary shall charge interest on such underpayments at the same interest rate as the rate applicable to underpayment for royalty payments under this section.

(5) For the purposes of this subsection, the term “underreporting” means the difference.
between the royalty on the value of the production that should have been reported and the royalty on the value of the production which was reported, if the value that should have been reported is greater than the value that was reported.

(4) The Secretary may waive or reduce the assessment provided in paragraph (2) of this subsection for failure to pay royalty payments under this section corrects the underreporting before the date such person receives notice from the Secretary that an underreporting may have occurred, or before 90 days after the date of the enactment of this section, whichever is later.

(5) The Secretary may deny any portion of an assessment under paragraph (2) of this subsection attributable to that portion of the underreporting for which the person responsible for paying the royalty demonstrates that:

(A) such person had written authorization from the Secretary to report royalty on the value of the production on basis on which it was reported;

(B) such person had substantial authority for reporting royalty on the value of the production on the basis on which it was reported;

(C) such person previously had notified the Secretary, in such manner as the Secretary may by rule prescribe, of relevant reasons or facts affecting the royalty treatment of specific production which led to the underreporting;

(D) such person meets any other exception which the Secretary may, by rule, establish.

(6) All penalties collected under this subsection shall be deposited in the Abandoned Mine Cleanup Fund established by section 201(a).

(b) DELEGATION.—For the purposes of this section, the term “Secretary” means the Secretary of the Interior or acting through the Director of the Minerals Management Service.

(c) EXPANDED ROYALTY OBLIGATIONS.—Each person liable for royalty payments under this section shall be jointly and severally liable for royalty on all locatable minerals, concentrates, or products derived therefrom lost or wasted from a mining claim located under the general mining laws and maintained in compliance with this Act when the claim is due to expire on the part of any person or due to the failure to comply with any rule, regulation, or order issued under this section.

(i) FROM MINING DEFINED.—For the purposes of this section, for any locatable mineral, the term “gross income from mining” has the same meaning as the term “gross income” in section 612(c) of the Internal Revenue Code of 1986.

(ii) EFFECTIVE DATE.—The royalty under this section shall take effect with respect to the production of locatable minerals after the enactment of this Act, but any royalty payments attributable to production during the first 12 calendar months after the enactment of this Act, be paid by the operator of a hardrock minerals mining operation to the Secretary of the Interior acting through the section, the term “Secretary” means the Secretary of the Interior acting through the section, the term “Secretary” means the Secretary of the Interior acting through the section.

(j) FAILURE TO COMPLY WITH ROYALTY REQUIREMENTS.—Any person who fails to comply with the requirements of this section or any regulation or order issued to implement this section shall be liable for a civil penalty under section 106 of the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1719) to the same extent as if the claim located under the general mining laws and maintained in compliance with this Act were a lease under that Act.

SECTION 102. HARDROCK MINING CLAIM MAINTENANCE FEE.

(a) FEE.—

(i) Except as provided in section 251(e)(2) of the Energy Policy Act of 1992 (relating to oil shale claims), for each unpatented mining claim, mill or tunnel site on federally owned lands, whether located before, on, or after enactment of this Act, each claimant shall pay to the Secretary a transfer fee, in addition to the fee required by subsection (a) of $100 per claim.

(ii) Moneys received under this subsection shall be deposited in the Abandoned Mine Cleanup Fund established by section 201(a).

(2) CO-OWNERSHIP.—The co-ownership provisions of the Mining Law of 1872 (30 U.S.C. 28 et seq.) will remain in effect except that the annual claim maintenance fee, where applicable, shall reduce applicable assessment requirements and expenditures.

(f) FAILURE TO PAY.—Failure to pay the claim maintenance fee as required by subsection (b) shall constitute a forfeiture of the unpatented mining claim, mill or tunnel site by the claimant and the claim shall be deemed null and void by operation of law.

(g) OTHER REQUIREMENTS.—

(1) Nothing in this section shall change or modify the requirements of section 314(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1741(b)), or the requirements of section 314(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1741c) to file applications required by section 314(b) of that Act, which remain in effect.

(2) Section 2324 of the Revised Statutes of the United States (30 U.S.C. 1737) is amended by inserting “or section 102 of the Abandoned Mine Reclamation Act of 2009” after “Act of 1993.”

SECTION 103. RECLAMATION FEE.

(a) IMPOSITION OF FEE.—In general.—Except as provided in paragraph (2), each operator of a hardrock minerals mining operation shall pay to the Secretary, for deposit in the Abandoned Mine Cleanup Fund established by section 201(a), a reclamation fee of 0.3 percent of the gross income of the hardrock minerals mining operation for each calendar year.

(b) PAYMENT DEADLINE.—The reclamation fee shall be paid not later than 60 days after the end of each calendar year required under subsection (b), an operator of a hardrock minerals mining operation shall not be required to pay the reclamation fee under paragraph (1) if—

(A) the gross annual income of the hardrock minerals mining operation for the calendar year is an amount less than $500,000; and

(B) the hardrock minerals mining operation is comprised of—

(i) 1 or more hardrock mineral mines located in a single patented claim; or

(ii) 2 or more contiguous patented claims.

(c) PAYMENT DEADLINE.—The reclamation fee shall be paid not later than 60 days after the end of each calendar year beginning with the first calendar year required under subsection (b), an operator of a hardrock minerals mining operation shall not be required to pay the reclamation fee under paragraph (1) if—

(A) the gross annual income of the hardrock minerals mining operation for the calendar year is an amount less than $500,000; and

(B) the hardrock minerals mining operation is comprised of—

(i) 1 or more hardrock mineral mines located in a single patented claim; or

(ii) 2 or more contiguous patented claims.

(d) EFFECT.—Nothing in this section requires a reduction in, or otherwise affects, any similar fee required under any law (including regulations) of any State.

SECTION 104. EFFECT OF PAYMENTS FOR USE AND OCCUPANCY OF CLAIMS.

Timely payment of the claim maintenance fee required by section 103(a) of this Act or any related law relating to the use of Federal land, asserts the claimant’s authority to use and occupy the Federal land concerned for mining and exploration and the payment of the royalty on the value of the production of the mining unit with the requirements of this Act and other applicable law.
TITLE II—ABANDONED MINE CLEANUP FUND

SEC. 201. ESTABLISHMENT OF FUND.

(a) Establishment.—There is established on the Treasury of the United States a separate account to be known as the Abandoned Mine Cleanup Fund (hereinafter in this title referred to as the “Fund”).

(b) Use of Fund.—The Secretary shall notify the Secretary of the Treasury as to what portion of the Fund is not, in the Secretary’s judgment, required to meet current withdrawals. The Secretary of the Treasury shall invest such portion of the Fund in public debt securities with maturities suitable for the nature of the payments and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketplace obligations of the United States of comparable maturities.

SEC. 202. CONTENTS OF FUND.

The following amounts shall be credited to the Fund:

(1) All donations by persons, corporations, associations, and foundations for the purposes of this title.

(2) All amounts deposited in the Fund under section 101 (relating to royalties and penalties for underreporting).

(3) All amounts received by the United States pursuant to section 102 as claim holders, or other person who abandoned the reclamation responsibility of a claim holder, determination that there is no continuing reclamation status before the effective date of this Act.

(4) All amounts received by the Secretary in accordance with section 103(a).

(5) All income on investments under section 203(b).

SEC. 203. USE AND OBJECTIVES OF THE FUND.

(a) In General.—The Secretary is authorized, without further appropriation, to use money in the Fund for the reclamation and restoration of land and water resources adversely affected by past mineral activities on lands the legal and beneficial title to which resides in the United States, land within the exterior boundary of any national forest system unit, or other lands described in subsection (d), including any of the following:

(1) Protecting public health and safety.

(2) Preventing, abating, treating, and controlling water pollution created by abandoned mining activities, including in river watersheds areas.

(3) Reclaiming and restoring abandoned surface and underground mined areas.

(4) Restoring surface mining and processing areas.

(5) Backfilling, sealing, or otherwise controlling, abandoned underground mine entries.

(6) Revegetating land adversely affected by past mineral activities in order to prevent erosion and sedimentation, to enhance wildlife habitat, and for any other reclamation purposes.

(7) Controlling of surface subsidence due to abandoned underground mines.

(b) Funds Available.—Moneys available from the Fund shall reflect the following priorities in the order stated:

(1) Lands and water resources which were abandoned mining activities.

(2) Lands and water resources which were abandoned mining activities.

(c) INVENTORY.—

(1) ELIGIBILITY.—Reclamation expenditures under this title may be made with respect to Federal, State, local, tribal, and private land or water resources that traverse or are contiguous to Federal, State, local, tribal, or private land where such lands or water resources have had past mineral activities, including any of the following:

(i) Lands and water resources which were used for, or affected by, mineral activities and abandoned or left in an inadequate reclamation status before the effective date of this Act.

(ii) Lands and water resources which were used for, or affected by, mineral activities and abandoned or left in an inadequate reclamation status before the effective date of this Act.

(2) Lands for which the Secretary makes a determination of no continuing reclamation responsibility of a claim holder, operator, or other person who abandoned the site prior to completion of required reclamation under State or other Federal laws.

(b) SPECIFIC SITES AND AREAS NOT ELIGIBLE.—The provisions of section 411(d) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1279) shall apply to expenditures made from the Fund.

(b) INVENTORY.—

(1) In General.—The Secretary shall prepare and maintain a publicly available inventory of abandoned locatable minerals on public lands and any abandoned mine on Indian lands that may be eligible for expenditures under this title, and shall deliver a yearly report to the Congress on the progress in cleanup of such sites.

(2) Priority.—In preparing and maintaining the inventory described in paragraph (1), the Secretary shall give priority to abandoned locatable minerals in accordance with section 203(b).

(c) HABITAT.—Reclamation and restoration activities under this title, particularly those identified under subsection (a)(4), shall include appropriate mitigation measures to provide for the continuation of any established habitat for wildlife in existence prior to the reclamation activities.

(d) OTHER AFFECTED LANDS.—Where mineral exploration, mining, beneficiation, processing, or reclamation activities have been carried out such that a mineral deposit which would be a marketable mineral if the legal and beneficial title to the mineral were in the United States, if such activities disturbed lands managed by the Bureau of Land Management as well as other lands and if the legal and beneficial title to more than 50 percent of the affected lands resides in the United States, the Secretary is authorized, subject to appropriations, to use moneys in the Fund for reclamation and restoration activities under subsection (a) for all directly affected lands.

(e) RESPONSE OR REMOVAL ACTIONS.—Reclamation and restoration activities under this title which constitute a removal or remedial action under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601), shall be conducted with the concurrence of the Administrator of the Environmental Protection Agency. The Secretary and the Administrator shall enter into a Memorandum of Understanding to establish procedures for communication, training, exchange of technical expertise and joint activities under the appropriate circumstances, that provide assurances that reclamation or restoration activities under this title shall not be conducted in a manner that increases the costs or likelihood of removal or remedial actions under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and that avoid oversight by multiple agencies to the maximum extent practicable.

SEC. 204. ELIGIBLE LANDS AND WATERS.

(a) ELIGIBILITY.—Reclamation expenditures under this title may be made with respect to Federal, State, local, tribal, and private land or water resources that traverse or are contiguous to Federal, State, local, tribal, or private land where such lands or water resources have had past mineral activities, including any of the following:

(1) Lands and water resources which were used for, or affected by, mineral activities and abandoned or left in an inadequate reclamation status before the effective date of this Act.

(2) Lands for which the Secretary makes a determination of no continuing reclamation responsibility of a claim holder, operator, or other person who abandoned the site prior to completion of required reclamation under State or other Federal laws.

(b) SPECIFIC SITES AND AREAS NOT ELIGIBLE.—The provisions of section 411(d) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1279) shall apply to expenditures made from the Fund.

(b) INVENTORY.—

(1) In General.—The Secretary shall prepare and maintain a publicly available inventory of abandoned locatable minerals on public lands and any abandoned mine on Indian lands that may be eligible for expenditures under this title, and shall deliver a yearly report to the Congress on the progress in cleanup of such sites.

(2) Priority.—In preparing and maintaining the inventory described in paragraph (1), the Secretary shall give priority to abandoned locatable minerals in accordance with section 203(b).

(c) HABITAT.—Reclamation and restoration activities under this title, particularly those identified under subsection (a)(4), shall include appropriate mitigation measures to provide for the continuation of any established habitat for wildlife in existence prior to the reclamation activities.

(d) OTHER AFFECTED LANDS.—Where mineral exploration, mining, beneficiation, processing, or reclamation activities have been carried out such that a mineral deposit which would be a marketable mineral if the legal and beneficial title to the mineral were in the United States, if such activities disturbed lands managed by the Bureau of Land Management as well as other lands and if the legal and beneficial title to more than 50 percent of the affected lands resides in the United States, the Secretary is authorized, subject to appropriations, to use moneys in the Fund for reclamation and restoration activities under subsection (a) for all directly affected lands.

(e) RESPONSE OR REMOVAL ACTIONS.—Reclamation and restoration activities under this title which constitute a removal or remedial action under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601), shall be conducted with the concurrence of the Administrator of the Environmental Protection Agency. The Secretary and the Administrator shall enter into a Memorandum of Understanding to establish procedures for communication, training, exchange of technical expertise and joint activities under the appropriate circumstances, that provide assurances that reclamation or restoration activities under this title shall not be conducted in a manner that increases the costs or likelihood of removal or remedial actions under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and that avoid oversight by multiple agencies to the maximum extent practicable.

SEC. 205. EXPENDITURES.

Moneys available from the Fund may be expended for the purposes specified in section 203(d) directly by the Director of the Office of Surface Mining Reclamation and Enforcement. The Director may also make such expenditures available to the Director of the Bureau of Land Management, the Chief of the United States Forest Service, the Director of the National Park Service, the Director of the United States Fish and Wildlife Service, to any other agency of the United States, to an Indian tribe, or to any public entity that volunteers to develop a program, and that has the ability to carry out, all or a significant portion of a reclamation program under this title.

SEC. 206. AVAILABILITY OF AMOUNTS.

Amounts credited to the Fund shall—

(1) be available, without further appropriation, for obligation and expenditure; and

(2) remain available until expended.

TITLE III—EFFECTIVE DATE

SEC. 301. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act, except as otherwise provided in this Act.

By Mrs. FEINSTEIN (for herself, Mr. GREGG, and Ms. SNOWE):

S. 141. A bill to amend title 18, United States Code, to limit the misuse of Social Security numbers, to establish criminal penalties for such misuse, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce legislation to protect one of Americans’ most valuable and vulnerable assets: Social Security numbers.

The bill I am introducing today aims to prevent individual privacy and prevent identity theft by eliminating the unnecessary use and display of Social Security numbers.

I have been working since the 106th Congress to safeguard Social Security numbers. I believe that the widespread display and use of these numbers poses a significant, and entirely preventable threat to personal privacy.

In 1935, Congress authorized the Social Security Administration to issue Social Security numbers as part of the Social Security program. Since that time, Social Security numbers have become the best-known and easiest way to identify individuals in the United States.

Use of these numbers has expanded well beyond their original purpose. Social Security numbers are now used for everything from checking to rental agreements to employment verifications, among other purposes. They can be found in privately held databases and on public records—including marriage licenses, professional certifications, and countless other public documents—many of which are available on the Internet.

Once accessed, the numbers act like keys—allowing thieves to open credit card and bank accounts and even begin applications for government benefits.

According to the Federal Trade Commission, as many as 10 million Americans have their identities stolen by
such thieves each year—at a combined cost of billions of dollars.

What’s worse, victims often do not realize that a theft has occurred until much later, when they learn that their credit has been destroyed by unpaid debt on fraudulently opened accounts. One retired Army captain’s military identification card and used his Social Security number, listed on the card, to go on a 6-month, $206,000 shopping spree. By the time the Army captured and realized what had happened, the thief had opened more than 60 fraudulent accounts.

A single mother of two went to file her taxes and learned that a fraudulent return had already been filed in her name by someone else—a thief who wanted her refund check.

A former pro-football player received a phone call notifying him that a $1 million home mortgage loan had been approved in his name even though he had never applied for such a loan.

Identity theft is serious. Once an individual’s identity is stolen, people are often subjected to countless hours and costs attempting to regain their good name and credit. In 2004, victims spent an average of 360 hours recovering from the crime. The crime disrupts lives and can destroy finances.

It also hurts business. A 2006 online survey by the Business Software Alliance and Harris Interactive found that nearly 30 percent of adults decided to shop online less or not at all during the holiday season because of fears about identity theft.

When people’s identities are stolen, they often do not know how the thieves obtained their personal information. Social security numbers and other key identifying data are displayed and used in such a widespread manner that individuals could not successfully restrict access themselves.

Comprehensive limitations on the display, sale, and purchase of Social Security numbers are critically needed.

The U.S. Government Accountability Office conducted studies of this problem in 2002 and 2007. Both times—in studies entitled “Social Security numbers Are Widely Used by Government and Could Be Better Protected” and “Social Security numbers: Use Is Widespread and Could Be Improved”—the GAO concluded that current protections are insufficient and that serious vulnerabilities remain.

The Protecting the Privacy of Social Security Numbers Act would require government agencies and businesses to do more to protect Americans’ Social Security numbers. The bill would stop the sale or display of a person’s Social Security number without his or her express consent; prevent Federal, State and local governments from displaying Social Security numbers on public records posted on the Internet; prohibit the printing of Social Security numbers on government documents; prohibit the employing of inmates for tasks that give them access to the Social Security numbers of other individuals; limit the circumstances in which businesses could ask a customer for his or her Social Security number; commission a study by the Attorney General regarding the current uses of Social Security numbers and the impact on privacy and data security; and institute criminal and civil penalties for misuse of Social Security numbers.

This legislation is simple. It is also critical to stopping the growing epidemic of identity theft that has been plaguing America and its citizens.

As the Identity Theft Task Force reported last year, “[i]dentity theft depends on access to . . . data. Reducing the opportunities for thieves to get the data is critical to fighting the crime.”

Every agency to study this problem has agreed that the problem will continue to grow over time and that action is needed.

I urge my colleagues to support the Protecting the Privacy of Social Security Numbers Act. Every American who is a victim of identity theft suffers great personal harm and the crime disrupts lives and can destroy finances. As the President’s Identity Theft Coordinator, I ask that the 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:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Protecting the Privacy of Social Security Numbers Act”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Prohibition of the display, sale, or purchase of Social Security numbers.
Sec. 4. Application of prohibition of the display, sale, or purchase of Social Security numbers to public records.
Sec. 5. Rulemaking authority of the Attorney General.
Sec. 6. Treatment of Social Security numbers on government documents.
Sec. 7. Limits on personal disclosure of a Social Security number for commercial transactions.
Sec. 8. Extension of civil monetary penalties for misuse of a Social Security number.
Sec. 9. Criminal penalties for the misuse of a Social Security number.
Sec. 10. Civil actions and civil penalties.
Sec. 11. Federal injunctive authority.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The inappropriate display, sale, or purchase of Social Security numbers has contributed to a growing range of illegal activities, including fraud, identity theft, and, in some cases, stalking and other violent crimes.

(2) While financial institutions, health care providers, and other entities have often used Social Security numbers to confirm the identity of an individual, the general display or purchase of these numbers has been used to commit crimes, and also can result in serious invasions of individual privacy.

(3) The Federal Government requires virtually every individual in the United States to obtain and maintain a Social Security number in order to pay taxes, to qualify for Social Security benefits, or to seek employment. An unintended consequence of these requirements is that Social Security numbers have become one of the tools that can be used to facilitate crime, fraud, and invasions of the privacy of the individuals to whom the numbers are assigned. Because the Federal Government created and maintains this system, and because the Federal Government does not permit individuals to exempt themselves from those requirements, it is appropriate for the Federal Government to take steps to stem the abuse of Social Security numbers.

(4) The display, sale, or purchase of Social Security numbers in circumstances that create a substantial risk of physical, emotional, or financial harm to the individuals to whom those numbers are assigned.

(5) Consequently, this Act provides each individual that has been assigned a Social Security number some protection from the display, sale, and purchase of that number in any circumstance that might facilitate unlawful conduct.

SEC. 3. PROHIBITION OF THE DISPLAY, SALE, OR PURCHASE OF SOCIAL SECURITY NUMBERS.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1028A the following:

"§1028B. Prohibition of the display, sale, or purchase of Social Security numbers

"(a) DEFINITIONS.—In this section:

"(1) DISPLAY.—The ‘display’ means to intentionally communicate or otherwise make available (on the Internet or in any other manner) to the general public the ‘Social Security number’ of an individual.

"(2) PERSON.—The term ‘person’ means an individual, partnership, corporation, trust, estate, cooperative, association, or any other entity.

"(3) PURCHASE.—The term ‘purchase’ means providing directly or indirectly, anything of value in exchange for a Social Security number.

"(4) SALE.—The ‘sale’ means obtaining, directly or indirectly, anything of value in exchange for a Social Security number.

"(5) STATE.—The term ‘State’ means any State of the United States, the District of Columbia, Puerto Rico, the Northern Marianas Islands, the United States Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

"(6) LIMITATION ON DISPLAY.—Except as provided in section 1028C, no person may display any individual’s Social Security number to the general public without the affirmatively expressed consent of the individual. (c) LIMITATION ON SALE OR PURCHASE.—Except as otherwise provided in this section, no person may sell or purchase any individual’s Social Security number without the affirmatively expressed consent of the individual.

"(d) PREREQUISITES FOR CONSENT.—In order for consent to exist under subsection (b) or (c), the person displaying or seeking to display, selling or attempting to sell, or purchasing or attempting to purchase an individual’s Social Security number shall—

"(1) inform the individual of the general purpose for which the number will be used, the types of personal information number may be available, and the scope of transactions permitted by the consent; and
“(2) obtain the affirmatively expressed consent (electronically or in writing) of the individual.

(e) EXCEPTIONS.—Nothing in this section shall prohibit or limit the display, sale, or purchase of a Social Security number—

“(1) required, authorized, or excepted under any Federal law.

“(2) for a public health purpose, including the protection of the health or safety of an individual in an emergency situation;

“(3) for a law enforcement purpose;

“(4) for a law enforcement purpose, including the investigation of fraud and the enforcement of a child support obligation;

“(5) sale, or purchase of the number is for a use occurring as a result of an interaction between businesses, government, or business and government (regardless of which entity initiates the interaction), including, but not limited to—

“(A) the prevention of fraud (including fraud in protecting an employee’s right to employment benefits);

“(B) the facilitation of credit checks or the facilitation of background checks of employees, prospective employees, or volunteers;

“(C) the facilitation of credit checks or the facilitation of background checks of employee, prospective employees, or volunteers;

“(6) if the transfer of such a number is part of a data matching program involving a Federal, State, or local agency; or

“(7) if such number is required to be submitted as part of the process for applying for any type of Federal, State, or local government benefit or program; except that, nothing in this subsection shall be construed to prohibit or limit the display, sale, or purchase of a Social Security number as permitted under title V of the Gramm-Leach-Bliley Act, or for the purpose of affiliate sharing under the Fair Credit Reporting Act, except that no entity regulated under such Acts may make Social Security numbers available to the general public, as may be determined by the appropriate regulators under such Acts. For purposes of this subsection, the general public shall not include any public records. In developing the report, the Attorney General shall include a detailed description of the activities and results of the study and recommendations for such legislative action as the Comptroller General considers appropriate. The report, at a minimum, shall include—

“(A) a review of the uses of Social Security numbers in non-federal public records;

“(B) a review of the manner in which public records are stored (with separate reviews for both paper records and electronic records);

“(C) a review of the advantages or utility of public records that contain Social Security numbers, including criminal activity, compromised personal privacy, or threats to homeland security;

“(D) a review of the disadvantages or drawbacks of public records that contain Social Security numbers, including criminal activity, compromised personal privacy, or threats to homeland security; and

“(E) a review of the costs and benefits for State and local governments of removing Social Security numbers from public records, including...
a review of current technologies and procedures for removing Social Security numbers from public records; and

(F) an assessment of the benefits and costs to businesses, governmental agencies, and the general public of prohibiting the display of Social Security numbers on public records (with separate assessments for both paper records and electronic records).

c) EFFECTIVE DATE.—The prohibition with respect to electronic versions of new classes of public records under section 1028B(e)(5) of title 18, United States Code (as added by subsection (a)(1)) shall not take effect until the date that is 60 days after the date of enactment of this Act.

SEC. 5. RULEMAKING AUTHORITY OF THE ATTORNEY GENERAL.

(a) IN GENERAL.—Except as provided in subsection (b), the Attorney General may prescribe such rules and regulations as the Attorney General deems necessary to carry out the provisions of section 1028B(e)(5) of title 18, United States Code (as added by section 3(a)(1)).

(b) DISPLAY, SALE, OR PURCHASE RULEMAKING WITH RESPECT TO INTERACTIONS BETWEEN BUSINESSES, GOVERNMENTS, OR BUSINESSES AND GOVERNMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Commission of Social Security, the Chairman of the Federal Trade Commission, and such other Federal agencies as the Attorney General determines appropriate, shall conduct such rulemaking procedures in accordance with subchapter II of chapter 5 of title 5, United States Code, as are necessary to promulgate regulations to implement and clarify the uses occurring as a result of prohibitions on the display, sale, or purchase of Social Security numbers by the general public, while permitting businesses to obtain Social Security numbers for internal business uses of such numbers.

(2) FACTORS TO BE CONSIDERED.—In promulgating the regulations required under paragraph (1), the Attorney General shall, at a minimum, consider the following:

(A) The benefit to a particular business, to customers of the business, and to the general public of the display, sale, or purchase of an individual’s Social Security number.

(B) The costs that businesses, customers of businesses, and the general public may incur as a result of prohibitions on the display, sale, or purchase of Social Security numbers.

(C) The risk that a particular business practice will promote the use of a Social Security number to commit fraud, deception, or crime.

(D) The presence of adequate safeguards, procedures, and technologies to prevent—

(i) misuse of Social Security numbers by employers within a business; and

(ii) misappropriation of Social Security numbers by the general public, while permitting internal business uses of such numbers.

(E) Procedures to prevent identity thieves, stalkers, and other individuals with ill intent from posing as legitimate businesses to obtain Social Security numbers.

(F) The impact of such uses on privacy.

SEC. 6. TREATMENT OF SOCIAL SECURITY NUMBERS ON GOVERNMENT DOCUMENTS.

(a) PROHIBITION OF USE OF SOCIAL SECURITY ACCOUNT NUMBERS ON CHECKS ISSUED FOR PAYMENTS BY GOVERNMENTAL AGENCIES.—

(1) IN GENERAL.—Section 260(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following:

"(x) the Federal Government, any local government, or any governmental agency may display the Social Security account number of any individual, or any derivative of such number, on any check issued for any payment by the Federal, State, or local agency.";

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

(b) PROHIBITION OF INMATE ACCESS TO SOCIAL SECURITY ACCOUNT NUMBERS.—

(1) IN GENERAL.—Section 260(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by subsection (b)) is amended by adding at the end the following:

"(xi) No Federal, State, or local government may display the Social Security account number to an inmate in a Federal, State, or local penal institution or correctional facility pursuant to such individual’s conviction of a criminal offense.";

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to violations of section 205(c)(2)(C)(x) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(x)), as added by paragraph (1), occurring after the date of enactment of this Act.

SEC. 7. LIMITS ON PERSONAL DISCLOSURE OF A SOCIAL SECURITY NUMBER FOR CONSUMER TRANSACTIONS.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1311 et seq.) is amended by adding at the end the following:

"SUBSECTION I. LIMITATION ON USE OF A SOCIAL SECURITY NUMBER FOR CONSUMER TRANSACTIONS.

(a) IN GENERAL.—A commercial entity may not require an individual to provide the individual’s Social Security number when purchasing a commercial good or service or to deny an individual the good or service for refusing to provide that number except—

(1) if for any purpose relating to—

(A) obtaining a consumer report for any purpose permitted under the Fair Credit Reporting Act;

(B) a background check of the individual conducted by a landlord, lessor, employer, voluntary or other entity as determined by the Attorney General;

(C) law enforcement; or

(D) a Federal, State, or local law requirement;

(2) if the Social Security number is necessary to verify the identity of the consumer to effect, administer, or enforce the specific transaction requested or authorized by the consumer, or to prevent fraud.

(b) APPLICATION OF CIVIL MONEY PENALTIES.—A violation of this section shall be deemed to be a violation of section 1226(a)(3)(F).

(c) APPLICATION OF CRIMINAL PENALTIES.—A violation of this section shall be deemed to be a violation of section 1226(a)(3)(F).

(d) LIMITATION ON CLASS ACTIONS.—No class action alleging a violation of this section shall be maintained under this subsection by an individual or any private party in Federal or State court.

(e) STATE ATTORNEY GENERAL ENFORCEMENT.

(1) IN GENERAL.—

(A) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that is prohibited under this section, the attorney general may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

(i) enjoin that practice;

(ii) enforce compliance with such section; or

(iii) obtain damages, restitution, or other compensation on behalf of residents of the State; or

(iv) obtain such other relief as the court may deem appropriate.

(B) NOTICE.—

(i) IN GENERAL.—Before filing an action under subparagraph (A), the attorney general of the State involved shall provide to the Attorney General—

(I) written notice of the action; and

(II) a copy of the complaint for the action.

(ii) EXEMPTION.—

(I) IN GENERAL.—Clause (i) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the State attorney general determines that it is not feasible to provide the notice described in subparagraph before the filing of the action.

(III) NOTIFICATION.—With respect to an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the same time as the State attorney general files the action.

(2) INTERVENTION.—

(A) IN GENERAL.—On receiving notice under paragraph (1)(B), the Attorney General shall have the right to intervene in the action that is the subject of the notice.

(B) EFFECT OF INTERVENTION.—If the Attorney General intervenes in the action under paragraph (1), the Attorney General shall have the right to be heard with respect to any matter that arises in that action.

(3) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this section shall be construed to prevent an attorney general from exercising the powers conferred on such attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths or affirmations; or

(C) compel the attendance of witnesses or the production of documentary and other evidence.

(4) ACTIONS BY THE ATTORNEY GENERAL OF THE UNITED STATES.—In any case in which an action is instituted by or on behalf of the Attorney General for violation of a practice that is prohibited under this section, no State may, during the pendency of that action, institute an action under paragraph (1) against any defendant named in the complaint in that action for violation of that practice.

(5) VENUE, SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under paragraph (1) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(6) SUNSET.—This section shall not apply on or after the date that is 6 years after the effective date of this section.''.

(b) EVALUATION AND REPORT.—Not later than the date that is 6 months after the date of enactment of this Act, the Attorney General, in consultation with the chairman of the Federal Trade Commission, shall issue a report evaluating the effectiveness of the enforcement provisions of the Social Security Act (as added by subsection (a)) and shall make recommendations to
Congress as to any legislative action determined to be necessary or advisable with respect to such section, including a recommendation regarding whether to reauthorize title X or any part of title X for another 5-year period. Title X shall expire on the date of enactment of this Act.

SEC. 8. EXTENSION OF CIVIL MONETARY PENALTIES FOR MISUSE OF A SOCIAL SECURITY NUMBER.

(a) TREATMENT OF WITHHOLDING OF MATERIAL FACTS.—

(1) CIVIL PENALTIES.—The first sentence of section 1129(a)(1) of the Social Security Act (42 U.S.C. 1320a–8(a)) is amended—

(A) by striking “who” and inserting “who—”;

(B) by striking “makes” and all that follows through “subject to” and inserting the following:

“(A) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading;

“(B) makes such a statement or representation of a material fact, with knowing disregard for the truth or

“(C) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the individual knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI and the individual knows, or should know, that the statement or representation with such omission is false or misleading, or that the withholding of such disclosure is misleading, shall be subject to

“(D) knowingly displays, sells, or purchases a card that is, or purports to be, a card issued by the Commissioner of Social Security (in an exercise of authority under section 205(c)(2) to establish and maintain records) on the basis of false information furnished to the Commissioner by any person

“(E) falsely represents a number to be the Social Security account number assigned by the Commissioner of Social Security to any individual who the individual knows, or should know, that such number is not the Social Security account number assigned by the Commissioner to such individual;

“(F) knowing a Social Security card issued by the Commissioner of Social Security, or possesses such a card with intent to alter it;

“(G) counterfeits a Social Security card, or possesses a counterfeit Social Security card with intent to display, sell, or purchase it;

“(H) discloses the disclosure of, or knowingly displays, sells, or purchases the Social Security account number of any person in violation of the laws of the United States;

“(I) with intent to deceive the Commissioner of Social Security as to such person’s true identity (or the true identity of any other person) furnishes or causes to be furnished false information to the Commissioner with respect to any information requested by the Commissioner in connection with the establishment and maintenance of the records provided for in section 205(c)(2);

“(J) offers, for a fee, to acquire for any individual, an additional Social Security account number or a number which purports to be a Social Security account number; or

“(K) being an officer or employee of a Federal, State, or local agency in possession of any individual’s Social Security account number, willfully acts or fails to act so as to cause a violation by such agency of clause (vii) or (x) of section 205(c)(2)(C), shall be subject to, in addition to any other penalties that may be prescribed by law, a civil money penalty not exceeding $10,000 for each violation. Such person shall also be subject to an assessment, in lieu of damages sustained by the United States resulting from such violation, of not more than the amount of any benefits or payments paid as a result of such violation.

“(l) in paragraph (8), by inserting “or” after the semicolon;

(2) V IOLATIONS BY GOVERNMENT AGENTS IN POSSESSION OF SOCIAL SECURITY NUMBERS.—

Section 1129(a)(3)(B) of the Social Security Act (42 U.S.C. 1320a–8(e)(3)(B)), as added by subsection (b), shall apply with respect to violations of sections 1129 and 1129A of the Social Security Act (42 U.S.C. 1320a–8 and 1320a–8a), as amended by this section, committed after the date of enactment of this Act.

(3) VIOLATIONS BY GOVERNMENT AGENTS IN POSSESSION OF SOCIAL SECURITY NUMBERS.—

Section 1129(a)(3)(B) of the Social Security Act (42 U.S.C. 1320a–8a(a)), as added by subsection (b), shall apply with respect to violations of sections 1129 and 1129A of the Social Security Act (42 U.S.C. 1320a–8 and 1320a–8a), as amended by this section, committed after the date of enactment of this Act.

SEC. 9. CRIMINAL PENALTIES FOR THE MISUSE OF A SOCIAL SECURITY NUMBER.

(a) PROHIBITION OF WRONGFUL USE AS PERSONAL IDENTIFICATION DATA.—A person may obtain any individual’s Social Security number for purposes of locating or identifying an individual with the intent to physically harm, or use the identity of the individual for any illegal purpose.

(b) CRIMINAL SANCTIONS.—Section 208a(a) of the Social Security Act (42 U.S.C. 1320–8) is amended—

(1) in paragraph (8), by inserting “or” after the semicolon;

(2) V IOLATIONS BY GOVERNMENT AGENTS IN POSSESSION OF SOCIAL SECURITY NUMBERS.—

Section 1129(a)(3)(B) of the Social Security Act (42 U.S.C. 1320a–8(a)), as added by subsection (b), shall apply with respect to violations of sections 1129 and 1129A of the Social Security Act (42 U.S.C. 1320a–8 and 1320a–8a), as amended by this section, committed after the date of enactment of this Act.

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SEC. 10. CIVIL ACTIONS AND CIVIL PENALTIES.

(a) CIVIL ACTION IN STATE COURTS.—

(1) IN GENERAL.—Any individual aggrieved by an act of any person in violation of this Act or any amendments made by this Act may, if otherwise permitted by the laws or rules of the court of a State, bring in an appropriate court of that State—

(1) an action to enjoin such violation;

(2) an action to recover for actual mone tary loss from such a violation, or to receive up to $500 in damages for each such violation, whichever is greater; or

(3) both such actions.

It shall be an affirmative defense in any action brought under this paragraph that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent violations of the regulations prescribed under this Act. If the court finds that the defendant willfully or knowingly violated the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the civil penalty to an amount equal to not more than 3 times the amount available under subparagraph (B).
By Mr. KERRY:  

S. 128. A bill to amend titles XIX and XXI of the Social Security Act to ensure that every uninsured child in America has health insurance coverage, and for other purposes; to the Committee on Finance.

M r. KERRY. Mr. President, today I am introducing the Kids Come First Act. Legislation by this Act, the Federal Government shall have injunctive authority with respect to any violation by a public entity of any provision of this Act or of any amendments made by this Act.

SEC. 11. FEDERAL INJUNCTIVE AUTHORITY.

In addition to any other enforcement authority conferred under this Act or the amendments made by this Act, the Federal Government shall have injunctive authority with respect to any violation by a public entity of any provision of this Act or of any amendments made by this Act.

S. 143. A bill to amend the Internal Revenue Code of 1986 to provide for a college opportunity tax credit; to the Committee on Finance.

M r. KERRY. Mr. President, today I am introducing the Kids Come First Act in the 110th Congress, more than 500,000 people have shown their support for the bill by becoming Citizen Cospromis and another 20,000 Americans called into our “Give Voices to Our Values” hotline to share their personal stories.

It is clear that providing health care coverage for our uninsured children is a priority for our nation’s workers, businesses, and health care community. They know, as I do, that further delays only results in greater health problems for America’s children. Their future, and ours, depends on us doing better. I urge my colleagues to support and help enact the Kids Come First Act during this Congress.
will put the cost of higher education in reach for American families.

According to a recent College Board report tuition is rising at both public and private institutions. On average, the tuition at a private college this year is $25,343, up 3.9 percent from last year, and the tuition at a public college $6,585, up 6.4 percent from last year.

Unfortunately, neither student aid funds nor family incomes are keeping pace with increasing tuition and fees.

In my travels around Massachusetts, I frequently hear from parents concerned they will not be able to pay for their children’s college. These parents know that earning a college education will result in greater earnings for their children and they desperately want to ensure their kids have the greatest opportunities possible.

In 1997, the Congress implemented the Earned Income Tax Credit at a rate of 10 percent of eligible expenses. The maximum credit would provide a 100 percent tax credit for the first $1,000 of expenses. The maximum credit of $4,000 of expenses. The maximum credit would provide a 100 percent tax credit for the next $3,000 of expenses.

Both of these credits can be used for expenses associated with tuition and fees. The same income limits that apply to the HOPE credit and the Lifetime Learning credit apply to the COTC. The maximum credit is indexed for inflation, as are the eligible amounts of expenses. This legislation is only for taxable years beginning in 2009 and in 2010 in order to make colleges affordable during these difficult financial times. It will provide the Congress additional time to work on a permanent solution to help with the rising cost of a college education.

The College Opportunity Tax Credit Act of 2009 simplifies the existing credits that make higher education more affordable and will enable more students to be eligible for tax relief. I understand that many of my colleagues are interested in making college more affordable. I look forward to working with my colleagues to make a refundable tax credit possible for college education a reality this Congress.

By Mr. KENNEDY (for himself and Mr. ENZI):
S. 144. A bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F; to the Committee on Finance.

Mr. KENNEDY. Mr. President, today Senator ENZI and I are reintroducing the MOBILE Cell Phone Act of 2009, Modernize Our Bookkeeping in the Law for Employee’s Cell Phone Act of 2009. Last Congress, 60 Senators cosponsored this legislation, which would update the tax treatment of cell phones and mobile communication devices.

During the past 20 years, the use of cell phones and mobile communication devices has skyrocketed. Cell phones are no longer viewed as an executive perk or a luxury item. They no longer resemble suitcases or are hardwired to the floor of an automobile. Cell phones and mobile communication devices are now part of daily business practices at all levels.

In 1989, Congress passed a law which added cell phones to the definition of listed property under section 280F(d)(4) of the Internal Revenue Code of 1986. Treating cell phones as listed property requires substantial documentation in order for individuals to benefit from accelerated depreciation and not be treated as taxable income to the employer. This documentation is required to substantiate that the cell phone is used for business purposes more than 50 percent of the time. Generally, listed property is property that inherently lends itself to personal use, such as automobiles.

Back in 1989, cell phone technology was an expensive technology worthy of detailed log sheets. At that time, it was sufficient to keep log sheets of cell phones that could be placed in a pocket or handbag. Congress was skeptical about the daily business use of cell phones.

Technological advances have revolutionized the cell phone and mobile communication device industries. Twenty years ago, no one could have imagined the role BlackBerries play in our day-to-day communications. Cell phones and mobile communication devices are now widespread throughout all types of businesses. Employers provide their employees with these devices to enable them to remain connected 24 hours a day, 7 days a week. The cost of the devices has been reduced and most providers offer unlimited airtime for one monthly rate.

Recently, the Internal Revenue Service reminded field examiners of the substantiation rules for cell phones as listed property. The current rule requires employers to maintain expensive and detailed logs, and employers caught without cell phone logs could face tax penalties.

The MOBILE Cell Phone Act of 2009 updates the tax treatment of cell phones and mobile communication devices by repealing the requirement that employers maintain detailed logs. The tax code should keep pace with technological advances. There is no longer a reason that cell phones and mobile communication devices should be treated differently than office phones or computers. Last, Congress 60 Senators cosponsored this legislation. I urge my colleagues to support this commonsense change.

By Mr. KOHL (for himself, Mr. VITTER, Mr. LEAHY, Mr. FINGER, Mr. SCHUMER, Ms. KLOBuchar, Mr. Dorgan, and Mr. ROCKEFELLER):
S. 146. A bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce legislation essential to restoring competition to the nation’s crucial freight railroad sector.

Freight railroads are essential to shipping a myriad of vital goods, everything from coal used to generate electricity to grain used for basic foodstuffs. But for decades the freight railroads have been insulated from the normal rules of competition followed by almost all other parts of our economy by an outdated and unwarranted antitrust exemption. So today I am introducing along with my colleagues, Senators VITTER, LEAHY, FINGER, SCHUMER, ROCKEFELLER, Dorgan and KLOBuchar the Railroad Antitrust Enforcement Act of 2009. This legislation will eliminate the obsolete antitrust exemptions that protect freight railroads from competition. This legislation is identical to the legislation that was reported out of the Judiciary Committee in the last Congress without dissent.

Our legislation will eliminate obsolete antitrust exemptions that protect...
CONGRESSIONAL RECORD — SENATE
January 6, 2009

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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:

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 "Railroad Antitrust Enforcement Act of 2009."

SEC. 2. INJUNCTIONS AGAINST RAILROAD COMMERCIAL CARRIERS.

The proviso in section 16 of the Clayton Act (15 U.S.C. 26) ending with "Code," is amended to read as follows: "Provided, That nothing herein contained shall be construed to entitle any person, firm, corporation, or association, except the United States, to bring suit for injunctive relief against any common carrier that is not a railroad subject to the jurisdiction of the Surface Transportation Board under subtitle IV of title 49, United States Code."

SEC. 3. Mergers and acquisitions of railroads.

The sixth undesignated paragraph of section 7 of the Clayton Act (15 U.S.C. 18) is amended to read as follows:

"Nothing contained in this section shall apply to mergers or acquisitions of railroads any differently from dozens of other regulated industries in our economy that are fully subject to antitrust law—whether the telecommunications sector, electric utilities, or the airline and aviation industry regulation by the Department of Transportation, to name just two examples."

Our bill will bring railroad mergers and acquisitions under the purview of the Clayton Act, allowing the Federal Government, state attorneys general and private parties to file suit to end anticompetitive mergers and acquisitions. It will restore the review of these mergers to the agencies where the law belongs—the Justice Department's Antitrust Division and the Federal Trade Commission. It will eliminate the exemption that prevents FTC's scrutiny of railroad common carriers. It will eliminate the antitrust exemption for railroad collective ratemaking. It will allow state attorneys general and other private parties to sue railroads for treble damages and injunctive relief for violations of the antitrust laws, including collusion that leads to excessive and unreasonable rates. This legislation will give railroads to play by the rules of free competition like all other businesses.

In sum, by clearing out this thicket of outdated antitrust exemptions, railroads will be subject to the same laws as the rest of the economy. Government antitrust enforcers will finally have the tools to prevent anticompetitive transactions and practices by railroads. Likewise, private parties will be able to utilize the antitrust laws to deter anticompetitive conduct and to seek redress for their injuries. It is time to put an end to the abusive practices of the Nation's freight railroads. On the Antitrust Subcommittee, we have seen that in industries after industry, vigorous application of our Nation's antitrust laws is the best way to eliminate barriers to competition, to end monopolistic behavior, to keep prices low and quality of service high. The railroad industry is no different. All those who rely on railroads to ship their products—whether it is an electric utility for its coal, a farmer to ship grain, or a factory to acquire its raw materials or ship out its final products—deserve the full application of the antitrust laws to end the anti-competitive abuses all too prevalent in this industry today. I urge my colleagues support the Railroad Antitrust Enforcement Act of 2009.

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(b) PTC Act.—Section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45a(a)(2)) is amended by striking “common carriers subject” and inserting “common carriers subject to the jurisdiction of the Surface Transportation Board under subtitle IV of title 49, United States Code.”

SEC. 6. EXPANSION OF TREBLE DAMAGES TO RAIL COMMERCIAL CARRIERS.

Section 4 of the Clayton Act (15 U.S.C. 15) is amended by—

(1) redesignating subsections (b) and (c) as subsections (d) and, respectively; and

(2) inserting after subsection (a) the following:

“(b) Subsection (a) shall apply to a common carrier by railroad subject to the jurisdiction of the Surface Transportation Board under subtitle IV of title 49, United States Code, without regard to whether such railroads have filed rates or whether a complaint has been filed."

SEC. 7. TERMINATION OF EXEMPTIONS IN TITLE 49.

(a) In General.—Section 10706 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A), by striking “, and the Sherman Act (15 U.S.C. 1 et seq.),” and all that follows through “exempt from the antitrust laws set forth in paragraph (1), the Board shall” in the third sentence; and

(B) in paragraph (4)—

(i) by striking “the” in the third sentence and inserting “the”; and

(ii) by striking “However, the” in the third sentence and inserting “However, the” in the third sentence.

(c) Section 706. Rate agreements.

The item relating to such section in the chapter analysis at the beginning of chapter 107 of such title is amended to read as follows: “Rate agreements.”

(b) Conditions.

The item relating to such section in the chapter analysis at the beginning of chapter 107 of such title is amended to read as follows: “10706. Rate agreements.”

SEC. 8. EFFECTIVE DATE.

This Act shall be implemented on the effective date of the Surface Transportation Board’s regulations under sections 10705 or 10706 of title 49, United States Code, and without regard to whether a complaint has been filed.”

Mr. FEINGOLD. Mr. President, I would like to thank the senior Senator from Wisconsin for his hard work to address antitrust issues in the rail industry along with other industries as Chair of the Antitrust, Competition Policy and Consumer Rights Subcommittee of the Judiciary Committee. I have been pleased to support his efforts to bring antitrust scrutiny to the large freight railroads since he first introduced a version of this legislation in 2006. As Senator KOHL well knows, this is a vitally important issue for rail customers and ultimately consumers both in Wisconsin and across the country.

Over the past several years, I have heard more and more comments and concerns from freight rail customers at my town hall meetings in Wisconsin and my meetings in Washington. The concerns have come from constituents who rely on freight railroads to transport important goods and materials. The comments I have heard have been diverse by industry, ranging from forestry, energy, farming, and petrochemical companies to various manufacturers, and by size, from family owned enterprises to large corporate entities. The problems they have described do not seem to be isolated incidents, but instead suggest a systematic continuing problem.

There are several general concerns that appear to apply no matter what type of railroad company. Some rail customers feel that the Surface Transportation Board, STB, common carriers subject to the jurisdiction of the Surface Transportation Board, under subtitle IV of title 49, United States Code, does not take into account, among any other considerations, the impact of the transaction on shippers and affected communities."

(c) CONFORMING AMENDMENTS.

(1) The header for section 10706 of title 49, United States Code, is amended to read as follows: “Rate agreements.”

(b) In General.—Subject to the provisions of subsection (b), this Act shall take effect on the date of enactment of this Act.

(b) COMBINATIONS.—Section 11321 of title 49, United States Code, is amended by—

(1) in paragraph (2)(A), by striking “, and the antitrust laws set forth in paragraph (1), the Board shall” in the third sentence and inserting “, and the antitrust laws set forth in paragraph (1), the Board shall” in the third sentence; and

(2) in paragraph (5)(A), by striking “, and the antitrust laws set forth in paragraph (1), the Board shall” in the third sentence and inserting “, and the antitrust laws set forth in paragraph (1), the Board shall” in the third sentence.

SEC. 9. APPLICATION OF ANTITRUST LAWS.

(a) In General.—Nothing in this section exempts a transaction described in subsection (b) from the application of the antitrust laws set forth in paragraph (2) with respect to any conduct or activity that occurred prior to the date of enactment of this Act that was previously exempt from the antitrust laws set forth in paragraph (2) with respect to any previously exempted conduct or activity or previously exempted agreement that is continued subsequent to the date of enactment of this Act.

(b) Antitrust Analysis to Consider Impact.

In reviewing any such proposed agreement for the purpose of any provision of law described in paragraph (1), the Board shall take into account, among any other considerations, the impact of the proposed agreement on shippers, consumers, and affected communities.

(b) In General.—Nothing in this section exempts a transaction described in subsection (a) from the application of the antitrust laws set forth in paragraph (2) with respect to any conduct or activity that occurred prior to the date of enactment of this Act that was previously exempt from the antitrust laws set forth in paragraph (2) with respect to any previously exempted conduct or activity or previously exempted agreement that is continued subsequent to the date of enactment of this Act.

(c) Antitrust Analysis to Consider Impact.

The Antitrust Division of the Department of Justice, in deciding whether a transaction described in paragraph (1) may not be filed with respect to any conduct or activity that occurred prior to the date of enactment of this Act that was previously exempt from the antitrust laws set forth in paragraph (2) with respect to any previously exempted conduct or activity or previously exempted agreement that is continued subsequent to the date of enactment of this Act, shall consider the industry of the affected communities.
It has produced exactly three convictions, including Australian David Hicks who agreed to a plea bargain to get off the island, and Osama bin Laden’s driver, Salim Hamdan, who has already served almost all of his sentence through time already spent at Guantanamo. The hard part about closing Guantanamo is not deciding to do it—it is figuring out what to do with the remaining detainees.

Under the Military Tribunal and Detention Act, the approximately 250 individuals now being held there would be handled in one of five ways:

They could be charged with a crime and tried in the United States in the Federal civilian or military justice systems. These systems have handled terrorists and other dangerous individuals before, and are capable of dealing with classified evidence and other unusual factors.

Individuals could be transferred to an international tribunal to hold hearings, if such a tribunal is created; detainees could be returned to their native countries, or if that is not possible, they could be transferred to a third country.

To date, more than 500 men have been sent from Guantanamo to the custody of other countries. Recently, Portugal and other nations have suggested they would be open to taking some of the remaining detainees as a way to help close Guantanamo.

If there are detainees who can’t be charged with crimes or transferred to the custody of another country, there is a fourth option. If the Secretary of Defense and the Director of National Intelligence agree that an individual poses no security threat to the United States, the U.S. Government may release him.

This may work, for example, for the Chinese Uighurs remaining at Guantanamo. The Obama Administration has already ordered that this group be released into the country, though that ruling has been stayed upon appeal.

Finally, for detainees who cannot be addressed in any of the first four options, the Executive Branch could hold them under the existing authorities provided by the law of armed conflict. I believe that these options provide sufficient flexibility to handle the 250 or so people now being held at Guantanamo.

If the Administration decides that other alternatives are needed, it should come to Congress, explain the specifics of the problem, and we will work toward a joint legislative solution.

The other three provisions in this legislation are parts of the CIA’s secret detention and interrogation program. Some of the details of the program are already publicly known, like the use of waterboarding on three individuals. Other aspects remain secret, such as the other authorized interrogation techniques and how they were used.

There have been public allegations of multiple deaths of detainees in CIA custody. There was one conviction of a CIA contractor in the death of a detainee in Afghanistan, but other details remain classified.

But it is well known that on August 1, 2002, the Justice Department approved coercive interrogation techniques, including waterboarding, for the CIA’s use. This despite the fact that the Justice Department has prosecuted the use of waterboarding and the State Department has decried it overseas.

The Administration used warped logic and faulty reasoning to say waterboarding technique was not torture. It is.

Other interrogation techniques used by the CIA have not been acknowledged but are still authorized for use. This has to end.

But we will never turn this sad page in our nation’s history until all coercive techniques are banned, and are replaced with a single, clear, uniform standard across the United States Government.

That standard established by this legislation is the interrogation protocols set out in the Army Field Manual. The 19 specified techniques work for our military and operate under the same framework as the time-honored approach of the Federal Bureau of Investigation. If the CIA would abide by its terms, it would work for the CIA as well.

These techniques were at the heart of former FBI Special Agent Jack Cloonan’s successful interrogation of terrorists responsible for the 1993 World Trade Center bombing. They were also used by Special Agent George Piro to get Saddam Hussein to provide the evidence that resulted in his death sentence.

We have powerful expert testimony that the Army Field Manual techniques work against terrorist suspects. That the government is supported by scores of retired generals and admirals, by General David Petraeus, and by former secretaries of state and national security advisors in both parties.

Majorities in both houses of Congress passed this provision last year as part of the Fiscal Year 2008 Intelligence Authorization bill, sending a clear message that we do not support coercive interrogations.

Unfortunately, the President’s veto stopped it from becoming law.

The new President agrees that we need to end coercive interrogations and to comply strictly to the terms of the Convention Against Torture and the Geneva Conventions. I look forward to working with him to end this sad story in the Nation’s history.

The third part of this legislation is a ban on contractor interrogators at the CIA. As General Hayden has testified, the CIA hires and keeps on contract people who are not intelligence professionals and whose sole job is to “break” detainees and get them to talk.
I firmly believe that outsourcing interrogations, whether coercive or more appropriate ones, to private companies is a way to diminish accountability and to avoid getting the Agency’s hands dirty. I also believe that the use of contractors leads to more brutal interrogations than if they were done by government employees.

There are surely areas where paying contractors makes practical and financial sense. Interrogations—a form of collecting intelligence—is not one of them. There is no question that there is a major diplomatic issue, a key obstacle in prosecuting people like Abu Zubaydah and Khalid Shaykh Mohammed, and a national black eye. It is not the sort of thing to be done at arm’s length.

The fourth and final provision in this legislation requires that the CIA and other intelligence agencies provide notification to the International Committee of the Red Cross—the ICRC—of their detainees. Following notification, the ICRC will be required to provide ICRC officials with access to their detainees in the same way that the military does.

Access by the ICRC is a hallmark of international law and is required by the Geneva Conventions. Access to a third party, and the ICRC in particular, was seen by the U.S. in 1947 as a guarantee that American men and women would be protected if they were ever captured overseas.

But ICRC access has been denied at CIA black sites, just like it had been in some military-run facilities in the war on terror. This has, in part, opened the door to the abuses in detainee treatment. Independent access prevents abuses like we witnessed at Abu Ghraib and Guantanamo Bay. It is time that the same protection is in place for the CIA as has been demanded of the Department of Defense.

We remain a nation at war, and credible, actionable intelligence remains a cornerstone of our war effort. But this is a war that will be won by fighting smarter, not by sinking to the depths of our enemies.

Our Nation has paid an enormous price because of these interrogations. They cast shadow and doubt over our ideals and our system of justice. Our enemies have used our practices to recruit more extremists. Our key global partnerships, crucial to winning the war on terror, have been strained.

It will take time to resume our place as the world’s beacon of liberty and justice. This bill will put us on that path and start the process. I urge its passage.

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:

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 “Lawful Interrogation and Detention Act”.

SEC. 2. INTELLIGENCE COMMUNITY DEFINED. In this Act, the term “intelligence community” has the meaning given to that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 3. CLOSURE OF DETENTION FACILITY AT GUANTANAMO BAY.

(a) REQUIREMENT TO CLOSE.—Not later than 1 year after the date of the enactment of this Act, the President shall close the detention facility at Guantanamo Bay, Cuba operated by the Secretary of Defense and remove all detainees from such facility.

(b) DETAINES.—Prior to the date that the President closes the detention facility at Guantanamo Bay, Cuba, as required by subsection (a), each individual detained at such facility shall be treated exclusively through one of the following:

1. The individual shall be charged with a violation of United States or international law and transferred to a military or Federal civilian detention facility in the United States for further legal proceedings, provided that such a civilian facility or detention facility has received the highest security rating available for such a facility.

2. The individual shall be transferred to an international tribunal operating under the authority of the United Nations that has jurisdiction to hear a trial of such individual.

3. The individual shall be transferred to the custody of the government of the individual’s country of citizenship or a different country, provided that such transfer is consistent with—

(A) the Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984;

(B) all relevant United States law; and

(C) any other international obligation of the United States.

4. If the Secretary of Defense and Director of National Intelligence determine, jointly, that the individual poses no security threat to the United States and actions cannot be taken under paragraph (1) or (3), the individual shall be released from further detention.

5. The individual shall be held in accordance with the law of armed conflict.

(c) REQUIREMENTS FOR REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report on the President’s plan to implement this section.

(d) CONSTRUCTION.—The President shall keep Congress fully and currently informed of the steps taken to implement this section.

(1) IMMIGRATION STATUS.—The transfer of an individual under subsection (b) shall not be considered an entry into the United States for purposes of immigration status.

(2) ADDITIONAL DETENTION AUTHORITY.—Nothing in the definition of an element of the intelligence community or a contractor or subcontractor of an element of the intelligence community, regardless of nationality or nature of employment of such individual or personnel, shall be subject to any treatment or technique of interrogation not authorized by the United States Army Field Manual on Human Intelligence Collector Operations.

SEC. 4. LIMITATION ON INTERROGATION TECHNIQUES.

No individual in the custody or under the effective control of an element of the intelligence community or a contractor or subcontractor of an element of the intelligence community, regardless of nationality or nature of employment of such individual or personnel, shall be subject to any treatment or technique of interrogation not
at the most competitive price. Many credit this rule with the rise of today’s low price, discount retail giants—stores like Target, Best Buy, Walmart, and the Internet sites Amazon and eBay, which offer consumers a wide array of highly desired products at discount prices.

From my own personal experience in business I know of the dangers of permitting vertical price fixing. My family started the Kohl’s department store in 1962, and I worked there for many years before we sold the stores in the 1980s. On several occasions, we lost lines of merchandise because we tried to sell at prices lower than what the manufacturer and our rival retailers wanted. For example, when we started Kohl’s and were just a small competitor to the established retail giants, we had serious difficulties obtaining the leading brand name jeans. The traditional department stores demanded that the manufacturer not sell to us unless we were willing to maintain a certain minimum price. Because they didn’t want to lose the business of their biggest customers, that jeans manufacturer acquiesced in the demands of the department stores—at least until Kohl’s told them they were violating the rule against vertical price fixing.

So I know firsthand the dangers to competition and discounting of permitting the practice of vertical price fixing. But I don’t need to rely on my own experience. For nearly 40 years until 1975 when Congress passed the Consumer Goods Pricing Act, Federal law permitted States to enact so-called “fair trade” laws legalizing vertical price fixing. Studies Department of Justice conducted in the late 1960s indicated that prices were between 18–27 percent higher in the States that allowed vertical price fixing than the States that had not passed such “fair trade” laws. For example, for a family of four every year, the discount price of clothing would cost $750 to $1,000 higher for the average family of four at that time.

Given the tremendous economic growth in the intervening decades, the likely harm to consumers if vertical price fixing were permitted is even greater today. In his dissenting opinion in the Leegin case, Justice Breyer estimated that if only 10 percent of manufacturers engaged in vertical price fixing, the volume of commerce affected today would be $300 billion, translating into costs that would average $750 to $1,000 higher for the average family of four every year.

And the experience of the last year and a half since the Leegin decision is beginning to confirm our fears regarding the dangers from permitting vertical price fixing. In December 2008, for example, Sony announced that it would implement a no-discount rule to retailer’s selling some of its most in-demand products, including some models of high-end flat screen TVs and digital camcorders. The Wall Street Journal reported that a new business has materialized for companies that scour the Internet in search of retailers selling products at a bargain. When such bargain sellers are detected, the manufacturer is alerted so that they can demand the seller end the discounting of its product. The chilling effect on discounting of such tactics is obvious. In December 2008, the Wall Street Journal reported that Circuit City was forced to raise its retail price for an LG flat screen TV by $170 to nearly $1,600 after its discount price was discovered on the Internet.

Defendants of the Leegin decision argue that today’s giant retailers such as Walmart, Best Buy or Target can “take care of themselves” and have sufficient market power to fight manufacturer efforts to impose retail prices. Whatever the merits of that argument, I am particularly worried about the effect of this new rule permitting minimum vertical price fixing on the next generation of discount retailers. If new discount retailers can be prevented from selling products at a discount at the behest of an established retailer worried about the competition, we will imperil an essential element of retail competition so beneficial to consumers.

In overturning the per se ban on vertical price fixing, the Supreme Court in Leegin announced this practice should instead be evaluated under what is known as the “rule of reason.” Under the rule of reason, a business practice is illegal only if it imposes an “unreasonableness” restraint on competition. The burden is on the party challenging the practice to prove in court that the anti-competitive effects of the practice outweigh its justifications. In the words of the Supreme Court, the party challenging the practice must establish the restraint’s “history, nature and effect.” Whether the businesses involved possess market power “is a further, significant consideration” under the rule of reason.

In short, establishing that any specific example of vertical price fixing violates the rule of reason is an onerous and difficult burden for a plaintiff in an antitrust case. Parties complaining about vertical price fixing are likely to be small discount stores with limited resources to engage in lengthy and complicated antitrust litigation. These plaintiffs are unlikely to possess the facts necessary to make the extensive showing necessary to prove a case under the rule of reason. In the words of FTC Commissioner Pamela Jones Harbour, applying the rule of reason to vertical price fixing “is a virtual euphemism for per se legality.”

In July 2007, our Antitrust Subcommittee conducted an extensive hearing into the Leegin decision and the likely effects of abolishing the ban on vertical price fixing. Both former FTC Chairman Robert Pitofsky and current FTC Commissioner Harbour strongly endorsed restoring the ban on vertical price fixing. The CEO of the Sym’s discount clothing stores, did so as well, citing the likely dangers to the ability of discounters such as Sym’s to survive after abolition of the rule against vertical price fixing. Ms. Sym’s also stated that “it would be very unlikely for her to bring an antitrust suit” challenging vertical price fixing under the rule of reason because her company “would not have the resources to find enough position in the marketplace to make such action prudent.” Our examination of this issue has produced compelling evidence for the continued necessity of a ban on vertical price fixing to protect discounting and low prices for consumers.

The Discount Pricing Consumer Protection Act will accomplish this goal. My legislation is quite simple and direct. It would simply add one sentence to Section 1 of the Sherman Act—the basic provision addressing combinations in restraint of trade—a statement that any agreement with a retailer, wholesaler or distributor setting a price below which a product or service cannot be sold violates the law. No balancing of the pro and con arguments will be necessary. Should a manufacturer enter into such an agreement it will unquestionably violate antitrust law. The uncertainty and legal impediments to antitrust enforcement of vertical price fixing will be replaced by a simple and clear legal rule—a legal rule that will promote low prices and discount competition to the benefit of consumers every day.

In the last few decades, millions of consumers have benefited from an explosion of retail competition from new large discounters in virtually every product, from clothing to electronics to groceries, in both “big box” stores and on the Internet. Our legislation will correct the Supreme Court’s abrupt change to antitrust law, and will ensure that today’s vibrant competitive retail marketplace and the savings gained by American consumers from discounting will not be jeopardized by the abolition of the ban on vertical price fixing. I urge my colleagues to support this bill.

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. 148

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 “Discount Pricing Consumer Protection Act”.

SECTION 2. STATEMENT OF FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) From 1911 in the Dr. Miles decision until June 2007 in the Leegin decision, the Supreme Court had ruled that the Sherman Act forbade in all circumstances the practice of a manufacturer setting a minimum price below which any retailer, wholesaler or distributor could not sell the manufacturer’s product (the practice of “resale price maintenance” or “vertical price fixing”).
The rule of per se illegality forbidding resale price maintenance promoted price competition and the practice of discounting all to the substantial benefit of consumers and the economy.

Many economic studies showed that the rule against resale price maintenance led to lower prices and promoted consumer welfare.

Rule against resale price maintenance will likely lead to higher prices paid by consumers and substantially harms the ability of discount retail stores to compete.

The 5-4 decision of the Supreme Court majority in Leegin incorrectly interpreted the Sherman Act and improperly disregarded 96 years of antitrust law precedent in overturning the per se rule against resale price maintenance.

The purposes of this Act are—

1. To correct the Supreme Court's mistaken interpretation of the Sherman Act in the Leegin decision; and
2. To restore the rule that agreements between manufacturers and retailers, distributors or wholesalers to set the minimum price below which a manufacturer's product or service cannot be sold violates the Sherman Act.

SEC. 3. PROHIBITION ON VERTICAL PRICE FIXING.

(a) AMENDMENT TO THE SHERMAN ACT.—Section 1 of the Sherman Act (15 U.S.C. 1) is amended by adding after the first sentence the following: “Any contract, combination, conspiracy or agreement setting a minimum price below which a product or service cannot be sold by a retailer, wholesaler, or distributor shall violate this Act.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of enactment of this Act.

By Mr. KOHL:

S. 149. A bill to change the date for regularly scheduled Federal elections and establish polling place hours; to the Committee on Rules and Administration.

Mr. KOHL. Mr. President, today I rise to introduce the Weekend Voting Act. This legislation will change the day for Congressional and Presidential elections from the first Tuesday in November to the first weekend in November. Holding our Federal elections on a weekend will create more opportunities for voters to cast their ballots and will help end the gridlock at the polling places which threaten to undermine our elections.

Under this bill, polls would be open nationwide for a uniform period of time from 7 a.m. to 7 or 8 p.m., generally from 7 a.m. to 7 or 8 p.m., voters often have only one or two hours to vote. As we've seen in recent elections, long lines and chaotic polling places have kept some voters waiting much longer than one or two hours. If voters have children, and are dropping them off at day care, or if they have a long work commute, there is just not enough time in a weekday to vote.

With long lines and chaotic polling places becoming the unacceptable norm in many communities, we have an obligation to reform how our Nation votes. If we are to grant all Americans an equal opportunity to participate in the electoral process, and to elect our representatives in this great democracy, then we must be willing to reexamine all aspects of voting in America. Changing our election day to a weekend may seem like a chance of great magnitude, given the stakes—the integrity of future elections and full participation by as many Americans as possible—I hope my colleagues will recognize it as a commonsense proposal with time has come.

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. 149

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 “Weekend Voting Act”.

SEC. 2. CHANGE IN CONGRESSIONAL ELECTION DAY TO SATURDAY AND SUNDAY.

Section 25 of the Revised Statutes (2 U.S.C. 7) is amended to read as follows:

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The program would authorize $75 million a year over the next 5 years in new Byrne grant funds for State and local law enforcement, specifically for rural States and rural areas within larger States. This support would be used to purchase necessary police equipment, and to promote the use of task forces and collaborative efforts with Federal law enforcement.

Just as important, these funds would also be used for prevention and treatment programs in rural communities; programs that are necessary to combat crime and are too often the first programs cut in an economic downturn. This bill also authorizes the President a year over 5 years for specialized training for rural law enforcement officers, since training is another area often cut in hard times. This bill will immediately help cash-strapped rural communities with the criminal justice assistance they desperately need.

In December, the Senate Judiciary Committee traveled to St. Albans, Vermont, to hear from the people of that resilient outpost that the growing problem of drug-related crime in rural America, and about the innovative steps they are taking to combat that scourge. The introduction of this bill is a step forward to apply the lessons learned in the previous crime hearings in Vermont and elsewhere.

Crime is not just a big city issue. As we heard in St. Albans last month, and as I testified in Rutland, Vermont, earlier last year, the drugs and violence so long seen largely in urban areas now plague even our most rural and remote communities, as well. As the world grows smaller with better transportation and faster communication, so do our shared problems. Rural communities also face the added burden of fighting these crime problems without the sophisticated task forces and specialized squads so common in big cities and metropolitan areas. In fact, the many rural communities, whether in Vermont or other rural States, don’t have the money for a local police force at all, and rely almost exclusively on the state police or other state-wide agencies for even basic police services. In this environment, we must do more to provide assistance to those rural communities most at risk and hardest hit by the economic crisis.

Unfortunately, for the last 8 years, throughout the Bush administration, State and local law enforcement agencies have been stretched thin as they shoulder both traditional crime-fighting duties and new homeland security demands. They have faced continuous cuts in Federal funding during the Bush years, and time and time again, our State and local law enforcement officers have been unable to fill vacancies and get the equipment they need.

As a former prosecutor, I have always advocated vigorous enforcement and punishment of those who commit serious crimes. But I also know that punishment alone will not solve the problems of drugs and violence in our rural communities. Police chiefs from Vermont and across the country have told me that we cannot arrest our way out of this problem.
Combating drug use and crime requires all the tools at our disposal, including enforcement, prevention, and treatment. The best way to prevent crime is often to provide young people with opportunities and constructive things to do, so they stay away from drugs and crime altogether. If young people do get involved with drugs, treatment in many cases can work to help them to turn their lives around. Good prevention and treatment programs have been shown again and again to work, but regretfully, the Bush administration has consistently sought to reduce funding for these important programs. It is time to move in a new direction.

I will work with the new administration to advance legislation that will give State and local law enforcement the support it needs, that will help our cities and towns to implement the kinds of innovative and proven community-based solutions needed to reduce crime. The legislation I introduce today, addressing the urgent and unmet need to support our rural law enforcement as they struggle to combat drugs and crime.

It is a first step for us to help our small cities and towns weather the worsening conditions of these difficult times and begin to move in a better direction. I hope Senators on both sides of the aisle will join me in supporting this important legislation.

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. 150

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 “Rural Law Enforcement Assistance Act of 2009”.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR RURAL LAW ENFORCEMENT AGENCIES.

(a) Authorization of Appropriations for Rural Law Enforcement.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b-1, et seq.) is amended to read as follows:

“(1) $2,000,000 for fiscal year 2009;
“(2) $2,000,000 for fiscal year 2010;
“(3) $2,000,000 for fiscal year 2011;
“(4) $2,000,000 for fiscal year 2012; and
“(5) $2,000,000 for fiscal year 2013.”.

(b) VIOLENT CRIME CONTROL ACT.—Section 180103(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14092) is amended by striking the heading for section 180103 and inserting “RURAL LAW ENFORCEMENT AID”.

(c) CLARIFICATION OF RURAL STATE DEFINITION.—Section 101(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b-1) is amended by striking the words “and chief” and all that follows “a State in which the largest” and inserting “small and rural law enforcement agencies. Any State that is the subject of a suit under section 101(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b-1) is not thereby excluded from the definition of rural State as that term is used in section 180103 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14092).”

(d) AUTHORIZATION OF APPROPRIATIONS FOR RURAL LAW ENFORCEMENT TRAINING.—Section 180103(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14092(b)) is amended to read as follows:

“(1) $75,000,000 for fiscal year 2009;
“(2) $75,000,000 for fiscal year 2010;
“(3) $75,000,000 for fiscal year 2011;
“(4) $75,000,000 for fiscal year 2012; and
“(5) $75,000,000 for fiscal year 2013.”.

(e) CLARIFICATION OF RURAL STATE DEFINITION.—Section 801(a)(4) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b-1) is amended by striking the words “and chief” and all that follows “a State in which the largest” and inserting “small and rural law enforcement agencies. Any State that is the subject of a suit under section 801(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b-1) is not thereby excluded from the definition of rural State as that term is used in section 180103 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14092).”

SEC. 3. CLARIFICATION OF TITLES.


(b) Violent Crime Control Act.—Section 180103 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14092) is amended by striking the heading for the section and inserting “RURAL LAW ENFORCEMENT TRAINING”.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 151. A bill to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes; to the Committee on Indian Affairs.

Mr. MCCAIN. Mr. President, I am pleased to be joined by my colleagues Senator THOMAS, Senator KYL, and Senator HAYAKAWA in introducing a bill to amend the Indian Arts and Crafts Act. This legislation would improve Federal laws that protect the integrity and originality of Native American arts and crafts.

The Indian Arts and Crafts Act prohibits the misrepresentation in marketing of Indian arts and crafts products, and makes it illegal to display or sell works in a manner that falsely suggests it’s the product of an individual Indian or Indian Tribe. Unfortunately, the law is written so that only the Federal Bureau of Investigation, FBI, acting on behalf of the Attorney General, can investigate and make arrests in cases of suspected Indian art counterfeiting. The bill we are introducing would amend the law to expand existing Federal investigative authority by authorizing other Federal investigative bodies, such as the BIA Office of Law Enforcement, in addition to the FBI, to investigate cases of misrepresentation of Indian arts and crafts. This bill is similar to provisions included in S. 1255, which passed the Senate last Congress but wasn’t acted on by the House, and the Native American Omnibus Technical Corrections Act of 2007, S. 2014.

A major source of tribal and individual Indian income is derived from the sale of handmade Indian arts and crafts. Yet, millions of dollars are diverted each year from these original artists and Indian tribes by those who reproduce and sell counterfeit Indian goods. Few, if any, criminal prosecutions have been brought in Federal court for such violations. It is understandable that enforcing the criminal law under the Indian Arts and Crafts Act is complicated by the other responsibilities of the FBI including investigating terrorism activity and violent crimes in Indian country. Therefore, expanding the investigative authority to include other Federal agencies is intended to promote the active investigation of alleged misconduct. It is my hope that this much needed change will deter those who choose to violate the law.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 152. A bill to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, I am pleased to be joined by Senator KYL in reintroducing legislation to authorize a special resources and land management study for lands adjacent to the Walnut Canyon National Monument in Arizona. The study is intended to evaluate management options for public lands adjacent to the monument to ensure adequate protection of the canyon’s cultural and natural resources. A similar bill was introduced last Congress and received a hearing in the Senate Energy and Natural Resources Committee’s Subcommittee on National Parks. The bill being introduced today reflects suggested changes of that Subcommittee and includes language that met their approval. I am grateful for the input of the Members of the Subcommittee and their staff.

For several years, local communities adjacent to the Walnut Canyon National Monument have debated whether the land surrounding the monument would be best protected from future development under management of the U.S. Forest Service or the National Park Service. The Coconino County Board and the Flagstaff City Council have passed resolutions concluding that the preferred method to determine whether the best land use sustaining Walnut Canyon National Monument is by having a Federal study conducted. The recommendations from such a study would help to resolve the question of future management and whether expanding the monument’s boundaries could compliment current public and multiple-use needs.

The legislation also would direct the Secretary of the Interior and the Secretary of Agriculture to provide recommendations for management options for maintenance of the public uses and protection of resources of the study area. I fully expect that as this measure continues through the legislative process, Congress will ensure that funding offsets are provided to it and every other pending measure as we work to restore fiscal discipline to Washington in a bi-partisan manner.

This legislation would provide a mechanism for determining the management options for one of Arizona’s high uses scenic areas and protects the natural and cultural resources of this incredibly beautiful monument. I urge my colleagues to support its passage.
By Mr. Mccain (for himself and Mr. Kyl):

S. 155. A bill to amend the National Trails System Act to designate the Arizona National Scenic Trail; to the Committee on Energy and Natural Resources.

Mr. Mccain. Mr. President, I am pleased to be joined today by Senator Kyl in introducing the Arizona Trail Feasibility National Scenic Trail Act. This bill would designate the Arizona Trail as a National Scenic Trail.

The Arizona Trail is a beautifully diverse stretch of public lands, mountains, canyons, deserts, forests, historic sites, and communities. The Trail is approximately 807 miles long and begins at the Coronado National Memorial on the U.S.-Mexico border and ends in the Bureau of Land Management's Arizona Strip District on the Utah border near the Grand Canyon. In between these two points, the Trail winds through some of the most rugged, spectacular scenery in the Western United States. The corridor for the Arizona Trail encompasses the wide range of ecological diversity in the state, and incorporates a host of existing trails into one continuous trail. In fact, the Trail is topographically diverse that a person can hike from the Sonoran Desert to Alpine forests in one day.

For over a decade, more than 16 Federal, State, and local agencies, as well as community and business organizations, have partnered to create, develop, and manage the Arizona Trail. Through their combined efforts, these agencies and the members of the Arizona Trail Association have completed over 90 percent of the longest contiguous land-based trail in the State of Arizona. Designating the Arizona Trail as a National Scenic Trail would help streamline the management of the high-use trail to ensure that this pristine piece of land is preserved for future generations to enjoy.

Since 1968, when the National Trails System Act was established, Congress has designated over 20 national trails. Before a trail receives a national designation, a federal study is typically required to assess the feasibility of establishing a trail route. The Arizona Trail doesn't require a feasibility study because it's virtually complete with less than 60 miles left to build and sign. All but the trail's roadbed and costal public land, and the unfinished segments don't involve private property. The Trail meets the criteria to be labeled a National Scenic Trail and already appears on all Arizona state maps.

Therefore, the Congress has reason to forge an unprecedented and costly feasibility study and proceed straight to National Scenic Trail designation.

The Arizona Trail is known throughout the community by bicycle and hiking enthusiasts. The Arizona State Parks recently released data showing that two-thirds of Arizonans consider themselves trail users. Millions of visitors also use Arizona's trails each year. In one of the fastest-growing states in the United States, the designation of the Arizona Trail as a National Scenic Trail would ensure the preservation of a corridor of open space for hikers, mountain bicyclists, cross country skiers, snowshoers, eco-tourists, equestrians, and joggers.

I urge my colleagues to support the passage of this legislation.

By Ms. Snowe (for herself, Mrs. Lincoln, and Mr. Bunning):

S. 155. A bill to amend the Internal Revenue Code of 1986 to suspend the taxation of unemployment compensation for 2 years; to the Committee on Finance.

Ms. Snowe. Mr. President, I rise today to reintroduce a bill I offered last December that will provide much-needed relief to struggling families across America. The Unemployment Benefit Tax Suspension Act of 2009 is a critical piece of legislation, which should be considered as part of any stimulus package, that would suspend the collection of Federal income tax on unemployment benefits for 2008 and 2009. The bill has been drafted so that individuals sit down in the next couple months to complete their 2008 tax bills, they will not have to worry about paying taxes on the unemployment benefits they received last year or can get refunds if they overpaid. It also means that the unemployed would not be concerned with taxes on benefits paid this year. I thank Senators Lincoln and Bunning for joining me to introduce this legislation.

In light of the calamitous labor market, Congress must act to ensure that workers who lose their jobs do not also lose their livelihoods. In December, the Labor Department released sobering statistics that demonstrated the gravity of the situation we face. In November, the economy shed 533,000 jobs, the largest monthly job loss since December 1974. Our unemployment rate now stands at a perilous 6.7 percent, a 15-year high. We have lost 1.9 million jobs since the beginning of our present recession in December 2007—including two-thirds of those jobs in the last 3 months alone—and the number of unemployed stands at a whopping 10.3 million.

Suspending the Federal income tax on unemployment benefits is a simple way to assist our Nation's unemployed workers and families. In fact, the CBO has estimated that in 2005, of the 8.1 million recipients of unemployment compensation benefits, 7.5 million had incomes of under $100,000. As such, most of the benefits of suspending this tax are likely to go to lower- and middle-income families, those struggling harder than ever just to make ends meet.

During these challenging times, taxes on unemployment compensation represents a burden that unemployed members of our society simply cannot afford. Working families are already suffering, with the high cost of groceries, an unstable energy market, and the outrageous pricetag for health care. My bill offers a means to help stimulate the economy by making unemployed workers' benefits stretch further. While it is certainly not a solution to the problem, it is a step in the right direction.

President-elect Obama has voiced his support for this general idea, calling it a way of giving more relief to families, and I believe that is the ultimate goal we must pursue at all times. I look forward to seeing this bill is passed in a timely manner, so that the impact can be immediate.

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. 155

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 "Unemployment Benefit Tax Suspension Act of 2009".

SEC. 2. SUSPENSION OF UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 85 of the Internal Revenue Code of 1986 (relating to unemployment compensation) is amended by adding at the end the following new subsection:

"(c) TEMPORARY SUSPENSION.—Subsection (a) shall not apply to taxable years beginning after December 31, 2007, and before January 1, 2010."

By Ms. Snowe (for herself, Mr. Kerry, and Ms. Landrieu):

S. 155. A bill to amend the Internal Revenue Code of 1986 to extend enhanced small business expensing and to provide for a 5-year net operating loss carryback for losses incurred in 2008 or 2009; to the Committee on Finance.

Ms. Snowe. Mr. President, I rise today to introduce legislation to provide critical tax incentives to our Nation's small businesses, which will help them to make vital investments in new plant and equipment and weather the recession that is crippling our Nation's economy. The Small Business Stimulus Act of 2009 is just three pages, but by extending enhanced small business expensing and establishing a 5-year carryback for net operating losses, it would pack a powerful punch and assist America's 26 million small firms that represent over 99.7 of all employers. I am pleased that press reports indicate that President-elect Obama will include these proposals in his stimulus initiative, and I hope that Congress will feature them in any legislation we pass in the coming weeks. I thank Senator Kerry for joining me to introduce this legislation.

I have long championed so-called enhanced Section 179 expensing, and I was gratified that Congress, as part of the Economic Stimulus Act of 2008, allowed small businesses in Maine and across the nation to expense up to $250,000 of their investments, including
the purchase of essential new equipment. Unfortunately, the incentive in that bill was written to last just one year, and so, in 2009, absent additional action, small firms will be able to expense just $133,000 of new investment. Instead of being able to write off more of their equipment purchases immediately, films will have to recover their costs over 5, 7, or more years.

At a time in which we find ourselves in a recession and our nation’s small businesses are having trouble finding capital to create and expand new investments, we simply cannot allow that to occur. Accordingly, my bill would allow small businesses to continue expensing up to $250,000 of new investment in both 2009 and 2010. The purchase of new equipment will undoubtedly contribute to continued productivity growth in the business community, which economic experts have repeatedly stressed is essential to the long-term vitality of our economy.

Secondly, I recognize that many businesses that were once profitable are experiencing significant losses as a result of current economic conditions. As a result, many are curtailing operations, and over 2 million Americans lost their jobs in 2008. It is for this reason that I am introducing a proposal to extend the net operating loss carryback period from 2 to 5 years. In this way, businesses reporting losses in 2008 and 2009 may offset those losses against profits from as many as 5 years in the past and claim an immediate tax refund. They can use that money to help sustain operations and retain employees while the economy recovers. This proposal should be particularly beneficial to small businesses, which are responsible for creating 75 percent of net new jobs. Finally, I would note that although I proposed this very change in January 2008 and it cleared the Finance Committee as part of last year’s stimulus legislation, it was subsequently dropped in negotiations with the House. I hope that this worthy proposal does not suffer the same fate this year.

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 “Small Business Stimulus Act of 2009”.

SEC. 2. EXTENSION OF INCREASED EXPENSING FOR SMALL BUSINESSES.

(a) In General.—Paragraph (7) of section 179(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking “2008” and inserting “2008, 2009, or 2010”, and

(2) by striking “2008” in the heading thereof and inserting “2008, 2009, or 2010”.

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.
by striking “2009” in clause (ii)(I) and inserting “2010”, and

by striking “to calendar year 2009” in clause (ii)(II) and inserting “to calendar years 2008 and 2009.”

(b) Eligible Rollover Distributions.—


(c) Effective Dates.—

(1) In General.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

(2) Distributions in 2008 and 2009.—

(A) In General.—If a person receives 1 or more eligible distributions, the person may, on or before July 1, 2009, make one or more contributions (in an aggregate amount not exceeding all eligible distributions) to an individual retirement plan and to which a rollover contribution of such distribution could be made under section 402(c)(5), 408(a)(4), 408(b)(8), 408(d)(3), or 457(e)(16) of such Code and in order to satisfy the requirements of section 408(b)(3), and 457(d)(2) of such Code for 2008, or 2009, plus the excess (if any) of the amount which would, but for the application of section 408(b)(3), and 457(d)(2) of such Code for 2008, or 2009, have been maintained by an eligible employer described in section 457(e)(16) of such Code, or

(ii) an individual retirement plan (as defined in section 7701(a)(37) of such Code),

(3) Treatment of repayments for distributions from eligible retirement plans other than IRAs.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to subparagraph (A) with respect to a payment or distribution from an individual retirement plan (as defined by section 7701(a)(37) of such Code), then, to the extent of the amount of the contribution, be treated as having received the payment or distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the plan in a direct trustee to trustee transfer.

(B) Treatment of repayments for distributions from IRAs.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to subparagraph (A) with respect to a payment or distribution from an individual retirement plan (as defined by section 7701(a)(37) of such Code), such contribution shall be treated as a distribution that satisfies subparagraphs (A) and (B) of section 408(d)(3) of such Code and as having been transferred to the individual retirement plan in a direct trustee to trustee transfer.

(3) Provisions relating to plan or contract amendments.—

(A) In General.—If this paragraph applies to a payment or distribution from an individual retirement plan (as defined by section 7701(a)(37) of such Code), then, to the extent of the amount of the contribution, such contribution shall be treated as a distribution that satisfies subparagraphs (A) and (B) of section 408(d)(3) of such Code and as having been transferred to the individual retirement plan in a direct trustee to trustee transfer.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. BROWN, and Mrs. LINCOLN: S. 158. A bill to amend the Internal Revenue Code of 1986 to expand the availability of small-issue Industrial Development Bonds, a program to provide low-cost financing of manufacturing facilities, to attract new employers and assist existing ones to grow. The result is a win-win situation which would practically guarantee positive growth and employment.

In addition, my bill provides some technical clarity to distinguish between the phrases “functionally related and subordinate facilities” and “directly related and ancillary facilities.” Until 1986, there was little confusion on Treasury regulations going back to 1972 that made it clear that “functionally related and subordinate facilities” were clearly eligible for
financing through private activity tax-
exempt bonds. But, Congress enacted the 
Technical and Miscellaneous Re-
venue Bond Act of 1988 that imposed a 
limitation that not more than 25 per-
cent of tax-exempt bond financing 
could be used on directly related and 
ancillary facilities.” While these two 
phrases appear to be very similar, they 
are indeed distinguishable from each 
other. Unfortunately, the Internal Re-
venue Service has blurred this distinc-
tion between these phrases which has had 
an adverse impact on the way facilities 
are able to utilize tax-exempt bond fi-
nancing. My legislation would make it 
clear that “functionally related and 
subordinate facilities” are not suscepti-
able to the 25 percent limitation.

We must continue to encourage all 
avenues of economic development if 
America is to compete in a changing 
and increasingly global economy, and 
my legislation is one small step in fur-
therance of that goal. I urge my col-
leagues to join me in supporting this 
bill and to include it in stimulus legis-
lation we will be considering in the 
coming weeks.

Mr. President, I ask unanimous con-
sent 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:

§ 18

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

SECTION 1. EXPANSION OF AVAILABILITY OF IN-
DUSTRIAL DEVELOPMENT BONDS TO FACILITIES MANUFACTURING IN-
TANGIBLE PROPERTY.

(a) EXPANSION TO INTANGIBLE PROPERTY.—

(1) IN GENERAL.—The first sentence of sec-

tion 144(a)(12)(C) of the Internal Revenue 
Code of 1986 (defining manufacturing fac-
tility) is amended—

(A) by inserting “, creation,” after “used in 
the manufacturing”; and

(B) by inserting “or intangible property 
which is determined under subsection (d)(1)
before the beginning of the taxable year in 
which the transfer occurs.”

(2) CLARIFICATION.—The last sentence of 
section 144(a)(12)(C) of such Code is amended 
to read—

“Facilities which are directly related and 
ancillary to a manufacturing facility 
determined without regard to this 
clause, and

(i) facilities which are functionally rel-
ed and subordinate to a manufacturing fa-
cility (determined without regard to this 
clause), and

(ii) facilities which are specifically de-
defined as ancillary facilities and facilities 
which are directly related and ancillary to a 
manufacturing facility (determined without 
regard to this clause) if—

(I) such facilities are located on the 
same site as the manufacturing facility, and

(II) not more than 25 percent of the net 
proceeds of the issue are used to provide 
such facilities.”

(3) EFFECTIVE DATE.—The amendments 
based by this section shall apply to bonds 
issued after the date of the enactment of this 
Act.

By Mr. LIEBERMAN (for himself, Mr. 
HATCH, Mr. LEAHY, Mr. KENNEDY, Mrs. 
CLINTON, Mr. DODD, Mr. SANDERS, Mr. KERRY, 
Mr. DURBIN, and Mr. FEINGOLD):

S. 160. A bill to provide the District of Columbia a voting seat and the 
State of Utah an additional seat in the House of Representatives; to the 
Committee on Homeland Security and Gov-
ernmental Affairs.

Mr. LIEBERMAN. Mr. President, I am 
honored to have the opportunity to introduce 
bipartisan legislation which will finally grant 
citizens of our Nation’s Capital, the District of Columbia, voting represen-
tation in Congress. The Constitution de-
clares the District of Columbia a State and 
vests Congress with the authority to treat the 
District of Columbia as a State for various public 
purposes. For example, as long ago as 1940, 
the Judiciary Act of 1939 was passed to 
and now, the Constitution specifically 
provides Congress with the authority to 
grant representation in Congress, lies 
within the District Clause of the Con-
stitution, which is article I, section 8, 
where it states:

Congress has the power to exercise exclu-
sive legislative jurisdiction in all cases whatsoever over such District.

Congress has repeatedly used this au-
thority to treat the District of Colum-
bia as a State for various public pur-
poses. For example, as long ago as 1940, 
the Judiciary Act of 1939 was revised to 
broader diversity jurisdiction to in-
clude citizens of the District, even 
even though the Constitution specifically 
provides that national courts may hear 
cases between citizens of different States.”

In other words, in that act, Congress 
said for purposes of jury 
jurisdiction access to the courts, even 
even though the Constitution says that 
courts may hear cases between citizens of 
different States. It would be incom-
prehensible that citizens of the District of Columbia, because they happen to 
live in the Nation’s Capital, not gain access to the Federal courts.

When challenged, this revision to the 
Judiciary Act was upheld as constitu-
tional by the Federal courts them-
selves. Furthermore, the courts have 
found that Congress has the authority to 
impose national taxes on the Dis-


the District in interstate commerce regulations.

These are rights and responsibilities that our Constitution grants to States. Yet the District Clause has allowed Congress to apply those rights and responsibilities to the District of Columbia. Second class citizens have not the same voting representation in the Congress that the residents of the District, or the District itself, second class in their citizenship.

Treating the District as a State for purposes of voting representation in Congress should be no different. The elections of 2008 saw a historic number of citizens carrying out their civic duty by voting for their representatives in Congress. Unfortunately, for over 200 years, DC residents have been denied that most basic right.

According to a 2005 KRC Research poll, 82 percent of Americans, when told that residents of the District do not have a voting representative in Congress, say it is time to give that voting representation to the citizens of our Nation’s Capital.

This has very practical and just consequences. People of the District have been the target directly of terrorist attacks; but they have no votes on how the Federal Government provides for their homeland security. Men and women citizens of the District have fought bravely in our wars, in defense of our security and our freedom over the years, many giving their lives in defense of this country. Yet citizens of the District have no voting representation in Congress on the serious questions of war and peace, veterans’ benefits, and the like. Of course, the citizens of the District of Columbia, per capita, pay Federal income taxes at the second highest rate in the Nation. Yet they have absolutely no voice, no voting representation, in setting tax rates or in determining how the revenues raised by those taxes will be spent.

The Supreme Court has said “that no right is more precious in a free country than that of having a vote in the election of those who make the laws, under which, as good citizens, we must live.” We can no longer deny our fellow American citizens who happen to live in the District of Columbia this precious right. With the United States engaged now in two wars, a global war also against terrorists who attacked us on 9/11, with our country facing the most significant economic crisis since the Great Depression, it is past time to grant the vote to those citizens living in our Nation’s Capital so their vote can be rightfully heard as we debate these great and complex issues of our time. This matter has fallen, according to our rules, under the jurisdiction of the Senate Committee on Homeland Security and Governmental Affairs, which I am privileged to chair. I hope we will be able to take it up quickly. It is my intention to consider this legislation at the first markup of our committee in the session, and then to bring it to the floor as quickly as possible with a high sense of optimism that on this occasion, if there is another filibuster that we will have, with the help of the new Members of the Senate, more than 60 votes necessary to close it off, and at least have a vote on this question of fundamental rights for 600,000 of our fellow Americans.

I want to submit not only an original copy of the bill to the clerk, but also for the RECORD a statement from Senator HATCH, which I ask unanimous consent to amend as if present.

The PRESIDENT. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that 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. 160

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 “District of Columbia Voting Rights Act of 2009”.

SEC. 2. TREATMENT OF DISTRICT OF COLUMBIA AS CONGRESSIONAL DISTRICT

(a) CONGRESSIONAL DISTRICT AND NO SENATE REPRESENTATION.—

(1) In general.—Notwithstanding any other provision of law, the District of Columbia shall be considered a Congressional district for purposes of representation in the United States Senate.

(b) No representation provided in Senate.—The District of Columbia shall not be considered a State for purposes of representation in the United States Senate.

(c) Conforming amendments relating to apportionment of Members of House of Representatives.—

(1) Inclusion of single district of Columbia member in reapportionment of members among states.—Section 22 of the Act entitled “An Act to provide for the fifteenth and twenty-third article of amendment to the Constitution of the United States, and to provide for apportionment of Representatives in Congress”, approved June 28, 1929 (2 U.S.C. 2a), is amended by striking “the District of Columbia is entitled under section 3; and” and inserting “the Representative in Congress,”.

(2) Clarification of determination of number of electoral votes on basis of 23rd amendment.—Section 3 of title 3, United States Code, is amended by striking “come into office,” and inserting the following:

(3) Section 3.—Section 3 of title 3, United States Code, is amended by striking “come into office,” and inserting the following:

(4) Section 3.—Section 3 of title 3, United States Code, is amended by striking “the Representative in Congress,”.

(5) Reapportionment of members of House of Representatives.—

(a) Permanent increase in number of members.—Effective with respect to the 112th Congress and each succeeding Congress, the House of Representatives shall be composed of 437 Members, including the Member representing the District of Columbia pursuant to section 2(a).

(6) Reapportionment of members resulting from increase.—

(a) In general.—Section 22(a) of the Act entitled “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress”, approved June 28, 1929 (2 U.S.C. 2a(a)), is amended by striking “the then existing number of Representatives” and inserting “the number of Representatives established with respect to the 112th Congress”.

(b) Effective date.—The amendment made by paragraph (1) shall apply with respect to the decennial census conducted for 2010 and each subsequent regular decennial census.

(c) Transmittal of revised apportionment information by President.—

(1) Statement of apportionment by President.—Not later than 30 days after the date of the enactment of this Act, the President shall transmit to Congress an apportionment of the most recent statement of apportionment submitted under section 22(a) of the Act entitled “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress”, approved June 28, 1929 (2 U.S.C. 2a(a)), to take into account this Act and the amendments made by this Act and identifying the State of Utah as the State entitled to one additional Representative pursuant to this section.

(2) Effective date.—Not later than 15 calendar days after receiving the revised version of the statement of apportionment under paragraph (1), the Clerk of the House of Representatives shall transmit a report to the Speaker of the House of Representatives identifying the State of Utah as the State entitled to one additional Representative pursuant to this section.

SEC. 4. EFFECTIVE DATE; TIMING OF ELECTIONS.

The general election for the additional Representative to which the State of Utah is entitled for the 112th Congress and the general election for the Representative for the District of Columbia for the 112th Congress shall be subject to the following requirements:

(1) The additional Representative from the State of Utah will be elected pursuant to a restricting plan enacted by the State, such as the plan the State of Utah signed into law on December 5, 2006, which—

(A) revises the boundaries of Congressional districts in the State to take into account the additional Representative by which the State is entitled under section 3; and

(B) remains in effect until the taking effect of the first reapportionment occurring after the regular decennial census conducted for 2010.

(2) The additional Representative from the State of Utah and the Representative from the District of Columbia shall be sworn in and seated as Members of the House of Representatives on the same date as other Members of the 112th Congress.

SEC. 5. CONFORMING AMENDMENTS.

(a) Repeal of office of District of Columbia Delegate.—

(1) Repeal of office.—

(A) General.—Sections 202 and 204 of the District of Columbia Delegate Act (Public Law 91–405; sections 1–401 and 1–402, D.C. Official Code) are repealed, and the provisions of law amended or repealed by such sections are restored or revived as if such sections had not been enacted.

(B) Effective date.—The amendments made by this subsection shall take effect on the date on which a Representative from the District of Columbia takes office.

(2) Conforming amendments to District of Columbia Election Code.—The District of Columbia Elections Code of 1955 is amended as follows:

(A) In section 1 (sec. 1–1001.01, D.C. Official Code) is amended by striking “the Representative in Congress,” and inserting “the Representative in Congress,”.

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(B) In section 2 (sec. 1–1001.02, D.C. Official Code)—
(i) by striking paragraph (6); and
(ii) in paragraph (13), by striking “the Del-
egate to Congress from the District of Colum-
bia,” and inserting “the Representative in Con-
gress,”.
(C) In section 8 (sec. 1–1001.08, D.C. Official Code)—
(i) in the heading, by striking “Delegate” and
inserting “Representative”; and
(ii) by striking “Delegate,” each place it
appears in subsections (b)(1)(A), (3)(I), and
(j)(1) and inserting “Representative in Con-
gress,”.
(D) In section 10 (sec. 1–1001.10, D.C. Offi-
cial Code)—
(i) in subsection (a)(3)(A)—
(A) by striking paragraph (5); and
(B) in subsection (f), by striking “the Dis-
ctrict of Columbia Delegate Act”; and
(ii) by striking “the office of Delegate to
the House of Representatives” and inserting
“the office of Representative in Congress”; and
(ii) in subsection (b), by striking “Del-
egate,” each place it appears; and
(iii) in subsection (d)(2)—
(A) by striking “in the event” and all that
follows through “term of office,” and
inserting “in the event that a vacancy oc-
curs in the office of Representative in Con-
gress before May 1 of the last year of the year
in which the position shall cease to be vac-
ant,”
(B) in subsection (d)(3)(A)—
(i) by striking paragraph “and”,
(ii) by striking “Representative shall be
elected for a 2-year term” and “each
that occurs in the office of Representative in Con-
gress” and inserting “Representative shall be
elected for a 2-year term” and “each
that occurs in the office of Representative in Con-
gress”;
(C) in subsection (d)(3)(A), by striking “and
1 United States Representative”;
(D) by striking “Representative or” each
place it appears in subsections (g) and (h).
(E) By striking “Representative’s or” each
place it appears in subsections (g) and (h).
(F) Conforming amendments—
(A) STATEHOOD COMMISSION.—Section 6 of such
Initiative (sec. 1–125, D.C. Official Code)
is amended by striking—
(i) in subsection (a)—
(I) by striking “27 voting members” and
inserting “26 voting members”; and
(II) by adding “and” at the end of para-
graph (5); and
(II) by striking paragraph (6) and redesign-
ating paragraph (7) as paragraph (6); and
(ii) in subsection (a–1)(1), by striking sub-
paragraph (H).
(B) AUTHORIZATION OF APPROPRIATIONS.—
Section 6 of such Initiative (sec. 1–127, D.C. Offi-
cial Code) is amended by striking “and House”.
(C) APPLICATION OF HONORARIA LIMIT-
ATIONS.—Section 4 of D.C. Law 8–135 (sec. 1–
135, D.C. Official Code) is amended by strik-
ing “or Representative” each place it ap-
pears.
(D) APPLICATION OF CAMPAIGN FINANCE
LAWS.—Section 3 of the Statehood Conven-
tional Procedural Amendments Act of 1992
(sec. 1–135, D.C. Official Code) is amended by
striking “and United States Representa-
tive”.
(E) DISTRICT OF COLUMBIA ELECTIONS CODE
OF 1980.—The District of Columbia Elections
Code of 1980 (D.C. Official Code) is amended—
(i) in section 2(13) (sec. 1–1001.02(13), D.C.
Official Code), by striking “United States
Senator and Representative,” and inserting
“United States Senator, Representative,” and
(ii) in section 10(d)(3) (sec. 1–1001.10(d)(3), D.C.
Official Code), by striking “United States
Representatives”.
(F) EFFECTIVE DATE.—The amendments
made by this subsection shall take effect on the
date on which a Representative from the
District of Columbia takes office.
(G) CONFORMING AMENDMENTS REGARDING
APPOINTMENTS TO SERVICE ACADEMIES.—
(1) UNITED STATES MILITARY ACADEMY.—
Section 4322 of title 10, United States Code, is
amended—
(A) in subsection (a), by striking paragraph
(5); and
(B) in subsection (f), by striking “the Dis-
ctrict of Columbia”,.
(2) UNITED STATES NAVAL ACADEMY.—Such
title is amended—
(A) in section 6854(a), by striking para-
graph (5); and
(B) in section 6858(b), by striking “the Dis-
ctrict of Columbia”.
(H) UNITED STATES AIR FORCE ACADEMY.—
Section 9342 of title 10, United States Code, is
amended—
(A) in subsection (a), by striking paragraph
(5); and
(B) in subsection (f), by striking “the Dis-
ctrict of Columbia”.
(I) EFFECTIVE DATE.—This subsection and
the amendment made by this subsection shall
take effect on the date on which a Rep-
resentative from the District of Columbia
takes office.
SEC. 6. NONSEVERABILITY OF PROVISIONS AND
NONAPPLICABILITY.
(a) NONSEVERABILITY.—If any provision of this Act or any amendment made by this Act is de-
clared or held invalid or unenforceable, the remain-
ing provisions of this Act or any amend-
ment made by this Act shall be treated as se-
parate provisions, and shall have force and ef-
effect of law.
(b) NONAPPLICABILITY.—Nothing in the Act
shall be construed to affect the first regular
congression occurring after the regular decen-
nial census conducted for 2010 if this Act has
not taken effect.
SEC. 7. JUDICIAL REVIEW.
If any action is brought to challenge the
constitutionality of any provision of this Act or
any amendment made by this Act, the fol-
owing rules shall apply:
(1) The action shall be filed in the United
States District Court for the District of
Columbia and shall be heard by a 3-judge
panel pursuant to section 2284 of title 28,
United States Code.
(2) A copy of the complaint shall be deliv-
ered promptly to the Clerk of the House
of Representatives and the Secretary of
the Senate.
(3) A final decision in the action shall be
reviewable only by appeal directly to the Su-
preme Court of the United States. Such ap-
peal shall be taken by the filing of a notice
of appeal within 10 days, and the filing of a
jurisdictional statement within 30 days, of
the entry of the final decision.
(4) It shall be the duty of the United
States District Court for the District of
Columbia and the Supreme Court of the United
States to advance the action and to expedite
to the greatest possible extent the disposi-
tion of the action and appeal.
Mr. HATCH. Mr. President, as I did
in the last Congress, I am cosponsoring
the legislation introduced today by the
Senator from Connecticut to provide a
House seat for the District of Columbia
and an additional House seat for Utah.
Representation and representation are so
central to the American system of self-
government that America’s founders
warned that limiting suffrage would risk
another revolution and could pre-
vent ratification of the Constitution.
The Supreme Court has said that no
right is more precious in a free country
than having a voice in the election of
those who govern us. I continue to be
lieve what I stated more than 30 years
ago here on the Senate floor, that
Americans living in the District should
enjoy all the privileges of citizenship,
including voting rights.
The bill introduced today would treat
the District of Columbia as a congress-
sional district to provide for full rep-
resentation in the House. The bill
was, however, that the District shall
not be treated as a State for represen-
tation in this body.
No matter how worthwhile or even
compelling an objective might be, how-
ever, we cannot legislatively pursue it
without authority, grounded in the
Constitution. I would note that the
Constitution explicitly gives Congress
legislative authority over the District
“in all cases whatsoever.” This author-
ity is unparalleled in scope and has
been called sweeping, plenary, and ex-
traordinary by the courts. It surpasses
both the authority a State legislature
has over its own State and the author-
ity Congress has over legislation af-
fected the States.
Some have argued that despite the
centrality of representation and suf-
frage, and notwithstanding our unpar-
alled and plenary authority over the
District, that Congress cannot provide
a House seat for the District by legisla-
tion. They base their argument on a
single word. Article I, Section 5, of the
Constitution provides that the House of
Representatives shall be composed of
members chosen by the people of the
several States. Because the District is
not a State, the argument goes, it can-
not have a House seat without a con-
stitutional amendment.
I studied this issue extensively and
published my analysis and conclusions
in the Harvard Journal on Legislation
for everyone to consider. I ask unani-
ous consent that this article be made
part of the RECORD following my re-
marks. Let me here just mention a few
considerations that I found persuasive.
First, as I have already mentioned,
the default position of our system of
government is representation and suf-
frage. That principle is so fundamental
that, in this case, I believe there must
be actual evidence that America’s
founders intended to deny it to District
residents. No such evidence exists.
Second, establishing and maintaining
the District as a separate political ju-
risdiction does not require disenfran-
chising its residents. The
founders wanted the capital to be free from State control and I support keeping it that way. Giving the District a House seat changes neither that status nor Congress' legislative authority over the District.

The District's founders not only did not intend to disenfranchise District residents, they demonstrated the opposite intention by their own legislative actions. In 1790, Congress provided by legislation for Americans living in the land ceded for the District to vote in congressional elections. No one even suggested that this legislation was unconstitutional because that land was not part of a State. If Congress could do it then, Congress can do it today.

Fourth, courts have held for more than two centuries that constitutional provisions framed in terms of States can be applied to the District or that Congress can legislatively accomplish for the District what the Constitution accomplishes for States. Congress, for example, has the authority to regulate commerce among the several States. The Supreme Court held in 1889 that this applies to the District. Do opponents of giving the District a House seat believe Congress cannot regulate commerce on the District?

The original Constitution provided that direct taxes shall be apportioned among the several States. The Supreme Court held in 1820 that Congress' legislative authority over the District allows taxation of the District. Do opponents of giving the District a House seat believe that the District is suitable for taxation but not for representation?

The Constitution provides that federal courts may review lawsuits between citizens of different States. The Supreme Court held in 1805 that Congress can legislatively extend this to the District even though the Constitution does not. The list goes on involving provisions of the Constitution, statues, and even treaties. Over and over, courts have ruled either that provisions framed in terms of States can be directly applied to the District or that Congress can legislatively do so. Perhaps opponents of giving the District a House seat believe that all of these decisions over more than two centuries were wrong, that the word States begins and ends the discussion in every case. They cannot support my case without confronting those precedents.

These and other considerations which I discussed in the article I mentioned have led me to conclude that the Constitution allows Congress legislatively to provide a House seat for the District. I do want to repeat my continuing opposition to District representation in the Senate. The District's status as a non-State jurisdiction is not relevant to representation in the House, which was designed to represent people rather than States. It is relevant to representation in the Senate, which was designed to represent States. I would once again emphasize that the bill introduced today explicitly disclaims Senate representation for the District.

In December 2006, I signed a letter to the majority and minority leaders expressing the same position I had taken three decades earlier. It stated that "the Constitution does notsay so in the present case without difficulty in treating the District as a State, with its laws, its treaties, and its representatives for purposes of voting among the several States." The Sixteenth Amendment grants Congress the power to directly tax incomes "without apportionment among the several States," but has been interpreted also to apply to residents of the District. In fact, although California pays the second highest Federal taxes per capita without any say in how those dollars are spent.

I believe that this legislation is within Congress's powers as provided in the Constitution. I agree with Congresswoman JOHN LEWIS, Congresswoman NORTON and numerous other civil rights leaders and constitutional scholars that we should extend the basic right of voting representation to the hundreds of thousands of Americans residing in the District of Columbia. These Americans pay Federal taxes, defend our country in the military and serve on Federal juries.

This is an historic measure that holds great significance for the civil rights community and for the residents of the District of Columbia. I urge Senators to do what is right and to support this bill when it comes to the floor for full Senate consideration. Over 50 years ago, the Senate overrode filibusters to pass the Civil Rights Acts of 1957 and 1964 and the Voting Rights Act of 1965. Congressman LEWIS, a courageous leader during those transformational struggles decades ago, gave moving testimony before the Senate Judiciary Committee last Congress in which he reminded us that "we in Congress must do all we can to inspire a new generation to fulfill the mission of equal justice." The Senate should continue to fight for the fundamental rights of all Americans and stand united in serving this noble purpose. No person's right to vote should be abridged, suppressed or denied in the United States of America.

Let us move forward together and provide full voting rights for the citizens in our Nation's capital.

By Mr. FEINGOLD (for himself, Mr. MCCAIN, Mrs. MCCASKILL, Mr. COBURN and numerous other civil rights leaders): S. 162. A bill to provide greater accountability of taxpayers' dollars by curtailing congressional earmarking, and for other purposes; to the Committee on Rules and Administration.

Mr. FEINGOLD. Mr. Chairman, I am pleased to join with the senior Senator from Arizona, Mr. MCCAIN, the junior Senator from Missouri, Mrs. MCCASKILL, the junior Senator from Oklahoma, Mr. COBURN, and the senior Senator from Virginia, Mr. GRAHAM, in introducing this legislation. Discipline, Earmark Reform, and Accountability Act of 2009. Senator MCCAIN has been one of the preeminent champions
of earmark reform, and I have been pleased to work with him in fighting this abuse over the last two decades. Senators McCaskill and Coburn, though newer to the Senate, have been two of the most effective advocates of earmark reform since taking office. And I am proud that Senator Graham has been a courageous champion of reform as well, and during consideration of the Lobbying and Ethics Reform measure in the 110th Congress was a critical vote in helping to strengthen the earmark provisions in that legislation.

That measure was the most significant earmark reform Congress has ever enacted, and it reflected a growing recognition by Members that the business-as-usual days of using earmarks to avoid the scrutiny of the authorizing process or of competitive grants are coming to an end. It is no accident that the presidential nominees of the two major parties were major players on that reform package.

Mr. President, it would be a mistake not to acknowledge just how far we have come. The Lobbying and Ethics Reform bill was an enormous step forward, and I commend our Majority Leader, Senator Reid, as well as our friends from Illinois, President-elect Obama, for their work in ensuring the passage of that landmark bill.

But it would also be a mistake not to admit that we still have a way to go. The Earmarks, Earmark Reform, and Accountability Act of 2009 will build on the significant achievement of the 110th Congress by moving from what has largely been a system designed to disguise the use of earmarks through disclosure to one that actually makes it much more difficult to enact them.

The principal provision of this measure is the establishment of a point of order against unauthorized earmarks on appropriations bills. To overcome that point of order, supporters of the unauthorized earmark will need to obtain a super-majority of the Senate. As a further deterrent, the bill provides that any earmarked funding which is successfully stricken from the appropriations bill will be unavailable for other spending in that bill.

The measure also closes a loophole in last year’s Lobbying and Ethics Reform bill by requiring all appropriations bills to be accompanied by authorizing conference reports to be electronically searchable 48 hours before the Senate considers the conference report. And it requires all recipients of federal funds to disclose any money spent on lobbyists.

It is deluded that President-elect Obama has announced that the expected economic recovery package which may be proposed in the next few days should be kept free of earmarks. I couldn’t agree more, and I expect John McCain, Susan Collins, McCain, Graham, and Coburn to see that the recovery package is free of unauthorized earmarks.

In the past, this urgently needed measure was just the kind of legislation that typically attracted unauthorized earmarks. We are much more likely to be successful in keeping that package and other appropriations bills free of earmarks if we are able to use the tools proposed in this legislation.

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. 162

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 “Fiscal Discipline, Earmark Reform, and Accountability Act”.

SEC. 2. REFORM OF CONSIDERATION OF APPROPRIATIONS BILLS IN THE SENATE

(a) IN GENERAL.—Rule XVI of the Standing Rules of the Senate is amended by adding at the end the following:

9. (a) On a point of order made by any Senator:

(1) No new or general legislation nor any unauthorized appropriation may be included in any general bill.

(2) No amendment may be received to any general appropriation bill the effect of which will be to add an unauthorized appropriation to the bill.

(3) No unauthorized appropriation may be included in any amendment between the Houses, or any amendment thereto, in relation to a general bill.

(b) If a point of order under subparagraph (a)(1) against a Senate bill or amendment is sustained—

(A) the new or general legislation or unauthorized appropriation shall be struck from the bill or amendment;

(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the bill or amendment shall be made.

(2) If a point of order under subparagraph (a)(1) against an Act of the House of Representatives is sustained when the Senate is not considering an amendment in the nature of a substitute to a Act of the House bill is deemed to have been adopted—

(A) the new or general legislation or unauthorized appropriation shall be struck from the bill;

(B) if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the bill;

(c) If the point of order against an amendment under subparagraph (a)(2) is sustained, the amendment shall be out of order and may not be considered as an amendment to a Act of the House, Senate or under any other Standing Rule of the Senate.

(d)(1) If a point of order under subparagraph (a)(3) against a Senate amendment is sustained—

(A) the unauthorized appropriation shall be struck from the amendment;

(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the amendment shall be made; and

(C) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the amendment as so modified.

(2) If a point of order under subparagraph (a)(3) against a House of Representatives amendment is sustained—

(A) an amendment to the House amendment is deemed to have been adopted that—

(i) strikes the new or general legislation or unauthorized appropriation from the House amendment; and

(ii) modifies, if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the House amendment; and

(B) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the question of whether to concur with further amendment.

(e) The disposition of a point of order made under any other paragraph of this rule, or under any other Standing Rule of the Senate, which is not sustained, does not preclude, or affect, a point of order made under subparagraph (a) with respect to the same matter.

(f) A point of order under subparagraph (a) may be waived only by a motion agreed to by the affirmative vote of three-fifths of the Senators duly chosen and sworn. If an appeal is taken from the ruling of the Presiding Officer with respect to such a point of order, the ruling of the Presiding Officer shall be sustained absent an affirmative vote of three-fifths of the Senators duly chosen and sworn.
The Presiding Officer may sustain the point of order against a conference report under subparagraph (a) with respect to the following:

SEC. 5. LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.

The Lobbying Disclosure Act of 1995 is amended by adding after section 5 the following:

SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.

(a) In general.—A recipient of Federal funds shall file a report as required by section 5(a) containing:

(1) the name of any lobbyist registered under this Act to whom the recipient paid money to lobby for the Federal funding received by the recipient; and

(2) the amount of money paid as described in paragraph (1).

(b) Definitions.—In this section, the term 'recipient of Federal funds' means the recipient of Federal funds constituting an award, grant, or loan.

Mr. McCAIN. Mr. President, I am proud to again be joining forces with my good friend and colleague from Wisconsin, Senator FEINGOLD, to introduce a comprehensive earmark reform measure. We are also pleased to be joined by Senators MCCASKILL, GRAHAM, and COBURN as cosponsors in this effort.

The bill today is designed to eliminate unauthorized earmarks and wasteful spending in appropriations bills and conference reports and help restore fiscal discipline to Washington. Specifically, this bill would allow any member to raise a point of order in an effort to extract objectionable unauthorized provisions. Additionally, it contains a requirement that all appropriations and authorization conference reports be electronically searchable at least 48 hours before full Senate consideration, and a requirement that the recipients of Federal dollars disclose any amounts that they spend on registered lobbyists. These are reasonable, responsible reform measures that deserve consideration by the full Senate.

Our current economic situation and our vital national security concerns require that now, more than ever, we prioritize our Federal spending. But our appropriations bills do not always reflect our national priorities. The process, in large part, needs to be fixed. As we enter the second year of a recession, the economy is in shambles. Record numbers of homeowners face foreclosure, our financial markets have nearly collapsed, and the U.S. automobile manufacturers are near ruin. The national unemployment rate stands at 6.7 percent—the highest in 15 years—with over 1.9 million people having lost their jobs.

In the last year alone, due to the mortgage crisis, the Government has seized control of Fannie Mae and Freddie Mac. Congress passed a massive $700 billion rescue of the financial markets, and we’ve debated giving the big-three auto manufacturers tens of billions in taxpayer dollars—just as a “short-term” infusion of cash—knowing that they’d be back for more. Additionally, we’re getting ready to consider an economic stimulus package which is estimated to cost as much as $850 billion to a trillion dollars. With all of this spending, we can no longer afford to waste even a single dime of taxpayers’ money.

It is abundantly clear that the time has come for us to eliminate the corrupt, wasteful practice of earmarking. We have made some progress on the issue in the past couple of years, but we have not gone far enough. Legislation we passed in 2007 provided for greater disclosure of earmarks. While that was a good step forward, the bottom line is that we don’t simply need more disclosure of earmarks—we need to eliminate them.

As my colleagues are well aware, for years I have been coming to the Senate floor to read list after list of the ridiculous items we’ve spent money on—hoping enough embarrassment might spur some change. And year after year I would offer amendment after amendment to strip pork barrel projects from spending bills—usually only getting a handful of votes each time.

Finally, I was encouraged in January 2007 when this body passed, by a vote of 96-2, an ethics and lobbying reform package which contained real, meaningful earmark reform. I thought that, at last, we would finally enact some effective reforms. I was wrong, that victory was short lived. In August 2007, we were presented with a bill containing very watered down earmark provisions. Not only did that bill, S. 1, do far too little to rein in wasteful spending—it completely gutted the earmark reform provisions we passed overwhelmingly the previous January.

Earmarks, Mr. President, are like a cancer. Left unchecked, they have grown out of control by nearly 400 percent since 1994. And just as cancer destroys tissue and vital organs, the corruption associated with the process of earmarking is destroying what is vital to our strength as a nation—that is the trust of the American people in their elected representatives and in the institutions of their government.

Not long ago, in the House of Representatives, when one member questioned the necessity of one of his earmarked projects, a Congressman raged at the idea of someone challenging what he described as “my
money, my money.” Therein lies the problem. Mr. President. Too many Members of Congress view taxpayers, funds as their own. They feel free to spend it as they see fit, with no oversight and, often, no shame. Look at some of the things we’ve funded over the years: $220,000 for an Historic Wagon Museum in Utah, $1 million for a DNA study of bears in Montana, $200,000 for the Rock and Roll Hall of Fame in Ohio, $220,000 for blueberry research at the University of Maine, $3 million for an animal waste management research facility in Kentucky, $170,000 for bird management in Kansas, $196,000 for geese control in New York, $50,000 for feral hog control in Missouri, $90,000 for the National Cowgirl Museum and Hall of Fame in Fort Worth, Texas, $200,000 for an American White Pelican survey, $6 million for sugarcane growers in Hawaii, $13 million for a ewe lamb retention program, $500,000 to study flight attendant fatigue, $200,000 for a deer avoidance system in Pennsylvania and New York, $3 million for the production of a documentary about Alaska, $1 million for a wilderness utilitarian initiative, $500,000 for a Teapot museum in North Carolina, $1.1 million to research the use of Alaskan salmon in baby food, $25 million for a fish hatchery in Montana, $37 million over four years to the Alaska Fisheries Marketing Board to “develop fishery products and research pertaining to American fisheries.” So how exactly does this Board spend the money Congress so generously earmarks every year? Well, they spent $500,000 of it to paint a giant salmon on the side of an Alaska Airlines 747—and nicknamed it the “Salmon Forty Salmon.”

Unfortunately, I could go on and on with examples of wasteful earmarks that have been approved by Congress. And we wonder why the public’s faith and confidence in Congress is at an all-time low. A democratic government operates best in the disinfesting light of the public eye. By seriously addressing the corrupting influence of earmarks, we will allow Members to legislate with the imperative that our Government must be free from corrupting influences, both real and perceived. We must act now to ensure that the erosion we see today in the public’s confidence in Congress does not become a collapse of confidence. I urge Members to consider its adoption and the practice of earmarking.

Again, I thank my friend and colleague from Wisconsin for his strong leadership on this issue, and I encourage the Senate act quickly to approve this measure.

By Mr. REID:

S. J. Res. 3. A joint resolution ensuring that the compensation and other emoluments attached to the office of Secretary of the Interior are those which were in effect on January 1, 2005; considering the president, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be placed in the RECORD, as follows:

S. J. Res. 3

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

SECTION 1. COMPENSATION AND OTHER EMOLUMENTS ATTACHED TO THE OFFICE OF SECRETARY OF THE INTERIOR.

(a) In General.—The compensation and other emoluments attached to the office of Secretary of the Interior shall be those in effect January 1, 2005, notwithstanding any increase in such compensation or emoluments after that date under any provision of law, or provision which has the force and effect of law, that is enacted or becomes effective during the period beginning at noon of January 3, 2005, and ending at noon of January 3, 2011.

(b) Civil Action and Appeal.—

(1) Jurisdiction.—Any person aggrieved by an action of the Secretary of the Interior may bring a civil action in the United States District Court for the District of Columbia to contest the constitutionality of the appointment and continuance in office of the Secretary of the Interior on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution. The United States District Court for the District of Columbia shall have exclusive jurisdiction over such a civil action, without regard to the sum or value of the matter in controversy.

(2) Three Judge Panel.—Any claim challenging the constitutionality of the appointment and continuance in office of the Secretary of the Interior on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution, in an action brought under paragraph (1) shall be heard and determined by a panel of three judges in accordance with section 2284 of title 28, United States Code. It shall be the duty of the district court to advance on the docket and to expedite the disposition of any matter brought under this subsection.

(3) Appeal.—

(A) Direct Appeal to Supreme Court.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order upon the validity of the appointment and continuance in office of the Secretary of the Interior under article I, section 6, clause 2, of the Constitution, entered in any action brought under this subsection. Any such appeal shall be taken by notice of appeal filed within 20 days after such judgment, decree, or order is entered.

(B) Jurisdiction.—The Supreme Court shall, if it has not previously ruled on the question presented by an appeal taken under subparagraph (A), accept jurisdiction over the appeal, advance the appeal on the docket, and expedite the appeal.

(c) Effective Date.—This joint resolution shall take effect at 12:00 p.m. on January 20, 2009.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 1—INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. Res. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

SENATE RESOLUTION 2—INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. Res. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

SENATE RESOLUTION 3—FIXING THE HOUR OF DAILY MEETING OF THE SENATE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. Res. 3

Resolved, That the daily meeting of the Senate be 12 o’clock meridian unless otherwise ordered.
Mr. VITTER submitted the following resolution, which was referred to the Committee on the Judiciary:

Whereas a raped child suffers immeasurable physical, psychological, and emotional harm from which the child may never recover;

Whereas the Supreme Court of Louisiana decided, in a case under the eighteenth amendment, that the imposition of the death penalty for child rape has never been within the pale or perimeter of "cruel and unusual punishment"; neither now nor at the adoption of the eighteenth amendment;

Whereas in construing the eighth amendment's prohibition of "cruel and unusual punishment" according to its original meaning or its plain and ordinary meaning, the Court followed a two-step approach of first attempting to discern a national consensus regarding the appropriateness of the death penalty for child rape and then applying the Justices' own independent judgment in light of their interpretation of a national consensus and evolving standards of decency;

Whereas, to the extent that a national consensus relevant to the meaning of the eighteenth amendment, there is national consensus in favor of the death penalty for child rape, as evidenced by the adoption of that penalty by the elected branches of the Federal Government only 2 years ago, and by the swift denunciations of the Kennedy v. Louisiana decision by opponents of the death penalty for child rapists, including the American Bar Association, the American Medical Association, and the American Psychological Association;

Whereas the standards of decency in the United States have evolved toward approval of the death penalty for child rape, as evidenced by 6 States and the Federal Government adopting that penalty in the past 18 years;

Whereas the Supreme Court rendered its opinion without knowledge of a Federal law authorizing the death penalty for child rapists;

Whereas the Federal law authorizing the death penalty for child rapists was passed by Congress and signed by the President 2 years before the Supreme Court released the decision; and

Whereas the Court presumably would have deferred to the elected branches of government in determining a national consensus regarding evolving standards of decency had it been aware of the Federal law authorizing the death penalty for child rapists at the time that it made the decision: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the depraved conduct of the worst child rapists merits the death penalty;

(2) standards may, and sometimes compel, the death penalty for child rape;

(3) the eighth amendment to the Constitution of the United States allows the death penalty for the rape of a child where the crime did not result, and was not intended to result, in death of the victim;

(4) the making child rape punishable by death is constitutional;

(5) the Supreme Court of the United States should grant any petition for rehearing of the Kennedy v. Louisiana decision, on rehearing or in a future case, because the decision was supported by neither commonly held beliefs nor by the text, structure, or history of the Constitution of the United States.

S. Res. 4

WHEREAS 1 out of 3 sexual assault victims is under 12 years of age;

WHEREAS raping a child is a particularly depraved, preventable, and heinous act;

WHEREAS child rape is among the most morally reprehensible crimes;

WHEREAS a raped child suffers immeasurable physical, psychological, and emotional harm from which the child may never recover;

WHEREAS the Federal Government and State governments have a right and a duty to combat, prevent, and punish child rape;

WHEREAS already elected representatives of Louisiana modified the rape laws of the State in 1995, making the aggravated rape of a child 11 years of age or younger punishable by death, life imprisonment without parole, probation, or suspension of sentence, as determined by a jury;

WHEREAS on March 2, 1996, Patrick Kennedy, a resident of Louisiana, brutally raped his 8-year-old stepdaughter;

WHEREAS the injuries inflicted on the child victim by her stepfather were described by an expert in pediatric forensic medicine as "the most severe he had seen from a sexual assault";

WHEREAS the cataclysmic injuries to her 8-year-old body required emergency surgery;

WHEREAS a jury of 12 Louisiana citizens convicted Patrick Kennedy of this depraved crime, and unanimously sentenced him to death;

WHEREAS the Supreme Court of Louisiana upheld this sentence, holding that the death penalty was not an excessive punishment for Kennedy's crime;

WHEREAS the Supreme Court of Louisiana relied on precedent interpreting the eighth amendment to the Constitution of the United States;

WHEREAS on June 25, 2008, the Supreme Court of the United States held in Kennedy v. Louisiana, No. 07-343 (2008), that executing Patrick Kennedy for the rape of his stepdaughter would be "cruel and unusual punishment";

WHEREAS the Supreme Court, in the 5-4 decision, overturned the judgment of Louisiana's elected officials, the citizens who sat on the jury, and the Louisiana Supreme Court;

WHEREAS this decision marked the first time that the Supreme Court held that the death penalty for child rape was unconstitutional;

WHEREAS, as Justice Alito observed in his dissent, the opinion of the majority was so broad that it precludes the Federal Government and State governments from authorizing the death penalty for child rape "no matter how young the child, no matter how many times the child is raped, no matter how depraved the perpetrator's crimes, no matter how sadistic the crime, no matter how much physical or psychological trauma is inflicted, and no matter how heinous the perpetrator's prior criminal record may be";

WHEREAS, in the United States, the people, not the Government, are sovereign;

WHEREAS the Supreme Court that the United States is supreme and deserving of the people's allegiance;

WHEREAS the framers of the eight amendment did not intend to prohibit the death penalty for child rape;

WHEREAS the imposition of the death penalty for child rape has never been within the pale or perimeter of "cruel and unusual punishment", neither now nor at the adoption of the eighth amendment;

WHEREAS in construing the eighth amendment's prohibition of "cruel and unusual punishment" according to its original meaning or its plain and ordinary meaning, the Court followed a two-step approach of first attempting to discern a national consensus regarding the appropriateness of the death penalty for child rape and then applying the Justices' own independent judgment in light of their interpretation of a national consensus and evolving standards of decency;

WHEREAS, to the extent that a national consensus relevant to the meaning of the eighteenth amendment, there is national consensus in favor of the death penalty for child rape, as evidenced by the adoption of that penalty by the elected branches of the Federal Government only 2 years ago, and by the swift denunciations of the Kennedy v. Louisiana decision by opponents of the death penalty for child rapists, including the American Bar Association, the American Medical Association, and the American Psychological Association;

WHEREAS the standards of decency in the United States have evolved toward approval of the death penalty for child rape, as evidenced by 6 States and the Federal Government adopting that penalty in the past 18 years;

WHEREAS the Supreme Court rendered its opinion without knowledge of a Federal law authorizing the death penalty for child rapists;

WHEREAS the Federal law authorizing the death penalty for child rapists was passed by Congress and signed by the President 2 years before the Supreme Court released the decision; and

WHEREAS the Court presumably would have deferred to the elected branches of government in determining a national consensus regarding evolving standards of decency had it been aware of the Federal law authorizing the death penalty for child rapists at the time that it made the decision: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that prayer before school board meetings is a protected act in accordance with the fundamental principles upon which the Nation was founded; and

(2) expresses support for the practice of prayer at the beginning of school board meetings.

S. Res. 6

WHEREAS the State of Israel is the greatest ally of the United States in the Middle East;
Whereas the Hamas terror organization’s charter calls for the destruction of the state of Israel;

Whereas Palestinian terrorists of the Islamic Jihad and Hamas in the Gaza Strip, recently have fired hundreds of rockets at civilian targets in southern Israel, ending a 6-month ceasefire with Israel, in declaration and need;

Whereas, during the 6-month “state of calm”, the Government of Israel allowed the entry of approximately 17,000 truckloads of humanitarian aid supplies into the Gaza Strip, while Palestinian terrorists launched 338 rockets and mortars into Israel;

Whereas terrorist attacks on Israel took place only days after the United Nations Security Council adopted Resolution 1830, which unanimously declared support for the peace process between the Palestinians and Israelis;

Whereas, since the most recent terrorist attacks and its military operation that began on December 27, 2008, the Government of Israel has allowed the entry of hundreds of truckloads of humanitarian aid supplies into the Gaza Strip, in full coordination with the Government of Israel, in an effort to minimize the hardship and suffering of the Palestinian people;

Whereas the military operations of the Government of Israel constitute an effort to defend the people of Israel, which is the Gov- ernment’s moral duty in response to the un- speakable horrors of ongoing, indiscriminate terrorism, and are aimed only at dismantling the terrorist infrastructure; and

Whereas hundreds of innocent Israeli and Palestinian civilians tragically have been killed on account of ongoing escalations of violence initiated by Palestinian terrorist organizations; therefore, be it,

Resolved, That the Senate—

(1) stands in solidarity with the Government of Israel as it takes necessary steps to provide security to its people;

(2) remains committed to Israel’s right to self-defense and supports additional assistance from the United States to help Israel defend itself;

(3) condemns the end of the ceasefire by Hamas;

(4) condemns the firing of rockets into civ- ilian areas by the terrorist group Hamas and the Islamic Jihad;

(5) urges all Arab states to declare strong opposition to terrorism and terrorist attacks on civilians;

(6) urges all parties in the Middle East to pursue lasting peace in the region; and

(7) expresses its commitment to working to promote economic relations, bilateral trade, and partnerships in technology and alternative energy between the United States and Israel in order to stimulate the economies of both the United States and Israel in this time of crisis.

SENATE RESOLUTION 7—EXPRESSING THE SENSE OF THE SENATE REGARDING DESIGNATION OF THE MONTH OF NOVEMBER AS "NATIONAL MILITARY FAMILY MONTH."

Mr. INOUYE submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 7

Whereas military families, through their sacrifices and their dedication to the United States, represent the bedrock upon which the United States was founded and upon which the country continues to rely in these perilous and challenging times: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that the month of November should be designated as “National Military Family Month”; and

(2) the Senate encourages the people of the United States to observe National Military Family Month with appropriate ceremonies and activities.

Mr. INOUYE. Mr. President, today I rise to honor all our military families by introducing a resolution to designate November as National Military Family Month. As we all know, memories fade, and the hardships experienced by our military families are easily forgotten unless they touch our own immediate family.

Today, we have our men and women deployed all over the world, engaged in this war on terrorism. These far-ranging military deployments are extremely difficult on the families who bear this heavy burden.

To honor these families, the Armed Services’ Organizations’ sponsored Military Family Week in late November since 1996. However, due to frequent “short week” conflicts around the Thanksgiving holidays, the designated week has not always afforded enough time to schedule observances on and near our military bases.

I believe a month long observation will allow greater opportunity to plan events. Moreover, it will provide a greater opportunity to stimulate media support.

A concurrent Resolution will help pave the way for this effort. I ask my colleagues to join me in supporting this tribute to our military families.

Whereas the Hamas terror organization’s charter calls for the destruction of the state of Israel;

Whereas Palestinian terrorists of the Islamic Jihad and Hamas in the Gaza Strip, recently have fired hundreds of rockets at civilian targets in southern Israel, ending a 6-month ceasefire with Israel, in declaration and need;

Whereas terrorist attacks on Israel took place only days after the United Nations Security Council adopted Resolution 1830, which unanimously declared support for the peace process between the Palestinians and Israelis;

Whereas, since the most recent terrorist attacks and its military operation that began on December 27, 2008, the Government of Israel has allowed the entry of hundreds of truckloads of humanitarian aid supplies into the Gaza Strip, in full coordination with the Government of Israel, in an effort to minimize the hardship and suffering of the Palestinian people; and

Whereas the military operations of the Government of Israel constitute an effort to defend the people of Israel, which is the Government’s moral duty in response to the unspeakable horrors of ongoing, indiscriminate terrorism, and are aimed only at dismantling the terrorist infrastructure; and

Whereas hundreds of innocent Israeli and Palestinian civilians tragically have been killed on account of ongoing escalations of violence initiated by Palestinian terrorist organizations; therefore, be it,

Resolved, That the Senate—

(1) stands in solidarity with the Government of Israel as it takes necessary steps to provide security to its people;

(2) remains committed to Israel’s right to self-defense and supports additional assistance from the United States to help Israel defend itself;

(3) condemns the end of the ceasefire by Hamas;

(4) condemns the firing of rockets into civilian areas by the terrorist group Hamas and the Islamic Jihad;

(5) urges all Arab states to declare strong opposition to terrorism and terrorist attacks on civilians;

(6) urges all parties in the Middle East to pursue lasting peace in the region; and

(7) expresses its commitment to working to promote economic relations, bilateral trade, and partnerships in technology and alternative energy between the United States and Israel in order to stimulate the economies of both the United States and Israel in this time of crisis.

SENATE RESOLUTION 8—RELATIVE TO THE DEATH OF THE HONORABLE CLAIBORNE DE BORDA PELL, FORMER UNITED STATES SENATOR FOR THE STATE OF RHODE ISLAND

Mr. REID (for himself, Mr. MCCONNELL, Mr. REED, Mr. WHITEHOUSE, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. Bunning, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CRAPO, Mr. DE MINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBuchar, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCASKILL, Mr. MENENDEZ, Mr. MERRICK, Ms. MIKULSKI, Ms. MURkowski, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. PERRY, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPENCER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VONNOVICH, Mr. WARNER, Mr. WEBB, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 8

Whereas Claiborne Pell represented the people of Rhode Island with distinction for 36 years in the United States Senate, from 1961 to 1997, and was the longest-serving Senator in Rhode Island’s history;

Whereas Claiborne Pell served in the United States Coast Guard and the Coast Guard Reserve, beginning in 1941 and retiring in 1978 with the rank of Captain;

Whereas Claiborne Pell participated in the 1945 United Nations Conference on Interna- tional Organization that established the United Nations, and was a champion of the United Nations throughout his life;

Whereas Claiborne Pell served as a Foreign Service Officer from the United States Department of State, and served in the Department of State, and was a leader of the American Foreign Service Association;

Whereas Claiborne Pell sponsored the legis- lation that, in 1965, created the National Endowment for the Arts and the National Endowment for the Humanities and, in 1966, created the National Sea Grant College and Program;

Whereas Claiborne Pell’s vision led to the creation of an improved passenger rail system in the Northeast and across the United States;

Whereas Claiborne Pell believed that eco- nomic means should not be a barrier to a higher education and sponsored legislation creating the Basic Educational Opportunity Grants in 1965, which were renamed “Pell Grants” in 1980;

Whereas Pell Grants have helped 54,000,000 people in the United States secure a higher education;

Whereas Claiborne Pell sought to expand educational opportunities throughout his tenure as a member and as Chairman of the Senate Subcommittee on Education, Arts and Humanities;

Whereas Claiborne Pell served as Chairman of the Senate Committee on Foreign Relations in the 100th through 103rd Congresses;

Whereas Claiborne Pell was a champion of human rights who devoted himself to pro- moting a peaceful resolution to interna- tional conflict and the elimination of the threat of nuclear weapons; and

Whereas the hallmarks of Claiborne Pell’s public service were unsurpassed respect, de- cency, and civility: Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Pell, a former member of the United States Senate;

(2) the Secretary of the Senate communicate these resolutions to the House of Rep- resentatives and transmit an enrolled copy thereof to the family of the deceased; and

(3) that when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Claiborne Pell.
SENATE CONCURRENT RESOLUTION 1—TO PROVIDE FOR THE COUNTING ON JANUARY 8, 2009, OF THE ELECTORAL VOTES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. REID (for himself and Mr. MCCONNELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 1

Resolved by the Senate (the House of Representives concurring), That the two Houses of Congress, in accordance with the House of Representatives on Thursday, the 8th day of January 2009, at 1 o’clock post meridian, pursuant to the requirements of the Constitution relating to the election of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be opened, and according to the rules by law provided, the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the Senate and the public;

The purpose of the hearing is to consider the nomination of Steven Chu to be Secretary of Energy. Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6190, or by e-mail to Rosemarie_Calabro@energy.senate.gov.

Further information, please contact Tara Billingsley at (202) 224–4756 or Rosemarie Calabro at (202) 224–5039.

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, January 13, 2009, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nomination of Ken Salazar to be Secretary of Energy. Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6190, or by e-mail to Amanda_Kelly@energy.senate.gov.

Further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

Committee on Energy and Natural Resources

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, January 15, 2009, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nomination of Judd Gregg to be Secretary of the Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6190, or by e-mail to Aman da_Kelly@energy.senate.gov.

Further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.
of the Constitution. The United States District Court for the District of Columbia shall have exclusive jurisdiction over such a civil action, without regard to the sum or value of the matter in controversy.

(2) **Three Judge Panel.**—Any claim challenging the constitutionality of the appointment and continuance in office of the Secretary of the Interior on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution, in an action brought under paragraph (1) shall be heard and determined by a panel of three judges in accordance with section 2284 of title 28, United States Code. It shall be the duty of the district court to advance on the docket and to expedite the disposition of any matter brought under this subsection.

(3) **Appeal.**—

(A) **Direct Appeal to Supreme Court.**—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order upon the validity of the appointment and continuance in office of the Secretary of the Interior under article I, section 6, clause 2, of the Constitution, entered in any action brought under paragraph (1) shall be heard by a panel of three judges in accordance with section 2284 of title 28, United States Code. An appeal shall be taken by notice of appeal filed within 20 days after such judgment, decree, or order is entered.

(B) **Certiorari.**—The Supreme Court shall have exclusive jurisdiction over such a civil action or proceeding and continuance in office of the Secretary of the Interior charged in 2009 or 2010, and for other purposes.

The bills will be read the second time on the next legislative day.

**CLAIBORNE DE BORDA PELL**

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be dispensed with. The clerk will report the resolution by title. The assistant legislative clerk read as follows:

A resolution (S. Res. 8) relative to the death of the Honorable Claiborne de Borda Pell, former United States Senator for the State of Rhode Island. There being no objection, the Senate proceeded to consider the resolution. 

Mr. PEINGOLD. Mr. President, I join my colleagues, the people of Rhode Island, and people across the Nation in mourning the passing of Senator Claiborne Pell. It was my honor to serve with him here in the Senate. My first term in the Senate coincided with his last years of dedicated service in this body. In particular, I enjoyed the opportunity to serve on the Foreign Relations Committee during his time as chairman. He was known on the committee, and throughout the Senate on both sides of the aisle, for his unfailingly kind manner and his outstanding commitment to public service, and rightly so.

Senator Pell had many accomplishments during his long public service, including his authorship of legislation that created the National Endowment for the Arts and the National Endowment for Humanities, but his work to create what came to be known as Pell grants was perhaps his greatest achievement. Pell grants have helped millions of Americans attend college who otherwise may not have been able to attend due to cost. Higher education is one of the most important investments our Federal government can make, and Senator Pell, who was deeply concerned about the emergence of a widening educational gap between low-income and more affluent Americans, worked to try to ensure that individuals from low-income families are not denied postsecondary education because they cannot afford it. As this new Congress begins, it is my hope that we can carry forward Senator Pell's legacy and boost Federal need-based grant programs to help ensure the doors of higher education are open to all Americans regardless of their financial circumstances.

Senator Pell's success in creating these grants, and giving so many Americans access to higher education, and to a better life, is a remarkable legacy. I am proud that I had the chance to serve with Senator Pell, and I join Americans across the country in honoring his memory.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the Record. The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 8) was agreed to.

The preamble was agreed to. The resolution, with its preamble, reads as follows:

**WHEREAS** Claiborne Pell represented the people of Rhode Island with distinction for 36 years in the United States Senate, from 1961 to 1997, and was the longest-serving Senator in Rhode Island's history; Claiborne Pell served in the United States Coast Guard and the Coast Guard Reserve, beginning in 1941 and retiring in 1978 with the rank of Captain; Claiborne Pell participated in the 1945 United Nations Conference on International Organization that established the United Nations, and was a champion of the United Nations throughout his life; Claiborne Pell served as a Foreign Service Officer from 1945 to 1952; Wherein Claiborne Pell sponsored the legislation that, in 1965, created the National Endowment for the Arts and the National Endowment for the Humanities and, in 1966, created the National Sea Grant College and Program; Wherein Claiborne Pell's vision led to the creation of an improved passenger rail system in the Northeast and across the United States; Wherein Claiborne Pell believed that economic means should not be a barrier to a higher education and sponsored legislation creating the Basic Educational Opportunity Grants in 1972, which were renamed "Pell Grants" in 1980; Wherein Pell Grants have helped 54,000,000 people in the United States secure a higher education;
Whereas Claiborne Pell sought to expand educational opportunities throughout his tenure as a member and as Chairman of the Senate Subcommittee on Education, Arts and Humanities;  
Whereas Claiborne Pell served as Chairman of the Senate Committee on Foreign Relations in the 100th through 103rd Congresses;  
Whereas Claiborne Pell was a champion of human rights who devoted himself to promoting a peaceful resolution to international conflict and the elimination of the threat of nuclear weapons; and  
Whereas the hallmarks of Claiborne Pell’s public service were unsurpassed respect, decency, and civility: Now, therefore, be it  

Resolved, That—  
(1) the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Claiborne Pell, former member of the United States Senate;  
(2) the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased; and  
(3) that when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Claiborne Pell.  

ORDERS FOR WEDNESDAY, JANUARY 7, 2009  
Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 11:30 a.m., Wednesday, January 7; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each, and that the Senate recess from 12:30 p.m. until 2:15 p.m. to accommodate the weekly Democratic caucus lunch.  

The PRESIDING OFFICER. Without objection, it is so ordered.  

ADJOURNMENT UNTIL 11:30 A.M. TOMORROW  
Mr. WHITEHOUSE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order in honor of the late Senator Claiborne de Borda Pell of Rhode Island under S. Res. 8.  
There being no objection, the Senate, at 7:45 p.m., adjourned until Wednesday, January 7, 2009, at 11:30 a.m.
January 6, 2009

CONGRESSIONAL RECORD — Extensions of Remarks

EXTENSIONS OF REMARKS

RECOGNIZING BERTHA LEWIS OF BROOKSVILLE, FLORIDA

HON. GINNY BROWN-WAITE
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Ms. BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Bertha Lewis of Hernando County, Florida. Bertha has done something that all of us strive to do, but that very few of us will ever accomplish, celebrate her 102nd birthday.

Bertha Lewis was born October 19, 1906 in Georgia. Following school in Cuthbert, GA, Bertha went to work as a seamstress. After marrying her sweetheart, Lovorge Lewis, the happy couple had one daughter. The proudest moments in Bertha’s life were getting married and having a child.

Thinking back on her long life, Bertha said her fondest childhood memories are of going to church and Bible study. When asked what gives her the most pleasure now in life today, Bertha said she thanks God that she is alive.

Madam Speaker, I ask that you join me in honoring Bertha Lewis for reaching her 102nd birthday. I hope we all have the good fortune to live as long as she has.

FIGHTING IDENTITY THEFT AND DEFENDING THE HOMELAND

HON. MARK STEVEN KIRK
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. KIRK. Madam Speaker, according to a 2005 GAO study, employers reported the use of 1.4 million Social Security numbers that did not exist. Nearly 1.7 million numbers had been used by multiple individuals, sometimes as many as 500 times for the same Social Security number. In my district, the Waukegan police find that at least 20 fake Social Security cards are found by law enforcement every week.

Now, upgrading the Social Security card should be common sense. It’s about seniors. It’s about identity theft. It’s about illegal immigration. And it’s about keeping Americans safe.

When we look at today’s Social Security card, we find a 1930s design. It lacks a picture. It lacks a bar code. It lacks a magnetic strip. It poses almost no barrier to the thousands of counterfeiters that make false Social Security cards.

It poses almost no barrier to the thousands of counterfeiters that make false Social Security cards. It lacks a bar code. It lacks a magnetic card, we find a 1930s design. It lacks a picture. And it’s about keeping Americans safe.

It’s about identity theft. It’s about illegal immigration. And it’s about seniors.

We saw on September 11 that 18 of 19 hijackers had valid U.S. IDs during their crime of the century. I think it’s time to make sure that at least the Social Security card has the 21st century protections that we can offer to make sure that we protect seniors, to make sure that we protect all Americans, and to protect the Social Security system. That’s why we think that this legislation to create these secure Social Security cards is an idea whose time has come.

This is why we think that this legislation to create these secure Social Security cards is an idea whose time has come.

INTRODUCING THE SOCIAL SECURITY BENEFICIARY TAX REDUCTION ACT AND THE SENIOR CITIZENS’ TAX ELIMINATION ACT

HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. PAUL. Madam Speaker, today I am pleased to introduce two pieces of legislation to reduce taxes on senior citizens. The first bill, the Social Security Beneficiary Tax Reduction Act, repeals the 1993 tax increase on Social Security benefits. Repealing this increase on Social Security benefits is a good first step toward reducing the burden imposed by the federal government on senior citizens. However, imposing any tax on Social Security benefits is unfair and illogical. This is why I am also introducing the Senior Citizens’ Tax Elimination Act, which repeals all taxes on Social Security benefits.

Since Social Security benefits are financed with tax dollars, taxing these benefits is yet another example of double taxation. Furthermore, “taxing” benefits paid by the government is merely an accounting trick, a shell game which allows members of Congress to reduce benefits by subterfuge. This allows Congress to continue using the Social Security trust fund as a means of financing other government programs, and masks the true size of the federal deficit.

Instead of imposing ridiculous taxes on senior citizens, Congress should ensure the integrity of the Social Security trust fund by ending the practice of using trust fund monies for other programs. This is why I am also introducing the Social Security Preservation Act, which ensures that all money in the Social Security trust fund will be there for them when they retire. Congress has a moral obligation to keep that promise.

In conclusion, Madam Speaker, I urge my colleagues to help free senior citizens from oppressive taxation by supporting my Senior Citizens’ Tax Elimination Act and my Social Security Beneficiary Tax Reduction Act. I also urge my colleagues to ensure that moneys from the Social Security trust fund are used solely for Social Security benefits and not wasted on frivolous government programs.

JOE RINEHART
HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. GRAVES. Madam Speaker, it is with great pride and pleasure that I rise today to recognize the outstanding service and leadership of Joe Rinehart on the occasion of his retirement after more than 37 years of service to Chillicothe, Missouri, as Fire Chief, Disaster Director and head of Department of Emergency Services.

Joe began his career as a firefighter in 1972, and rose to Fire Chief in 1979. Fourteen mayors have served during his tenure, but he has consistently been there to oversee numerous personnel and to put the safety of the citizens of Chillicothe, Missouri, before himself. Chief Rinehart has also been instrumental in assisting in many projects over the years. During his years of service, he has modernized the fire department, overseen the move to its current location, helped form the Livingston County Ambulance District and provided the leadership to help pass the capital improvement sales tax.

Madam Speaker, I ask my colleagues to join me in commending Chief Joe Rinehart for his dedicated service to ensuring the safety of the people of Chillicothe, Missouri. I know Joe’s colleagues, family and friends join with me in thanking him for his commitment to others and wishing him happiness and good health in his retirement.

TRIBUTE TO DAVID S. BILDEN
HON. C.A. DUTCH RUPPERSBERGER
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor David S. Bilden upon his retirement from the position of Executive Director of the Maryland Association of Counties (MACo).

This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
HONORING MILES HOCHARD

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Miles Hochard of Weston, Missouri. Miles is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1249, and earning the most prestigious award of Eagle Scout. Miles has been very active with his troop, participating in many Scout activities. Over the many years Miles has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Madam Speaker, I proudly ask you to join me in commending Miles Hochard for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO TEAM LETTERKENNY

HON. BILL SHUSTER
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. SHUSTER. Madam Speaker, I rise today to salute the service of a distinguished group of American citizens. This dedicated group has worked for many years to enhance the military value of Letterkenny Army Depot and sustain the installation's work to increase support to our military. Each of these individuals has professionally served our Nation with great distinction. Mike Ross has aggressively led Team Letterkenny from the start. Mike has sacrificed countless days, night and weekends to ensure that Letterkenny projects move forward and Letterkenny is prepared to meet worldwide military priorities. Mike has led numerous depot visits to Washington and Harrisburg to ensure that we understand the importance of Letterkenny and support their initiatives. Mike has also focused his Franklin County Area Development staff to work countless individual projects to modernize, expand and promote the depot. Mike Ross's professional leadership and hard work have significantly increased the military value of Letterkenny Army Depot and dramatically increased community understanding and support for Letterkenny. Dave Sciamanna and Commissioner Robert Thomas serve as co-chairs of the local component of Team Letterkenny. Dave is also President of the Greater Chambersburg Chamber of Commerce and Bob is the President of Franklin County Commissioners. These dedicated community leaders have many high priority community responsibilities, but they always find time to work on initiatives to support Letterkenny's military mission. Dave and Bob are instrumental in marketing Letterkenny's capability, and they aggressively partner with Letterkenny to show potential workers the highlights of working at Letterkenny and living in Franklin County. Despite their busy schedules, Dave and Bob are always ready to adjust their calendars and do whatever is needed to support Letterkenny and our military. John Gray chairs the depot component of Team Letterkenny. His brilliant leadership and professional focus have dramatically increased the community's understanding of Letterkenny's importance to our military services. He has consistently dedicated countless off-duty hours to expanding community support for the depot and raising awareness of military contributions to the economy of the State. John Gray consistently provides thought provoking ideas and focuses the organizational energy on the best way to turn ideas into reality. Stacy Gregson and Joe Spielberg chair the State component of Team Letterkenny. They have worked tirelessly to obtain Pennsylvania resources to support Team Letterkenny initiatives and they can always be counted on to actively support all our initiatives. They have done an outstanding job educating Commonwealth leaders on the importance of Letterkenny to our military and our State.

I am proud of the work of these fine Americans, and I ask that my colleagues join me in honoring this team for their hard work and honorable service to our great Nation.

INTERNATIONAL HUMAN RIGHTS DAY

HON. FRANK R. WOLF
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. WOLF. Madam Speaker, I share with my colleagues moving remarks that 19-year-old Ti-Anna Wang, a U.S. citizen, delivered at a press conference on the occasion of International Human Rights Day. She had recently returned from China where she visited her father, Dr. Wang Bingzhang, who is serving a life-sentence in a Chinese prison for his pro-democracy activities. His ordeal bears the markings of so many Chinese dissidents who have been robbed of their freedom and endured severe hardship at the hands of their captors. One thing we learned from President Ronald Reagan in his dealings with the Soviet Union is that it both inspires hope in the oppressed and shamers the oppressors when we raise the individual cases of political and religious prisoners, like Dr. Wang.

I would like to start by thanking everyone here, on behalf of my family, for taking the time to come to this event. Since I started my work in DC, I’ve been lucky enough to be surrounded by supportive, generous and kind people who are genuinely concerned about my father’s case. I want to take this opportunity to thank everyone who has been involved in his fight for freedom. More specifically, I would like to thank Mr. WOLF, Congressman SMITH, Congresswoman ROS-LEHTINEN and Senator...
FEINSTEIN for their recent work on my father’s case. It is the compassion of everyone here that gives my family hope and reason to believe that the unlikely is possible. I’m here today, about my recent visit with my father just two weeks ago. To give a little background, my father’s sentence allows for only one visit a month. Each of these visits last about 30 minutes. The standard procedure is that my family receives a visitation notice in the mail that lets us know the date of the visit. My whole family lives in North America, we usually have a very short amount of time to make the necessary travel arrangements for a long distance there, we then go through a lengthy authorization process before we are allowed to see him. For my lastest visit difficulties grew since my visa was as scheduled, and didn’t have the proper paperwork, which added a lot of additional stress to this already difficult process. The visit takes place in a bare concrete building that borders the gate of his remote prison, several miles away from the closest city. It is so secluded that we have to be driven there by the prison officials, as the terrain in that area has yet to be paved. Right before we can meet, the prison authorities reminds us of the rules and regulations, for example only making phone calls in Chinese, and staying away from topics that will cause my father anxiety. These visits are conducted in visitation booths and are monitored by four prison officials, two standing behind the each of us. Separated by metal bars and two layers of plexi-glass, my father and I can only communicate using a telephone. I was very nervous about seeing my father this time. It had been over a year since my last visit and my family had lost contact with him for 2 months without any clear explanations from the prison, so I was worried about the state that my father was in. I was so relieved when I was finally able to see him, cheerful enough to smile. My first concern was his health. My father said that while he is stable, his chronic allergies and severe phlebitis continues to plague him. We talked mostly about my family, my educational future and the work that we are doing. When we spoke, it was clear to me that my father’s untreated depression and psychological health continues to worsen. He had difficulty making steady eye contact and repeated the same sentences several times. The prison officials monitoring our conversation were kind enough to allot us an extra 10 minutes. My hope is to let everyone know that he is eternally grateful for all the work that has been done on his behalf and that he remains hopeful that justice will prevail. As our conversation came to an end, my father began to cry. He said the thought of never seeing his ailing 87-year-old mother again often brings him to tears and that his only wish is that they will be reunited before it’s too late.

It has now been over 6 years that my father, a middle age man, has been in prison. I come here today in hopes of conveying the message that my father’s situation has become evermore critical and his time is running out. This is my third time I’ve visited my father, and it is obvious that both his physical and mental health is deteriorating much more so in the few years, and his depression is becoming dangerously severe. The prison authorities have told my family that my father’s only chance of medical parole is if he is to be judged the charges of "terrorism” and “espionage”... but I know that my father would never, nor does my family want him to confess to claims that are not only false, but that will comprise his dignity and values.

As we commemorate the 60th Anniversary of the Universal Declaration of Human Rights, I just want to remind everyone that it is because of my father’s unwavering commitment to fight for values that he is being so unjustly punished today. As the founder of the Chinese overseas pro-democracy movement, there was nothing harder that my father fought for than the values of human rights, freedom and democracy for the people of his homeland. His contribution to his beliefs has now cost him 6 years of solitary confinement, and possibly his life if we do not continue to fight for his freedom. So I would like to close today by asking the present and new administration to call for my father’s immediate release on medical and humanitarian grounds. I also invite everyone here, along with your friends and family to visit www.initiativesforchina.org to sign an online petition addressed to President Hu Jintao, also calling for my father’s release. Lastly, I would like to work with congressional leaders toward the goal of obtaining honorary U.S. citizenship for my father as recognition of his lifelong service to democracy and as a statement of America’s recommitment to making sure my father is not forgotten in his agency. On behalf of my family, I would like to thank everyone here for coming and for your sincere concern for my father.

INTRODUCTION OF THE SOCIAL SECURITY PROTECTION ACT

HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. PAUL. Madam Speaker, I rise to protect the integrity of the Social Security trust fund by introducing the Social Security Preservation Act. The Social Security Preservation Act is a rather simple bill which states that all moneys raised by the Social Security trust fund will be spent in payments to beneficiaries, with excess receipts invested in interest-bearing certificates of deposit. This will help keep Social Security fund moneys from being diverted to other programs, as well as allow the fund to grow by providing for investment in interest-bearing instruments.

The Social Security Preservation Act ensures that the government will keep its promises to America’s seniors that taxes collected for Social Security will be used for Social Security. When the government taxes Americans to fund Social Security, it promises the American people that the money will be there for them when they retire. Congress has a moral obligation to keep that promise.

With federal deficits reaching historic levels, and with new demands being made on the U.S. Treasury on an almost weekly basis, the pressure from special interests for massive new raids on the trust fund is greater than ever. Thus it is vital that the government act now to protect the trust fund from big spending, pork-barrel politics. As a medical doctor, I know the first step in treatment is to stop the bleeding, and the Social Security Preservation Act stops the bleeding of the Social Security trust fund. I therefore call upon all my colleagues, regardless of which party or ideological position they support, to stand up for America’s seniors by cosponsoring the Social Security Preservation Act.
Great Lakes States to conduct a study on the feasibility of a variety of approaches to eradicating Asian carp from the Great Lakes. The legislation specifically directs the agencies to study the feasibility of temporarily harvesting Asian carp as a means to eradicate the invasive species in an environmentally responsible manner.

I urge my colleagues to support this legislation to explore all possibilities to effectively eliminate the threat that this dangerous species poses to our Nation’s most precious natural resource.

RECOGNIZING BARBARA KUJAWA OF WEEKI WACHEE, FLORIDA

HON. GINNY BROWN-WAITE OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Ms. BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Barbara Kujawa of Hernando County, Florida. Barbara will do something later this year that all of us strive to do, but that very few of us will ever accomplish, celebrate her 100th birthday.

Barbara was born December 5, 1909 in Ironwood, Michigan. After attending schools in Detroit and St. Stanislaus and Resurrection schools, Barbara went on to work as an assembly line worker. Happily married to Aloysius Kujawa, she had four wonderful children, thirteen grandchildren and twenty-one great grandchildren.

Her proudest moments were seeing all of her children get married and the happiest moment was when she gave birth to her daughter. Growing up in Michigan, some of her fondest childhood memories are of sledding on a big hill in Grand Rapids with her cousins and walking out on the ice to see her father ice fish.

Moving to Hernando County in the 1980’s because it was a nice place to live, Barbara said the things she likes most about Weeki Wachee are that it’s peaceful and quiet. Today, reading gives Barbara the most pleasure. If she could live her life over, Barbara would not have gotten married but would have traveled the world and made sure she had gotten a better education. Her advice to young people today is to work hard, be honest, don’t drink or do drugs, and honor your parents.

Madam Speaker, I ask that you join me in honoring Barbara Kujawa for reaching her 100th birthday. I hope we all have the good fortune to live as long as her.

HONORING ALEXANDER THOMAS TRITICO

HON. SAM GRAVES OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Alexander Thomas Tritico of Kansas City, Missouri. Alexander is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1261, and earning the most prestigious award of Eagle Scout.

Alexander has been very active with his troop, participating in many Scout activities. Over the many years Alexander has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Alexander Thomas Tritico for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN CELEBRATION OF THE LIFE AND SACRIFICE OF SERGEANT PRESTON R. MEDLEY, UNITED STATES ARMY

HON. JEFF MILLER OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. MILLER of Florida. Madam Speaker, I rise to honor the life of Sergeant Preston Medley, United States Army. Sergeant Medley was killed in action on October 14, 2008 while serving our nation in Qazi Bandeh, Afghanistan, in support of Operation Enduring Freedom.

Sergeant Medley was assigned to D Company, 1st Battalion, 26th Infantry Regiment, 1st Infantry Division, Fort Hood, Texas. A 2003 graduate of Baker High School, Preston played football and was involved in the broadcasting program. “He was the energetic, joyful kind of person that helped make our program successful,” one teacher said.

After his mother passed away in 2005, Preston decided he wanted to serve this nation and joined the Army. He will now go to his eternal resting place next to his mother in the Pyron Chapel Cemetery in Baker, Florida.

While Preston was serving on active duty at Fort Bragg, North Carolina, he met his beautiful wife, Sarah, who was a fellow Soldier. Sarah gave birth to their daughter, Raelynn, in September 2007 and gave birth to their son, Preston Ray Medley Jr. on December 8, 2008. Preston’s name, his fighting spirit and his caring soul will continue to live on through Raelynn and Preston Jr.

I am always reminded of the greatness of our country by the patriotism of those like Preston and the dedication of our multi-family complexes like Sarah and the Medley family. We have an all-volunteer military and continue to ask our sons and daughters to travel to far-away lands to fight for our freedom. Men and women like Preston Medley continue to answer the call.

The people of Northwest Florida have reason to be proud of Sergeant Preston Medley for his service and sacrifice for freedom. While his passing is a tremendous loss for our country, it is a small price to pay for the strength of strength for us all. Vicki and I will keep Preston’s entire family in our thoughts and prayers. I trust that all the people of Northwest Florida and our nation do the same.

THE FAIR AND SIMPLE TAX ACT

HON. DAVID DREIER OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. DREIER. Madam Speaker, virtually everyone is talking about the need for us to have a second economic stimulus package. From falling home prices to rising unemployment, there is no doubt that the economic volatility our nation has experienced over the past few months has caused great uncertainty and there are many needs that have to be met. As we seek to get our economy back on track, I am very proud to be introducing what I think is the closest thing to a panacea to the economic growth challenge that we are facing.

This plan, known as Fair and Simple Tax Act, or simply FAST, would cut the number of tax brackets in half, with three simple tax rates—10 percent on the first $40,000 in income, 15 percent on incomes between $40,000 and $150,000 and 30 percent on any income above $150,000, significantly reducing the burden on taxpayers at all income levels. This will dramatically simplify the tax filing process by creating a one-page tax form that implements the three-tier simplified marginal rate structure, while retaining many of the popular deductions, including mortgage interest, state and local taxes, charitable giving, the personal exemption and the child tax credit.

But the FAST Act is about much more than just lowering marginal tax rates for working families or making that April 15 deadline easier to meet each year. It’s about getting our economy growing again and creating new opportunities. This bill reduces the capital gains rate from 15 percent to 10 percent, lowers the top corporate rate from 35 percent to 25 percent and permanently extends the research and development tax credit. These provisions will not only promote new economic growth, but they will also make the U.S. economy more competitive and help to provide the tax certainty that spurs investment and capital improvements.

The FAST Act will permanently end the death tax and will further index the alternative minimum tax (AMT) to inflation, ensuring that fewer taxpayers are impacted each year. It also permanently extends the 2001 and 2003 pro-growth tax cuts.

Finally, the FAST Act will enable Americans to better prepare for their future needs. This legislation creates three new, tax-free savings accounts: the Retirement Savings Account and the Lifetime Savings Account, both providing a $10,000 tax-free deduction for working families, and the Lifetime Skills Savings Account, which provides a $1,000 tax-free contribution. Additionally, the FAST Act provides a $7,500 tax deduction for individuals and a $15,000 tax deduction for families who do not receive employer-sponsored health coverage. This expanded deduction will provide individuals and families with additional assistance to purchase healthcare and allows unspent funds to be allocated to a Health Savings Account (HSA).

Each of these provisions will help Americans to secure their financial futures by saving for healthcare and costs, continuing education and retirement.

Madam Speaker, our nation is facing a severe economic crisis that must be addressed
INTRODUCTION OF THE PRESCRIPTION DRUG AFFORDABILITY ACT

HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. PAUL. Madam Speaker, I rise to introduce the Prescription Drug Affordability Act. This legislation ensures that millions of Americans, including seniors, have access to affordable pharmaceuticals. My bill makes pharmaceuticals more affordable to seniors by reducing their taxes. It also removes needless government barriers to importing pharmaceuticals and it protects Internet pharmacies, which are making affordable prescription drugs available to millions of Americans, from being strangled by federal regulation.

The first provision of my legislation provides seniors a tax credit equal to 80 percent of their prescription drug costs. While Congress did add a prescription drug benefit to Medicare in 2003, many Americans have difficulty affording the prescription drugs they need in order to maintain an active and healthy lifestyle. One reason is because the new program creates a “doughnut hole,” where seniors lose coverage once their prescription expenses reach a certain amount and must pay the full cost of their prescriptions out of their own pockets until their expenses reach a level where Medicare coverage resumes. This tax credit will help seniors cover the expenses provided by the doughnut hole. This bill will also help seniors obtain prescription medicines not covered by the Medicare prescription drug program.

In addition to making prescription medications more affordable for seniors, my bill lowers the price for prescription medicines by reducing barriers to the importation of FDA-approved pharmaceuticals. Under my bill, anyone wishing to import a drug simply submits an application to the FDA, which then must approve the drug unless the FDA finds the drug is either not approved for use in the U.S. or is adulterated or misbranded. This process will make safe and affordable imported medicines affordable to millions of Americans. Madam Speaker, letting the free market work is the best means of lowering the cost of prescription drugs.

I need not remind my colleagues that many senior citizens and other Americans impacted by the high costs of prescription medicine have demanded Congress reduce the barriers which prevent American consumers from purchasing imported pharmaceuticals. Congress has responded to these demands by repealing legislative barriers to the importation of pharmaceuticals. However, implementation of this provision has been blocked by the federal bureaucracy. It is time Congress stood up for the American consumer and removed all unnecessary regulations on importing pharmaceuticals.

The Prescription Drug Affordability Act also protects consumers’ access to affordable medicine by forbidding the Federal Government from regulating any Internet sales of FDA-approved pharmaceuticals by state-licensed pharmacists.

As I am sure my colleagues are aware, the Internet makes pharmaceuticals and other products more affordable and accessible for millions of Americans. However, the Federal Government has threatened to destroy this option by imposing unnecessary and unconstitutional regulations on Web sites that sell pharmaceuticals. Any federal regulations would inevitably drive up prices of pharmaceuticals, thus depriving many consumers of access to affordable prescription medications.

Mr. PAUL. Madam Speaker, I urge my colleagues to make pharmaceuticals more affordable and accessible by lowering taxes on senior citizens, removing barriers to the importation of pharmaceuticals and protecting legitimate Internet pharmacies from needless regulation by cosponsoring the Prescription Drug Affordability Act.

BAD POLLUTERS ACT

HON. MARK STEVEN KIRK
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. KIRK. Madam Speaker, I am pleased to stand here today to introduce this bipartisan legislation that will help protect the Great Lakes from harmful pollution that poisons our water and closes our beaches. The Great Lakes are the world’s largest freshwater system and serve as a source of drinking water, food, jobs and recreation for more than thirty million Americans. It is critical that we enhance our restoration efforts for this critical resource, not degrade the condition of the lakes even further.

In 2007, British Petroleum (BP) threatened to begin a billion-dollar expansion of its refinery facility in Whiting, Indiana which would have included a large increase of pollution into the Great Lakes. The company sought to discharge an increase of 54 percent more ammonia and 35 percent more sludge into Lake Michigan per day. This would have totaled a combined increase of more than 1,800 pounds per day of these pollutants which strangle aquatic life and contribute to the increasing number of beach closures each year.

Based on a provision in the Energy Policy Act of 2005, BP was eligible for a tax credit that would have allowed them to expense half of the capital costs in the first year of the expansion. Essentially, the government would have paid the company to pollute our lakes. While providing incentives to energy production and refinery expansion helps to lower gas prices and reduce our dependence on foreign oil, we must not do so at the expense of one of America’s most treasured natural resources.

Fortunately, BP yielded to public pressure and chose not to move ahead with the expansion as planned. Due to the determination and cooperation of federal, state and local officials, environmental advocacy organizations and communities around the region, BP is now working with a coalition of scientists and small businesses to seek an environmentally friendly way to expand its refinery.

While I applaud BP for making the right decision in the end, we must ensure that no refinery ever comes as close to drastically harming our precious lakes. That is why I am introducing the Bad Polluters Act, which will deny capital expensing tax credit to any refinery whose facility’s NPDES permit allows for an increase in any pollutant above its 2006 levels into the Great Lakes. This will prevent companies from seeking to increase pollution into our...
Ms. GINNY BROWN-WAITE of Florida.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Carl Blessner of Hernando County, Florida. Carl has done something that all of us strive to do, but that very few of us will ever accomplish, celebrate his 102nd birthday.

Carl Blessner was born June 1, 1906, in New York City, New York. Attending school in Albany, New York, and accounting, Carl went on to be a successful CPA. Marrying his sweetheart Nadine, the two spent many happy years together traveling. One of his fondest memories, in fact, is of a trip he took with his parents and wife to see the Empire State Building, as well as several trips to the American West.

Carl moved to Hernando County when his wife was ill, and remained here following her death. Truly devoted to Nadine, Carl states that his happiest moment was when he married his wife. If he could live his life over, Carl would travel more and would like to have met President Franklin D. Roosevelt.

A lover of books, Carl loves to go outside and read, and also enjoys going to the Golden Corral for his favorite shrimp dinner. Today he spends much of his time with his friends and loves to sit outside under the trees enjoying the beauty that Brooksville has to offer. His advice to young people today is to not smoke or drink so that they can live longer and better lives.

Madam Speaker, I ask that you join me in honoring Carl Blessner for reaching his 102nd birthday. I hope we all have the good fortune to live as long as him.

HONORING MAXWELL EMORY LANHAM

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Maxwell Emory Lanham of Kansas City, Missouri. Maxwell is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1261, and earning the most prestigious award of Eagle Scout.

Maxwell has been very active with his troop, participating in many Scout activities. Over the many years Maxwell has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Maxwell Emory Lanham for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING MASSACHUSETTS STATE REPRESENTATIVE JOHN A. LEPPER

HON. JAMES P. McGOVERN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. McGOVERN. Madam Speaker, today I rise in honor of John A. Lepper who is retiring after serving 14 years in the Massachusetts Legislature as State Representative for the city of Attleboro. I am proud to know and to have worked with Representative Lepper and I salute his many contributions to the citizens of Attleboro and the Commonwealth of Massachusetts.

Representative Lepper began his career of public service in the 1980s as a member of the city of Attleboro Planning Board. He was elected to the Attleboro City Council in 1987 where he served for 6 years.

In 1995 he began his tenure as a member of the Massachusetts State Legislature and distinguished himself as a champion for children, families, and persons with disabilities. He is highly regarded for his work on a commission that championed the rights of grandparents who are raising their grandchildren. This issue is especially important to Mr. Lepper as he and his wife have devoted many of their years of their lives raising two of their grandchildren.

In his retirement, Representative Lepper is looking forward to staying involved with local politics but plans to take some time to relax at first and do some fishing.

Madam Speaker, I am certain that the entire House of Representatives joins me in congratulating State Representative John A. Lepper for all that he has accomplished and in wishing him the best in his retirement.

PERSONAL EXPLANATION

HON. PAUL E. KANJORSKI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. KANJORSKI. Madam Speaker, the American automobile industry faces almost certain extinction if this body fails to act at this time. I cannot in good conscience allow that to happen. I will therefore vote for this legislation today, December 10, 2008, but I do so with some reservations.

Admittedly, the industry has made many missteps over the years. Moreover, the many flaws in this bill were probably pre-ordained by the expedited legislative procedures—adopted under the guise of an “emergency”—by which the congressional leadership chose to craft this bill. However, to reject this imperfect solution for an imperfect industry solely because it could have been better makes little sense.

Like my constituents, I am also astonished by the actions of overpaid, out of touch executives at these companies. We need to pursue further reforms in their compensation. But if we focus today on only the few individuals at the top of the companies, we will lose sight of the larger reality: Failure to act will cost the jobs of hundreds of thousands of average, hardworking Americans. It would also deprive our Nation of an industrial sector vital for us to remain an innovative global leader and manufacturer in the twenty-first century.

America needs its own automotive industry. I have always owned American cars. I believe in the American workforce, the thousands of men and women who make the automobiles on which we rely. They do not fly on corporate jets. They certainly do not make millions of dollars. We need to help them in their time of need.

Experts estimate that if the Congress does not provide this initial bridge loan and the automakers do fail, 2.5 million jobs will be lost. The Big Three employ 240,000 workers, suppliers and dealerships provide 800,000 jobs, and some 1.4 million jobs are dependent on the auto manufacturers. In my congressional district, some 500 workers at Rieter Automotive in Bloomsburg produce carpets for General Motors, and I know that their families would experience undue hardship if we allow the American automotive industry to fail.

Moreover, unemployment numbers released for November indicate this country lost 333,000 jobs in that month alone. The current unemployment rate sits at 6.7 percent. We simply cannot allow those already devastating numbers to swell further.

In addition, the loss of the industry would result in a sizable drop in government revenue, just when annual deficits have run away and our national debt soars. Unemployment assistance will skyrocket and thousands of American breadwinners will lose their homes and even the ability to feed their children. The costs of inaction will therefore be catastrophic.

Surely we all agree that the industry teeters on the precipice of disaster. Additionally, most agree that the global economic crisis bears a good deal of blame for the automakers’ collective misfortune. Importantly, the industry has appropriately conceded that they deserve a large share of blame. They were reluctant to diversify their fleets of cars to suit demand and to inoculate themselves against market volatility in the price of oil.

Earlier this year, consumers quickly lost their taste for large sport utility vehicles in favor of small, fuel-efficient cars as automakers for too long ignored this shift. The automakers failed to trim costs appropriately. They retained too many unnecessary white collar jobs. As we all now know, they infamously provided private jets to transport executives across the country, all the while paying those very executives $20 million-plus pay packages.

Over the last few years, the automakers have come to recognize the urgency of their plight by engaging in substantive changes in their corporate structures. They have now presented long-term viability plans to the Congress, and they seem intent on getting the job done. This bill—if its oversight provisions are dutifully carried out by the Executive Branch—will help ensure that the necessary transformations occur. As a start, the automakers have expressed that large-scale restructuring has already begun, and at considerable cost.

This bill contains many thoughtful conditions. Executive compensation limits, taxpayer
INTRODUCTION OF THE IDENTITY THEFT PREVENTION ACT

HON. RON PAUL
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. PAUL. Madam Speaker, today I introduce the Identity Theft Prevention Act. This act protects the American people from government-mandated uniform identifiers that facilitate private crime as well as the abuse of liberty. The major provision of the Identity Theft Prevention Act halts the practice of using the Social Security number as an identifier by requiring the Social Security Administration to issue all Americans new Social Security numbers for the purpose of preventing identity theft. These new numbers will be the sole legal property of the recipient, and the Social Security Administration shall be forbidden to divulge the numbers for any purposes not related to Social Security Administration. Social Security numbers will be members of a new class of this act and shall no longer be considered valid federal identifiers. Of course, the Social Security Administration shall be able to use an individual's original Social Security number to ensure efficient administration of the Social Security system.

Madam Speaker, Congress has a moral responsibility to address this problem because it was Congress that transformed the Social Security number into a national identifier. Thanks to Congress, today no American can get a job, buy a cellphone, get a college education, get a driver's license, or even get a driver's license without presenting his Social Security number. So widespread has the use of the Social Security number become that a member of my staff had to produce a Social Security number in order to get a fishing license.

One of the most disturbing abuses of the Social Security number is the congressionally-authorized rule forcing parents to get a Social Security number for their newborn children in order to claim the children as dependents. Forcing parents to register their children with the state is more like something out of the nightmares of George Orwell than the dreams of a free republic that inspired this Nation's founders.

Congressionally-mandated use of the Social Security number as an identifier facilitates the horrendous crime of identity theft. Thanks to Congress, an unscrupulous person may simply obtain someone's Social Security number in order to access that person's bank accounts, credit cards, and other financial assets. Millions Americans have lost their life savings and had their credit destroyed as a result of identity theft. Yet the federal government continues to encourage such crimes by mandating use of the Social Security number as a uniform ID.

This act also forbids the federal government from creating national ID cards or establishing any identifiers for the purpose of investigating, monitoring, overseeing, or regulating private transactions among American citizens. In 2005, this body established a de facto national ID card with a provisions buried in the "intelligence" reform bill mandating federal standards for drivers' licenses, and mandating that federal agents only accept a license that conforms to these standards as a valid ID.

Nationalizing standards for drivers' licenses and birth certificates creates a national ID system within 5 years after the enactment of this act. The Identity Theft Prevention Act halts the practice of using the Social Security number as an identifier. Thank you, Madam Speaker.
theft is more effective in protecting the public than expanding the power of the federal police force. Federal punishment of identity thieves provides cold comfort to those who have suffered financial losses and the destruction of their good reputations as a result of identity theft.

Federal laws are not only ineffective in stopping private criminals, but these laws have not even stopped unscrupulous government officials from accessing personal information. After all, laws purporting to restrict the use of personal information cannot stop the well-publicized violations of privacy by IRS officials or the FBI abuses of the Clinton and Nixon administrations.

In one of the most infamous cases of identity theft, thousands of active-duty soldiers and veterans had their personal information stolen, putting them at risk of identity theft. Imagine the dangers if thieves are able to obtain the universal identifier, and other personal information, of millions of Americans simply by breaking, or hacking, into one government facility or one government database.

Second, the federal government has been creating proprietary interests in private information for certain state-favored special interests. Perhaps the most outrageous example of phony privacy protection is the “medical privacy” regulation, that allows medical researchers to research certain business interests, and law enforcement officials access to health care information, in complete disregard of the Fifth Amendment and the wishes of individual patients! Obviously, “privacy protection” laws have proven greatly inadequate to protect personal information when the government is the one seeking the information.

Any action short of repealing laws authorizing privacy violations is insufficient primarily because the federal government lacks constitutional authority to force citizens to adopt a universal identifier for health care, employment, or any other reason. Any federal action that oversteps constitutional limitations violates liberty because it ratifies the principle that the federal government, not the Constitution, is the ultimate judge of its own jurisdiction over the people. The only effective protection of the rights of citizens is for Congress to follow Thomas Jefferson’s advice and “bind (the federal government) down with the chains of the Constitution.”

Madam Speaker, those members who are not persuaded by the moral and constitutional reasons for embracing the Identity Theft Prevention Act should consider the American people’s opposition to national identifiers. The numerous complaints over the ever-growing uses of the Social Security number show that Americans want Congress to stop invading their privacy. Furthermore, according to a survey by the Gallup company, 91 percent of the American people oppose forcing Americans to obtain a universal health ID.

In conclusion, Madam Speaker, I once again call on my colleagues to join me in putting an end to the federal government’s unconstitutional use of national identifiers to monitor the actions of private citizens. National identifiers threaten all Americans by exposing them to the threat of identity theft by private criminals and abuse of their liberties by public criminals. Continuing to invest valuable law enforcement resources away from addressing real threats to public safety is wrong. In addition, national identifiers are incompatible with a limited, constitutional government. I, therefore, hope my colleagues will join my efforts to protect the freedom of their constituents by supporting the Identity Theft Prevention Act.

HONORING BRIAN MICHAEL BIRCHLER
HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Brian Michael Birchler of Kansas City, Missouri. Brian is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1261, and earning the most prestigious award of Eagle Scout.

Brian has been very active with his troop, participating in many Scout activities. Over the many years Brian has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Brian Michael Birchler for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TO REAUTHORIZE THE TROPICAL FOREST CONSERVATION ACT AND EXPAND THE PROGRAM TO INCLUDE THE CONSERVATION OF ALL FORESTS AND CORAL REEFS AND ASSOCIATED COASTAL MARINE RESOURCES
HON. MARK STEVEN KIRK
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. KIRK. Madam Speaker, today I introduce a bill to reauthorize and expand Robert Portman’s landmark legislation, the Tropical Forest Conservation Act. This reauthorization will help developing countries reduce foreign debt and provide comprehensive environmental preservation programs to protect forests and endangered marine habitats around the world.

Since enacted in 1998, Tropical Forest Conservation Act programs have generated more than $162 million over 10 to 25 years to help conserve 50 million acres of tropical forests in 16 developing countries. With America’s help, Costa Rica, Indonesia, and Guatemala have done more with less. But the rate of deforestation continues to accelerate across the globe in all types of forests.

Similarly alarming is the rapid rate of coral reef and coastal exploitation. The burden of foreign debt falls especially hard on the smallest of nations, such as island nations in the Caribbean and Pacific. With few natural resources, these nations often resort to harvesting or otherwise exploiting coral reefs and other marine habitats to earn hard currency to service foreign debt. According to the National Oceanic and Atmospheric Administration, 60 percent of the world’s coral reefs may be destroyed by the year 2050 if the present rate of destruction continues.

The Forest and Coral Conservation Act will credit qualified developing nations for each dollar spent on a comprehensive reef preservation or management program designed to protect these unique ecosystems from degradation. This legislation will make available resources for environmental stewardship that would otherwise be of the lowest priority in a developing country. It will reduce debt by investing locally in programs that will strengthen indigenous economies by creating long-term management policies that will preserve the natural resources upon which local commerce is based.

This legislation has enormous consequences for the existence of critical eco-systems, the health of our planet and the livelihoods of millions of people across the globe.

I am proud to introduce the Forest and Coral Conservation Act with Representative ALCEE HASTINGS (D-FL), which will help preserve the world’s most precious natural resources.

RECOGNIZING CONNIE PASQUALINO OF SPRING HILL, FLORIDA
HON. GINNY BROWN-WAITE
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Connie Pasqualino of Hernando County, Florida. Connie will do something later this year that all of us strive to do, but that very few of us will ever accomplish, celebrate her 100th birthday.

Connie Pasqualino was born June 28, 1909 in Brooklyn, New York. While she was never married and has no children, Connie did make a career in advertising, attending the Pratt Institute of Design in Brooklyn. In fact, Connie said her proudest moment was the day she graduated from school. Following school she went on to work at BBD and O Advertising Company. While she did not pursue a career in design, if she had it all to do over again she would have spent her career as a fashion designer.

As someone who lived in New York for many years, Connie remembers going to see the Pope perform Mass at Shea Stadium. She said that it was raining before he came onto the stage and as he came to the stage, the rain stopped and the sun shined brightly. She described it as a little miracle.

Although she has never met her, Mother Teresa is Connie’s second cousin. Once, Connie and her family were going to visit Mother Teresa in New Jersey when she was visiting relatives there, but there was a blizzard and they had to cancel their trip.

Moving with her sister Nancy to Hernando County in 1990, Connie said she made the switch because of the great Florida weather. She and Nancy also lived with their sister Margaret, who was ill and needed extra care, and her nephew Joseph.

Today Connie lives in Hernando County near her centenarian sister, Nancy. She gets the most pleasure out of taking care of and playing with her pet Quaker parrot named Jade. Connie’s advice to young people is to listen to their parents’ advice and get a good education.
Madam Speaker, I ask that you join me in honoring Connie Pasqualino for reaching her 100th birthday. I hope we all have the good fortune to live as long as her.

HONORING JEFFERSON HIGH SCHOOL OF CONCEPTION JUNCTION, MISSOURI

HON. SAM GRAVES
OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize the outstanding achievements of the students, teachers, administrators, parents, and patrons of Jefferson High School and the Jefferson C–123 School District. Jefferson High School was named a 2008 No Child Left Behind Blue Ribbon School of the year.

Madam Speaker, in order for Jefferson High School to receive such a prestigious national distinction, they were required to score in the top 10 percent on the State of Missouri’s assessment test. I would like to make a special note of Jefferson C–123 School District Superintendent Rob P. Dowis and Jefferson High School Principal Tim R. Jermain for their commitment and leadership to the students of Jefferson High School.

Madam Speaker, I ask that you join me in applauding the outstanding achievements of Jefferson High School. It is an honor to have a high school like Jefferson in the Sixth Congressional District of Missouri that strives for educational excellence. We wish them many more years of success.

SITUATION IN GAZA

HON. ADAM B. SCHIFF
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. SCHIFF. Madam Speaker, the State of Israel has a right to defend its territory and its people from attack, whether that attack emanates from another sovereign nation, or, as in this case, from a terrorist organization that seized control of Gaza in a bloody putsch 18 months ago.

Hamas clearly chose to escalate its conflict against Israel by unilaterally declaring an end to the ceasefire that was implemented last June and launching a large-scale rocket attack on Israeli population centers. The Israeli government exercised great forbearance in the weeks prior to the formal breakdown of the ceasefire, which Hamas was already violating repeatedly, and had the international community more strongly condemned these attacks and taken action to stop them, the current Israeli offensive may have been unnecessary. But, Hamas bears ultimate responsibility for provoking this attack and for putting 1.5 million Palestinians in harm’s way—a fact that Arab leaders from Egypt to Saudi Arabia have noted.

Along with millions of Americans, I grieve the terrible loss of life of innocent Israelis and Palestinians. Hamas’s decision to fire rockets from populated areas and Israeli strikes on those targets have resulted in many civilian casualties, and our hearts go out to all the innocents who have suffered.

If we are going to talk the talk of fiscal discipline, I believe we need to walk the walk of self-restraint. I will be donating my 2009 pay raise to charity, just as I did with my 2008 pay raise. I encourage my colleagues to do the same, and join me in stopping the next automatic pay raise from taking effect by supporting the Stop the Congressional Pay Raise Act.

INTRODUCTION OF H. R. 40, THE COMMISSION TO STUDY REPARATION PROPOSALS FOR AFRICAN-AMERICANS ACT

HON. JOHN CONYERS, JR.
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. CONYERS. Madam Speaker, today I rise to introduce H. R. 40, the Commission to Study Reparation Proposals for African-Americans Act. This 111th Congress marks the 20th anniversary of this bill’s introduction. Since 1989, I have believed it to be in the best interest of our Nation to formally address one of our greatest historical injustices.

As evidenced by recent events, the sin of slavery is one that continues to weigh heavily upon us. Following the lead of other churches, the Episcopal Church formally apologized for its role in slavery on October 4, 2008. Florida became the sixth state to apologize for slavery on March 26, 2008, following Virginia, Maryland, North Carolina, Alabama and New Jersey. During the internationally renowned Sundance Film Festival, Traces of the Trade, a documentary in which descendants of the largest U.S. slave trading family confront this painful history, screened in January of 2008.

Just last Congress, the House passed a slavery apology bill on July 29, 2008, in which the House issued a formal apology for slavery. In recognition of the 200th anniversary of the abolition of the transatlantic slave trade on January 1, 1808, the House and Senate passed legislation creating a commemoration commission, which was signed into law on February 5, 2008, and is currently awaiting funding. Such Federal efforts are significant steps towards proper acknowledgment and understanding of slavery and its implications, but our responsibilities on this matter are even greater.

Establishing a commission to study the institution of slavery in the United States, as well as its consequences that reach into modern day society, is our responsibility. This concept of a commission to address historical wrongs is not unprecedented. In fact, in recent Congresses, commission bills have been put forward.

In 1983, a Presidential Commission determined that the internment of Japanese Americans during World War II was racist and inhumane, and as a result, the 1988 Civil Liberties Act provided redress for those injured by the internment. However, the internment of Japanese Latin Americans in the United States during World War II was not examined by the Commission, resulting in legislation calling for a commission to examine this oversight. Legislation establishing a commission to review the injustices suffered by Japanese, Japanese-American, European Latin Americans, and Jewish refugees during World War II has also been proposed.
H.R. 40 is no different than these other commission bills. H.R. 40 establishes a commission to examine the institution of slavery and its legacy, like racial disparities in education, housing, and healthcare. Following this examination, the commission would make recommendations appropriate remedies to Congress, and as I have indicated before, remedies does not equate to monetary compensation.

In the 110th Congress, I convened the first Congressional hearing on H.R. 40. With witnesses that included Professor Charles Ogletree, Episcopal Bishop M. Thomas Shaw, and Detroit City Councilwoman JoAnn Watson, we began a formal dialogue on the legacy of the slave trade. This Congress, I look forward to continuing this conversation so that our Nation can better understand this part of our history.

Attempts to eradicate today’s racial discrimination and disparities will be successful when we understand the past’s racial injustices and inequities. A commission can take us into this dark past and bring us into a brighter future. As in years past, I welcome open and constructive discourse on H.R. 40 and this commission in the 111th Congress.

HONORING STANBERRY HIGH SCHOOL OF STANBERRY, MISSOURI

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize the outstanding achievements of the students, teachers, administrators, parents, and patrons of Stanberry High School and the Stanberry R–II School District. Stanberry High School was named a 2008 No Child Left Behind Blue Ribbon School of the year.

Madam Speaker, in order for Stanberry High School to receive such a prestigious national distinction, they were required to score in the top 10 percent on the State of Missouri’s assessment test. I would like to make a special note of Stanberry R–II School District Superintendent Dr. Bruce Johnson and Stanberry High School Principal Gregory Dias for their commitment and leadership to the students of Stanberry High School.

Madam Speaker, I ask that you join me in applauding the outstanding achievements of Stanberry High School. It is an honor to have a high school like Stanberry in the Sixth Congressional District of Missouri that strives for educational excellence. We wish them many more years of success.

DR. MARTIN LUTHER KING JR. MEMORIAL BREAKFAST

HON. PETER J. VISCLOSKY
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. VISCLOSKY. Madam Speaker, as we celebrate the birth of Dr. Martin Luther King, Jr. and reflect on his life and work, we are reminded of the challenges that democracy poses to us and the delicate nature of liberty. Dr. King’s life, and, unfortunately, his untimely death, reminds us that we must continually work to secure and protect our freedoms. Dr. King, in his courage to act, his willingness to meet challenges, and his ability to achieve, embodied all that is good and true in the battle for liberty.

The spirit of Dr. King lives on in the citizens of communities throughout our nation. It lives on in the people whose actions reflect the spirit of resolve and achievement that will help move our country into the future. In particular, several distinguished individuals from Indiana’s First Congressional District will be recognized during the 30th Annual Dr. Martin Luther King, Jr. Memorial Breakfast on Saturday, January 17, 2009, at the Genesis Convention Center in Gary, Indiana. The Gary Frontiers Service Club, which was founded in 1952, sponsors this annual breakfast.

This year, the Gary Frontiers Service Club will pay tribute to several local individuals who have for decades unselfishly contributed to improving the quality of life for the people of Gary. Those individuals who will be recognized as Dr. Martin Luther King, Jr. Marchers at this year’s breakfast include: Pastor W.N. Reed, Roosevelt Allen, Jr., Otho Lyles II, Willie Horne, Era Cleveland Twyman, and George Burrell. Additionally, Reverend Pharis Evans and Mr. Cleo Wesson will be honored with the prestigious Dr. Martin Luther King, Jr. Drum Major Award, an award given out annually to outstanding individuals of the Gary community. This marks the first time two individuals have been honored with this distinguished award.

After fifty-four years of service to the Gary community, the Gary Frontiers Service Club will proudly announce its first female members: Ferba Hines, Johnnie Rogers, and Gwen Johnson-Robinson. Yokefellow Sean Jones, a Gary Police Officer, was also named the 2008 Yokefellow of the Year.

Though very different in nature, the achievement of all these individuals reflect many of the same attributes that Dr. King possessed, as well as the values he advocated. Like Dr. King, these individuals saw challenges and faced them with unwavering strength and determination. Each one of the honored guests’ greatness has been found in their willingness to serve with “a heart full of grace and a soul generated by love.” They set goals and work selflessly to make them a reality.

Madam Speaker, I urge you and my other distinguished colleagues to join me in commending the Gary Frontiers Service Club officers: President Oliver J. Gilliam, Vice President James Piggee, Secretary Melvin Ward, Financial Secretary Sam Frazier, and Treasurer Seventh District Director Floyd Donaldson, as well as Breakfast Chairman Clorius L. Lay, Videographer Otho Lyles, Master of Ceremony Alfred Hammonds, the honorees, and all other members of the service club for their initiative, determination, and dedication to serving the people of Northwest Indiana.

INTRODUCING THE SOCIAL SECURITY FOR AMERICAN CITIZENS ONLY ACT

HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. PAUL. Madam Speaker, today I introduce the Social Security for American Citizens Only Act. This act forbids the federal government from providing Social Security benefits to noncitizens. It also ends the practice of totalization. Totalization is where the Social Security Administration takes into account the number of years an individual worked abroad, and thus was not paying payroll taxes, in determining that individual’s eligibility for Social Security benefits.

Hard as it may be to believe, the United States Government already provides Social Security benefits to citizens of 17 other countries. Under current law, citizens of those countries covered by these agreements may have an easier time getting Social Security benefits than public school teachers or policemen.

Obviously, this program provides a threat to the already fragile Social Security system, and the threat is looming larger. The prior administration actually proposed a totalization agreement that would have allowed thousands of foreigners to qualify for U.S. Social Security benefits even though they came to, and worked in, the United States illegally. Adding insult to injury, this proposal could have allowed the federal government to give Social Security benefits to non-citizens who worked here for as little as 18 months. Estimates of what this totalization proposal would cost top one billion dollars per year.

Despite a major public outcry against extending Social Security benefits to those who entered this country illegally, a version of this proposal actually passed the other body in the 109th Congress. That the executive branch would propose, and part of the legislative branch would endorse, using social security monies to reward to those who have willingly and knowingly violated our own immigration laws is an insult to the millions of Americans who pay their entire working lives into the system and now face the possibility that there may be nothing left when it is their turn to retire.

While the new administration has yet to take a public position on totalization, and hopefully will be more reasonable on this issue than its predecessor, it is still imperative that Congress act. Even if the new administration repudiates all proposals to allow those who entered the county illegally to receive social security benefits, the only way to guarantee a future administration will not revive this scheme is for Congress to put an end to totalization once and for all. I therefore call upon my colleagues to stop the use of the Social Security Trust Fund as yet another vehicle for foreign aid by cosponsoring the Social Security for American Citizens Only Act.
THE GREAT LAKES WATER PROTECTION ACT

HON. MARK STEVEN KIRK
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. KIRK. Madam Speaker, today I am pleased to join with Congressman Lipinski to introduce the Great Lakes Water Protection Act. This bipartisan legislation, supported by the Alliance for the Great Lakes, National Resources Defense Council, National Wildlife Foundation, National Parks Conservation Association, Great Lakes Aquatic Network, Audubon Society and more, would set a date certain to end sewage dumping in America’s largest supply of fresh water, the Great Lakes. More than thirty million Americans depend on the Great Lakes for their drinking water, food, jobs, and recreation. We need to put a stop to the poisoning of our water supply. Cities along the Great Lakes must become environmental stewards of our country’s most precious freshwater ecosystem.

The Great Lakes Water Protection Act gives cities until 2029 to build the full infrastructure needed to prevent sewage dumping into the Great Lakes. Those who violate EPA sewage dumping regulations after that federal deadline, I will be voting to fine up to $100,000 for every day they are in violation. These fines will be directed to a newly established Great Lakes Clean-Up Fund within the Clean Water State Revolving Fund. Penalties collected would go into a fund and be reallocated to the states surrounding the Great Lakes. From there, the funds will be spent on wastewater treatment options, with a special focus on greener solutions such as habitat protection and wetland restoration.

This legislation is sorely needed. Many major cities along the Great Lakes do not have the infrastructure needed to divert sewage outflows during times of heavy rainfall. More than twenty-four billion gallons of sewage are dumped into the Lakes each year; Detroit alone dumped over thirteen billion gallons of sewage into Lake Huron in 2006.

These disastrous practices result in thousands of annual beach closings for the region’s 815 freshwater beaches. Illinois faced 793 beach closures and health advisories in 2007, up more than thirty percent from 2006. Six beaches in my district alone exceeded health standards more than 25 percent of the time. This greatly affects the health of our children and families—EPA estimates suggest that nearly 300 people could expect to contract a respiratory illness after swimming in Lake Michigan in Chicago on one summer weekend. This trend is echoed throughout the Great Lakes region and is one we need to reverse.

Protecting our Great Lakes is one of my top priorities in the Congress. As an original co-sponsor of the Great Lakes Restoration Act, I favor a broad approach to addressing needs in the region. However, we must also move forward with tailored approaches to fix specific problems as we continue to push for more comprehensive reform. I am proud to introduce this important legislation that addresses a key threat to our Great Lakes, and hope my colleagues will support me in ensuring that these important resources become free from the threat of sewage pollution.

RECOGNIZING JOSEPHINE BOYLAN OF SPRING HILL, FLORIDA

HON. GINNY BROWN-WAITE
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Josephine Boylan of Hernando County, Florida. Josephine has done everything that all of us strive to do, but that very few of us will ever accomplish, celebrate her 100th birthday.

Josephine Boylan was born October 3, 1908 in Lebanon, New York. After attending school in Lebanon, she went to work as a seamstress and eventually married Vincent Boylan. Josephine had three children and eight grandchildren, with too many great grandchildren for her to count.

Living in Orlando until 1975, Josephine then moved to Tucson, Arizona for three years before returning to Florida in 1979. Since then she has lived in Spring Hill in Hernando County, where her grandson also lives. She is very proud of her grandson, and lists his graduation from MIT as one of the greatest moments of her life.

Still living an active lifestyle, Josephine enjoys playing bingo with her friends. She has fond memories of her son Jerry playing the organ with everyone singing during the holidays and remembers sitting on the back porch with Vincent while they were dating. As someone who loves herself, Josephine has said that if she could live her life over again she would be an opera singer. If she could give advice to young people today she would tell them to have fun and work hard.

Madam Speaker, I ask that you join me in honoring Josephine Boylan for reaching her 100th birthday. I hope we all have the good fortune to live as long as her.

"STORMS ON THE HORIZON"

HON. FRANK R. WOLF
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. WOLF. Madam Speaker, I have never been more concerned about the short- and long-term budget shortfalls we face as a Nation. We must work to address these issues simultaneously in a bipartisan way.

Last October the Washington Post reported that China had replaced Japan as the United States’ largest creditor, increasing its holding by 42 percent over the past year. On December 15, the U.S. Department of the Treasury released the “FY 2008 Financial Report of the Federal Government.” Not only is America facing a projected $1 trillion in deficit spending for this fiscal year, there is now $56 trillion in unfunded mandates through Social Security, Medicare and Medicaid, a number which will only continue to grow and has increased by $3 trillion in the last year alone. Funding the deficit means that U.S. must attract approximately $2 billion a day from foreign countries or risk a drop in the value of the dollar.

I believe that this deficit is an economic, moral, and generational issue. Is it right for one generation to live very well knowing that its debts will be left to be paid by their children and grandchildren?

In the past few days numerous sources have reported that the economic stimulus bill on the agenda of the soon to be Obama administration is expected to cost between $675 billion and $775 billion. Other reports say it could expand to as much as $1 trillion. Whatever package is passed, Congress has a historic opportunity to work in a bipartisan way to address the Nation’s looming financial crisis by including a mechanism to deal with the underlying problem of autopilot spending. The bipartisan SAFE Commission I introduced with Rep. Jim Cooper in the 110th Congress would create a national council of entitlements with everything—including tax policy—on the table. This idea garnered the support of over 100 members during the 110th Congress. Senate Budget Committee Chairman Kent Conrad and ranking member Judd Gregg introduced similar legislation, which has also gained momentum. The time is now.

I share with our colleagues a speech by Richard W. Fisher, president of the Federal Reserve Bank of Dallas. “Storms on the Horizon” is a sobering account from a monetary policymaker’s point of view on why deficits and Mr. Fisher calls it’s doing nothing to change the long-term outlook for entitlements, “nothing short of catastrophic.”

The 111th Congress will have on its watch this unfolding reality. What will we do to make a difference for our country’s— and our children’s— and grandchildren’s—future?

STORMS ON THE HORIZON: REMARKS BEFORE THE COMMONWEALTH CLUB OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA, MAY 28, 2008

(If Richard W. Fisher)

Thank you, Bruce [Ericson]. I am honored to be here this evening and am grateful for the invitation to speak to the Commonwealth Club of California.

Alan Greenspan and Paul Volcker, two of Ben Bernanke’s linear ancestors as chairmen of the Federal Reserve, have been in the news quite a bit lately. Yet, we rarely hear about William McChesney Martin, a magnifi cent public servant who was chairman during five presidencies and to this day holds the record for the longest tenure: 19 years.

Chairman Martin had a way with words. As he had a twinkle in his eye, he said “Bill Martin who wisely and succinctly defined the Federal Reserve as having the unenviable task “to take away the punch- ball” just as the party goes up.” He did himself one up when he received the Alfalfa Club’s nomination for the presidency of the United States. I suspect many here tonight would have voted for the annual Alfalfa dinner. It is one of the great institutions in Washington, D.C. Once a year, it holds a dinner devoted solely to poking fun at the political pretenses of the day. Tonight, the club nominates a candidate to run for the presidency on the Alfalfa Party ticket. Of course, none of them ever win. Nominees are then seated at a round table and given 15 minutes by the members of the Stassen Society, named for Harold Stassen, who ran for president nine times and lost every time, then ran a tenth time on the Alfalfa ticket and lost again. The motto of the group is Veni, Vidi, Deficit—“I came, I saw, I lost.”

Bill Martin was nominated to run and lose on the Alfalfa Party ticket, while serving as Fed chairman during Lyndon Johnson’s term. In his acceptance speech, he announced that, given his proclivities as a central banker, he would take one of the great sayings of the German philosopher Goethe, “who said that people could endure anything except
continual prosperity." Therefore, Martin declared, he would adopt a platform proclaiming that as a president he planned to "make life endurable again by stamping out prosperity"

"I shall conduct the administration of the country," he said, "exactly as I have so successfully conducted the affairs of the Federal Reserve. To that end, I shall assemble the best brains that can be found. As their advice on all matters and completely confident of following all their conflicting counsel."

It is true, Bruce, that as you said in your introduction, I am one of the 17 people who participated in the Federal Open Market Committee (FOMC) deliberations and provide Ben Bernanke with "conflicting counsel" as the committee coleges together a monetary policy that seeks to promote American economic prosperity, go to the contrary. But tonight I speak for neither the committee, nor the chairman, nor any of the other good people that serve the Federal Reserve System. I speak solely in my own capacity. I want to speak to you tonight about an economic problem that we must soon confront, at least long before our primus in the world's most powerful and dynamic economy. Forty-three years ago this Sunday, Bill Martin delivered a commencement address to Columbia University that was far more sober than his Alfalfa Club speech. The opening lines of that speech were: "When economic prospects are at their brightest, the dangers of complacency and recklessness are greatest. As our prosperity proceeds on its record-breaking path, it behooves every one of us to scan the horizon of our national and international economy for danger signals so as to be ready for any storm." Today, our fellow citizens and financial markets are paying the price for falling victim to the complacency and recklessness Martin warned against. Few scanned the horizon for trouble brewing as we proceeded along a path of unparalleled prosperity fueled by an unsustainable housing bubble and unbridled credit markets. Armchair Monday morning quarterbacks will long debate whether the Fed could have and would have taken away the punchbowl that helped fuel the Dow's highest levels. But, given my opinion on that matter elsewhere and won't go near that subject tonight. What counts now is what we have done more recently, especially from here, in the face of the sins of omission or commission committed by our predecessors, the Bernanke-FOMC's objective is to use a new set of tools to calm the tempest in the credit markets to get them back to functioning in a more orderly fashion. We trust that the various term credit facilities we have recently introduced are adequate to cushion the effects of the credit markets undertake self-corrective initiatives and lawmakers consider new regulatory schemes.

I am not also going to engage in a discussion of present monetary policy tonight, except to say that if inflationary developments and, more important, inflation expectations, continue to worsen, I would expect a change of course in monetary policy to occur sooner rather than later, even in the face of an anemic economic scenario. Inflation is the most inimical enemy of capitalism. No central banker can contemplate it, not least the men and women of the Federal Reserve. Tom, Tom, talk about an important matter. In keeping with Bill Martin's advice, I have been scanning the horizon for danger signals even as we continue working to recover from the recent downturn. But, as an optimist, I see a frightful storm brewing in the form of untethered government debt. I choose the words--'frightful storm'--deliberately to avoid hyperbole. Unless we take steps to deal with it, the long-term fiscal situation of the federal government will be un-In the last several years, the true fiscal deficit has been estimated variously by the Department of Treasury at $436 billion; by the CBO at $450 billion; and by the Office of Management and Budget at $478 billion. Even if we were to assume that the CBO's estimate of $450 billion is the most accurate, the true fiscal deficit is still much higher than the official budget projections suggest. The annual budget deficit for fiscal year 2009 is projected to be $1.4 trillion. This deficit is equal to 10.6% of GDP, the highest deficit since World War II. The deficit is expected to increase further in the coming years, reaching $2.5 trillion by 2012. This deficit is financed by borrowing, which adds to the national debt. The national debt is currently $13.7 trillion and is projected to reach $20.2 trillion by 2021. The national debt is equal to 89.5% of GDP, the highest debt-to-GDP ratio since World War II.

Inflation is the most inimical enemy of capitalism. No central banker can contemplate it, not least the men and women of the Federal Reserve. In the last several years, the true fiscal deficit has been estimated variously by the Department of Treasury at $436 billion; by the CBO at $450 billion; and by the Office of Management and Budget at $478 billion. Even if we were to assume that the CBO's estimate of $450 billion is the most accurate, the true fiscal deficit is still much higher than the official budget projections suggest. The annual budget deficit for fiscal year 2009 is projected to be $1.4 trillion. This deficit is equal to 10.6% of GDP, the highest deficit since World War II. The deficit is expected to increase further in the coming years, reaching $2.5 trillion by 2012. This deficit is financed by borrowing, which adds to the national debt. The national debt is currently $13.7 trillion and is projected to reach $20.2 trillion by 2021. The national debt is equal to 89.5% of GDP, the highest debt-to-GDP ratio since World War II.

The alternative minimum tax was created in the 1969 tax reform to prevent individuals from deducting investment losses on long-term capital gains from their taxable income. It required individuals to pay taxes on the lesser of the actual net capital gains or the calculated minimum tax. The alternative minimum tax was intended to ensure that individuals did not avoid paying taxes on their investment income by using losses from other investments to offset their gains. However, over time, the alternative minimum tax became a significant burden for many individuals, particularly those in high-income brackets.

Congress passed the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA) to address the problem of the alternative minimum tax. The act made several changes to the alternative minimum tax to reduce its burden on high-income individuals. The changes included increasing the income level at which the alternative minimum tax begins to kick in and reducing the tax rate on alternative minimum tax income. These changes reduced the burden of the alternative minimum tax, but they did not completely eliminate it.

In the years following EGTRRA, the alternative minimum tax continued to be a burden for many individuals, particularly those in high-income brackets. The alternative minimum tax is calculated using a different set of rules than the regular income tax. Individuals who have low regular income tax liability may have a higher alternative minimum tax liability.

In 2007, Congress passed the American Jobs Creation Act, which further reduced the burden of the alternative minimum tax. The act increased the income level at which the alternative minimum tax begins to kick in and reduced the tax rate on alternative minimum tax income. These changes reduced the burden of the alternative minimum tax, but they did not completely eliminate it.

In 2010, Congress passed the Tax Relief, Unemployment Insurance, and Job Creation Act, which made permanent the changes to the alternative minimum tax that were made in 2001 and 2007. The act increased the income level at which the alternative minimum tax begins to kick in and reduced the tax rate on alternative minimum tax income. These changes reduced the burden of the alternative minimum tax, but they did not completely eliminate it.

In 2013, Congress passed the American Taxpayer Relief Act, which made permanent the changes to the alternative minimum tax that were made in 2001, 2007, and 2010. The act increased the income level at which the alternative minimum tax begins to kick in and reduced the tax rate on alternative minimum tax income. These changes reduced the burden of the alternative minimum tax, but they did not completely eliminate it.

In 2015, Congress passed the Tax Cuts and Jobs Act, which made permanent the changes to the alternative minimum tax that were made in 2001, 2007, 2010, and 2013. The act increased the income level at which the alternative minimum tax begins to kick in and reduced the tax rate on alternative minimum tax income. These changes reduced the burden of the alternative minimum tax, but they did not completely eliminate it.
CONGRESSIONAL RECORD — Extensions of Remarks

E13

January 6, 2009

HON. DENNIS A. CARDOZA
OF CALIFORNIA

CONDEMNING HAMAS ATTACKS

Mr. CARDOZA. Madam Speaker, I rise today to strongly condemn attacks against Israel in recent weeks. I deeply regret the loss of innocent civilian life in Israel and Gaza and urge Hamas, for the sake of its own people and those in the region, to immediately cease these attacks and seek a lasting truce with its democratic neighbor.

As our strongest ally in the Middle East, I believe Israel has the right to defend its citizens from the constant barrage of Hamas rocket attacks from inside Gaza. For too long, Hamas has used terrorism against Israel to destabilize the region and prevent peace for the people of Israel and the Palestinian territories. As long as Hamas continues to attack...
provide safe drinking water to Southern Cali-

foria. Identical legislation was approved by

the House in 2007 but was still awaiting con-
sideration in the Senate when the 110th Con-
gress adjourned. It is my sincere hope that we
can move quickly to see this bill enacted.

In 2000, Congress established the San Gabriel Basin Restoration Fund after the discovery of perchlorate and other harmful contaminants in the basin’s groundwater. The San Gabriel Groundwater Basin covers more than 160 square miles in Los Angeles County and is the primary source of drinking water for over 1.2 million people.

The fund initially authorized $85 million in Federal funding to assist the state and local government agencies as well as the private companies found responsible for the contamination to effectively implement a comprehensive clean up plan that would protect the safety of our region’s drinking water supply. After evaluation, it is evident that an increase in this authorization is necessary. That is why this bill extends the current authorization of the San Gabriel Basin Restoration Fund by a total of $61.2 million—$50 million for the San Gabriel Basin Water Quality Authority, WQA, and $11.2 million for the Central Basin Municipal Water District (Central Basin).

The San Gabriel Basin Water Quality Authority, has done a tremendous job in admin-

istering the clean up program. In 1999, the WQA projected the cost of cleaning up the San Gabriel Basin at a total of $320 million based on the level of contamination of the five original Operable Units of Baldwin Park, El Monte, South El Monte, Whittier Narrows and Puente Valley. Since the initial authorization by Congress in 2000, dramatically increased contamination levels have been identified in the South El Monte and Puente Valley Oper-
able Units. This discovery has significantly in-

creased both the capital and operation and maintenance costs of the projects. With the cost of inflation, increased energy costs and the higher contamination levels found, the total cost is now estimated at $1 billion. Signifi-
cantly, the WQA has a number of treatment plants that are already operating at full capac-

ity with more coming on line in the near future.

I am proud to say that this partnership is an ex-

ample of the great teamwork between Federal, state and local government agencies as well as the private companies found responsible for the contamination.

I am introducing a bill to prohibit interstate commerce in nonhuman primates as pets. The Captive Primate Safety Act, CPSA, would amend the Lacey Act Amendments of 1981 to add nonhuman primates and other wildlife species under that Act and to make correc-
tions in the provisions relating to captive wild-
life offenses under that Act.

Nonhuman primates kept as pets pose seri-

ous risks to public health and safety. They can transmit diseases and inflict serious physical harm. These risks are increased by interstate transport of the animals. Currently, twenty states prohibit keeping primates as pets, and many others require a permit. Even in states where it is legal to keep primates, most people cannot provide the special care, housing, and social structure these animals require.

Although the importation of nonhuman pri-

mates into the United States for the pet trade has been banned by Federal regulation since 1975, these animals are bred in the United States and are readily available for purchase from exotic animal dealers and even over the Internet. Because of the importation laws, there remains an active domestic trade in these animals.

The CPSA would amend the Lacey Act Amendments of 1981 to add nonhuman pri-

mates to the list of animals that cannot be transported across state lines. It would prohibit the import, export, transportation, sale, receipt, acquisition, or purchase in interstate or foreign commerce of nonhuman primates in order to safeguard public health and safety and protect the welfare of monkeys, apes (which include chimpanzees and orangutans), marmosets and lemurs. The bill is similar to the Captive Wildlife Safety Act, CWSA, which Congress passed in 2003 to ban interstate commerce in lions, tigers, and other big cats for the pet trade.

The CPSA would not affect trade or trans-

portation of animals for zoos, research facili-
ties, or other federally licensed and regulated entities. In the 110th Congress, the CPSA re-
ceived strong support in the 110th Congress from Dr. Jane Goodall, the American Veteri-
inary Medical Association, the Association of Zoos and Aquariums, and The Humane Soci-
ety of the United States. It easily passed the House of Representatives.

I look forward to working with my colleagues to advance this bi-partisan legislation.
THE SENIORS’ HEALTH CARE FREEDOM ACT
HON. RON PAUL OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. PAUL. Madam Speaker, I rise to introduce the Seniors’ Health Care Freedom Act. This act protects seniors’ fundamental right to make their own health care decisions by repealing federal laws that interfere with seniors’ ability to form private contracts for medical services. This bill also repeals laws which force seniors into the Medicare program against their will. When Medicare was first established, seniors were promised that the program would be voluntary. In fact, the original Medicare legislation explicitly protected a senior’s right to seek out other forms of medical insurance. However, the Balanced Budget Act of 1997 prohibits any physician who forms a private contract with a senior from filing for Medicare reimbursement claims for two years. As a practical matter, this means that seniors cannot form private contracts for health care services.

Seniors may wish to use their own resources to pay for procedures or treatments not covered by Medicare, or to simply avoid the bureaucracy and uncertainty that comes when seniors must wait for the judgment of a Center from Medicare and Medicaid Services (CMS) bureaucrats before finding out if a desired treatment is covered.

Seniors’ right to control their own health care is also being denied due to the Social Security Administration’s refusal to give seniors who object to enrolling Medicare Part A Social Security benefits. This not only distorts the intent of the creators of the Medicare system; it also violates the promise represented by Social Security. Americans pay taxes into the Social Security Trust Fund their whole working lives and are promised that Social Security will be there for them when they retire. Yet, today, seniors are told that they cannot receive these benefits unless they agree to join an additional government program!

At a time when the fiscal solvency of Medicare is questionable to say the least, it seems foolish to waste scarce Medicare funds on those who would prefer to do without Medicare. Allowing seniors who neither want nor need to participate in the program to refrain from doing so will also strengthen the Medicare program for those seniors who do wish to participate in it. Of course, my bill does not take away Medicare benefits from any senior. It simply allows each senior to choose voluntarily whether or not to accept Medicare benefits or to use his own resources to obtain health care.

Forcing seniors into government programs and restricting their ability to seek medical care free from government interference infringes on the freedom of seniors to control their own resources and make their own health care decisions. A woman who was forced into Medicare against her wishes summed it up best in a letter to my office, “...I should be able to choose the medical arrangements I prefer without suffering the penalty that is being imposed.” I urge my colleagues to protect the right of seniors to make the medical arrangements that best suit their own needs by cosponsoring the Seniors’ Health Care Freedom Act.

THE CREATING OPPORTUNITIES TO MOTIVATE MASS-MASS-TRANSIT UTILIZATION TO ENCOURAGE RIDEURSHIP
HON. MARK STEVEN KIRK OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. KIRK. Madam Speaker, as our economy continues to struggle, an immediate and cost-effective way to offer relief to consumers is to provide incentives for mass transit use. According to a study published by the American Public Transportation Association (APTA), public transportation use in the U.S. saves an annual $1.4 billion of gasoline. Factoring in the current average gasoline price of $1.65 per gallon, public transit saves consumers more than $2 billion in gas costs per year.

Greenhouse gas emissions from motor vehicles also pose a severe threat to our environment, as emissions from our transportation sector account for nearly a third of all U.S. emissions. Public transit, however, reduces CO2 emissions by 37 million metric tons annually. This not only reduces the electricity used by nearly five million homes. If we want to get serious about emissions reductions, we must get serious about investing in public transit.

Current law allows businesses, government, workers, nonprofit organizations, and employees to purchase tax-free commuter benefits. However, there is no incentive for employers to directly subsidize their workers’ transportation costs. The bipartisan Creating Opportunities to Motivate Mass-transit Utilization To Encourage Ridership (COMMUTER) Act of 2008 offers employers a 50 percent tax credit for all transit benefits provided to employees, up to $115 per employee per month. Under the COMMUTER Act, employees could receive up to $1,380 in free mass transit funds each year, with the employer receiving $690 in tax credits per employee.

As families budgets continue to tighten, an extra $1,400 to $2,800 could help ease the burdens of health care education and help bolster retirement savings.

A study recently conducted by Business Roundtable estimates that 53 percent of employees in Chicago, San Francisco and New York would take public transportation if their employer provided access to current transit benefits. Out of the respondents, 60 percent said their company does not provide tax-free commuter benefits.

I believe we must work to provide long-term solutions to our energy crisis, such as passing long-term tax incentives for research and development of renewable and alternative energy, fuels and vehicles; eliminating the so-called transportation fuels tax; and offering the nation one clean burning fuel; financing energy development projects in China, central Asia and the Gulf to meet Chinese energy needs apart from oil; and increasing fuel economy standards.

But our economy, environment and national security cannot wait twenty, thirty or forty years for the entire restructuring of our energy policy—we need to take action now. I am proud to offer the COMMUTER Act with Representatives DAN LIPINSKI (D–IL) JUDY BIGGERT (R–IL) and PETER ROSKAM (R–IL) and to help provide that immediate relief. I hope Congress will act swiftly and in a bipartisan manner to pass this important legislation.

RECOGNIZING TEKLA HAMPUS OF SPRING HILL, FLORIDA
HON. GINNY BROWN-WAITE OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Tekla Hampus of Hernando County, Florida. Tekla has done something that all of us strive to do, but that very few of us will ever accomplish, celebrate her 102nd birthday.

Tekla Hampus was born September 24, 1906 in Stockholm, Sweden. After she finished school in Stockholm, Tekla married but was widowed in 1979. She and her husband had two children, one of whom is now deceased. Tekla is proud of her one grandchild, two great-grandchildren and three great-great grandchildren.

As someone who has lived for more than a century, Tekla is proudest of the births of her children and grandchildren. She has many fond memories of family outings with her parents and their picnics together back home in Europe.

Following her move to Hernando County in 1968 to be closer to her children, Tekla today gets pleasure from visits with her son and enjoys the cost of living in Hernando County.

Madam Speaker, I am honored in honoring Tekla Hampus for reaching her 102nd birthday. I hope we all have the good fortune to live as long as her.

TRIBUTE TO NANCY RUSSELL
HON. DAVID WU OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. WU. Madam Speaker, I rise today to remember a courageous and pioneering Oregonian who we lost on September 19, 2008, Nancy Russell. Her love of the outdoors and of Oregon history led her to co-found an organization that assisted in obtaining Federal protection for the Columbia River Gorge—"Friends of the Columbia River Gorge."

Madam Speaker, and my fellow colleagues, if you have never seen the Columbia River Gorge, let me explain to you: It is Oregon’s Grand Canyon, our Yellowstone, the crown jewel of Oregon’s natural heritage, a spectacular and unique 80-mile-long, 4,000-feet-deep sea level cut through the Cascade Mountain Range. The Gorge is home to more than 800 species of wildflowers, six endangered and threatened animal species, and more than 40 other sensitive species.

As a self-taught wildflower expert, Nancy shared her love of wildflowers by developing the Wildflower Walkers program for the Portland Garden Club, which helped others understand and love the Gorge the way Nancy did.

In the late 1970s, development in the Portland area was threatening to spill into the Gorge, and a group of prominent conservationists recruited Nancy to lead the effort for Federal protection. In the face of pressure from developers and advocates of scenic area designation, and even bumper stickers that read “Save the Gorge from Nancy Russell,” she and her fellow supporters persevered in 1986, when
President Reagan signed into law the Columbia River Gorge National Scenic Area Act. This act, quite notably, was the only stand-alone environmental legislation passed during the Reagan administration, and was the first such designation.

After a tremendous accomplishment such as this, most people would claim victory and rest on their laurels. However, Nancy proved tireless and continued to pursue further Gorge protection. She successfully advocated for the purchase of 40,000 acres that were passed into public ownership, and personally purchased more than 30 properties to ensure their protection from development.

Sadly, in 2004 she was diagnosed with ALS, also known as Lou Gehrig’s Disease, but like any true champion, her dedication did not fade. Nancy made one final trip to the Gorge in August with close friends. I am sure that she was thinking that no matter how much you do in your lifetime you always want it to carry on for others to learn from and enjoy.

Madam Speaker, the Columbia River Gorge continues to see threats from unwanted development and the organization that she founded, and the strength and spirit that Nancy Russell left us all with is the strength and spirit to not budge an inch on our commitment to the protection of the crown jewel of Oregon’s natural heritage. That commitment is what I want to commemorate today. Madam Speaker, and that commitment is what I will continue to draw strength from in my fight to protect the Columbia River Gorge.

INTRODUCING HAITIAN PROTECTION ACT OF 2009

HON. ALCEE L. HASTINGS OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the Haitian Protection Act of 2009. This important piece of legislation would designate Haitian nationals as eligible for Temporary Protected Status (TPS).

The creation of TPS was intended to serve as the statutory embodiment of safe haven for those who are fleeing—or reluctant to return to—a potentially dangerous situation in their country of origin. According to section 244(A) of the Immigration and Nationality Act of 1990, TPS may be granted when: there is ongoing armed conflict posing a serious threat to personal safety; it is requested by a foreign state that temporarily cannot handle the return of nationals due to environmental disaster; or extraordinary and temporary conditions in a foreign state exist which prevent aliens from returning.

Haiti has continued to meet all three of these requirements, and yet, not once have Haitian nationals been granted TPS.

Last year, I, along with several of my colleagues, wrote on several occasions to the Department of Homeland Security (DHS) and the President of the United States urging them to grant Haiti TPS.

Sadly, just today, the Miami Herald reported that Homeland Security Secretary Michael Chertoff went on to Haitian President René Préval formally denying his request for TPS. In his letter, Secretary Chertoff stated that “After very careful consideration, I have concluded that Haiti does not currently warrant a TPS designation.”

Madam Speaker, this response came as an utter shock. This past summer, only a few months after deadly food riots led to the removal of the country’s Prime Minister, Haiti was ravaged by four back-to-back natural disasters. Thousands of homes, many were left starving and isolated from humanitarian assistance, nearly 800 lives were taken, and as of last month, over 300 people remain missing.

Though recovery efforts have slowly commenced, much of Haiti remains in a state of destruction. Up to 40,000 people are in shelters, and severe malnutrition concerns have arisen throughout rural areas.

HOW dire must the situation in Haiti become before the United States is willing to extend this helping hand to Haiti as it has done for other nations under similar circumstances? The Haitian government’s ability to provide basic governmental services—clean water, education, passable roads and basic healthcare—remains severely compromised by these events. Haiti continues at this time imposes an additional burden on government resources that are already stretched too thin and poses a serious danger to deportees’ personal safety.

Concerning stability and overall safety, Haiti is still in dire need of an adequate police force to maintain order and halt the escalation in kidnappings that are plaguing the nation. As of April 2008, the Department of State’s current travel warning advises Americans that current conditions in Haiti make it unsafe to travel due to the potential for kidnapping, the possibility of random violent crime, and the serious threat of kidnapping for ransom.

Madam Speaker, if it is unsafe for our citizens to travel to Haiti, then those same conditions should make it much too dangerous and inappropriate to forcibly repatriate Haitians at this time. It is unfortunate and appalling that our current immigration policies hold such harmful double standards.

I want to make it very clear that I acknowledge and heartily congratulate Haiti’s efforts toward a stable democratic government. However, President Préval’s nascent democratic government still faces immense challenges with regards to rebuilding Haiti’s police and judicial institutions to achieve the fair and prompt tackling of the ongoing political and criminal violence.

In addition to safety and human rights considerations, halting the deportation of Haitians is also an economic matter. Under the law, TPS beneficiaries are eligible to obtain work authorization permits. The ability for Haitians to legally work in the United States puts them in a position to contribute to their country’s recovery and development until such time when it is safe for them to return to Haiti.

Madam Speaker, the Haitian Diaspora has always played a pivotal role assisting Haiti. It is widely known that Haitians residing in the United States often work three jobs to send money back to Haiti each month. Many Haitians in the United States often send remittances to support family members, and others travel home to lend their expertise toward rebuilding and humanitarian efforts.

Designating Haiti under TPS status would preserve and increase remittances—totaling approximately a third of Haiti’s GDP—from the Haitian Diaspora to relatives and communities in Haiti that are key for welfare, survival, and recovery.

Haiti is more dependent than any other country on remittances with nearly a billion dollars a year sent home by Haitians in the United States. In fact, remittances to Haiti far exceed foreign aid.

Now, many Haitian nationals in the United States who previously sustained relatives in Haiti through remittances are being deported, further depriving Haiti of an important source of financial aid that is well-positioned to assist when based here in the United States.

Madam Speaker, there are currently six countries that are protected under the TPS provision: Nicaragua, Honduras, El Salvador, Burundi, Somalia, and Sudan. By refusing to give Haiti the TPS designation, our inequitable immigration policies continue to send the message that the safety of Haitian lives is not a priority compared to that of Salvadoran, Honduran, or Sudanese lives.

We must act to change this perception. Our immigration policies have to change. They must reflect fairness and treat Haitians equally to Nicaraguans, Hondurans, and Salvadorans whose deportations are suspended and who are allowed to work and support their families back home.

The Haitian Protection Act of 2009 is necessary to achieve fundamental fairness in our treatment of Haitian immigrants and remedy the accurate and widespread perception that U.S. policy has discriminated against them.

Madam Speaker, we cannot deny Haiti this opportunity to help stabilize its economy, recover from devastating natural disasters, rebuild its political and economic institutions, and provide a future of hope for Haiti’s people.

I ask my colleagues to support this legislation and urge the House Leadership to bring it swiftly to the House floor for consideration.

TRIBUTE TO MRS. ADA MCKINNEY-DEVEAUX

HON. KENDRICK B. MEEK OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. MEEK of Florida. Madam Speaker, today I rise to pay tribute to the life and legacy of the late Mrs. Ada McKinney DeVaeux, a Miami native who was known for her contagious spiritual, humorous, and endearing personality. It is with both profound sadness, but also an enduring sense of gratitude for the tremendous inspiration she provided to the South Florida community.

Mrs. McKinney DeVaeux was born to Edmund Sr. and Mary Edwards McKinney on September 2, 1931 in Miami, Florida. One of the distinguished members of Booker T. Washington Senior High’s Class of 1949 or the “fantastic 49-ers”, she went on to obtain her Bachelor of Science degree and a degree in Registered Nursing from Florida Agricultural & Mechanical University. Mrs. McKinney DeVaeux was united in Holy Matrimony to the late Father Richard DeVaeux.

A dedicated registered nurse for 42 years, Mrs. McKinney DeVaeux distinguished herself in a number of professional appointments throughout her nursing career. She served the community at the Dade County Health Department’s Overtown office, Jackson Memorial
Vera's proudest moments now are having time to spend with all of her grand, great- and great-great-grandchildren. She also has many wonderful memories of riding her father's horses. Vera's advice to young people today is to be sure to get a good education and make something of their lives.

Madam Speaker, I ask that you join me in honoring Vera Bryant for reaching her 100th birthday. I hope we all have the good fortune to live as long as her.

INTRODUCTION OF THE COMMISION ON WARTIME RELOCATION AND INTERNMENT OF LATIN AMERICANS OF JAPANESE DESCENT ACT

HON. XAVIER BECERRA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. BECERRA. Madam Speaker, I rise today to introduce the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act. This bill would create a commission to review and determine facts surrounding the relocation, internment, and deportation of Japanese Latin Americans during World War II. Almost 30 years ago, Congress established the Commission on Wartime Relocation and Internment of Civilians to study the circumstances which led to the detention of 110,000 Japanese Americans during World War II. After twenty days of hearings, testimony from 750 witnesses, and review of thousands of government and military documents, the Commission concluded that internment of Japanese Americans was the result of racism and wartime hysteria. In its report to Congress entitled Personal Justice Denied, the Commission stated "not a single documented act of espionage, sabotage or fifth column activity was committed by an American citizen of Japanese ancestry or by Japanese alien . . ." The Commission's findings vindicated these loyal Americans and President Ronald Reagan's signature of the Civil Liberties Act of 1988 brought closure to thousands who suffered unspeakable indignities and tremendous losses. However, there remains a group who has not yet experienced the closure they deserve or obtained the justice to which they are entitled.

Between December 1941 and February 1948, approximately 2,300 men, women, and children of Japanese ancestry were abducted from 13 Latin American countries and deported to internment camps in the United States. The U.S. government orchestrated and financed this operation with the intention of using these individuals as hostages in exchange for Americans held by Japan. Over 800 people, many who were second or third generation Latin Americans and had no familial or linguistic ties to Japan, were used in two prisoner of war exchanges. The remaining detainees were held in U.S. internment camps until after the end of the war. In the appendix of Personal Justice Denied, the Commission cited the Federal government's role in kidnapp ing and detaining Japanese Latin Americans, and at the same time a lack of hard documents that exist in distant archives or received official testimony from government officials or survivors.

It is for these reasons that I introduce this very important legislation. The Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act would create a commission to investigate and review the facts with regard to the abduction and detention of Latin Americans during World War II by the U.S. government. Composed of nine members appointed by the President, Speaker of the House of Representatives, and President pro tempore of the Senate, the commission would be charged with holding public hearings and submitting a report of its findings and recommending appropriate remedies to Congress.

I am proud to be working with Senator DANIEL K. INOUYE of Hawaii, a decorated World War II veteran and a tremendous public servant, who is also introducing an identical Senate companion measure today. Additionally, I am honored to have the indispensable support of the wonderful men and women of the Campaign for Justice and the Japanese American Citizens League. Without them this effort would lack the heart and soul essential to the finish line.

Madam Speaker, now is the time to recognize our past and complete the official narrative on a troubling period in our Nation's history. As we commit ourselves to building a better America for our daughters and sons, I rise today to introduce the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act.

TRIBUTE TO MURRELL MITCHELL, SR.

HON. HAROLD ROGERS
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to pay tribute to Murrell Mitchell, Sr., a pillar of the community in Corbin, Kentucky, who sadly passed away on November 18, 2008 at the age of 87.

Murrell's life was a testament to his love for his community, the Commonwealth of Kentucky, his country, and the Lord. A hard worker and small business owner, Murrell was a fixture of southeastern Kentucky. In addition to his entrepreneurial efforts, Murrell also served as a member of the Knox County Kentucky School Board, as well as three terms as a Knox County Magistrate.

Murrell was also devoted to serving the Lord and working in his church, the Grace Baptist Church in Corbin Kentucky, where he was a deacon for many years. As a faithful member of the congregation for most of his life, Murrell also served as Sunday school director as well as church treasurer.

Through all of his successes, Murrell had a deep abiding love for his family. He was married to his wife, Opal, for over 70 years. Together they have been the loving parents of 7 children, 15 grandchildren and 32 great-grandchildren. Murrell's presence as father, grandfather, deacon, and rock of the community will be sorely missed.

Madam Speaker, I ask my colleagues to join with me in honoring the memory of Murrell Mitchell. Although he has departed from us in body, his memory will live on in each of us.
TRIBUTE TO WILLIS “SNAKE” MURRAY

HON. KENDRICK B. MEEK
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. MEEK of Florida. Madam Speaker, today I rise to pay tribute to Bishop Robert J. Carlson, Bishop of the Catholic Diocese of Saginaw, as he celebrates the 25th anniversary of his Episcopal Ordination. The Diocese is celebrating this event in honor of Bishop Carlson at St. Stanislaus Kostka Church in Bay City, Michigan, on January 11.

Bishop Carlson is a native of Minneapolis. He was ordained to the priesthood on May 23, 1970, for the Archdiocese of St. Paul and Minneapolis. He received his Bachelor of Arts degree in Philosophy and his Master of Divinity degree from Saint Paul Seminary. He continued his studies at Catholic University of America, receiving his Licentiate in Canon Law in 1979.

On January 11, 1984, Bishop Carlson was ordained as an auxiliary bishop for his home archdiocese. In 1994 he was appointed the Bishop of Sioux Falls, South Dakota. He served at this post until Pope John Paul II directed he become the Bishop of the Diocese of Saginaw. He was installed as the fifth Bishop of the Saginaw Diocese on February 24, 2005.

Currently Bishop Carlson serves as co-chair of the Mission Advisory Committee of the Institute for Priestly Formation, as a member of the Canon Law Society of America, a member of the Board of the International Dominican Foundation, as a member of Board of Sacred Heart Seminary, a member of the Board of Los Cabos Children’s Foundation, a member of the National Conference of Diocesan Vocational Directors. In 2004 he founded the Messengers of Peace Religious Community in Colombia.

Bishop Carlson’s pastoral letters, speeches and publications reflect his commitment to the Catholic Church, priestly formation, the sanctity of human life, and evangelizing. He has written on the Sacraments and the role of Bishops in the Church.

Madam Speaker, I ask the House of Representatives to rise with me and applaud the work of Bishop Robert J. Carlson. His motto is, “Before the Cross there is no Defense,” and expresses his deep faith in Our Lord, Jesus Christ. The cross on his coat of arms represents his commitment and mission to the faithful entrusted to his custody. Bishop Carlson has devoted his life to the care and nurturing of people of the Catholic Church and all humanity. The best testament to his life’s achievement is the love, respect and spiritual growth they reflect back to him.

INTRODUCTION OF THE MEDIKIDS HEALTH INSURANCE ACT

HON. FORTNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2009

Mr. STARK. Madam Speaker, I rise today to reintroduce the MediKids Health Insurance Act of 2009, legislation to provide universal health coverage to our Nation’s children. During the campaign, President-elect Obama spoke of the need to mandate coverage to ensure that every child receives needed health care services. MediKids is the simplest, most effective means of achieving that goal. While it is critical that any reform proposal meet the special needs of children, I want to be clear that I am not suggesting we start with children or stop with children. I am looking forward to working with the new Administration and Congressional colleagues on a health reform effort for which the goal is as simple a comprehensive reform. I am open to other proposals and believe that we have to look across the board at various options. However, I submit that MediKids contains many elements that could be useful in the upcoming debate.

Nearly 9 million children in this country still lack health insurance coverage. The majority of these children live in families with at least one full-time worker. Often, their families are not offered coverage by their employers at all or they cannot afford the premiums. These simple, but sobering, statistics speak to the need for change.

Our system is fundamentally broken when a working parent cannot get health coverage for his or her children.

Rather than reinvent the wheel, I think we should build on what works. When Congress created Medicare more than 40 years ago, our Nation’s seniors were more likely to be living in poverty than any other age group. Many senior citizens were unable to afford needed medical services and unable to find health insurance in the private market, even if they had the resources. Today, as a result of Medicare’s success, seniors are much less likely to be shackled by the bonds of poverty or to go without needed health care.

Sadly, children are now the group who are most likely to be living in poverty. Kids in America are nearly twice as vulnerable to poverty as adults. This travesty is morally reprehensible, and it has grave consequences for the future of our country. Our future rests on our ability to provide our children with the basic conditions to thrive and become healthy, educated, and successful adults. Poor children are often malnourished and have difficulty succeeding in school. Untreated illnesses only worsen their chance to become productive members of our economy. Healthy children are the key to our economic future.

The MediKids Health Insurance Act would create a new Federal health insurance program for children. Modeled after Medicare, MediKids would provide comprehensive benefits appropriate to children, simplified cost-sharing, prescription drug coverage and mental health parity.

The need in America would be automatically enrolled in MediKids at birth and maintain that eligibility through age 23. The cost, adjusted for income, would be applied to the family’s annual tax bill, unless they opted for...
other coverage and showed proof of that cover-
erage. As such, parents would retain the
choice to enroll eligible kids in private plans or
other Government programs such as Medicaid or SCHIP. However, if a lapse in the other in-
surance coverage occurred, MediKids would automat-
cally fill in the gap.
MediKids doesn’t have complicated enroll-
ment and eligibility hoops. Instead, it assures that
families will always have access to afford-
able health insurance for their children, and it
ensures that all children get a truly healthy start in life.
MediKids was originally written in close col-
laboration with the American Academy of Pedi-
diatrics. They have endorsed MediKids as the
best way to provide health coverage to all our
children. The bill has also been endorsed by the
Children’s Defense Fund, Families USA, the
National Association of Children’s Hos-
pitals, and other organizations advocating for
better health care for America’s children. As
we work on health care reform, we need to pay
particular attention to the unique needs of
our Nation’s children. MediKids is a model that
accomplishes that goal.

INTRODUCTION OF THE MEDICARE
ACCESS TO REHABILITATION
ACT OF 2009

HON. XAVIER BECERRA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. BECERRA. Madam Speaker, I rise today to introduce the Medicare Access to Re-
habilitation Act of 2009 with Representatives
ROY BLUNT and MIKE ROSS. This important bill
repeals the monetary caps that limit bene-
ciaries’ access to medically necessary out-
patient physical therapy, occupational therapy,
and speech-language pathology services. Senators JOHN ENSIGN and BLANCHE LINCOLN
are introducing this legislation in the Senate.

To remove all uncertainty for Medicare
beneficiaries about being able to receive the
appropriate therapy, the bipartisan Medicare
Access to Rehabilitation Act of 2009 creates a
stable payment environment so that health
professionals can focus on providing quality
health care. Rehabilitation services provided
by physical therapists, occupational therapists,
and speech language pathologists are essen-
tial to assisting individuals reach their highest
functional level possible and the monetary
caps are inconsistent with this objective.

A March 2008 Center for Medicare and
Medicaid Services (CMS) study provided evi-
dence that enforcement of the monetary caps
could cause Medicare beneficiaries harm
since it may require them to delay necessary
medical care, force others to assume higher
out-of-pocket costs, and disrupt the continuum
of care for many seniors and individuals with
disabilities. Specifically, the study provided
data that the sickest patients who suffered
from Parkinson’s disease or who have multiple
medical problems were most likely to exceed
the monetary caps.

Since inclusion of the caps in the Balanced
Budget Act of 1997, both Democratic and Re-
publican Congresses and administrations have
interceded to prevent their implementation and
enforcement citing the negative impact the
caps would have on elderly patients’ access to
necessary services. Most recently, Congress
extended through 2009 the existing medical
exceptions process that gives the Secretary of
Health and Human Services the authority to
allow patients to exceed the monetary caps if
deemed medically necessary.

I urge my colleagues to continue ensuring that Americans have access to
the highest quality physical therapy, occu-
pational therapy, and speech and language pathology services by supporting this legisla-
tion.

HONORING SUPERVISOR ED ROBEY
OF LAKE COUNTY, CALIFORNIA

HON. MIKE THOMPSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Supervisor
Ed Robey on the occasion of his retirement from the Lake County Board of Supervisors.
Supervisor Robey has served the citizens of Lake County honorably for 28 years, the last
12 as a County Supervisor.

Supervisor Robey has had an illustrious ca-
reer in public service. Since he was first elect-
ed to the Clearlake City Council in 1980, Su-
pervisor Robey has been one of the extra mile for his constituents. The list of
boards and commissions he has served on during his career is overwhelming. It includes
LAFCO, the Area Planning Council, the Re-

cional Council of Rural Counties, the Cali-
fornia State Associations, the Com-
mitee working with the Yolo County Flood
Control District in regard to Clear Lake water
rishes, the Proposition 10/First Five Com-
mision, the PEG Board of Directors, North
Coast Emergency Medical Services, the
Lake County Community Action Agency Board of
Directors, the Agency on Aging and
aging of Directors, the North Coast Opportunities
Board of Directors, the Caltrans DEAL Com-
mittee, and the County Reclasification Com-
mitee, among many others.

Supervisor Robey will be remembered for
his great sense of humor and superior access-
ability to his constituents. His legislative and
community accomplishments are much too nu-
erous to be noted here; however, the true
test of any elected official is if his constiuents
are better off when he retires than when he
first took office. This is unquestionably the
case for Supervisor Robey. The citizens
of Lake County owe him a great debt.

Madam Speaker and colleagues, it is appro-
ate at this time to thank Supervisor Ed
Robey for his years of dedication and service
on behalf of Lake County and beyond. He
has been a model of dignified and effective public
service. I join my wife Beth, his son and two
stepchildren in thanking Ed and wishing him a
lifetime of fulfillment.

INTRODUCTION OF THE BALANCED
BUDGET CONSTITUTIONAL
AMENDMENT

HON. BOB GOODLATTE
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. GOODLATTE. Madam Speaker, I rise to
re-introduce legislation that will amend the
United States Constitution to force Congress to
balance the federal budget.

It is common sense to American families that they cannot spend more than they have—
yet far too frequently, this fundamental prin-
ciple has been lost on a Congress that is too
busy spending to pay attention to the bottom
line.

Our federal government must be lean, effi-
cient and responsible with the dollars that our
Nation’s citizens worked so hard to earn. We
must work to both eliminate every cent of waste and squeeze every cent of value out of each dollar our citizens entrust to us. Families all across our Nation understand what it means to make tough decisions each day about what they can and cannot afford and government officials should be required to do more—exercise similar restraint when spending the hard-earned dollars of our Nation’s citizens.

Congress took a dramatic step forward during the 109th Congress when it passed the Deficit Reduction Act. This law found savings of approximately $40 billion over five years by eliminating wasteful spending and programs. This legislation was an important first step, but it was just that—a first step. Furthermore, the legislation was passed by the Senate by a margin of just one vote and was passed by the House by a margin of two votes, which shows exactly how difficult the task of balancing the budget is—and how important it is to force Congress to do so. This is exactly why I am re-introducing this legislation today.

My legislation, which garnered 165 bipartisan cosponsors in the 110th Congress, would amend the Constitution to require that total spending for any fiscal year not exceed total receipts and require the President to propose budgets to Congress that are balanced each year. It would also provide an exception in times of war and during military conflicts that pose imminent and serious military threats to national security.

Furthermore, the legislation would make it harder to increase taxes by requiring that legislation to increase revenue be passed by a true majority of each chamber and not just a majority of those present and voting. Finally, the bill requires a 2/3 majority vote for any increase in the debt.

This concept is not new. 49 out of 50 states have a balanced budget requirement.

It has become clear that it is extremely difficult for Congress to agree on a budget that is fiscally responsible. By amending the Constitution to require a balanced budget, we can force Congress to control spending, paving the way for a return to surpluses and ultimately paying down the national debt, rather than allowing big spenders to lead us further down the road of chronic deficits and in doing so leaving our children and grandchildren saddled with debt that is not their own.

Our Nation faces many difficult decisions in the coming years, and Congress will face great pressure to spend beyond its means rather than to make difficult decisions about spending priorities. Unless Congress is forced to make the decisions necessary to create a balanced budget, it will always have the all-too-tempting option of shirking this responsibility. The Balanced Budget Constitutional Amendment sense approach to ensure that Congress is bound by the same fiscal principles that America’s families face each day.

I urge support of this important legislation.

INTRODUCTION OF THE UDALL-EISENHOWER ARCTIC WILDERNESS ACT

HON. EDWARD J. MARKEY
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. MARKEY. Madam Speaker, today, I am introducing the Udall-Eisenhower Arctic Wil-
Congressional Record — Extensions of Remarks

Mr. KIRK. Madam Speaker, today I am introducing a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks. In the 110th Congress, the House of Representatives passed this legislation, H.R. 5741 or the “Shark Conservation Act of 2008,” by voice vote under suspension of the rules. The Senate, however, was unable to take action on the bill received by the House or on its companion bill, S. 3231, before it adjourned. I have, therefore, reintroduced this bill today given the ongoing necessity for improved shark conservation and its benefits for ocean ecosystems.

Sharks are long-lived apex predators, which breed slowly, making it difficult for them to maintain populations under fishing pressure. Sharks have been increasingly exploited in recent decades, both as bycatch in the pelagic longline fisheries from the 1960s onward, and as targets in direct fisheries that expanded rapidly in the 1980s. The rising demand for shark fins over past decades has also led to increases in the illegal practice of shark finning, where fins of sharks are removed and the carcass is discarded at sea.

According to scientists, scalloped hammerhead, white, and thresher shark populations are each estimated to have declined by over 75 percent in the last 50 years due in large part to these fishing pressures. Removing these top predators drastically changes the food web structure, marine diversity, and ecosystem health. Addressing the practice of shark finning is imperative step toward the conservation of sharks and marine ecosystems.

Congress recognized shark finning as an inherently wasteful practice in enacting the Shark Finning Prohibition Act of 2000 (Public Law 106–557). This Act prohibits U.S. fishermen from removing the fins of sharks and discarding the carcass at sea, and from landing or transporting shark fins without the corresponding carcasses.

The Shark Conservation Act of 2009 includes several measures to strengthen the implementation and enforcement of that prohibition and would ensure that the intent of Congress is achieved. First, the bill eliminates an unexpected loophole related to the transport of shark fins by prohibiting vessels from having custody, control, or possession of shark fins which are not naturally attached to the corresponding carcasses. This is intended to ensure that U.S. -flagged vessels are not traveling to the high seas and purchasing fins from fishermen engaged in shark finning and bringing them into U.S. waters in an attempt to skirt the finning prohibition. The bill further strengthens the enforcement of the existing ban on shark finning by calling for fines of $50,000 and up to 5 years in prison. This “fins-attached” landing strategy simplifies enforcement of the Shark Finning Prohibition Act. It is also consistent with the National Marine Fisheries Service, NMFS, final rule, which took effect on July 24, 2008, and which implements the management measures described in the final Amendment 2 to the Atlantic Highly Migratory Species Fishery Management Plan and strengthens enforcement of existing laws that prohibit U.S. Atlantic waters by requiring that sharks be landed with their fins attached.

Finally, the Shark Conservation Act of 2009 amends the High Seas Driftnet Fishing Moratorium Protection Act to the Secretary of Commerce to identify and list nations that have not adopted a regulatory program for the conservation of sharks comparable to the United States. This amendment promotes the conservation of sharks internationally and in a manner that is consistent with the expectations of other nations.

The bill is further consistent with the United States position in the United Nations relative to Resolution 62/177 that was adopted by the United Nations General Assembly on December 18, 2007, and which calls upon nations to take immediate and concerted action to improve the implementation of and compliance with national measures that regulate shark fisheries, including management efforts to require that all sharks be landed with each fin naturally attached.

The Shark Conservation Act of 2009 reenforces the intended protections for sharks under U.S. law. I look forward to working with my colleagues on both sides of the aisle to again pass this timely and important bill in the House of Representatives. I also hope it will receive favorable action and consideration by the other body in the 111th Congress.
Act. This bill will assist in our fight against ter-
rorism around the globe. Currently, the ter-
rorist rewards program run by the State De-
partment assists in our hunt for terrorists by
promising a cash reward or other type of re-
ward for information leading to the arrest of
some of the world’s most deadly terrorists.
This program has been very successful in the
past in apprehending key people including Mir
Amal Kansi, a terrorist who had murdered two
CIA employees and injured three others in a
1993 shooting outside CIA headquarters in
Virginia.
Under current law, the U.S. may not pay a
reward to an officer or employee of another
government. I have traveled to Pakistan each of
the last 4 years, where I met with a number of
government officials. At the strong sugges-
tion of Pakistan’s ISI and IB intelligence and
police bureaus, I believe the President should
be able to pay such a reward to anyone hav-
ing information leading us to the greatest ter-
rors. If there is anywhere, anywhere, even if
they work for a Pakistani government agency,
who has information about the whereabouts of
Osama bin Laden, we should be doing all we
can to elicit that information.
With the increasing number of cross-border
incursions into Afghanistan coming from the
Waziristan region of Pakistan, it is more im-
portant than ever to develop a complete pic-
ture of where al Qaeda and Taliban terrorists
are hiding. We need to provide our State De-
partment assistance in our hunt for terrorists
by providing information leading us to the
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Osama bin Laden, we should be doing all we
can to elicit that information.
Chairmen WAXMAN and MILLER, our leadership over the last decade. Inadequate health coverage has become an American societal shame. In 2007, drug company profits of $156 billion far outstripped the $49 billion spent on research and development, and $19 billion on marketing. Even worse, producers of medical devices, biotech, and medical supplies added another $114 billion to their holdings in 2007. Half of all bankruptcy filings can be traced to medical bills. 49 percent of people in foreclosed homes named medical problems as a cause of their financial difficulties.

According to the New America Foundation, our economy lost as much as $207 billion last year because of the poor health and shorter lifespans of those without health insurance. General Motors spends more on health care than on steel. While I’m not suggesting we import the Canadian health system, it is worth highlighting that if we paid the same amount others do for such care, our economy lost as much as $207 billion last year. Inadequate health coverage is cripplingly expensive.

The President-elect declared that health care reform should happen “this year”. Chairman RANGEL and I are ready to work with him, ChairmenウォXMAN and MILLER, our leadership and the Senate to achieve this goal.

AmeriCare is a template of a way that we can achieve universal health care. AmeriCare is based on a framework that is consistent with many of the principles that President-elect Obama identified during the campaign.

Like President-elect Obama’s plan, it includes a public plan option. It uses Medicare’s existing administrative infrastructure, but improves upon Medicare’s benefits to address some of the current gaps in coverage. A public plan option is the only way to ensure that beneficiaries have access to an option that promotes people over profit. As Medicare itself includes both public and private plan options, one could make the case that AmeriCare has an exchange, like Obama’s plan as well.

Like President-elect Obama’s plan, it maintains employer sponsored coverage. People can keep the coverage they have if they like it. We need to build on what works, not create an entirely new system.

Like President-elect Obama’s plan, it includes a pay-or-play component to ensure that the private sector continues to play a role in providing health care.

AmeriCare meets the Health Care for America Now! reform principles. It was endorsed last year by the coalition, as well as provider groups, beneficiary advocates, and unions including: American Academy of Pediatrics, American Nurses Association, Center for Medicare Advocacy, Consumers Union, Families USA, National Association of Community Health Centers, National Association of Public Hospitals, SEIU, Universal Health Care Action Network.

AmeriCare is a practical proposal to ensure that everyone has affordable health coverage in our country. It builds on what works in today’s health care system to provide simple, affordable, reliable health insurance. I look forward to working with President-elect Obama as he assumes the office of the President to achieve a universal health care program that meets the principles that he will outline to Congress. I will submit for the RECORD a short summary of AmeriCare. More can be found on my website at http://www.house.gov/stark.

AmeriCare Health Care Act of 2009

Overview: The AmeriCare Health Care Act (“AmeriCare”) is a practical proposal to ensure that everyone has health coverage in our country. It builds on what works in today’s health care system to provide simple, affordable, reliable health insurance. People would be covered under the new AmeriCare system, modeled on Medicare, or they would continue to obtain health coverage through their employer.

Using the administrative efficiencies within Medicare and building on the existing coverage people receive through their jobs today, we can create an affordable, efficient, and stable universal health care system in America— and guarantee access to medical innovation and the world’s most advanced providers and facilities.

Structure and Administration: Creates a new title in the Social Security Act, “AmeriCare.” Provides universal health care for all U.S. residents, with additional coverage for children (under 21), pregnant women, and individuals with limited incomes (< 300 percent FPL). Sets out standards for supplies in the state with a focus on consumer protection. Requires the Secretary to negotiate discounts for prescription drugs.

Benefits: Adults receive Medicare Part A and B benefits; preventive services; substance abuse treatment, mental health parity; and prescription drug coverage equivalent to the BC/BS Standard Option in 2008. Children receive comprehensive benefits and Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) coverage with no cost-sharing.

Cost-Sharing: There is a $350 deductible for individuals; $500 for families (indexed over time), and 20 percent coinsurance. Total spending (premiums, deductibles, and co-insurance) is capped at out-of-pocket maximum of $2,500 individual/$4,000 family (indexed over time), or 5 percent of income for beneficiaries with income between 200 percent–300 percent FPL and 7.5 percent of income for beneficiaries with income between 300 percent–500 percent FPL. There is no cost-sharing for children, pregnant women and low-income individuals (below 200 percent FPL). Sliding scale subsidies are in place for cost-sharing for individuals between 200 percent and 300 percent FPL.

Financing: At April 15 tax filing each year, individuals either demonstrate equivalent coverage through their employer or pay the AmeriCare premium or provide equivalent benefits through a group health plan (the contribution for part-time workers is pro-rated). AmeriCare does not affect contracts or collective bargaining agreements in effect as of the date of enactment, and employers may choose to provide additional benefits. Employers may either pay 80 percent of the AmeriCare premium or provide equivalent benefits through a group health plan (the contribution for part-time workers is pro-rated). AmeriCare does not affect contracts or collective bargaining agreements in effect as of the date of enactment, and employers may choose to provide additional benefits. Employers may either pay 80 percent of the AmeriCare premium or provide equivalent benefits through a group health plan (the contribution for part-time workers is pro-rated).

TRIBUTE TO TERRY TOEDTEMEIER

HON. DAVID WU
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 6, 2009

Mr. WU. Madam Speaker, I rise today to remember a man who dedicated his life to the art of photography and the history of Oregon, Terry Toedtemeier. We sadly lost Terry on December 10, 2008. Terry served as the curator of the Portland Art Museum’s photography collection and was widely known as one of the Pacific Northwest’s finest landscape photographers. Terry and a colleague had recently published a book, Wild Beauty: Photographs of the Columbia River Gorge, 1867–1957, and Terry had finished curating a show of the same name at the Portland Art Museum.

Terry Toedtemeier was a passionate explorer of the Gorge and one of its greatest interpreters. He was a trained geologist, photographer, photo historian, curator, and educator, who realized this stretch of the Columbia River is one of the natural wonders of America. Terry studied geology at Oregon State University. He had a strong desire to understand the forces of the earth that created the world around us, and it was being outdoors and experiencing Oregon’s geological features that inspired him. As a student, one day Terry spied through fog-obscured sunlight a freshly plowed field and in the middle, growing serenely, a tree that he could only describe later as “scrubby” and “a wreck.” Terry took a photo and when he printed the image he said that he understood “this creative possibility with the camera.”

A colleague of his noted that Terry had immersed himself in the photographic history of the Northwest over the course of his career. Terry’s curated show at the Portland Art Museum, Wild Beauty, revealed his technical expertise in describing geologic and geographic changes, as well as a photographic history of the Gorge over 90 years, ending in 1957 when the construction of The Dales Dam submerged one of the last great Native American fishing grounds at Celilo Falls.

From the images taken by Carleton Watkins in 1867 when Americans were first establishing industry in the West, to those by Al Monner as the federal government was constructing hydroelectric dams throughout the area, the Columbia River Gorge has served as a place of meditation, wonder, and discovery for artists. It has been Terry’s astute effort that has brought these artists’ visions together to teach us about the vastness, power, and beauty of the Columbia River Gorge.

Madam Speaker, I commemorate the life of Terry Toedtemeier and share with you his commitment to the preservation of our knowledge and the history of the Pacific Northwest and the Columbia River Gorge. I believe in his work reflects why we must act to protect and preserve the crown jewel of Oregon’s natural heritage.
Tuesday, January 6, 2009

Daily Digest

HIGHLIGHTS

Senate convened the first session of the One Hundred Eleventh Congress.

The Honorable Nancy Pelosi of California was elected Speaker of the House of Representatives.

Senate

Chamber Action

Routine Proceedings, pages S1–S152

Measures Introduced: One hundred forty-three bills and thirteen resolutions were introduced, as follows: S. 1–10, 21, 31–162, S.J. Res. 1–5, S. Res. 1–8, and S. Con. Res. 1–2. Pages S39–44

Measures Passed:

Quorum of House and Senate: Senate agreed to S. Res. 1, informing the President of the United States that a quorum of each House is assembled. Page S5

Quorum of the Senate: Senate agreed to S. Res. 2, informing the House of Representatives that a quorum of the Senate is assembled. Page S5

Counting of Electoral Votes: Senate agreed to S. Con. Res. 1, to provide for the counting on January 8, 2009, of the electoral votes for President and Vice President of the United States. Page S5

Joint Congressional Committee on Inaugural Ceremonies: Senate agreed to S. Con. Res. 2, extending the life of the Joint Congressional Committee on Inaugural Ceremonies. Page S6

Hour of Daily Meeting of the Senate: Senate agreed to S. Res. 3, fixing the hour of daily meeting of the Senate. Page S6

Secretary of the Interior Compensation and Emoluments: Senate passed S.J. Res. 3, ensuring that the compensation and other emoluments attached to the office of Secretary of the Interior are those which were in effect on January 1, 2005. Pages S150–51

Death of former Senator Claiborne de Borda Pell: Senate agreed to S. Res. 8, relative to the death of the Honorable Claiborne de Borda Pell, former United States Senator for the State of Rhode Island. Page S151

Measures Considered:

Objection: Pursuant to rule XIV, paragraph 1, of the Standing Rules of the Senate, Senator Coburn objected to the introduction of a bill, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, by Senator Bingaman. Page S27

Appointments:

Congressional Oversight Panel: The Chair, on behalf of the Republican Leader, pursuant to provisions of Public Law 110–343, appointed the following individual as a member of the Congressional Oversight Panel: Senator John Sununu, of New Hampshire, vice Senator Judd Gregg, of New Hampshire. Pursuant to the order of the Senate of December 11, 2008, authorizing appointments to be made during the recess or adjournment of the Senate, the Chair lays before the Senate an appointment made on December 18, 2008, which shall be printed in the Record. Page S150

111th Congress—Unanimous Consent Agreements:

A unanimous-consent agreement was reached providing that for the duration of the 111th Congress, the Ethics Committee be authorized to meet during the session of the Senate. Page S6

A unanimous-consent agreement was reached providing that for the duration of the 111th Congress, there be a limitation of 15 minutes each upon any roll call vote, with the warning signal to be sounded...
at the midway point, beginning at the last 7 1/2 minutes, and when roll call votes are of 10-minute duration, the warning signal be sounded at the beginning of the last 7 1/2 minutes.

A unanimous-consent agreement was reached providing that during the 111th Congress, it be in order for the Secretary of the Senate to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate.

A unanimous-consent agreement was reached providing that the Majority and Minority Leaders may daily have up to 10 minutes each on each calendar day following the prayer and disposition of the reading of, or the approval of, the Journal.

A unanimous-consent agreement was reached providing that the Parliamentarian of the House of Representatives and his five assistants be given the privileges of the floor during the 111th Congress.

A unanimous-consent agreement was reached providing that, notwithstanding the provisions of rule XVIII, conference reports and statements accompanying them not be printed as Senate reports when such conference reports and statements have been printed as a House report unless specific request is made in the Senate in each instance to have such a report printed.

A unanimous-consent agreement was reached providing that the Committee on Appropriations be authorized during the 111th Congress to file reports during adjournments or recesses of the Senate on appropriations bills, including joint resolutions, together with any accompanying notices of motions to suspend rule XVI, pursuant to rule V, for the purpose of offering certain amendments to such bills or joint resolutions, which proposed amendments shall be printed.

A unanimous-consent agreement was reached providing that for the duration of the 111th Congress, the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossments of all Senate-passed bills and resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate amendments to House bills or resolutions.

A unanimous-consent agreement was reached providing that for the duration of the 111th Congress, when the Senate is in recess or adjournment, the Secretary of the Senate is authorized to receive messages from the President of the United States, and—with the exception of House bills, joint resolutions and concurrent resolutions—messages from the House of Representatives; and that they be appropriately referred; and that the President of the Senate, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

A unanimous-consent agreement was reached providing that for the duration of the 111th Congress, Senators be allowed to leave at the desk with the Journal Clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant-at-Arms be instructed to rotate such staff members as space allows.

A unanimous-consent agreement was reached providing that for the duration of the 111th Congress, it be in order to refer treaties and nominations on the day when they are received from the President, even when the Senate has no executive session that day.

A unanimous-consent agreement was reached providing that for the duration of the 111th Congress, Senators may be allowed to bring to the desk, bills, joint resolutions, concurrent resolutions and simple resolutions, for referral to appropriate committees.

Messages from the House: Pages S30–31
Measures Referred: Page S31
Measures Read the First Time: Pages S31, S151
Enrolled Bills Presented: Page S31
Executive Communications: Pages S8, S31–39
Statements on Introduced Bills/Resolutions: Pages S44–S150
Additional Statements: Page S30
Notices of Hearings/Meetings: Page S150
Quorum Calls:
One quorum call was taken today. (Total—1) Pages S4–5

Adjournment: Senate convened at 12:01 p.m. and adjourned, as a further mark of respect to the memory of the late Honorable Claiborne de Borda Pell, former United States Senator for the State of Rhode Island, in accordance with S. Res. 8, at 7:45 p.m., until 11:30 a.m. on Wednesday, January 7, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S152.)

Committee Meetings
(Committees not listed did not meet)

No committee meetings were held.
House of Representatives

Chamber Action

Public Bills and Resolutions Introduced:
(See next issue.)

Additional Cosponsors:
(See next issue.)

Report Filed: A report was filed on January 3, 2009 as follows:
Summary of Activities of the Committee on Standards of Official Conduct for the 110th Congress (H. Rept. 110–938).
(See next issue.)

Chaplain: The prayer was offered by the guest Chaplain, Cardinal Theodore E. McCarrick, Archbishop Emeritus of Washington.
Page H1

Election Credentials for the Resident Commissioner and Delegates: The Clerk announced that credentials have been received showing the elections of the following: Honorable Pedro R. Pierluisi, Resident Commissioner from the Commonwealth of Puerto Rico; Honorable Eleanor Holmes Norton, Delegate from the District of Columbia; Honorable Madeleine Z. Bordallo, Delegate from Guam; Honorable Donna M. Christensen, Delegate from the Virgin Islands; Honorable Eni F.H. Faleomavaega, Delegate from American Samoa; and Honorable Gregorio Sablan, Delegate from the Commonwealth of the Northern Mariana Islands.
Page H2

Member Resignation: The Clerk announced that she was in receipt of a letter of resignation from Representative Emanuel from the state of Illinois. Agreed without objection that the letters relating to his resignation will be printed in the Record.
Pages H2–3

Election of Speaker: The Honorable Nancy Pelosi of California was elected Speaker of the House of Representatives and received 255 votes. The Honorable John A. Boehner of Ohio received 174 votes. Earlier, the Clerk appointed Representatives-elect Brady (PA), Daniel E. Lungren (CA), Kaptur, and Ros-Lehtinen to act as Tellers.
Pages H3–4

Escort Committee: The Clerk appointed the following committee to escort the Speaker-elect to the Chair: Representatives-elect Boehner, Hoyer, Clyburn, Cantor, Larson, Pence, Becerra, and McOtter and the members of the California delegation: Representatives-elect Stark, George Miller, Waxman, Lewis, Dreier, Berman, Gallegly, Herger, Rohrabacher, Waters, Calvert, Eshoo, Filner, McKeon, Roybal-Allard, Royce, Woolsey, Farr, Zoe Lofgren, Radanovich, Sherman, Loretta Sanchez, Tauscher, Capps, Bono Mack, Lee, Gary G. Miller, Napolitano, Thompson, Baca, Harman, Davis, Honda, Issa, Schi,
The House agreed to H. Res. 4, authorizing the Clerk to inform the President of the election of the Speaker and the Clerk.

Adopting Rules for the One Hundred Eleventh Congress: The House agreed to H. Res. 5, adopting the Rules of the House of Representatives for the One Hundred Eleventh Congress, by a yea-and-nay vote of 242 yeas to 181 nays, Roll No. 4.

Rejected the Dreier motion to commit the resolution to a select committee comprised of the Majority Leader and the Minority Leader with instructions to report back the same to the House forthwith with amendments, by a yea-and-nay vote of 174 yeas to 249 nays, Roll No. 3.

Election of Members to Certain Standing Committees: The House agreed to H. Res. 8, electing the following Members to certain standing committees of the House of Representatives: Committee on Agriculture: Representative Peterson, Chairman. Committee on Appropriations: Representative Obey, Chairman. Committee on Armed Services: Representative Spratt, Chairman. Committee on Budget: Representative Slaughter, Chairman; Representatives McGovern, Lewis, and Ryan, Joint Chairman. Committee on Energy and Commerce: Representative Waxman, Chairman. Committee on Foreign Affairs: Representative Ros-Lehtinen. Committee on Homeland Security: Representative King, and Chairman. Committee on the Judiciary: Representative Smith, (TX). Committee on Natural Resources: Representatives Walton and Hall, Chairman. Committee on Oversight and Government Reform: Representative Issa. Committee on Rules: Representative Dreier. Committee on Science and Technology: Representative Hall (TX). Committee on Small Business: Representative Graves. Committee on Transportation and Infrastructure: Representative Mica. Committee on Veterans Affairs: Representative Buyer. Committee on Ways and Means: Representative Camp.

Daily Hour of Meeting: The House agreed to H. Res. 10, fixing the daily hour of meeting for the first session of the One Hundred Eleventh Congress.


Appointment Authority: Agreed that during the One Hundred Eleventh Congress, the Speaker, Majority Leader, and Minority Leader be authorized to accept resignations and to make appointments authorized by law or by the House.

Extension of Remarks: Agreed that during the One Hundred Eleventh Congress, all Members be permitted to extend their remarks and to include extraneous material within the permitted limit in that section of the Record entitled "Extensions of Remarks".

Morning-Hour Debate: Agreed to the procedures regarding the format for morning-hour debate for the first session of the One Hundred Eleventh Congress.

Policies of the Chair: The Chair announced her policies with respect to particular aspects of the legislative process dealing with (1) privileges of the floor; (2) introduction of bills and resolutions; (3) unanimous-consent requests for the consideration of legislation; (4) recognition for one-minute speeches;
(5) recognition for special-order speeches; (6) decorum in debate; (7) conduct of votes by electronic device; (8) use of handouts on the House floor; (9) use of electronic equipment on the House floor; and (10) use of the Chamber. Agreed without objection that the announcements will be printed in the Record.

Pages H22–24

House Office Building Commission: The Chair announced that Representatives Hoyer and Boehner will serve as members of the House Office Building Commission with the Speaker.

Page H24

Inspector General for the House of Representatives—Appointment: The Chair announced the joint appointment by the Speaker, the Majority Leader, and the Minority Leader of Mr. James J. Cornell of Springfield, Virginia, to the position of Inspector General for the House of Representatives for the One Hundred Eleventh Congress.

Page H24

Permanent Select Committee on Intelligence—Appointment: The Chair announced the Speaker’s appointment of the following Members of the House to the Permanent Select Committee on Intelligence: Representative Reyes, Chairman, and Representative Hoekstra.

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Speaker Pro Tempore: Read a letter from the Speaker wherein she appointed Representative Hoyer and Representative Van Hollen to act as Speaker pro tempore to sign enrolled bills and joint resolutions in her absence during the period of the One Hundred Eleventh Congress.

Page H24

Clerk Designations: Read a letter from the Clerk wherein she designated Ms. Deborah M. Spriggs, Deputy Clerk, and Mr. Robert F. Reeves, Deputy Clerk, to sign any and all papers and do all other acts in case of her temporary absence or disability.

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Governing Board of the Office of Congressional Ethics—Reappointments: The Chair announced the reappointment of the following individuals to serve as the Governing Board of the Office of Congressional Ethics, pursuant to section 4(d) of H. Res. 5, 111th Congress, and the order of the House of today: Nominated by the Speaker with the concurrence of the Minority Leader: Mr. David Skaggs of Colorado, Chairman; Mrs. Yvonne Brathwaite Burke of California, subject to section 1(b)(6)(B); Ms. Karan English of Arizona, subject to section 1(b)(6)(B); and Mr. Abner Mikva of Illinois, Alternate. Nominated by the Minority Leader with the concurrence of the Speaker: Mr. Porter J. Goss of Florida, Cochairman; Mr. James M. Eagen III of Colorado, subject to section 1(b)(6)(B); Ms. Allison R. Hayward of Virginia, subject to section 1(b)(6)(B); and Mr. Bill Frenzel of Virginia, Alternate.

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Succession of the Speaker of the House: Read a letter from the Speaker wherein she designated Representative Hoyer to act jointly with the Majority Leader of the Senate, or his designee, in the event of the death or inability of the Speaker, to notify Members of the House and Senate of any reassembly.

Page H24

Order of Members to Act as Speaker Pro Tempore: The Chair announced that the Speaker delivered to the Clerk a letter dated January 6, 2009, listing Members in the order in which each shall act as Speaker pro tempore under clause 8(b)(3) of rule 1.

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Designation of Minority Employees: The House agreed to H. Res. 13, designating minority employees pursuant to the Legislative Pay Act of 1929, as amended.

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Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H24.

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings today and appear on pages 19 and 20. There was one quorum call, Roll No. 1, which appears on pages 1 and 2.

Adjournment: The House met at 12 noon and adjourned at 4:55 p.m.

Committee Meetings

ASSESSING MADOFF PONZI SCHEME AND THE NEED FOR REGULATORY REFORM

Committee on Financial Services: On January 5, the Committee met to discuss “Assessing the Madoff Ponzi Scheme and the Need for Regulatory Reform.” The following persons participated in the discussion: H. David Kotz, Inspector General, SEC; and non-governmental persons.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D—)

H.R. 6859, to designate the facility of the United States Postal Service located at 1501 South Slappey Boulevard in Albany, Georgia, as the “Dr. Walter Carl Gordon, Jr. Post Office Building”. Signed on December 19, 2008. (Public Law 110–454)

S.J. Res. 46, ensuring that the compensation and other emoluments attached to the office of Secretary of State are those which were in effect on January 1, 2007. Signed on December 19, 2008. (Public Law 110–455)
H.R. 6184, to provide for a program for circulating quarter dollar coins that are emblematic of a national park or other national site in each State, the District of Columbia, and each territory of the United States, and for other purposes. Signed on December 23, 2008. (Public Law 110–456)

H.R. 7311, to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes. Signed on December 23, 2008. (Public Law 110–457)

H.R. 7327, to make technical corrections related to the Pension Protection Act of 2006, and for other purposes. Signed on December 23, 2008. (Public Law 110–458)

S. 3663, to require the Federal Communications Commission to provide for a short-term extension of the analog television broadcasting authority so that essential public safety announcements and digital television transition information may be provided for a short time during the transition to digital television broadcasting. Signed on December 23, 2008. (Public Law 110–459)


COMMITTEE MEETINGS FOR WEDNESDAY, JANUARY 7, 2009

(Committee meetings are open unless otherwise indicated)

Senate
No meetings/hearings scheduled.

House
Committee on Rules, to meet for organizational purposes, 10:30 a.m., H–313 Capitol.
Next Meeting of the SENATE
11:30 a.m., Wednesday, January 7

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Wednesday, January 7

Program for Wednesday: Senate will be in a period of morning business.
(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Program for Wednesday: To be announced.

Extensions of Remarks, as inserted in this issue

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