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House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Ms. DEGETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 21, 2009.

I hereby appoint the Honorable DIANA DEGETTE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

Lord, yesterday, proud to be Americans, became a memorable day of celebration.

A conversion of history does not mean history is overturned or undone. Its true meaning calls for a new way of living. Because the future is no longer to be feared, we can be open for every confirmation of hope realized.

The historic past can be drawn upon for lessons yet to be learned. But now truly free, we are to act as Your people with a new spirit of responsibility, able to respond to the demands of every moment given us.

It is now upon us as a government and as a Nation to make history, to take our time, and make it a time worth celebrating.

So it ever was, is now, and ever will be, generation after generation here in America.

Lord God, be with us now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX 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.

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut. Madam Speaker, by the direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 74

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE.—Mr. Holden, Mr. McIntyre, Mr. Boswell, Mr. Baca, Mr. Cardoza, Mr. Scott of Georgia, Mr. Marshall, Ms. Herseth Sandlin, Mr. Cuellar, Mr. Costa, Mr. Ellsworth, Mr. Walz, Mrs. Gillibrand, Mr. Kagen, Mr. Schrader, Ms. Halvorson, Ms. Dahlkemper, Mr. Massa, Mr. Bright, Ms. Markey of Colorado, Mr. Kratovil, Mr. Schauer, Mr. Kissell, Mr. Boccieri, Mr. Pomeroy, Mr. Childers, Mr. Minnick.

(2) COMMITTEE ON THE BUDGET.—Ms. Schwartz, Ms. Kaptur, Mr. Becerra, Mr. Doggett, Mr. Blumenauer, Mr. Berry, Mr. Boyd, Mr. McGovern, Ms. Tsongas, Mr. Etheridge, Ms. McCollum, Mr. Melancon, Mr. Yarmuth, Mr. Andrews, Ms. DeLauro, Mr. Edwards of Texas, Mr. Scott of Virginia, Mr. Langevin, Mr. Larsen of Washington, Mr. Bishop of New York, Ms. Moore of Wisconsin, Mr. Connolly of Virginia, Mr. Schrader.

(3) COMMITTEE ON EDUCATION AND LABOR.—Mr. Kildee, Mr. Payne, Mr. Andrews, Mr. Scott of Virginia, Ms. Woolsey, Mr. Hinojosa, Mrs. McCarthy of New York, Mr. Tierney, Mr. Kucinich, Mr. Wu, Mr. Holt, Mrs. Davis of California, Mr. Grijalva, Mr. Bishop of New York, Mr. Sestak, Mr. Loebsack, Ms. Hirono, Mr. Altmire, Mr. Hare, Ms. Clarke, Mr. Courtney, Ms. Shea-Porter, Ms. Fudge, Mr. Polis of Colorado, Mr. Tonko, Mr. Pierluisi, Mr. Sablan, Ms. Titus.

(4) COMMITTEE ON FOREIGN AFFAIRS.—Mr. Ackerman, Mr. Faleomavaega, Mr. Payne, Mr. Sherman, Mr. Wexler, Mr. Engel, Mr. Delahunt, Mr. Meeks of New York, Ms. Watson, Mr. Smith of Washington, Mr. Carnahan, Mr. Sires, Mr. Connolly of Virginia, Mr. McMahon, Mr. Tanner, Mr. Gene Green of Texas, Ms. Jackson-Lee of Texas, Ms. Lee of California, Ms. Berkley, Mr. Crowley, Mr. Ross, Mr. Miller of North Carolina, Mr. Scott of Georgia, Mr. Costa, Mr. Ellison, Ms. Giffords, Mr. Klein of Florida.

(5) COMMITTEE ON THE JUDICIARY.—Mr. Berman, Mr. Boucher, Mr. Nadler of New York, Mr. Scott of Virginia, Mr. Watt, Ms. Zoe Lofgren of California, Ms. Jackson-Lee of Texas, Ms. Waters, Mr. Delahunt, Mr. Wexler, Mr. Cohen, Mr. Johnson of Georgia, Mr. Pierluisi, Mr. Gutierrez, Mr. Sherman, Ms. Baldwin, Mr. Gonzalez, Mr. Weiner, Mr. Schiff, Ms. Linda T. Sanchez of California, Ms. Wasserman Schultz, Mr. Maffei.

(6) COMMITTEE ON NATURAL RESOURCES.—Mr. Kildee, Mr. Faleomavaega, Mr. Abercrombie, Mr. Pallone, Mrs. Napolitano, Mr. Holt, Mr. Grijalva, Ms. Bordallo, Mr. Costa, Mr. Boren, Mr. Sablan, Mr. Heinrich, Mr. George Miller of California, Mr. Markey of Massachusetts, Mr. DeFazio, Mr. Hinchey, Mrs. Christensen, Ms. DeGette, Mr. Kind, Mrs. Capps, Mr. Inslee, Mr. Baca, Ms. Herseth Sandlin, Mr. Sarbanes, Ms. Shea-Porter, Ms. Tsongas, Mr. Kratovil, Mr. Pierluisi.

(7) COMMITTEE ON SCIENCE AND TECHNOLOGY.—Mr. Costello, Ms. Eddie Bernice Johnson of Texas, Ms. Woolsey, Mr. Wu, Mr. Baird, Mr. Miller of North Carolina, Mr. Lipinski, Ms. Giffords, Ms. Edwards of Maryland, Ms. Fudge, Mr. Lujan, Mr. Tonko, Mr. Griffith, Mr. Rothman of New Jersey, Mr. Matheson, Mr. Davis of Tennessee, Mr. Chandler, Mr. Carnahan, Mr. Hill, Mr. Mitchell,

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Mr. Wilson of Ohio, Ms. Dahlkemper, Mr. Grayson, Ms. Kosmas, Mr. Peters.

(8) COMMITTEE ON SMALL BUSINESS.—Mr. Moore of Kansas, Mr. Shuler, Ms. Dahlkemper, Mr. Schrader, Ms. Kirkpatrick of Arizona, Mr. Nye, Mr. Michaud, Ms. Bean, Mr. Lipinski, Mr. Altmire, Ms. Clarke, Mr. Ellsworth, Mr. Sestak, Mr. Bright, Mr. Griffith, Ms. Halvorson.

(9) COMMITTEE ON VETERANS' AFFAIRS.—Ms. Corrine Brown of Florida, Mr. Snyder, Mr. Michaud, Ms. Herseth Sandlin, Mr. Mitchell, Mr. Hall of New York, Ms. Halvorson, Mr. Perriello, Mr. Teague, Mr. Rodriguez, Mr. Donnelly of Indiana, Mr. McNerney, Mr. Space, Mr. Walz, Mr. Adler of New Jersey, Ms. Kirkpatrick of Arizona, Mr. Nye.

Mr. LARSON of Connecticut (during the reading). Madam Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

Ms. FOXX. Madam Speaker, reserving the right to object, could the gentleman please tell us the committees. Is it just the Committee on Agriculture, Madam Speaker?

Mr. LARSON of Connecticut. Madam Speaker, I thank the gentlewoman. As I indicated, this is a privileged resolution from the Democratic Caucus, and the Committees are on Agriculture, Budget, Education, Foreign Affairs, Judiciary, Natural Resources, Science and Technology, Small Business, and Veterans' Affairs.

Ms. FOXX. Madam Speaker, I withdraw my reservation.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE FINAL BAILOUT FUNDS MUST BE USED TO ADDRESS FORECLOSURE CRISIS

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

Mr. KUCINICH. Madam Speaker, let's discuss our system of checks and balances.

Congress writes hundreds of billions of checks to the banks, and the banks, it turns out, don't know their own balances. Banks are not lending the money Congress gave them because most banks don't know their own balance sheets. We throw in countless dollars into a bottomless pit, and we're wondering why new lending is not happening.

Our Nation's motto is ''In God we trust,'' not ''In banks we trust.'' We must verify what the banks are doing with the money we gave them. We must get concrete assurances that the rest of the bailout funds be used to address the center of the financial crisis in America: That's foreclosures. Foreclosures are devastating the American families. A 41 percent increase in foreclosures in the past year.

We must get concrete assurances from the new administration that the final bailout funds will be used to address the foreclosure crisis and help keep millions of Americans in their homes. We must help Americans save their homes.

A DOZEN FUN FACTS ABOUT THE HOUSE DEMOCRATS' MASSIVE SPENDING BILL

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

Ms. FOXX. Madam Speaker, much is being said about the proposed ''stimulus'' package that is being considered by the Democrats right now, but I think we need to talk a little bit about the facts of the matter.

As others have said, the government, in this case the Federal Government, cannot give to anyone anything that it does not first take from someone else. So here are some of the facts about the proposed stimulus:

It will cost each and every household in America $6,700 in additional debt paid by our grandchildren and children. This legislation will spend about $275,000 per job if the stimulus package creates or saves 3 million jobs. The average household income in the United States is $50,000 a year. The House Democrats' bill provides enough spending, $825 billion, to give every man, woman, and child in America $2,700.

There are many more facts about this bill that need to be presented, and we will be doing that in the next few days.

ACKNOWLEDGING THE SERVICE OF THE CINCINNATI POLICE DEPARTMENT IN THE INAUGURATION

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

Mr. DRIEHAUS. Madam Speaker, I rise today to acknowledge the service of the Cincinnati Police Department in yesterday's inaugural celebration. The men and women of Cincinnati proudly served as a security detail for yesterday's events, as did thousands of officers from across the United States.

As one traveled the streets of Washington yesterday, the presence of our police and military was reassuring. They were courteous, respectful, and extremely professional as they assisted millions of visitors to our Nation's Capital.

Let this be a reminder to all of us of the tremendous dedication of our men and women in uniform serving our communities here at home as well as those serving abroad. It is their dedication and commitment to service that ensures our freedoms, the freedoms celebrated yesterday in the inauguration of our 44th President.

Let these brave officers be a model for all Americans as we heed the call to service and renew our democracy.

COMMUTATION FOR POLITICAL PRISONERS RAMOS AND COMPEAN

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

Mr. POE of Texas. Madam Speaker, as a final act by President Bush, border agents and political prisoners Jose Compean and Ignacio Ramos were granted a commutation of their harsh prison sentence.

Thanks to the work of many Members of Congress, some in the media, and, most importantly, the American people, this case would just not go away. The agents were relentlessly prosecuted for doing their job on the violent Texas-Mexico border when they tried to stop a drug smuggler from escaping after bringing in $750,000 worth of drugs. They received 11 and 12 years in the penitentiary while the drug dealer was given immunity.

But this case is not over. President Obama will be asked by some Members of Congress to grant a full pardon. Also, legislation will be introduced to make it clear to Federal judges and rogue prosecutors that the requirement to add additional prison time to a person that carries a weapon in a crime shall not apply to peace officers because they have to carry weapons. Also, justice will not occur until the American people find out why our government was on the wrong side of the border wars and prosecuted this case in the first place.

And that's just the way it is.

STRONG AMERICAN SUPPORT FOR BIKE/PED-ALTERNATIVE TRANSPORTATION

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

Mr. BLUMENAUER. Madam Speaker, last week the Republican leader went on CBS to state that the American people don't want beautification projects or bike lanes in the economic stimulus program. Instead, Mr. BOEHNER felt American families want larger and expanded highways.

He's just wrong on the facts. A 2009 survey by the National Association of Realtors and Smart Growth America reported that three-quarters of Americans believe that smarter development and improved public transit are better long-term solutions for reducing traffic congestion, better than building new roads. An overwhelming 80 percent believe it's more important to repair existing highways and public transit rather than build new highways.

The transit, bike, pedestrian and road repair work are more labor intensive and are ready to go in all 50 States, supporting local engineering and construction firms.

The Republican leader is wrong; the American public is right. Bikes, transit, fixing-it-first projects make communities more livable, put more people to work faster, and make our families

safer, healthier, and more economically secure.

□ 1215

THANK YOU, PRESIDENT BUSH

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

Mr. WILSON of South Carolina. Madam Speaker, yesterday we witnessed an achievement of democracy, the peaceful transfer of power and welcoming our new President, Barack Obama. I want to congratulate President Obama and wish him well.

I wish to thank President George W. Bush for his service to this Nation and, most importantly, his support of our brave soldiers, sailors, airmen and marines, along with their intelligence services and first responders. As a veteran and father of four military sons, I believe President Bush should always be appreciated for defeating terrorism overseas to protect American families at home. The Bush success is clear today. We have not been attacked in the last 7 years.

Today I look forward to working with President Obama as we have a respectful debate on the future of our Nation. We must work together for prosperity and security for all Americans.

In conclusion, God bless our troops, and we will never forget September the 11th. My deepest sympathy to the family of the late Camilla Knotts Williams, 100 years of age, of Orangeburg, South Carolina.

TRUTH LIES SOMEWHERE IN THE MIDDLE

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

Mr. KRATOVIL. Madam Speaker, I come to Congress as a career prosecutor, someone whose job it has been to sort through facts in search of the truth. In my career, I have found that usually the truth lies somewhere in the middle. Running for Congress gave me the opportunity to meet with people with divergent opinions.

But what I found was that as differing as their opinions may have been, more often than not they shared the same goals for their families and communities. Most wanted more financial stability. They wanted to send their children to college, and they wanted a government that didn't interfere with their small business, but provided incentive and opportunity to grow. People agreed that a clean and healthy Chesapeake was vital to our region, whether they valued the bay for sport, commerce or tourism, and they wanted a Congress that applied oversight to every penny they appropriated.

The long and short was that my constituents there were just as different, they shared the same goals. In my first days as a Member of Congress, I found the same to be true of my colleagues. I pledged to my constituents that I would work with both sides of the aisle in order to help accomplish these common goals, and that is the same promise I make to my colleagues. No party has a monopoly on good ideas, and, as always, if we work in a bipartisan manner, we will find that the truth is somewhere in the middle.

PEACEFUL TRANSFER OF POWER

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

Mrs. MILLER of Michigan. Madam Speaker, yesterday we once again witnessed the greatest of American traditions, the peaceful transfer of power from one democratically elected President and leader of our Nation to another.

Whether in times of peace or prosperity or war and economic difficulty, this great Nation has never wavered from its commitment to democracy and to the power of the American people to choose our leaders. This model of how a free people govern themselves is truly America's greatest gift to the world.

At a time of great challenges facing our Nation, our new President was met with a sense of hope and an outpouring of support from the ever optimistic American people. And whether you consider yourself a Republican or a Democrat, Barack Obama today is a President for every American.

It is now time for us, in this Congress, to work together to help our new President govern through these troubled times. Throughout our Nation's history, Madam Speaker, we have proven that united we can overcome any hardship and defeat any foe.

I extend best wishes to our new President and my colleagues as we work together to do our best on behalf of the American people.

HONORING HOUSTON METRO POLICE OFFICER ELIOT SWAINSON

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, yesterday the theme ''One America'' rose to the highest mountain tops as we celebrated the inauguration of President Barack Obama and Vice President BIDEN. There were many great heroes yesterday, those in the audience and those working for us.

I rise today to congratulate one of my own, Houston Metro Police Officer Eliot Swainson, who, with his quick reaction, saved a 68-year-old woman who fell on a train station. With his attention to detail, seeing the Red Line train coming very fast, he directed the woman to get under a cove area and remain there because they could not pull her up in time.

Officer Swainson exhibited quick service, a quick attitude and a great deal of hope, and I am grateful that there were many from my community who were here to observe and congratulate Officer Eliot Swainson, a 15-year Houston Metro Police veteran. They were Rev. Samuel Smith, Rev. Harvey Clements, Bishop James Dixon, Rev. Lightfoot, Rev. Marcus Crosby, Rev. Kirby John Caldwell, Rev. Edwin Davis and many others who are so very proud of the idea that we are, in fact, our brothers' and sisters' keeper.

Thank you, Houston Metro Police Officer Eliot Swainson. We wish you well, and we wish you the continued attitude that in America we are all our brothers' and sisters' keepers.

MEDIA'S DOUBLE STANDARD ON INAUGURATION COSTS

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

Mr. SMITH of Texas. Madam Speaker, yesterday we witnessed the hallmark of democracy of the peaceful transfer of power. And, like President Obama, we all wish our country a prosperous future.

Although the national media strongly criticized President Bush for the cost of his inauguration in 2005, such criticism has been predictably scarce for President Obama, even though his inauguration was more than twice as expensive as President Bush's. For example, a New York Times editorial in 2005 suggested that the war in Iraq should dictate restraint for President Bush's inauguration.

We now face two wars and serious economic challenges, yet the Times offered no similar criticism of yesterday's event. Expensive inaugurations are nothing new, and I am sure many who faced traffic congestion and long lines yesterday wished even more had been spent on this year's celebration.

But we need the media to be evenhanded in its treatment of Republican and Democratic inaugurations, not guilty of a double standard.

SEIZE THIS MOMENT IN TIME

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

Mr. CHAFFETZ. Madam Speaker, some among us believe that government holds the keys to our prosperous future. Some have argued that only government can solve our challenges.

I beg to differ. Our freedom, our liberty, indeed, our ability to live as free people and thrive is directly proportionate to the limiting of government in our lives and in our pocketbooks.

We established a Constitution to ''secure the Blessings of Liberty.'' Our country was founded on the principle of limited government.

Let us not mistake the need for a more promising economic future as an

excuse to allow further encroachment of government in our lives. Let us seize this moment in time to secure our liberties by limiting our government. More government, more taxes, more spending of the people's money will not solve our challenges. Securing liberty will.

The United States of America is the greatest country on the face of the planet, but liberty, not bigger government, will allow us to prosper.

TAXPAYER DOLLARS MUST BE SPENT WITH ACCOUNTABILITY AND TRANSPARENCY

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

Mr. LEE of New York. Madam Speaker, taxpayer dollars must be spent with accountability and transparency. To date, the Troubled Asset Relief Program, commonly known as TARP, has failed to meet the commonsense standard of fiscal responsibility.

TARP was established last fall as an emergency plan to prop up the ailing financial markets, but, today, we have far more questions than answers. Taxpayers have already lost $64 billion on the first round of investments made through TARP. The new administration has asked this Congress to double down on TARP and rubber stamp another $350 billion without credible assurance of future results.

With a $1.2 trillion deficit on the books and a nearly $1 trillion stimulus package looming, these are resources we cannot afford to spend without responsible oversight.

Western New York's economy is in a perilous state. What we need right now is swift bipartisan action that creates jobs and spurs future economic growth, not another bloated Washington program that overpromises and underdelivers.

I hope my colleagues will reject any attempt to rubber stamp the TARP Program and ensure taxpayer dollars are spent wisely, not wastefully.

CONGRATULATING OUR NATION'S 44TH PRESIDENT, BARACK OBAMA

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

Mr. ROE of Tennessee. Madam Speaker, I rise today to join in congratulating our Nation's 44th President, Barack Obama, on his inauguration. This is truly a historic moment for our Nation.

We are all Americans first and, as Republicans, stand ready and willing to work with the President in restoring economic growth, creating jobs, restoring physical integrity and protecting our Nation's security.

In the weeks and months ahead, we will surely have honest differences on what the best direction is for us as a country.

But all of us start this Congress with tremendous hope for President Obama's success. Madam Speaker, some of us grew up at a time of segregation and division in our Nation. But with President Obama's election and inauguration as President, all of us better understand what Dr. King told us when he said, ''Occasionally in life there are those moments of unutterable fulfillment which cannot be completely explained by those symbols called words. Their meanings can only be articulated by the inaudible language of the heart.''

WILLING AND READY TO WORK TOGETHER

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

Ms. SHEA-PORTER. Madam Speaker, yesterday was an absolutely glorious day. We watched the peaceful transfer of power from one President to the next. Standing there, I had the great honor of looking out at millions of my fellow countrymen and women who came together to stand there beside our great memorials to watch this event.

Everything went so beautifully that I felt that I wanted to thank those who were involved in making the process happen. I would like to thank all of the security that came and the men and women here who work every single day as our guards and our fire department and others who committed themselves to such a day.

So it was a day to celebrate and, certainly, we have turned a page in history. And we are willing and ready to work together to move this Nation forward.

DESIGNEE FOR SECRETARY OF TREASURY POSES PROBLEM

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

Mr. BURGESS. Madam Speaker, as Members of the House of Representatives, we don't get a vote on confirmation of Cabinet appointments. But at the same time, that does not absolve us of the responsibility to speak out when we see a problem and, currently, the designee for the Secretary of the Treasury poses an enormous problem for this House and for the Senate.

Now, Madam Speaker, my constituents have trouble with taxes, just as all of our constituents have trouble with taxes, and sometimes they get into real difficulty. But it doesn't, it doesn't absolve them of their obligation to pay their taxes and their interest and their fines because, of course, we have many thousands of people who paid their taxes honestly. I speak to you about that as someone who ran their own business and had to pay payroll taxes.

Whether this was a mistake or an evasion, yesterday, when President Obama spoke about a call to service but also underscored a call to competence, mistake or evasion, it certainly doesn't underscore either.

HONORING DR. DAVID LAND FOR HIS CONTRIBUTIONS TO THE COMMUNITY

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

Mr. BOOZMAN. Madam Speaker, today I rise to honor the life of Dr. David Land, a gracious contributor to the Third District of Arkansas, who passed away earlier this year.

Dr. Land was the superintendent of Omaha schools for more than 22 years, but he wasn't just an administrator. He was a mentor and a friend to the staff and students who knew him as ''Doc.'' Doc spent his life as an educator and showed that actions do speak louder than words. He fixed tiles in the cafeteria, jump-started students' cars, drove the bus to field trips and wrote grants for the small school district. These actions weren't out of the ordinary for this extraordinary man.

He was named the Arkansas Rural Association's 2005 Northwest Arkansas Superintendent of the Year. Doc spent his life as an administrator, but it wasn't just a job, it was something that he loved.

When a friend talked to him and asked about retirement, Doc said, ''What else would I do? This is my life.''

Madam Speaker, Doc will certainly be missed. I thank my colleagues for the opportunity to honor and celebrate the life of this wonderful man.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

□ 1230

OBSERVING THE BIRTHDAY OF MARTIN LUTHER KING, JR.

Mr. CONYERS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 73) observing the birthday of Martin Luther King, Jr., and encouraging the people of the United States to observe the birthday of Martin Luther King, Jr., and the life and legacy of Dr. Martin Luther King, Jr., and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 73

Whereas Reverend Doctor Martin Luther King, Junior, was born January 15, 1929;

Whereas Dr. King attended segregated public schools in Georgia, and began attending Morehouse College in Atlanta, Georgia, at the age of 15;

Whereas in February of 1948, Dr. King was ordained in the Christian ministry at the age of 19 at Ebenezer Baptist Church, in Atlanta, Georgia, and became Assistant Pastor of Ebenezer Baptist Church;

Whereas Dr. King was awarded a Bachelor of Arts degree in 1948 from Morehouse College, a Bachelor of Divinity degree in 1951 from Crozer Theological Seminary in Pennsylvania, and a Doctor of Philosophy degree in theology in 1955 from Boston University;

Whereas in Boston, Massachusetts, Dr. King met Coretta Scott, his life partner and fellow civil rights activist;

Whereas on June 18, 1953, Dr. King and Coretta Scott were married and later had two sons and two daughters;

Whereas in 1954, Dr. King accepted the call of Dexter Avenue Baptist Church in Montgomery, Alabama, and was pastor from September 1954 to November 1959, when he resigned to move back to Atlanta to lead the Southern Christian Leadership Conference;

Whereas Dr. King led the Montgomery, Alabama, bus boycott for 381 days to protest the arrest of Rosa Parks and the segregation of the bus system of Montgomery, during which time Dr. King was arrested and the home of Dr. King was bombed;

Whereas Dr. King responded to arrests and violence with non-violence and courage in the face of hatred;

Whereas the Montgomery bus boycott was the first great nonviolent civil rights demonstration of contemporary times in the United States;

Whereas on December 13, 1956, the Supreme Court declared laws requiring segregation on buses unconstitutional;

Whereas between 1957 and 1968, Dr. King traveled more than 6,000,000 miles, spoke more than 2,500 times, and wrote five books and numerous articles supporting efforts around the country to end injustice and bring about social change and desegregation;

Whereas from 1960 until his death in 1968, Dr. King was co-pastor with his father at Ebenezer Baptist Church;

Whereas on August 28, 1963, Dr. King led the March on Washington, DC, the largest rally of the civil rights movement, during which, from the steps of the Lincoln Memorial and before a crowd of more than 200,000 people, Dr. King delivered his famous ''I Have A Dream'' speech, one of the classic orations in American history;

Whereas Dr. King was a champion of nonviolence, fervently advocated nonviolent resistance as the strategy to end segregation and racial discrimination in America, and in 1964, at age 35, became the youngest man to be awarded the Nobel Peace Prize in recognition for his efforts;

Whereas through his work and reliance on nonviolent protest, Dr. King was instrumental in the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965;

Whereas the work of Dr. King created a basis of understanding and respect and helped communities, and the United States as a whole, to act cooperatively and courageously to restore tolerance, justice, and equality between people;

Whereas on the evening of April 4, 1968, Dr. King was assassinated while standing on the balcony of his motel room in Memphis, Tennessee, where he was to lead sanitation workers in protest against low wages and intolerable working conditions;

Whereas Dr. King dedicated his life to securing the fundamental principles of the United States of liberty and justice for all United States citizens;

Whereas Dr. King was the leading civil rights advocate of his time, spearheading the civil rights movement in the United States during the 1950s and 1960s and earning worldwide recognition as an eloquent and articulate spokesperson for equality;

Whereas in the face of hatred and violence, Dr. King preached a doctrine of nonviolence and civil disobedience to combat segregation, discrimination, and racial injustice, and believed that people have the moral capacity to care for other people;

Whereas Dr. King awakened the conscience and consciousness of the United States and used his message of hope to bring people together to build the ''Beloved Community'', a community of justice, at peace with itself;

Whereas in 1968, Representative John Conyers introduced legislation to establish the birthday of Martin Luther King, Jr. as a Federal holiday;

Whereas Coretta Scott King led the massive campaign to establish Dr. King's birthday as a Federal holiday;

Whereas in 1983, Congress passed and President Ronald Reagan signed legislation creating the birthday of Martin Luther King, Jr. holiday, which is now observed in more than 100 countries;

Whereas Dr. King's wife and indispensable partner, Coretta Scott King, was a woman of quiet courage and great dignity who marched alongside her husband and became an international advocate for peace and human rights;

Whereas Coretta Scott King, who had been actively engaged in the civil rights movement as a politically and socially conscious young woman, continued after her husband's death to lead the United States toward greater justice and equality, traveling the world on behalf of racial and economic justice, peace and non-violence, women's and children's rights, gay rights, religious freedom, full employment, health care, and education until her death on January 30, 2006;

Whereas the values of faith, compassion, courage, truth, justice, and non-violence that guided Dr. and Mrs. King's dream for America will be celebrated and preserved by the Martin Luther King, Jr., National Memorial on the National Mall between the Lincoln Memorial and the Jefferson Memorial and in the new National Museum of African American History and Culture that will be located in the shadow of the Washington Monument;

Whereas Dr. King's actions and leadership made the United States a better place and the American people a better people;

Whereas 45 years after Dr. King delivered his historic ''I have a dream'' speech, millions of United States citizens gathered on the National Mall on January 20, 2009, to witness the historic Inauguration of the 44th President of the United States, Barack Obama, the first African-American President of the United States; and

Whereas the historic Inauguration of President Barack Obama dramatized the change that Dr. King helped to usher in for the creation of a more perfect union: Now, therefore, be it

Resolved, That the House of Representatives—

(1) observes the 80th birthday of Martin Luther King, Jr.;

(2) pledges to advance the legacy of Dr. Martin Luther King, Jr.; and

(3) encourages the people of the United States to—

(A) observe the 80th birthday of Martin Luther King, Jr., and the life of Dr. King;

(B) commemorate the legacy of Dr. King, so that, as Dr. King hoped, ''one day this Nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident; that all men are created equal' ''; and

(C) remember the message of Dr. King and rededicate themselves to Dr. King's goal of a free and just United States.

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

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

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

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

There was no objection.

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

Members of the House, last Thursday, January 15, marked the 80th birthday of Dr. Martin Luther King, Jr., who was born in 1929. On Monday, January 19, the Dr. King Federal holiday was observed. I commend my colleague, the gentleman from Georgia, Mr. JOHN LEWIS, for introducing again this bipartisan House Resolution that calls upon all Americans on this occasion ''to advance the legacy of Dr. Martin Luther King, Jr.''

I also acknowledge the many colleagues of the Judiciary Committee on both sides of the aisle that have joined us in supporting this resolution; in particular, the ranking member from Texas, our friend, Mr. SMITH.

For over 40 years now, we have commemorated the life and work of the Nation's greatest civil rights leader, Dr. Martin Luther King, Jr. Since 1986, we have recognized Dr. King with a Federal holiday in his honor, a holiday that I and others here have worked so hard to achieve.

Last year, we paid tribute to Dr. King upon the 40th anniversary of his assassination. Today, we once again celebrate Dr. King on the event of his birthday. On these anniversaries, the Congress has called upon the Nation's citizens to practice justice, equality, and peace in all aspects of his life, the very principles that Dr. King stood for.

Today, we make the same request of not just our colleagues, but of our citizens, recognizing that today is very different. We advance Dr. King's legacy by realizing that some of Dr. King's dream has been achieved.

Just yesterday, our Nation witnessed the first African American in history to take the oath of office for President of the United States. Our 44th President, President Obama, is a testament to Dr. King's pursuit and struggle for equality. And in his short life, Dr. King laid the foundation for a society that would guarantee that all men are created equal. It is on the shoulders of Dr. King and Rosa Parks and Andrew Young and Harry Belafonte, all close colleagues of Dr. King, who were in the

forefront of the civil rights movement. And that is why we stand here today, witnesses to history, with our first African American President.

President Obama spoke movingly yesterday when he asked that we mark his inauguration in remembrance of who we are and how far we have traveled; why men and women and children of every race and every faith can join in celebration across the magnificent Mall; and why a man whose father, less than 60 years ago, might not have been served at a local restaurant, can now stand before you to take the most sacred oath that was given to him yesterday.

In celebrating the great legacy of Dr. King's work, we must recognize that his legacy does not end here. Continuing his mission of justice means bringing an end to racial and economic injustices, like those we have seen in so many aspects of the current financial and fiscal crisis that we are confronted with.

Advancing his mission of equality means eliminating the disparities that exist in so many aspects of our society; health care, housing, education, employment. And so pursuing his mission of peace means bringing an end to the wars that still persist and allowing our Nation to be an example of a peaceful democracy.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, the first thing I want to say is that it's good to be on the House floor with the chairman of the Judiciary Committee to talk about the subject at hand. This bill commemorates the 80th anniversary of the birth of Dr. Martin Luther King, Jr. Dr. King was the leader of a historic nonviolent revolution in the United States. Over the course of his life, he fought for equal justice and led the Nation toward racial harmony.

While advancing this great movement, Dr. King's home was bombed and he was subjected to relentless personal and physical abuse. Despite this violence, Dr. King responded in peace and with strong conviction and sound reason.

As a pastor, Dr. King's religious beliefs were essential to the success of his nonviolent efforts. It is doubtful that such a long and enduring movement could have survived without the power of religious inspiration behind it.

From 1957 to 1968, Dr. King traveled over 6 million miles and spoke over 2,500 times about justice and equal freedom under the law. During that time, he led large protests in Birmingham, Alabama, that drew the attention of the world.

On August 28, 1963, Dr. King led a peaceful march of 250,000 through the streets of Washington, D.C. And it is here in this city where he delivered a speech that spoke for all Americans, regardless of the color of their skin. In his ''I Have a Dream'' speech, Dr. King called the march the ''greatest demonstration for freedom in the history of our Nation.''

''I have a dream,'' he said, ''that my four little children will one day live in a Nation where they will not be judged by the color of their skin, but by the content of their character.'' Dr. King opened the door of opportunity for millions of Americans. He lived for the causes of justice and equality.

On the evening of April 4, 1968, while standing on the balcony of his hotel room in Memphis, Tennessee, Dr. King was assassinated. But a single vicious act could not extinguish Dr. King's legacy, which endures to this day. Because of him, America is a better, freer Nation.

I urge all my colleagues to join us in celebrating and honoring the life of Dr. King on the occasion of the 80th anniversary of his birth.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am pleased to recognize the gentleman from Georgia, who I met before he became a Member of this distinguished body. As a matter of fact, before I became a Member of this distinguished body. I am pleased now to recognize the gentleman from Georgia (Mr. LEWIS) for such time as he may consume.

Mr. LEWIS of Georgia. Madam Speaker, I want to thank the chairman and the ranking member for supporting this resolution.

Madam Speaker, yesterday, the American people shared and participated in a historic moment, the inauguration of Barack Obama as the 44th President of the United States. What the American people witnessed yesterday would not have been possible without the leadership and the vision of Dr. Martin Luther King, Jr. The teaching and philosophy that Dr. King believed in and lived by brought us to this moment in history. Without Martin Luther King, Jr., there would be no President Barack Obama.

Martin Luther King, Jr. was a man I knew personally, and regarded as a brother, a friend, a colleague, a prophet, my hero, and just a simple human being, filled with love, peace, and compassion for all humankind.

I will never forget my first impression of him. As a black child growing up in the heart of rural Alabama, I tasted the bitter fruits of segregation and racial discrimination, and I didn't like it. I saw those signs that said, ''White Men, Colored Men; White Women, Colored Women; White Waiting, Colored Waiting.'' I used to ask my parents, my grandparents, and my great grandparents, Why segregation? Why racial discrimination? They said, That's the way it is. Don't get in trouble. Don't get in the way.

But one day, when I was only 15 years old, I heard the voice of Martin Luther King, Jr. on an old radio. He was talking about the discipline and the philosophy of nonviolence; he was talking about the Montgomery bus boycott and the ability of a committed and determined people to make a difference in our society. I felt like he was talking directly to me, saying, John Lewis, you too can make a difference in our society.

In 1958, at the age of 18, I traveled from Troy to Montgomery to meet with him and Reverend Ralph Abernathy, and that was the beginning of a long and beautiful relationship. After that, our paths, which would cross often, in the sit-ins; during the Freedom Rides in 1961, the year that Barack Obama was born; as a board member of the Southern Christian Leadership Conference, his organization; organizing the 1963 march on Washington, and in Mississippi during the summer of 1964; in the march from Selma to Montgomery in 1965; at the Riverside Church in New York City in 1967, Mr. Chairman, when you spoke out against the war in Vietnam; and in preparation for its ultimate course, the Poor People's Campaign in 1968, when he was planning to come to Washington.

As I grew to know Dr. King and the life of the movement, my admiration for the man also grew. He was a spokesperson not just for blacks, but for all of those who had been left out and left behind. He spoke to the hearts and consciences of all of us who believed nonviolence and love offer a more excellent way.

This good man, this God-fearing man, gave us hope in a time of hopelessness. This good man, this man of God, this son of America, this citizen of the world, produced light in dark places. Martin Luther King, Jr. had the ability to bring the dirt and the filth from under the American rug, out of the cracks and the corners, into the open light, in order for us to deal with it.

Martin Luther King, Jr., more than any other American of the 20th century, had the power to bring people together, more people together, to do good; black and white, rich and poor, young and old, Protestant, Catholic, and Jews. His message was love, his weapon was truth. His message was creative nonviolence. His goal was the beloved community, a community of justice, a community at peace with himself.

This man that I marched with, worked with, and went to jail with, this man that I got to know, was so sensitive and so caring. He personified the very best of humankind. He was a gentle man who used the teaching of the Great Teacher and the tools of Gandhi. In a sense, he spoke a strange language, the philosophy of passive resistance to evil and the use of nonviolence in a struggle for good.

In a sense, he was a radical, far too advanced in his concepts of love and peace for the violent times in which he lived.

Dr. King taught us that the method of nonviolence was the key to building

a Beloved Community, a society based on simple justice that values the dignity and the worth of every human being.

I say to you, my friends, 41 years ago, Martin Luther King was taken from us by an assassin's bullet. But murder could not kill the dream of peace. It could not kill the dream of an open society. It could not kill the dream of a Beloved Community. The movement that Martin Luther King, Jr. led, the movement that he sustained, was too necessary, too noble, too right to ever die.

We know that his voice is stilled today, but perhaps today more than ever before we know that his message still rings in the hearts of America.

Forty years later, we must rededicate ourselves to the struggle that was his struggle and continue to seek the goals that were his goals.

□ 1245

I want to close, Madam Speaker, by saying, as we assemble here we must understand that his dream has not yet been fulfilled. We have come a distance, but we still have a distance to go before we build a beloved community in America.

If Dr. King were here today, I believe he would have said that the election of Barack Obama is not an end, it is not even a beginning, it is a significant down payment on making his dream a reality.

Mr. SMITH of Texas. Madam Speaker, this bill came up a little earlier than we expected and we are waiting for additional speakers to arrive on the floor, so I will reserve the balance of my time.

Mr. CONYERS. How much time is left?

The SPEAKER pro tempore. The gentleman from Texas has 17 minutes, and the gentleman from Michigan has 8½ minutes.

Mr. CONYERS. I yield 4 of those 8½ minutes to the distinguished gentlelady from Texas, SHEILA JACKSON-LEE.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, this is a moment to pause as we speak on the floor of the House in this enormously symbolic year, a very special time to honor Dr. Martin Luther King.

I would like to thank my chairman, JOHN CONYERS, for the role he has played, both in the fact that Dr. King saw fit to endorse him in his first run for Congress out of the great city of Detroit; he probably envisioned a man that would be a fighter for justice, and he has not been disappointed. My colleagues have just listened to JOHN LEWIS, who remains the conscience of this Nation and of this Congress. Oh how he must have felt yesterday as he saw the continuum of a dream.

I stand here as a former staffer of the Southern Christian Leadership Conference, having had the opportunity to work under the tutelage of the soldiers, the foot soldiers of Dr. Martin Luther King, being reminded of traveling up and down Auburn, and finding that almost storefront building that represented and embodied all of the cerebral thought, all of the brain power, all of the love, all of the courage, all of the strength of those who found guidance in Dr. King. And so this is a particularly important resolution, for many have asked those of us who look like me whether or not the dream has been completed.

I will say that there is a man that now sits in the White House who holds the dream, and he has given us our roadmap. And that roadmap is that we are in this together, that we are the wind beneath his wings, that America has always been and should be a One America. And we are reminded of Dr. King's words in 1963, where he talked about not looking at anyone for their color or their religion. Isn't this great and wonderful that we have now come full circle to have the words and his dreaming come to a point where we are now comfortable with not looking at each other by the color of our skin or our ethnicity.

And so, yes, the dream is continuing. But Dr. Martin Luther King, and the reason I rise today, was a prophet in his time. For many, they are not used to using that term. He told us about economic hard times and the desire to give everyone an opportunity for education and their day in the sun and the economic opportunity, and look at us today. Our President is now trying to lead us in the message of Dr. King; that as long as anyone suffers, any of our brothers and sisters are not able to have food on the table or a job, to look into the bright future, to give a child a chance to be an astronaut or a president or a teacher, then Dr. King's dream must continue.

And as I have talked to Martin Luther King III and visited with the sister of Dr. King and the daughter of Dr. King, they agree that we are in this fight together; that the Judiciary Committee has its role in this Congress to ensure that the rule of law is followed, that we torture no more.

Oh what a great day yesterday was and the day before, the commemoration of Dr. King's birthday. But isn't it greater now that America stands one and united, not off in the shopping centers on his birthday, but now understanding what it truly meant that those who suffered and bled did not do so for themselves, but honestly did so, so that all of my friends, from Texas and Georgia and New York and Mississippi and Washington State, Michigan and Illinois, and the deep parts of Georgia and, yes, Texas could look at each other as friends, brothers and sisters, even our sisters and brothers who yet have not learned the English language but they are striving to become a great part of this great Nation. So I am celebrating this resolution that recounts the history of Dr. King.

Madam Speaker, isn't it great that we end that this is one Nation, one America, and Dr. King told us so.

Madam Speaker, I rise in strong support of this resolution supporting the observation of the birthday of Dr. Martin Luther King, Jr. and encouraging the people of the United States to observe the birthday of Dr. Martin Luther King, Jr. and the life and legacy of Dr. Martin Luther King, Jr. I thank my colleague Representative JOHN LEWIS for authoring this resolution. I urge my colleagues to support this resolution also.

Madam Speaker, a few days ago, the Nation observed for the 21st time the Martin Luther King, Jr. holiday. Each year this day is set aside for Americans to celebrate the life and legacy of a man who brought hope and healing to America. The Martin Luther King holiday reminds us that nothing is impossible when we are guided by the better angels of our nature. We must continue to recognize the life and legacy of Dr. King. We must continue to honor his legacy by serving on the day that we have set aside to observe his life.

Dr. King's inspiring words filled a great void in our Nation, and answered our collective longing to become a country that truly lived by its noblest principles. Yet, Dr. King knew that it wasn't enough just to talk the talk; he knew he had to walk the walk for his words to be credible. And so we commemorate on this holiday the man of action, who put his life on the line for freedom and justice everyday.

Every January 19th, this Nation honors the courage of a man who endured harassment, threats and beatings, and even bombings. We commemorate the man who went to jail 29 times to achieve freedom for others, and who knew he would pay the ultimate price for his leadership, but kept on marching and protesting and organizing anyway.

Dr. King once said that we all have to decide whether we "will walk in the light of creative altruism or the darkness of destructive selfishness. Life's most persistent and nagging question, he said, is 'what are you doing for others?'"

When Martin talked about the end of his mortal life in one of his last sermons, on February 4, 1968, in the pulpit of Ebenezer Baptist Church, even then he lifted up the value of service as the hallmark of a full life. "I'd like somebody to mention on that day Martin Luther King, Jr. tried to give his life serving others," he said. "I want you to say on that day, that I did try in my life . . . to love and serve humanity."

Madam Speaker, during these difficult days when the United States is bogged down in a misguided and mismanaged war in Iraq; calamities on Wall Street—Main Street—and in the American automobile industry; we should also remember that the Rev. Dr. Martin Luther King, Jr., who was above all, a person who was always willing to serve to help his fellow man.

This year thousands of Americans across the country will celebrate the national holiday honoring the life and work of Martin Luther King, Jr. by making the holiday "a day on, not a day off."

The King Day of Service is a way to transform Dr. Martin Luther King, Jr.'s life and teachings into community service that helps solve social problems. That service may meet a tangible need, such as fixing up a school or senior center, or it may meet a need of the spirit, such as building a sense of community

or mutual responsibility. On this day, Americans of every age and background celebrate Dr. King through service projects that:

Strengthen Communities—Dr. King recognized the power of service to strengthen communities and achieve common goals. Through his words and example, Dr. King challenged individuals to take action and lift up their neighbors and communities through service.

Empower Individuals—Dr. King believed each individual possessed the power to lift himself or herself up no matter what his or her circumstances—rich or poor, black or white, man or woman. Whether teaching literacy skills, helping an older adult surf the Web, or helping an individual build the skills they need to acquire a job, acts of service can help others improve their own lives while doing so much for those who serve, as well.

Bridge Barriers—In his fight for civil rights, Dr. King inspired Americans to think beyond themselves, look past differences, and work toward equality. Serving side by side, community service bridges barriers between people and teaches us that in the end, we are more alike than we are different.

These ideas of unity, purpose, and the great things that can happen when we work together toward a common goal—are just some of the many reasons we honor Dr. King through service on this special holiday. I urge my colleagues to join me in supporting this legislation and the man who epitomized community service—Dr. Martin Luther King, Jr.

Just yesterday, January 20, 2009, this Nation witnessed a historic moment. We stood in awe and watched the inauguration of this Nation's first African American President. We have come a long way since Dr. King's "I Have a Dream" speech. Yesterday, we have seen another part of the "dream" fulfilled. I am hopeful and expectant that America's future will be bright, and that it will be even brighter under the helm and leadership of President Barack Obama. President Obama has taught us that yes we can! I am delighted to be living the dream.

Mr. SMITH of Texas. Madam Speaker, I yield 3 minutes to the gentleman from Michigan, Congressman VERN EHLERS.

Mr. EHLERS. I thank the gentleman for yielding.

It is a great honor to speak about Martin Luther King. I don't have a prepared statement because I was not aware this resolution was coming up, but over the years I have just been tremendously impressed by him, by his talent, by his ability, and particularly the way in which he handled himself and his movement. And I use the term ''his movement'' advisedly, because he became the leader of it, the right man, at the right time. I am always amazed at how the Lord seems to provide the right leader at the right time for good causes such as this.

Monday morning, I went to the annual breakfast in Grand Rapids, Michigan where we honor Martin Luther King. The room was filled with people honoring him and just joyous about his contributions to our Nation and its future. That evening, close to 3,000 people joined in another celebration. You may think this is a little surprising in the frozen North, which was not heavily involved in the Civil Rights program, but we feel very strongly about it in our community. We have an excellent community in Grand Rapids, Michigan. In particular, Mr. Walter Brame, who heads the Urban League in our area, has been a strong leader for years in providing equal opportunity for minorities in the workplace, in schools and other places.

Martin Luther King started something wonderful, which ended up being even more wonderful, and for that I am grateful to him. I am also grateful to God for sending us the right man at the right time to resolve a major national crisis.

Mr. SMITH of Texas. Madam Speaker, I would like to thank the gentleman from Michigan for his heartfelt comments.

I yield back the balance of my time.

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

The point that I would like to make in closing on our side is that one of the most important things that President Obama made to me was something I had never heard a President say before, and that was that he wanted all of the people that voted and that may or may not have supported him to continue to advise him. Normally, Presidents get elected and say, ''Well, I am grateful to my supporters,'' and then remove to inside the Beltway with the Cabinet and the Capitol and the people in the three branches of government, and that's it. He asked for continuing advice. Some said, he did not have to make that statement because he was going to get that anyway, but others have said, ''This is wonderful and this is great.'' And I think it ties in with the people's moment that undergirded the King civil rights legacy; that is, that everybody has a continuing responsibility to perfect this democratic system of constitutional government that we have.

It is so important that we all feel we have a role to play over and above voting, and it is that King-like theory that the President now publicly extols that is so very important. And, I think, we embark here in the second day of this new administration on a new path that encourages citizen participation; I think it brings us all here in government closer together, and I think that it augers well for the challenges that we all face here in the 111th Congress and a new President currently in his second day in office.

And so in this moment of remembering Dr. King and his legacy, celebrate his life and contributions, I am very pleased that this resolution is brought at this highly opportune moment. I thank the author of this legislation.

Mr. BACA. Madam Speaker, I rise today to voice my strong support for H. Res. 73, a resolution that promotes the observance of the birthday, life and, legacy of Martin Luther King, Jr.

It is a historic time in our Nation's Capital with yesterday marking the swearing-in of Barack Obama, our Nation's first African-American President.

As we listened to President Obama's inaugural address we were all reminded of how far our Nation has come. This resolution is also a reminder that without Dr. Martin Luther King, Jr., there would be no President Obama.

Dr. King was a beacon of change on whose shoulders we all stand. His leadership, courage, and conviction helped pave the road for all of us.

He understood government has a fundamental responsibility to meet the needs of all Americans regardless of race or economic class.

He gave people the faith and courage to work peacefully for change to stop racial discrimination, and promote equality and opportunity across America.

Most importantly, Dr. King called upon each of us to truly commit ourselves to changing and working to bring about change for all Americans.

President Obama reminded us of that call yesterday when he said that we each have a responsibility to rebuild our country and get us out of this storm. Let us heed this call to action and work hand-in-hand to help bring prosperity back. Together we can do it. Yes we can! I urge my colleagues to support H. Res. 73.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 73.

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

A motion to reconsider was laid on the table.

HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

Mr. LOEBSACK. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 39) honoring the contributions of Catholic schools.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 39

Whereas America's Catholic schools are internationally acclaimed for their academic excellence, but provide students more than a superior scholastic education;

Whereas Catholic schools ensure a broad, values-added education emphasizing the lifelong development of moral, intellectual, physical, and social values in America's young people;

Whereas the total Catholic school student enrollment for the 2007–2008 academic year was nearly 2,300,000 and the student-teacher ratio was 14 to 1;

Whereas Catholic schools teach a diverse group of students;

Whereas more than 25 percent of school children enrolled in Catholic schools are from minority backgrounds, and over 14 percent are non-Catholics;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an

intellectually stimulating environment rich in spiritual, character, and moral development;

Whereas the Catholic high school graduation rate is 99 percent, with 80 percent of graduates attending four-year colleges and 17 percent attending two-year colleges or technical schools;

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated: ''Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives.''; and

Whereas January 25, 2009, to January 31, 2009, has been designated as Catholic Schools Week by the National Catholic Educational Association and the United States Conference of Catholic Bishops: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of Catholic Schools Week, an event co-sponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops and established to recognize the vital contributions of America's thousands of Catholic elementary and secondary schools; and

(2) congratulates Catholic schools, students, parents, and teachers across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring a brighter, stronger future for this Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LOEBSACK) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. LOEBSACK. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 39 into the RECORD.

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

There was no objection.

□ 1300

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

Madam Speaker, I rise today in support of H. Res. 39, which recognizes the achievements of Catholic schools across the Nation. I am pleased to honor these outstanding elementary, secondary and higher learning institutions. I commend them for their commitment to academic excellence and moral values. In doing so, I support January 25 to January 31 as Catholic Schools Week.

In the late 19th century, Catholic schools emerged as an alternative to public schools and to traditional private schools. As private institutions, Catholic schools were able to design their own academic curriculum by teaching religious values and ethics while maintaining high academic standards. And after 100 years of existence, Catholic schools remain very popular and respected institutions.

Last year, Catholic schools served over 2 million students while maintaining a 14 to 1 teacher-student ratio, giving students the benefit of a small-classroom environment. Catholic schools also boast a diverse enrollment; 25 percent of its students nationwide are from minority backgrounds and 14 percent are non-Catholics. The schools provide unique experiences where students can excel. Catholic high schools have a 99 percent graduation rate with 80 percent of their graduates advancing to 4-year colleges, while 17 percent pursue 2-year colleges. It's clear that Catholic schools are encouraging their students to pursue higher education opportunities, and I applaud them for their efforts. There are 7,500 Catholic schools across this Nation. With modest tuition rates, Catholic schools are affordable for most working and middle-class families. As Congress salutes these religious educational institutions, we reaffirm our commitment to education, excellence and diversity.

Madam Speaker, I support the Catholic Schools Week, and I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. EHLERS. It is with great pleasure that I rise today in support of House Resolution 39 offered by a good friend of mine, the gentleman from Illinois (Mr. LIPINSKI). This resolution increases our awareness of Catholic education while honoring the contributions of America's Catholic schools. I am also very pleased to be a cosponsor of this resolution. I have a long background with education and religious schools. My father was a pastor, and our denomination has supported Christian day schools for a considerable length of time and shares the approach and the ideas of the Catholic schools. Our schools were very effective in educating students. Emphasis was on academics, but also on how that applied to the world today and what responsibility we as students, and later adults, had to use our religious beliefs in the benefit of our fellow human beings and our Nation. Catholic schools have followed in this tradition.

I am pleased that January 25 through January 31, 2009, has been designated Catholic Schools Week, an annual tradition in its 35th year, and jointly sponsored by the National Catholic Education Association, as well as the United States Conference of Catholic Bishops. With this resolution, we recognize the vital role Catholic elementary and secondary schools play in providing an education with high standards of quality and excellence to the nearly 2.3 million students enrolled in Catholic schools across the country.

One thing I have always admired when I visit Catholic schools and speak to their students is the tremendous discipline in the classroom. And I wish all of our schools in this Nation had this discipline and that attention on learning.

According to the U.S. Conference of Catholic Bishops, Catholic schools have a graduation rate of over 98 percent, and about 97 percent of Catholic high school graduates go on to post-secondary training at 4-year colleges, community colleges or technical schools. This success can also be attributed to the importance Catholic educators place on character and morals. By making the development of moral and social values an integral part of the curriculum, Catholic schools are ensuring that their students are not only good academicians, but also good citizens.

The theme for Catholic Schools Week this year is ''Catholic Schools Celebrate Service.'' This theme highlights the mission of Catholic schools to provide a faith-based education that supports the whole child academically and spiritually and impresses upon them the importance of civic engagement. Catholicism has a long and rich tradition of direct service to those in need. Catholic schools incorporate service projects into the curriculum, teaching students the value of helping others as an expression of faith and good citizenship.

Catholic schools demonstrated an enormous amount of character and compassion in their response to the devastating hurricanes that hit the gulf coast nearly 4 years ago. In the wake of this national disaster, more than 300,000 students were displaced from their homes, schools and communities. Catholic schools opened their doors and hearts and welcomed these students into their classrooms. They provided these children with the opportunity to continue their studies without stopping to consider how to cover the cost of that education. Instead, the Catholic schools knew their first priority was to educate these children and worry about the financing later on.

I appreciate the great work being done by Catholic schools, their administrators and teachers as well as their parents and volunteers. Catholic schools carry out their servant mission by building the academic achievement, character and values of their students.

Again, I commend the gentleman from Illinois for introducing this resolution and urge my colleagues to support it.

I reserve the balance of my time.

Mr. LOEBSACK. Madam Speaker, I'm very pleased today to recognize a good friend, the gentleman from the Third District of Illinois, Mr. DAN LIPINSKI, for 6 minutes.

Mr. LIPINSKI. Madam Speaker, I would like to thank the gentleman from Iowa for yielding.

Today I rise in support of H. Res. 39, honoring Catholic Schools Week and recognizing the outstanding contributions that Catholic schools have made to America.

As a product of St. Symphorosa Grammar School and St. Ignatius High School and a strong supporter of Catholic education, I am proud to sponsor this resolution again this year. And I would like to thank my colleague from New Jersey (Mr. SMITH) for joining me in working on this resolution.

Since 1974, Catholic Schools Week has celebrated the positive impact that Catholic schools have had on our country and recognize their outstanding contributions in providing a strong academic and moral education, as well as teaching the importance of responsibility to one's family and community.

As we heard in President Obama's inauguration address yesterday, responsibility is critical to our Nation's success, and responsibility requires service to others. Very appropriately, the theme for next week's Catholic Schools Week is ''Catholic Schools Celebrate Service.'' President Obama rightfully sees public service as a way to unify the country, to bridge divisions and to teach responsible citizenship.

This is nothing new to America's Catholic schools. They have always taught the intrinsic value of service to others. Nearly 95 percent of Catholic schools have a service program, and the average student completes approximately 80 hours of public service. My strong desire to serve was fostered by my dedicated teachers at Catholic schools. Nearly 95 percent of Catholic schools have a service program, and the average student completes approximately 80 hours of public service.

Today, almost 2.3 million elementary and secondary students are enrolled in nearly 7,500 Catholic schools. These schools have more than 160,000 full-time professional staff. Through individual attention and quality education, Catholic school students, on average, surpass other students in math, science and reading in the three grade levels tested by the NAEP test. The graduation rate for Catholic high school students is 99 percent, and 97 percent of Catholic high school graduates go on to college or technical schools. These are truly remarkable statistics in a country where we read all-too-many reports of deep problems in our educational system and worrying declines in our student's international competitiveness.

Catholic schools are known for embracing students from all walks of life and are highly effective at providing excellent educational opportunities for minority students and disadvantaged youth. Almost one in seven students of Catholic schools is not Catholic. And over the past 30 years, the percentage of minority students enrolled in Catholic schools has more than doubled. And the success of Catholic schools does not depend on selectivity, accepting nine out of every 10 students who apply.

In addition to producing well-educated students with a commitment to service, Catholic schools save American taxpayers billions of dollars every year by lessening the number of students in already overburdened public schools. In fact, it is estimated that taxpayers save over $1 billion from students attending Catholic schools in the Chicago area and approximately $20 billion nationwide. This savings is crucial to American taxpayers, especially during these harsh economic times.

Unfortunately, the current economic turmoil combined with much longer travails of middle class in our country have been hard on Catholic schools in some areas. Just like me, my wife Judy attended Catholic schools for 12 years. She went to St. Patrick's Grade School and Bishop McCort High School in Johnstown, Pennsylvania. Unfortunately, less than 2 weeks ago it was announced that St. Patrick's would be closing. This closing is a great loss not just to the students of St. Patrick's, but the entire community of Moxham, demonstrating just how important Catholic schools are to the greater community.

I was born and raised and lived in the Chicago Archdiocese, which still has one of the most successful school systems in the country. More than 98,000 students attend 256 schools. In my district alone, there are seven Catholic high schools and approximately 50 grammar schools, including one of the best in my home parish of St. John of the Cross in Western Springs.

My experiences have taught me the important spiritual, moral and intellectual foundation that Catholic schools provide to students. Catholic education has granted me the knowledge, discipline, desire to serve, and a love of learning that enabled me to achieve my doctorate degree and become a teacher before being elected to Congress. In recognizing Catholic Schools Week, we pay a special tribute to dedicated teachers and administrators who sacrifice so much, in most cases working for much less than they could earn elsewhere. Many of my formative memories are of teachers who taught me the values of faith and service. After 35 years, I can still fondly remember Sister Diane, my Student Congress coach when I was in high school, and from Sister Mildred in first grade to Sister Xavier in eighth grade at St. Symphorosa. Throughout the United States, millions of others have similar memories of their dedicated sisters, priests and lay teachers who gave their hearts and souls to touch the lives of their students.

Madam Speaker, American Catholic schools deserve our praise, our support and our gratitude. I would like to thank everyone who has cosponsored this resolution. And to share our praise and support for Catholic schools, I urge my colleagues to pass this resolution.

Mr. EHLERS. I am pleased to yield 4 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I rise today in strong support of H. Res. 39, which recognizes and honors the exemplary contributions of Catholic schools across our Nation. The resolution salutes the commitment, professionalism and faith of the teachers and administrators as well as the achievements in the classroom and in the lives of the students. And we commend today the support of the Catholic Church itself in making this educational opportunity possible.

I would also like to thank Mr. LIPINSKI for his leadership in bringing this resolution to the floor and ask that my colleagues join us in supporting its passage.

Madam Speaker, Catholic education has and continues to make a tremendous impact in the lives of students, families and communities across America and in my home State of New Jersey. Last year, more than 2.3 million children were enrolled in over 7,000 Catholic schools nationwide. The performance of Catholic schools is impressive. More than 99 percent of its students graduate high school, and approximately 97 percent go on to college. The record clearly shows that students at Catholic schools receive a quality education with an integrated focus on the transcendent importance of God, academic excellence, advancement beyond high school and fundamental morals.

Next week, January 25 to 31, marks the 36th annual celebration of Catholic Schools Week. And this year's theme is to live the Gospel with an emphasis on service. Students are encouraged to help others and generously give of themselves expecting nothing whatsoever in return. In the 25th chapter of Matthew's Gospel, Jesus admonished believers to live a life of selfless service to others and specifically asked that we feed the hungry, give drink to the thirsty, clothe the naked, care for the sick and disabled, visit the prisoner and welcome the stranger. Identifying with the disenfranchised, the vulnerable and the weakest among us, our Lord said, and I quote, whatsoever you do to the least of My brethren, you do unto Me.

This year's theme celebrates service, encourages students to embrace Matthew 25 and make a positive difference in the lives of others. Many of America's poor and at risk will benefit from the students' benevolence.

Catholic schools, Madam Speaker, are indeed an integral part of our Nation's fundamental commitment to education and serve a cross-section of American students. Catholic schools have a rich history of welcoming, serving and educating new immigrants. With over 25 percent of Catholic school enrollment from minority backgrounds and approximately 14 percent actually being non-Catholics, it is evident that this extraordinary institution meets the needs of a highly diverse group of young people.

Finally, Madam Speaker, a 1972 pastoral message by the National Conference of Catholic Bishops concerning Catholic education summed up the unique and extraordinary vision of Catholic education. They said in pertinent part, and I quote: Education is

one of the most important ways by which the church fulfills its commitment to the dignity of the person and the building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his or her solitary destiny, but also the destinies of the many communities to which he or she lives.

□ 1315

Again, I ask my colleagues to join me in supporting this important element of faith-based education which serves alongside America's public and private schools to strengthen and reinforce our educational system.

Mr. LOEBSACK. Madam Speaker, I am pleased to recognize the gentleman from Michigan (Mr. STUPAK) for 3 minutes.

Mr. STUPAK. Madam Speaker, I rise in support of House Resolution 39, honoring Catholic Schools Week. Since the beginning of our Nation's history, Catholic schools have played an important role in American education. Catholic schools have an excellent reputation for providing a strong academic and moral education, as well as teaching social responsibility.

The Catholic schools in my district work hard to create an environment where academic excellence and value-driven pride can be fostered and embraced.

My wife Laurie and I and our two sons, Ken and B.J., attended Catholic schools in northern Michigan, and realize the benefits of the Catholic education system.

This week, let us pause, reflect and congratulate the administrators, faculty, staff, students, and parents as we celebrate the dedicated tradition of promoting education through our Catholic faith.

The long rich history of Catholic education would not be possible without the financial commitment of those who make up our local parishes and dioceses across our Nation.

H. Res. 39 acknowledges the hard work and dedication that Catholic schools have contributed to building our local communities and our Nation.

I am proud to cosponsor House Resolution 39, and support the many Catholic schools in my district and across our Nation. I urge all of my colleagues to support this resolution.

Mr. EHLERS. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Madam Speaker, I thank the gentleman for yielding, and I rise in strong support of H. Res. 39, to honor the contributions of Catholic schools across the country, and in honor of National Catholic Schools Week from January 25 through January 31.

I want to thank my colleagues, Mr. LIPINSKI from Illinois and Mr. SMITH from New Jersey, for their leadership in bringing this resolution to the House floor today.

As a graduate of Catholic elementary and high schools, Sacred Heart Academy and Aquinas High School in Augusta, Georgia, I am keenly aware of the contributions that they provide to the 2.3 million students educated in Catholic schools across the country every year. These include close to 1,200 students at three Catholic schools in my district: St. Catherine of Siena in Kennesaw, St. Joseph's in my hometown of Marietta, and St. Mary's in Rome, Georgia.

Not only do Catholic schools, like Sacred Heart and Aquinas, provide a strong and competitive academic environment, they also teach moral and ethical standards, skills for living and self-esteem, discipline and respect for authority, and a Christian integration of spirit, mind and body in each of their students.

Upon graduating from Aquinas, I thought that the Catholic school curriculum would be what best prepared me for my future. However, I must admit that I was wrong about that. While the strenuous academics at Sacred Heart and Aquinas did lay the foundation for my success at both Georgia Tech and The Medical College of Georgia, it was the faith and ethical standards taught at these schools that truly prepared me for any of life's struggles.

Madam Speaker, while opening and running my medical practice, the respect for life taught at Sacred Heart and Aquinas led me to value and care for life at all stages, indeed from the moment of conception until natural death. Now that I have left my medical career to serve as a Member of Congress, I find the lessons learned from my days at Catholic schools more valuable now than ever. On a daily basis, I am confronted by difficult questions that affect millions of lives. If it were not for the moral standards and faith in God taught at Sacred Heart and Aquinas, I do not believe I could properly represent the people of northwest Georgia.

Madam Speaker, our education system is only made stronger by Catholic schools in northwest Georgia and throughout the Nation which fully prepare their students for a brighter future.

I urge all of my colleagues to support H. Res. 39.

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

Mr. EHLERS. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Madam Speaker, while in my district in North Carolina we are blessed with excellent public schools, many districts across the country are not as fortunate. Some places, though, are fortunate to have the choice of having charter schools and Catholic schools. It is important that citizens continue to have these choices, particularly because of the excellent record that Catholic schools have in this country.

Catholic education is a vital linchpin in America's education system. Catholic educators, with their emphasis on academic excellence, as well as the development of each student's character and spiritual well-being play a vital role in cultivating the next generation of leaders in the Nation.

There are two Catholic schools with a strong reputation for education excellence in the Fourth Congressional District of North Carolina: Bishop McGuinness Catholic High School and St. Leo the Great Catholic School.

Bishop McGuinness Catholic High School was founded in 1959, and has been recognized by the Catholic High School Honor Roll as one of the top 50 Catholic high schools in the United States. This coed college prep high school is located in Kernersville, North Carolina, in the heart of the Triad.

St Leo's is a K–8 Catholic school located in Winston-Salem, North Carolina, built in 1953. St. Leo's is the oldest Catholic school in Winston-Salem, and has a reputation for educating students who are not only academic achievers but also people of sterling character.

It is an honor to represent these two fine schools in Congress, and I look forward to seeing the lives they change in the coming years through their emphasis on high quality Catholic education. It is a pleasure to join my colleagues here today in congratulating Catholic schools, students, parents and teachers across the Nation for their ongoing contributions to education and for the key role they play in promoting and ensuring a brighter, stronger future for this Nation.

Mr. LOEBSACK. Madam Speaker, I continue to reserve the balance of my time.

Mr. EHLERS. Madam Speaker, I thank you for your competent and professional manner in presiding today, and I yield myself the balance of my time in wrapping this discussion up.

I am very pleased to participate in this discussion today because I believe that Catholic schools and religious schools play an extremely important part in our American educational system.

I often deplore the fact that the Catholic schools and other religious schools, Christian and otherwise, do not get a fair shake in this Nation as compared to many other nations. I know when I lived in Europe for a year you could designate on your income tax how much you wanted to be delegated to schools of your choice, and they could be private schools, public schools, religious schools, what have you. That struck me as an eminently fair system. I don't expect we will ever have that in this country, but I do regret, given the excellent work that the Catholic schools do, and that other Christian and religious schools do in

educating students who are troubled, that we do not call upon these schools more often to help educate more of the children of this Nation.

I recall years ago when I joined some others in helping to raise money for scholarships for children who were troubled in their public schools, and who had great difficulties with their fellow students, and were getting into fights. We raised scholarship money so they could attend the Christian schools. Then a remarkable transformation occurred. Many of them became far better students and graduated and went on to good careers. I am convinced we can multiply this effort many times over, and I hope that the people of this country continue to contribute to these schools.

I was sorry to hear Mr. LIPINSKI say that the school that his wife attended is closing. That is a story that we are hearing far too often across this land. We are losing something very important when we have schools this good, with the superb records that we heard outlined by several speakers here, that they are closing while at the same time the students who would go there are going to other schools which are not serving them as well.

So I just want to do a little editorializing here because I do think that the Catholic schools, and many other schools in this country, do so much for our Nation, and yet do not receive the recognition and certainly do not receive any financial support from either Federal or State governments. I think it is our loss if they close and are no longer able to help the students that they do help so well.

Mr. AKIN. Madam Speaker, I rise today in recognition of Catholic Schools Week.

Next week, the Nation's nearly 8,000 Catholic schools will celebrate Catholic Schools Week. Catholic schools have made many significant contributions to the education of our Nation's children.

In the Greater St. Louis region, Catholic schools have had a longstanding and proud tradition in the Archdiocese of St. Louis. The percentage of Catholic families who choose Catholic schools for their children is among the highest in the country. Currently, there are about 51,000 students enrolled in our Catholic elementary and high schools.

Catholic schools foster an atmosphere of mutual respect. Students learn to value God, themselves, and others. As Pope Benedict XVI noted in his remarks at Catholic University during his Apostolic Visit to the U.S. last spring, "Education is integral to the mission of the Church to proclaim the Good News. First and foremost every Catholic educational institution is a place to encounter the living God who in Jesus Christ reveals his transforming love and truth. This relationship elicits a desire to grow in the knowledge and understanding of Christ and his teaching. In this way those who meet him are drawn by the very power of the Gospel to lead a new life characterized by all that is beautiful, good, and true; a life of Christian witness nurtured and strengthened within the community of our Lord's disciples, the Church."

Today I would like to recognize and commend our Catholic educators who are committed to a living and vibrant faith community founded on the Catholic tradition of academic excellence and thank them for enriching the lives of the children they teach spiritually, academically and socially.

I strongly support the goals of Catholic Schools Week 2009 and laud their efforts to educate students dedicated to their faith, families, and values.

Mr. BACA. Madam Speaker, I rise today to voice my strong support for H. Res. 39, a resolution honoring the contributions of Catholic schools.

I thank my colleague from Illinois, Representative LIPINSKI, for sponsoring this important resolution.

Catholic schools are a true treasure—not just in my district in the Inland Empire of California—but throughout the United States of America.

Teachers and administrators in America's Catholic schools work tirelessly to educate students of all backgrounds, in communities across the Nation—including some of our most impoverished neighborhoods.

They do a tremendous job of teaching and imparting critical values, while often working under the most difficult school funding circumstances.

In a time when the No Child Left Behind Act has failed too many of America's best and brightest—the vast majority of Catholic school students not only graduate from high school, but also go on to college.

I commend the men and women who make America's Catholic schools a reality and thank them for the commitment and faith they place in the well being of their students.

I urge my colleagues to honor the positive impact of Catholic schools on the children of the United States, and support H. Res. 39.

Mrs. BACHMANN. Madam Speaker, I rise today in support of H. Res. 39 to honor the immense influences and contributions that Catholic schools have made on their students and their surrounding communities. For centuries, Catholic schools have provided families with a strong alternative to the public school system, offering a vital faith component that enhances a child's overall education sadly unwelcome in the halls of our local public schools.

A Catholic education prepares our Nation's youth to lead lives of commitment to the message of Jesus Christ while at the same time fostering an environment for academic success. It continuously challenges its students to a life-long pursuit of intellectual growth both in and outside the classroom while also stressing the need to take an active role in the betterment of their neighborhood and community. But most importantly, Madam Speaker, Catholic schools instill in their student body the precious ideal of setting one's heart upon things above, not merely on goods on earth—a much needed lesson in a society that is quick to get caught up in the latest gadget and the never-ending chase for dollars.

Madam Speaker, I stand today to humbly honor the contributions Catholic schools make to the betterment of our society, and pray for their continued success.

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

Mr. LOEBSACK. Madam Speaker, I want to thank speakers on both sides of the aisle for supporting this resolution, it is a wonderful resolution, and I urge its passage.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LOEBSACK) that the House suspend the rules and agree to the resolution, H. Res. 39.

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

A motion to reconsider was laid on the table.

NATIONAL SCHOOL COUNSELING WEEK

Mr. LOEBSACK. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 56) expressing support for designation of the week of February 2 through February 6, 2009, as "National School Counseling Week".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 56

Whereas the American School Counselor Association has declared the week of February 2 through February 6, 2009, as "National School Counseling Week";

Whereas the House of Representatives has recognized the importance of school counseling through the inclusion of elementary and secondary school counseling programs in the last reauthorization of the Elementary and Secondary Education Act of 1965;

Whereas school counselors have long advocated that the education system of the United States must leave no child behind and must provide opportunities for all students;

Whereas school counselors have long emphasized the importance of personal and social development in academic achievement;

Whereas school counselors help develop well-rounded students by guiding them through their academic, personal, social, and career development;

Whereas school counselors play a vital role in ensuring that students are aware of financial aid and college opportunities;

Whereas school counselors may encourage students to pursue challenging academic courses to prepare them for college majors and careers in the science, technology, engineering, and mathematics fields;

Whereas school counselors provide support for students whose family members have been deployed to conflicts overseas;

Whereas school counselors help students cope with serious and common challenges of growing up, including peer pressure, mental health issues, school violence, disciplinary problems, and problems in the home;

Whereas school counselors are also instrumental in helping students, teachers, and parents deal with personal trauma and community and national tragedies;

Whereas school counselors are among the few professionals in a school building that are trained in both education and mental health;

Whereas, despite the important contributions of school counselors to student success, counseling positions are not always protected when budgets are cut, especially in tough economic times;

Whereas the average student-to-counselor ratio in America's public schools, 475 to 1, is almost double the 250 to 1 ratio recommended by the American School Counselor Association, the American Counseling Association, and other organizations;

Whereas the celebration of ''National School Counseling Week'' would increase awareness of the important and necessary role school counselors play in the lives of students in the United States; and

Whereas the week of February 2 through February 6, 2009, would be an appropriate week to designate as ''National School Counseling Week'': Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) honors and recognizes the contributions of school counselors to the success of students in our Nation's elementary and secondary schools; and

(2) encourages the people of the United States to observe ''National School Counseling Week'' with appropriate ceremonies and activities that promote awareness of the crucial role school counselors play in preparing students for fulfilling lives as contributing members of society.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LOEBSACK) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. LOEBSACK. Madam Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on H. Res. 56 into the RECORD.

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

There was no objection.

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

Madam Speaker, I rise today in support of H. Res. 56 which honors and recognizes the contributions of school counselors in our Nation's education system.

Nearly 100,000 people serve as school counselors, and I am grateful for their commitment to our Nation's youth. I support February 2 through February 6 as National School Counseling Week.

School counselors work tirelessly to ensure every child has the opportunity for personal and educational growth. They provide essential academic, college prep, career, and emotional support for students. But in many situations, school counselors are overlooked, overworked, making it nearly impossible to give every child the time and attention they deserve to meet their national potential.

Nationally, the current student to counselor ratio is 475 to 1, while the American School Counselors Association recommends at most a 250-to-1 student to school counselor ratio.

Today, not only are children dropping out of high schools at alarming rates, but anywhere from 10 to 15 percent of students report feeling depressed. From dealing with death to addressing learning disabilities, school counselors provide emotional support for students, but the need for additional school counselors has never been more pressing. Though I am honored to recognize and celebrate School Counselors Week, our country still needs more school counselors.

National data prove that school counselors improve teacher quality, bolster student achievement, and lower dropout rates. Despite limited resources, counselors work to enhance educational opportunities for our youth. They inspire students to reach for the stars while working through their academic and social obstacles.

□ 1330

They may not get a lot of credit, but quality school counselors dramatically improve students' and teachers' lives.

I thank the American School Counselor Association and the National Education Association for supporting this resolution. National School Counseling Week reminds us of the crucial role school counselors play in students' lives.

Madam Speaker, again, I support this resolution, and I urge my colleagues to support this bill as well.

I reserve the balance of my time.

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

I rise today in support of House Resolution 56 offered by the Representative from California, Ms. LINDA SÁNCHEZ, and I am very pleased to join her as the lead Republican cosponsor of this important resolution.

National School Counseling Week is celebrated annually the first full week of February to help focus public attention on the unique contribution of professional school counselors. School counselors are employed in school districts in public and private schools of all levels across America to help students reach their full potential. They are actively committed to helping students explore their abilities, strengths, interests and talents as these traits relate to academic success and career awareness and development.

School counselors serve as a vital resource for parents by helping them focus on ways to further the educational, personal and social growth of their children. They work with teachers and other educators to help students explore their potential and set realistic goals for themselves. They often seek to identify and utilize community resources that can enhance and complement comprehensive school counseling programs that help students become productive members of society. These comprehensive developmental school counseling programs are considered an integral part of the educational process which enables all students to achieve.

National School Counseling Week highlights the impact that counselors can have in helping students achieve academic success and plan for a career. It is particularly important that school counselors encourage students to pursue challenging academic courses to prepare them for college majors and careers in science, technology, engineering and mathematics. This year's theme, ''School Counselors: Making a Difference,'' truly sums up the results of the efforts they put forth daily to ensure that no child is left behind.

I have a personal interest in this aspect of counseling. As many here know, I have spent a good deal of my time trying to improve elementary and secondary school math and science education because that is going to be crucial for the jobs of the future. And if the students do not take math and science, they are not likely to get good and meaningful jobs in the future. School counselors can make a huge difference by making students aware of the need for those subjects in their future workplace, but, secondly, to assure them that, regardless of the reputation of these courses as being tough, the students can make it through and they can improve their learning.

I wish to close by expressing my sincere gratitude to all school counselors, not only from my State of Michigan, but from across this great Nation.

Again, I thank the Representative from California, Ms. SÁNCHEZ, for her work bringing this resolution forth today. And I also want to thank Chairman GEORGE MILLER's and senior Republican BUCK MCKEON's staff, especially Chad Miller, for their input and assistance in bringing this resolution to the floor in a timely manner.

I urge my colleagues to support school counselors and this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. LOEBSACK. Madam Speaker, I am pleased to recognize the gentlewoman from the 39th District of California (Ms. LINDA T. SÁNCHEZ) for 3 minutes.

Ms. LINDA T. SÁNCHEZ of California. I thank the gentleman.

Madam Speaker, I rise in strong support of House Resolution 56 and support the goals of National School Counseling Week.

I want to thank Chairman GEORGE MILLER and Ranking Member BUCK MCKEON, as well as Representative VERNON EHLERS, for their support of this very important resolution.

This resolution aims to highlight the very important work that school counselors do in our schools every single day. The best counselors inspire young people to dream big. They help young people get on the road to accomplish their dreams. And, when necessary, they enlist the support of parents, teachers, mentors, tutors, and anyone else that it takes in order to keep our children moving along that path to accomplishment.

As I know from visiting schools in my district, counselors—though there are far too few of them—play a critical role in student success. Unlike teachers, who often only get to know students one semester or year at a time, counselors follow students throughout their many years at an elementary, middle or high school.

They are adept at spotting long-term trends in student progress or behavior and arranging the appropriate intervention or enrichment. They assist

teachers in developing instructional and behavioral programs tailored to meet the individual and unique needs of a particular student.

I want to recognize all the dedicated counselors from my district who accomplish amazing things every day that they go to work. Lisa Torres from Cleveland Elementary and Brian Kamper of Artesia High School are just two of the many exceptional counselors that I have heard of. Lisa and Brian help their students to believe in themselves and achieve their goals, and their reputations are well known. Parents are rightly proud of these counselors and secure in the knowledge that Lisa and Brian are looking out for their children's academic achievement as well as their emotional well-being. I want to applaud the work of all those like Lisa and Brian, who are an integral part of the education team.

I also hope that this year, as Congress continues to address No Child Left Behind and the role of our Federal Government in our local schools, that we can find a way to encourage schools to invest in counseling. The nationwide average student-to-counselor ratio of 475-to-1 is simply inadequate to provide students, teachers, and parents with the counseling services that they need.

Just think of all the students who are considering dropping out who need extra help from a literacy coach or who don't think that they can pay for college who could be reached if we simply had the counselors in those schools dedicated to those students.

I urge my colleagues to support this resolution.

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

Let me conclude by giving a personal example of why counseling is so important, even though I was not counseled by a school counselor, but my example illustrates the importance.

When I was a senior in high school, I had no idea what I was going to do with my life and my career. I didn't even intend to go to college; fortunately, my father persuaded me to do that. But I had no idea what I wanted to do. That summer I was driving a truck. I ended up sitting in a diner next to another person. We began speaking, and he told me that he was a mechanical engineer at Ford Motor Company. He talked to me about what he did, and it sounded really interesting and it sounded like fun. So when I got to college, I went through the registration line and at one point someone said, what is your major? I said, I don't know, I have no idea. They said, well, you have to declare a major. I said, well, I'm not sure. So they said, well, you have to pick something. I said, okay, I'm going to be a mechanical engineer. And I found it amazing that based on a 10-minute conversation with a total stranger I decided what the rest of my life was going to be like.

That illustrates the important impact that a school counselor—or for that matter a teacher—can have in advising students on what to do with their lives. As it so happens, after one year as a mechanical engineering student, my physics professor persuaded me to be a physicist instead, but nevertheless, the point is still made: Counseling is crucial, and counseling must be done and must be done well and professionally if we're going to provide a good service for the students of this Nation. And because of that, I am pleased to be a principal cosponsor of this resolution, and I urge its adoption.

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

Mr. LOEBSACK. Madam Speaker, I am very, very pleased to recognize ''mi amigo'' from Texas, the gentleman from the 15th District of Texas, who also, of course, serves as the Chair of the House Education and Labor Committee Subcommittee on Higher Education, Mr. RUBÉN HINOJOSA, for 3 minutes.

Mr. HINOJOSA. Madam Speaker, I rise in strong support of House Resolution 56, expressing support for National School Counseling Week.

I thank Congresswoman LINDA SÁNCHEZ of California and Congressman VERN EHLERS of Michigan as well as Congressman DAVID LOEBSACK for bringing this important resolution to Congress.

Madam Speaker, effective school counseling programs are critical to boosting academic achievement and eliminating achievement gaps in our Nation's schools. School counselors work with the whole child, providing guidance and support for their academic, personal, social and career development. And they can advise parents to invest in Children's Early Reading Plus Writing Equals Success in Education programs. RIF is a good example of reading literacy, and it is being used in my congressional district with great support from our school counselors.

For many first generation college students, the school counselor is their lifeline to information about preparing for, applying to, and paying for college. In many schools, the counselors office is the safe haven where students can turn for help with challenges at home or at school.

Our best counselors see themselves as student advocates. Unfortunately, school counselors are not always treated as mission-critical faculty or staff in our schools; they're often the first to be downsized in economic hard times. We can already see what's happening as local schools are forced to cut staff to make up for school budget shortfalls.

The American School Counselor Association recommends a student-to-counselor ratio of 250 to 1. Today, the national average is 475 to 1. In my own home State of Texas, the ratio is 437 to 1. And across the Nation, only four States meet the target ratio. Some States have ratios in the range of 1,000 students per counselor, and we must do better than that.

As we celebrate School Counseling Week, we should thank our school counselors for their work to prepare our next generation for success. We should also acknowledge our national failure to provide adequate counseling for our students. Most of all, we should also pledge to do something about it.

I urge all my colleagues on both sides of the aisle to support House Resolution 56, supporting National School Counseling Week.

Mr. LOEBSACK. Madam Speaker, I just want to thank Mr. EHLERS from Michigan and all the other speakers on this particular resolution. It's a wonderful resolution. As someone who has introduced legislation designed to call for more resources to support exactly what we're talking about here, I am very happy to support this resolution and call on my colleagues to do the same.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H. Res. 56, ''Expressing support for designation of the week of February 2 through February 6, 2009, as 'National School Counseling Week.'" I would like to thank my colleague Congresswoman LINDA SÁNCHEZ for highlighting such essential education staff with this important resolution.

This resolution brings public attention to the unique contribution of professional school counselors within our Nation's school systems. National School Counseling Week highlights the tremendous impact school counselors can have in helping students achieve school success and plan for a career.

It recognizes that school counselors help develop well-rounded students by guiding them through their academic, personal, social, and career development. They play a vital role in ensuring that students are aware of financial aid and college opportunities as well as encouraging students to pursue challenging academic courses to prepare them for college majors and careers in the science, technology, engineering, and mathematics fields.

School counselors provide support for students whose family members have been deployed to conflicts overseas and help students cope with serious and common challenges of growing up, including peer pressure, mental health issues, school violence, disciplinary problems, and problems in the home.

School counselors are among the few professionals in a school building that are trained in both education and mental health. Despite the important contributions of school counselors to student success, counseling positions are not always protected when budgets are cut, especially in tough economic times.

The average student-to-counselor ratio in America's public schools, 475 to 1, is almost double the 250 to 1 ratio recommended by the American School Counselor Association, the American Counseling Association, and other organizations.

As chair of the Congressional Children's Caucus, I understand how important school counselors are for our youth. Madam Speaker, today many youth face temptations that often lead them down destructive paths and it is vitally important that we provide guidance that helps them make good decisions.

Why do we need to highlight the work of school counselors?

There are 35.2 million young people ages 10–18 in the U.S. today; of those young people: 1 out of 4 lives with only one parent; 1 out of 10 was born to teen parents; 1 out of 5 lives in poverty; 1 out of 10 will not finish high school.

Madam Speaker, a school counselor is sometimes the only person to whom our young people can go for advice and guidance. Imagine how many young lives could be positively impacted if we increased the number of school counselors and remembered their important role when budgets are cut.

School counselors can help give those youth living in poverty to strive towards a brighter future for themselves. Every child could benefit from having someone in his or her life to turn to for advice and help in the time of need.

The positive relationships and reinforcement that school counselors provide is clearly effective. Young people today are confronted with many challenges in life. They can find the confidence to overcome many of these challenges through quality counseling.

I urge my colleagues to join me in supporting this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LOEBSACK) that the House suspend the rules and agree to the resolution, H. Res. 56.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

COMMENDING UNIVERSITY OF FLORIDA GATORS FOR WINNING BOWL CHAMPIONSHIP SERIES NATIONAL CHAMPIONSHIP GAME

Mr. LOEBSACK. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 58) commending the University of Florida Gators for winning the Bowl Championship Series National Championship Game.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 58

Whereas, on January 8, 2009, the University of Florida Gators defeated the Oklahoma Sooners 24–14 in the Bowl Championship Series National Championship Game in Miami, Florida;

Whereas the Gators have become one of the premier athletic and academic institutions in the country;

Whereas this BCS National Championship is the University of Florida's 22nd national championship in all sports;

Whereas the Gators' victory over Oklahoma was the third football national title for the University of Florida and the second in the past three seasons, the others being won in 1996 and 2007;

Whereas the Gators are the fourth school in the modern era to win two outright national titles in three years;

Whereas the Gators improved their BCS Championship game record to 2–0;

Whereas Florida made its 18th-straight bowl appearance to extend their current school record, the longest active streak by a Southeastern Conference (SEC) team representing the second-longest in the Nation;

Whereas the Gators finished the 2008 season with a 13–1 record, matching the single-season school record for wins (also 13–1 in 2006);

Whereas the Gators become the second team in the 11-year history of the BCS to win two titles;

Whereas the Gators' victory is the fifth BCS championship for the SEC;

Whereas head coach Urban Meyer became only the fifth coach since 1936 to win two national championships in his first four seasons at a school;

Whereas Coach Meyer becomes the fifth active Division I coach with multiple national titles;

Whereas Coach Meyer became the 14th youngest head coach to win a pair of national titles since 1950;

Whereas the Gators' quarterback Tim Tebow was named the game's Most Valuable Player, with 340 yards of total offense, the third-best pass-rush total in a BCS Championship game;

Whereas Tim Tebow showed why he is one of the most versatile quarterbacks in college football history by completing 18 of 30 passes for 231 yards and 2 touchdowns and rushing for 109 yards, the third highest ground total by a quarterback in a BCS title game;

Whereas Tim Tebow became only the 5th player since 1950 to win two national titles and a Heisman Trophy;

Whereas Percy Harvin, after returning from an ankle injury, ran nine times for 122 yards and a touchdown, marking the third-best rushing total in a BCS Championship game, caught five passes for 49 yards, and proved once again to be the fastest player on the field;

Whereas Tebow and Harvin became the first set of teammates to each rush for 100 yards or more in the same BCS National Championship game;

Whereas the Gators' defense shut down the highest-scoring team in modern football history and held Oklahoma to only 14 points and 363 total yards, 40 points and 199 yards below the Sooners' season average;

Whereas Florida's defense held Sooner quarterback and Heisman Trophy winner Sam Bradford to 256 passing yards, his third-lowest of the season and his first two-interception game since October 11, 2008;

Whereas the Gators' players and coaches football team represent the University of Florida and the State of Florida with honor and integrity; and

Whereas residents of Florida and Gator fans worldwide are to be commended for their longstanding support, perseverance, and pride in the team: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the University of Florida Gators for winning the Bowl Championship Series National Championship;

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the victory; and

(3) directs the Clerk of the House of Representatives to transmit a copy of this resolution to University of Florida President J. Bernard Machen and head coach Urban Meyer for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LOEBSACK) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

Mr. EHLERS. Madam Speaker, I ask unanimous consent that Mr. STEARNS from Florida control the time on this resolution.

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

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. LOEBSACK. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 58 into the RECORD.

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

There was no objection.

Mr. LOEBSACK. Madam Speaker, I rise today to congratulate the University of Florida football team for their victory in the 2009 NCAA FedEx BCS National Championship game.

On January 8, football fans all across the country were treated to an exceptional game as the University of Florida Gators defeated the University of Oklahoma Sooners and clinched their third national title.

Defeating a tough Oklahoma Sooners team by a score of 24–14, the Florida Gators became the fourth straight second-ranked team to defeat the number one team in the Nation in the BCS National Championship.

The University of Florida serves as a premier academic institution, and is now emerging as an athletic powerhouse. The school has fielded 22 national championship teams, with the last four coming from the men's football and basketball teams.

This year's football team finished the season with a 13–1 record, matching the single season school record for wins. The outstanding players and coaches produced a great season, winning numerous awards and praise throughout the country.

I would also like to congratulate Tim Tebow, the game's most valuable player. He threw for 231 yards and two touchdowns while rushing for 109 yards. His 340 yards of total offense was the third best pass-rush total in BCS Championship history. He won the Heisman Trophy Award last year, and is a leader for his team.

And congratulations to Percy Harvin, one of the most electric and skilled athletes in America. Harvin rushed for 122 yards and caught five passes for 49 yards.

□ 1345

This was quite a feat after returning to play from a devastating ankle injury last month.

Averaging 50 points per game, Florida's defense held the University of Oklahoma's offense to just 14 points. The hard work of the outstanding defense and coaching staff clearly paid off.

And, finally, I want to extend my congratulations to Head Coach Urban Meyer. In only 4 years with the team, he has brought incredible success. Meyer became the fifth coach since 1936 to win two National Championships in his first four seasons as a head coach. He is the 14th youngest head coach to win a pair of national titles since 1950. His leadership and commitment to this team have given him fame and a place in college football history.

The extraordinary achievement of this team is a tribute to the skill and dedication of many players, coaches, students, alumni, families, and fans that have helped to make the University of Florida a premier football program. Winning the National Championship, finishing the season with a 13–1 overall record, and leading the SEC to another championship has brought national acclaim to the University of Florida. I know the fans of the university will revel in this accomplishment as they look forward to the 2009 season. And they should. After all, Tim Tebow, an inspiration for fellow college athletes, will return for his senior year in the hopes of leading his team to their fourth National Championship.

Once again I congratulate the University of Florida football team for their success.

Madam Speaker, I reserve the balance of my time.

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

I thank my colleague from Iowa for his generous comments, for his very perspicuous and insightful observations and his personal commendation, particularly in light of the fact that now I have the great honor to represent the University of Florida. And I stand today with a great deal of humility because I have been on this floor a couple times before obviously when they won the national basketball championship, that is this National Championship twice, and they have won now this second football National Championship, twice in 3 years. So I am very, very honored to represent the university and to ask my colleagues obviously to consider this resolution.

On the evening of January 8, the Florida Gators won their second BCS National Championship title, two in the past 3 years. But, my colleagues, they faced a very tough opponent: the Oklahoma Sooners. I think we all know how powerful a football program that is. We had our star quarterback, as mentioned by the gentleman from Iowa, Tim Tebow. He led the way and the Gators won the game 24–14. The Gators' defense was able to hold Oklahoma, the highest-scoring team in modern football history, to only 14 points and 363 yards. This was 40 points and 199 yards below their season average. Furthermore, my colleagues, Florida's defense held the Sooner quarterback, and this is the same quarterback that was the Heisman Trophy winner, Sam Bradford, to the third lowest number of passing yards of the season and his first two-interception game since October.

On offense, as mentioned, Florida quarterback Tim Tebow showed why he is the best dual threat quarterback in college football by finishing with 231 passing yards and 109 yards of rushing, the third highest ground total by a quarterback in a BCS title game. Mr. Tebow is also just the fifth player since 1950 to win two national titles and the Heisman Trophy. Gators wide receiver/running back Percy Harvin was also instrumental in the Gators' victory over the Sooners by running nine times for 122 yards, catching five passes for 49 yards, and scoring a touchdown himself. Together, Tebow and Harvin made history by becoming the first set of teammates to each rush for 100 yards or more in the same BCS National Championship game.

With back-to-back basketball championships, 2006 and 2007, along with national football titles in 1996, 2007, and 2009, it's clear why the city of Gainesville is now called the ''City of Champions.''

While the University of Florida clearly has an outstanding athletic program, I would be remiss today if I didn't mention a few of the university's notable academic accomplishments. The University of Florida is one of the four largest universities in the United States and is also one of the largest research universities, housing more than 150 research centers and institutes. It's been the recipient of hundreds of millions of dollars in research grants and is home to the world's largest citrus research center. UF is also currently partnering with Spain to create the world's largest telescope, which will be located in the Canary Islands. The university's latest endeavor is the building of a brand new 50,000-square-foot research center which will focus on treatment and cures for diabetes, cancer, and genetic research.

Now, notably, the University of Florida contributes almost $6 billion each year to Florida's economy and is responsible for the creation of 75,000 jobs.

And, finally, my colleagues, I am proud to report the University of Florida has been ranked 5th among all the universities in the Nation by Kiplinger's magazine's ''Top 100 Public Colleges,'' with the university's 2005 incoming freshmen class having an average of over a 4.0 GPA and a 1306 SAT score. UF is also proud to have a high number of scholar athletes on its campus, and this is very impressive, boasting an 89 percent graduation success rate for all of its athletes.

So today, Madam Speaker, I'm pleased to congratulate Coach Urban Meyer and all the Gator football players and coaches for their incredible accomplishments and for representing the University of Florida and the State of Florida with honor and integrity. It's been a continuous honor to represent this fine university in the United States House of Representatives.

I would like to conclude by commending the University of Florida for being one of the premier athletic and academic institutions in the country and to thank all the Gator fans worldwide for their longstanding support and pride in their team, and I look forward to more exciting football and basketball seasons, particularly football. Go Gators.

Mr. MICA. Madam Speaker, I wanted to join others in congratulating the University of Florida on winning the recent National College Football Championship. As a 1967 graduate of the university, I am proud of the athletic accomplishments of my alma mater. Fellow Gators have much to be proud of in the many achievements and honors gained by students, faculty, staff and graduates of this great institution of higher learning.

While we salute this athletic win it is important that our university, the State of Florida and all those interested and supportive of quality education programs work together to improve and restore our College of Education Historic Norman Hall. As a graduate of the U.F. College of Education, I urge our State legislature and Congress to aid in renovation of this principal building and center of our College of Education. While numerous other colleges have restored important campus structures Norman Hall remains neglected. If one of our major institutions devoted to training educational professionals remains in tatters how can we accommodate the faculty, staff and future quality teachers for our State and Nation?

So let's not sit on our athletic laurels but recommit to winning one for quality education at the University of Florida and go Gators!

Mr. BILIRAKIS. Madam Speaker, I rise in strong support of H. Res. 58, commending the University of Florida Gators for winning the Bowl Championship Series National Championship Game. As a loyal Gator fan since I was a child, I can remember sitting at the kitchen table and talking about how wonderful it would be for the Gators to just win a Southeast Conference title. We accomplished that feat. Then, in 1996, our football team won their first national championship. The momentum hasn't stopped since we won it again in 2006 and 2008.

The University of Florida was founded in 1853. Fifty-three years later, their football program was born. Since the team's inception, they have played in 34 bowl games, won eight Southeast Conference titles, and produced three Heisman Trophy winners.

Florida's most recent Heisman Trophy winner, quarterback Tim Tebow, made numerous influential plays leading the Gators past the University of Oklahoma by a score of 24 to 14 at Dolphin Stadium in Miami. He was named most valuable player of the game.

I would also like to recognize and congratulate the Gators' head coach, Urban Meyer. Coach Meyer became Florida's head football coach in 2005. This past year, he led the Gators to a 13 and 1 season, bringing them their second national championship in three years. Mr. Meyer is the first coach in school history to win two BCS championship games.

The University of Florida has proven itself both on the football field and in the classroom. It is on the cutting edge for research and technology. The university is currently home to 17 colleges and more than 150 research centers, educating and training future generations of Americans.

As one of our Nation's largest research institutions, the University of Florida is also making great contributions to our economy. It is estimated that it contributes $6 billion annually to Florida's economy and is responsible for producing an astounding 75,000 jobs.

Madam Speaker, I am certainly proud to call the University of Florida my alma mater. I congratulate them on yet another national championship victory, and I look forward to watching their continued success athletically, academically, and economically.

I urge all of my colleagues to support H. Res. 58.

Ms. WASSERMAN SCHULTZ. Madam Speaker, as a proud University of Florida alumna who bleeds orange and blue, I am delighted to be an original cosponsor of H. Res. 58, Commending the University of Florida Gators for winning the 2008 Bowl Championship Series National Championship Game.

The University of Florida Gators football team squarely defeated the Oklahoma Sooners 24–14. This tremendous victory is nothing but extraordinary on all counts. The Gators' win over Oklahoma was the third football national title for the University of Florida and the second in the past three seasons.

This victory makes the University of Florida the fourth school in the modem era to win two outright national collegiate athletics title in three years. Additionally, Gators' quarterback Tim Tebow was named the game's Most Valuable Player, with 340 yards of total offense, the third-best pass-rush total in a BCS Championship game.

While this victory is among the many reasons to be proud of the University of Florida, I am most proud of that the excellence of its academic, athletic, and research programs is beyond compare. It is both a premier public research university and a top contender in the athletic arena.

With so much to be proud of, it is no wonder that the Gator nation includes millions of people from all over the world—students, alumni, faculty, staff, administrators, sports fans, and anyone who shares the values and spirit of the University of Florida. It goes without saying that the Gator nation has continued to make its mark and make her alumni and the Gator family proud.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to commend the University of Florida's 2008 football team for winning the 2008 NCAA National Championship on January 8, 2009, over the Oklahoma Sooners.

The 2008 Florida Gators football team represented the University of Florida exceptionally well in the 2008 college football season. The team was coached by Urban Meyer and finished the season ranked as the number one team in the Associated Press poll and USA Today Coaches poll. After clinching the Southeastern Conference Eastern Division, the team defeated the then number one-ranked Alabama Crimson Tide 31–20 in the 2008 SEC Championship Game to win the EC title. The Gators closed their season after the 2009 BCS National Championship Game, where they defeated the Oklahoma Sooners for the BCS National Championship with a score of 24–14.

In over 100 years of play, Florida has been recognized as SEC champions eight times—finishing first in the conference an additional three times—and were national champions of the 1996, 2006, and 2008 college football seasons. The University of Florida is the winningest college football team in the Nation since 1990.

Understandably so, I know that Congressman STEARNS and the other Representatives from the State of Florida are quite proud of this amazing feat, just as I had the opportunity to rejoice when the pride of Texas, our University of Texas Longhorns, celebrated their national championship victory at the Rose Bowl in 2006.

Madam Speaker, this commendation today recognizes this exceptional team and the University of Florida's athletic program's rich winning tradition. This resolution also notes the extraordinary commitment and daily sacrifices made by these outstanding young men. I would also like to commend the "Pride of the Sunshine" Fightin' Gator Marching Band who performed magnificently and one of their alumna and an important member of my staff, Erin Dominguez.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LOEBSACK) that the House suspend the rules and agree to the resolution, H. Res. 58.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

TARP REFORM AND ACCOUNTABILITY ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 62 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 384.

□ 1355

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, with Mr. HOLDEN (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole House rose on Thursday, January 15, 2009, amendment No. 7 printed in House Report 111–3 offered by the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) had been disposed of.

AMENDMENT NO. 8 OFFERED BY MRS. MYRICK

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111–3.

Mrs. MYRICK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mrs. MYRICK:

Page 7, after line 11, insert the following:

''(4) PROHIBITION ON USE OF TARP FUNDS FOR FOREIGN CUSTOMER SERVICE POSITIONS.—Effective as of the date of the enactment of the TARP Reform and Accountability Act of 2009, no assisted institution that became an assisted institution on or after October 3, 2008, may enter into a new agreement, or expand a current agreement, with any foreign company for provision of customer service functions, including call-center services, while any of such assistance is outstanding.''.

The Acting CHAIR. Pursuant to House Resolution 62, the gentlewoman from North Carolina (Mrs. MYRICK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Mrs. MYRICK. Mr. Chairman, my amendment is very simple. Any company that accepts or has accepted TARP funds would be prevented from outsourcing any new customer service or call center jobs to a foreign company.

I'm not aware of any companies that have participated in the TARP that have entered into any new contracts with foreign-based customer service centers, but I do know that our constituents have a great deal of skepticism about the TARP program and how their money is being spent. And if a company that has been propped up with taxpayer dollars were to outsource these types of jobs, it would create further cynicism.

I understand this is a global interconnected economy. However, given the amount of Federal dollars pouring into U.S. companies from TARP and given the fact that the U.S. unemployment is now above 7 percent, I don't think it's unreasonable to demand that American workers are used to fill any new customer service jobs for the companies who are assisted with American taxpayer dollars.

I urge support of the amendment.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I rise to meet the formal requirement that someone rise who is in opposition, although that is not, as you know, highly enforceable.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I think the amendment is a good one. Any doubts I had were assuaged since I listened to the gentlewoman.

But I do want to point out a difficulty that Members of this House should contemplate. We run the risk here that this may violate our obligations under the World Trade Organization. As someone who voted against joining, and I say that without any embarrassment, I would say to Members who will be joining, I believe, virtually every Member of this House in supporting the gentlewoman's amendment that perhaps it should lead them to rethink to having so enthusiastically subscribed to the WTO agreement without some changes. It certainly seems to us that while we do know the government is directly involved, spending its own money, you can have a requirement for domesticity. It is unclear what the interpretation will be here. The interpretation be not be purely an American one. It will be in the dispute resolution procedures of the WTO.

So as we go forward in this Congress and we are told about the advantages of a multilateral approach to trade, and I agree that, properly done, that is very advantageous, I hope Members who more enthusiastically than I embraced this principle will stop to think about it.

Some of us who were worried about the job impact of international economic relations have been derided as the reincarnation of Smoot and Hawley. Well, I guess Smoot and Hawley would have been with us on this one because it says companies who do business in America cannot go overseas for hiring. That's not trade in the old way because they didn't have the option of doing this in the old way with technology. But it is a restraint on international economic activity. It is the government's saying to the market you may not do this because it will have a negative impact on our employment.

□ 1400

Now, I think that's legitimate, especially here, since it will only apply to companies that are receiving this assistance. But understand the principle. Those who say it's always a good thing to allow the market to totally run because it will enhance capacity are agreeing that in this case, because we have the hook on which to hang it, we can undercut that.

But the fact that we have the hook in the TARP doesn't change what the economics would be. So I welcome what I think is a renewed recognition for some and a belated recognition for others that a regime in which none of these considerations of local employment can be considered is not necessarily in our best interest.

I yield back the balance of my time.

Mrs. MYRICK. I understand the gentleman's concerns regarding the WTO, and I know there are concerns there with what's been done with the automakers, too, so this isn't the only one.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from North Carolina (Mrs. MYRICK).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. FRANK OF MASSACHUSETTS

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111–3.

Mr. FRANK of Massachusetts. Mr. Chairman, I note that the author of this amendment is not now on the floor. Could we get unanimous consent to pass over without his forfeiting his chance so he could do it when he comes?

The Acting CHAIR. That request would have to be made in the full House.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Parliamentary inquiry.

The Acting CHAIR. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Is there any way under the rules to preserve the right of the gentleman from Minnesota who offered this?

The Acting CHAIR. A designee could offer it at this time.

Mr. FRANK of Massachusetts. Well, then I offer it as his designee.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. FRANK of Massachusetts:

In subsection (e) of section 113 of the Emergency Economic Stabilization Act of 2008, as proposed to be added by section 101(a) of the bill, add at the end the following new paragraph:

''(4) ONLINE PUBLICATION OF PERIODIC REPORTS.—The Secretary shall make publicly available on the Internet each report made in accordance with paragraph (1).''.

The Acting CHAIR. Pursuant to House Resolution 62, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I offer this amendment on behalf of our colleague from Minnesota (Mr. WALZ) who has been diligent in trying to see that money allocated under the TARP Program is fully accounted for, and, obviously, many of us feel that has not happened with the first half of the money.

Let me make a point that may have escaped some Members. We are not used to this, and so it may be hard for Members to assimilate, but last week the Senate acted decisively. The Senate voted under the bill that we passed last fall and defeated the resolution of disapproval.

The procedures adopted that called for the resolution of disapproval to assure Members that there would be no tricks in both Houses ruled out any motion to reconsider. So the Senate defeat of the resolution of disapproval last week is final and it is dispositive.

We, under a statute that could have been drafted better, will still vote on that resolution, but the outcome of the vote in the House is irrelevant, because the Senate has legally acted to trigger the second $350 billion.

So it's a fact that the $350 billion, the second $350 billion, will be at the disposal of the Obama administration. It isn't even yet there because the Bush administration, at the request of the Obama administration, requested the funds last Monday. I believe they probably won't ripen until a week from yesterday. It's a 15-day period. But as of next week sometime, the Obama administration now has the legal right to deploy the $350 billion.

What our colleague from Minnesota (Mr. WALZ) has thoughtfully put forward as an amendment will require the Treasury to make available on the Internet all of the reports that are required under the bill. The bill requires reports, but they will now be made immediately available on the Internet.

There is a great deal of understandable public dissatisfaction at the failure of this information to be made available. And the gentleman from Minnesota, by insisting that we use the most appropriate contemporary technology, has helped with that problem.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I rise to claim the time in opposition.

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

Mr. HENSARLING. Mr. Chairman, as I look at this amendment, I think the amendment is probably a good one, adding to the transparency and accountability, to the underlying legislation, but I still believe that I have a number of concerns.

And to the extent that this facilitates passage of the underlying bill, again, what I perceive that we have here is buyers' remorse for many with respect to the underlying TARP Program. And what many Members, I believe, saw was, either, one, they didn't see a plan, or, number 2, the plan they thought they saw was not the plan that they saw implemented, and whatever they saw implemented they didn't see too clearly because of the transparency and accountability that most Members would want was not present. I feel that because of the exigent circumstances the legislation was, perhaps, drafted in haste.

Now, the underlying legislation to which the gentleman's amendment would apply continues to have a number of underlying problems. Now, I do

want to compliment the Chairman of the Financial Services Committee, who I think has added some very important accountability and transparency provisions to the underlying legislation.

I think almost all Members agree that it's absolutely insane to be investing taxpayer money in these companies with no reporting requirement whatsoever, and I compliment the chairman for including that in the underlying legislation. The reporting requirement on new lending attributable to TARP is another good provision.

But, Mr. Chairman, I have three major concerns dealing with the underlying legislation.

Number one, if legislation still puts us on the road to picking winners and losers in our economy, express language dealing with the auto bailout, it doesn't do anything for the arts and crafts supplier in Athens, Texas, that I represent. I don't see language in the bill that's going to help them.

It doesn't do anything for the aluminum and zinc die caster in Jacksonville, Texas, in my district. I don't see any express language in the legislation that helps them.

On this side of the aisle, Mr. Chairman, we want to help everybody in the economy. Again, name me three industries that aren't hurting in this economy.

Why, again, Mr. Chairman, does the bill pick winners and losers?

Second of all, Mr. Chairman, it specifies a rather questionable foreclosure mitigation plan, one that apparently will take at least $40 billion of taxpayer funds, roughly patterned after the FDIC plan, if you read the language, one that even the FDIC admits may cost $25 billion.

Mr. Chairman, people on this side of the aisle support foreclosure mitigation, too. It's called preservation of your job, expand your job opportunities, and expand your paycheck through middle-income tax relief. That's the foreclosure mitigation plan that we need to see.

Then finally, Mr. Chairman, I am concerned about a provision that would permit the Secretary of the Treasury to put, quote-unquote, observers into assisted institutions.

Again, I think this may speak to the haste in which the underlying legislation has been drafted. It didn't go through any markup. We didn't have any formal hearing on it, but on page 11 of the base bill, it states that the Secretary may require the attendance of an observer at, quote-unquote, any assisted institution.

Well, on page 8 of the bill it defines an assisted institution as any such institution that receives directly or indirectly assistance or benefit that derives from the funds that are available.

My concern, Mr. Chairman—and I don't believe it was the intent of the author of the legislation—but seemingly you could be giving the Secretary of the Treasury power to put an observer in any small business that does business with a community bank and gets a loan.

We may be on the precipice of having a Secretary of Treasury, who admittedly doesn't pay his own taxes, and yet he will have the right to put an observer into small businesses to make sure they pay theirs.

Again, I doubt it was the intent of the drafter of the underlying bill for that to happen, but it concerns me, Mr. Chairman, that we would have that in the base bill. And I hope Members would clearly take a look at that before approving the underlying legislation.

With that, Mr. Chairman, I would like to reserve the balance of my time.

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

Mr. FRANK of Massachusetts. Mr. Chairman, as the designee, I now yield the remaining 2½ minutes to my designator, the author of the amendment, the gentleman from Minnesota.

Mr. WALZ. Mr. Chairman, I rise today to offer this amendment and, interesting, listening to my colleague on the other side of the aisle, while I did not support the underlying bill in the first place, I think we may part company at that point, because I want to thank the chairman for the work that he has done.

Because the one thing I hear is, and I heard it yesterday as we watched our new President be sworn in, now is the time to put the childish political bickering aside. Offer us something that works.

If you don't want someone in the boardroom, don't take the money. But the American public is asking us and the economists are asking us what needs to be done to move this economy.

I do not support the money going. I do not believe that the American public was served well in it. It does not mean that I am not willing to offer changes to improve it overall.

So my amendment, and what I ask the chairman to accept in this amendment, is to ask for the oversight that needs to be there. Not for the Members of this body and not for the accountants, but for the American public.

If an institution is going to take this money, then have the courage to publish it online so every person in every library and every home can go and see where their taxpayer dollars are being spent. And if that is simply an intrusion into the private sector, simply don't accept the money.

But I see them beating down the doors of this Congress and beating down the doors to try and get them. So my goal, and I believe the chairman's goal all along has been, it was working with the previous administration who put these proposals forward. The chairman did the time-honored practice of this body of reaching compromise for the good of the American public.

So what I ask, Mr. Chairman, is looking retrospectively into the $350 billion that was spent and then forward, that these institutions be required, through the Secretary of the Treasury, to put and post online how each and every dollar of this money is being spent.

And what I believe is you will get transparency, you will get the accountability, and I think in the spirit of what my colleague is saying, you will have a great incentive for the market then to work fairly on an even playing field, making sure that we, once again, put those things in place that actually make our financial system work, actually free up credit and get our economic system moving.

So we are here to work on those problems that most affect average Americans. We may disagree on how to get there, but there is no denying we are at a point in our Nation's history where political bickering won't get us there, where nontransparency to the public is the wrong way to go.

Mr. Chairman, I thank you for having this opportunity to put forward this amendment. The amendment is very simple, and it simply states online publication of periodic reports. The Secretary shall make publicly available on the Internet each report made in accordance with paragraph one. That simply says, at least quarterly, they will put out how they are spending our money.

I want to thank the chairman for giving me this opportunity. I want to thank the ranking member for coming today and debating this issue. We owe it to our constituents to solve this.

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

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111–3.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. FLAKE:

At the end of title I, insert the following:

SEC. 108. BROADENED INSPECTOR GENERAL AUTHORITY.

Section 121(c) of the Emergency Economic Stabilization Act (12 U.S.C. 5231(c)) is amended by striking ''the purchase, management, and sale of assets'' and all that follows through ''under section 102'' and inserting ''any action taken by the Secretary of the Treasury under this title (except sections 115, 116, 117, and 125), as the Special Inspector General determines appropriate''.

In the table of contents in section 1(b), insert after the item relating to section 107 the following new item:

Sec. 108. Broadened Inspector General Authority.

The Acting CHAIR. Pursuant to House Resolution 62, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. This amendment is pretty straightforward. It simply allows

the special inspector general for TARP to review any action tied to the distribution of TARP funds. The position of the special inspector general for the TARP Programs was created by section 121 of the Emergency Economic Stabilization Act, which was signed into law in October.

This legislation initially provided enough authority for the special inspector general, but because the purview for TARP, the scope expanded so significantly, this special Inspector General really didn't have the authority to look at these other items as well. It now includes, for example, TARP. The scope of TARP includes propping up a number of banks, bailing out AIG and Citicorp and providing assistance to U.S. automakers.

Under the initial act, it wasn't clear that the special inspector general had the authority to look over these issues as well. This amendment will ensure that it does.

In a November article in the Washington Post, the Treasury's Inspector General described the oversight of the current situation of TARP ''a mess.'' We need to make sure that the inspector general has sufficient authority to look over these other areas where TARP has gone.

With that, I will reserve the balance of my time.

□ 1415

Mr. FRANK of Massachusetts. Mr. Chairman, I rise to claim the 5 minutes that goes to someone in opposition.

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

Mr. FRANK of Massachusetts. I thank the gentleman from Arizona for his careful legislating. He is a careful legislator. He is exactly right. This amendment does make sure that the inspection IG's oversight purview is equivalent to that of the TARP.

There have been concerns about the oversight, which we understand. I wanted to divide this in two as we talk about the oversight. The problem has been that they have not required enough of the—the Treasury hasn't required enough. The oversight mechanisms we put in there haven't seem, to me, to have done some good. The special IG was created. He was held up until the Senate acted. He recently issued an example of his plan to go forward.

We have also had very good oversight by the Government Accountability Office. When Members read about the failure of Treasury to require the recipients of the capital infusions to do any re-lending, or at least to tell they were going to do it, that was documented by the Government Accountability Office in a very effective report, which we had a hearing on. And then the panel of appointees by the congressional leadership, which includes the gentleman from Texas, the former Senator from New Hampshire, and three other very energetic citizens, they have also put out good reports.

So we have gotten some good oversight that tells us what they did wrong. But oversight, of course, only highlights that. It doesn't correct it. This legislation is in fact informed to some extent by that oversight, and hopes to build on it. The gentleman from Arizona's amendment will make sure that the oversight continues to be equal to the test.

I reserve the balance of my time.

Mr. FLAKE. I yield 2 minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. I thank the gentleman. Hearing what I have just heard, I would like to thank the chairman of the full committee. It is clear that we will for months, years to come, be looking at the failures of TARP; the failures to properly consider the allocation of these funds before they were delivered and to lock down appropriately the ways in which it could be spent. Notwithstanding failures in our hurried legislation, it is also very clear that the effectiveness, or lack thereof; the honesty, or lack thereof, of the expenditure of these funds, is critical if we are going to regain confidence by the American people that in a future emergency situation we will be able to quickly allocate resources to a problem and then have those resources used properly.

So I thank the gentleman for offering this amendment. I thank the chairman for his willingness to accept this amendment that will allow the IG to report to the committees of jurisdiction so that we can in fact look for the waste, fraud, and abuse in this legislation and its carrying out. Thank you.

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

Mr. FRANK of Massachusetts. How much time do I have remaining?

The Acting CHAIR. The gentleman from Massachusetts has 3½ minutes remaining and the gentleman from Arizona has 2½ remaining.

Mr. FRANK of Massachusetts. I yield myself 2½ minutes.

Let me inquire of the gentleman from Arizona, is he his remaining speaker?

Mr. FLAKE. I just plan to close.

Mr. FRANK of Massachusetts. Do I have the right to close as a member of the committee?

The Acting CHAIR. The gentleman does.

Mr. FRANK of Massachusetts. I yield myself 2 minutes just to say, as has been pointed out, we have been given indications that the Senate does not plan to act on this. Of course, I can recall a number of times when people on both sides have said we are going to go ahead whether they do or don't.

I will say this. Much of what we put in this bill can be done even if it doesn't pass. And I regard this as a very important vote that we will have later to strengthen our hand in making sure that Treasury does what we think is necessary, even if it doesn't become law. Almost everything in the bill could be done even without statutory change. This may be one of the few things that requires statutory change.

So I would say this to the gentleman from Arizona. If I am correct and this is one of the few pieces that would require statutory change to expand the special IG's authority, we will work together to get a suspension bill through that will do that, that is abstracting from some of the rest of it. Because, again, it's now a given that the second $350 billion will be spent. So I just wanted to give the gentleman that assurance, that while almost everything else in this bill can be done, and we are really insisting they should use authority that they have, to the extent this requires statutory change, I believe we can do a very quick, noncontroversial suspension.

I reserve the balance of my time.

Mr. FLAKE. I thank the gentleman. My understanding is the Senate has already acted on language identical to this in a free-standing piece of legislation. This, I think, is certainly a priority of theirs as well, to make sure that the special IG has the authority to look over all disbursements of the TARP funds.

I think it's incumbent on us in Congress to take better care here. I have been simply amazed at how jealous we guard our spending prerogatives here in the House, rightly so, but then when it came to TARP, we simply let them run with whatever they wanted to spend it on. We clearly did not contemplate here, those of us who are considering this in the House, that this money would be used for a bailout of the auto industry, for example.

So I just want to make sure that the tools are there to make sure that proper accounting is done and proper review is made of the expenditure of funds. I am grateful the chairman has agreed to support the amendment.

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

Mr. FRANK of Massachusetts. How much time do I have remaining?

The Acting CHAIR. The gentleman has 2½ minutes.

Mr. FRANK of Massachusetts. First, on the auto issue, let me say I agree that it would have been a mistake to have taken the original TARP vote and then said, Okay, use that to go to the aid of the three American automobile manufacturers. And this is why Speaker PELOSI correctly insisted that we vote on it. Now it turned out because the Senate didn't act, that it didn't become law. But what this House voted on had a major influence on what the Bush administration did.

I was not prepared to support the use of TARP funds if it did not receive the vote of this House for the autos. So with regard to autos, the House has already, by a fairly large vote, decided to do that. That is the model I have in mind for this bill. There's probably some ambiguity as to whether or not the gentleman's amendment would require statutory change. I am in favor of resolving the ambiguity. I'd rather

be redundant than ambiguous, as people might know from listening to my speeches.

So I will work with him to get that bill passed. But on the basic point, here we are. It is true the Senate at this point says they are not going to pass it. It is true we are doing things here that we wish the Bush administration had done, but didn't do them. I believe that the Bush administration and the Obama administration are correct that it's in the interest of the economy for the second $350 billion, and they are very strongly agreed on that, both administrations, if it can be done well, it would be to the advantage of the economy in helping with the economic problems. But we are insisting that they do some things they didn't do at first.

Even if it does not become law, as Members know, I will be talking with the Secretary of the Treasury, I will be talking, as will other Members, with the administration. When we tell them to do something about foreclosures, when we say to look at the problems of municipalities, if we have the force of a large majority of the House of Representatives behind us, it will make us even more persuasive.

None of us, I think, have enough confidence in our mellifluous tones to think that on our own we can do things that we couldn't do when we are speaking for a majority of the House of Representatives.

So passing this bill with these specifics will be adding greatly to our ability to get the administration to do these things. I should say it's already clear that under the Obama administration, unlike the Bush administration, there will be significant funds for foreclosure relief.

I understand the dilemma some of my conservative friends have, because two leading journals of conservative opinion, the Wall Street Journal and the Heritage Foundation, have said, Don't do anything about foreclosures. Well, this bill will ensure that they do, to their disappointment.

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

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. HINCHEY

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111–3.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. HINCHEY:

Page 4, after line 9, insert the following new paragraph:

''(4) USE OF 2008 ASSISTANCE.—

''(A) COLLECTION OF INFORMATION.—Effective upon enactment of this paragraph, The Secretary shall require any assisted institution which received assistance under this title before January 1, 2009, to provide sufficient information with regard to such assistance as to inform the Secretary of the precise use of such assistance by the institution and the purpose for the use.

''(B) ANALYSIS.—The Secretary shall conduct an analysis of the use of the assistance for which information was received under subparagraph (A).

''(C) REPORT TO THE CONGRESS.—Within 30 days after the enactment of this paragraph, the Secretary shall promptly submit a report containing the findings and conclusion of the Secretary on the use of the assistance referred to in subparagraph (A), together with such recommendations for legislative or administrative action as the Secretary may determine to be appropriate, to the Committee on Financial Services of the House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate.''.

The Acting CHAIR. Pursuant to House Resolution 62, the gentleman from New York (Mr. HINCHEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. HINCHEY. Mr. Chairman, since the bailout bill was passed last year, about $350 billion of the $700 billion that was allocated in that legislation has been authorized and effectively spent through the Treasury Department. However, there's very little information with regard to who are the recipients of that $350 billion and for what purpose they receive that money and how they spend it.

So this amendment just asks and makes it clear that upon the passage of this legislation, that the Secretary must provide information with regard to where that money has gone and how that funding was spent. And then, 30 days later, within 30 days after the enactment of this paragraph, the Secretary shall promptly submit to the appropriate committees here in the Congress that information: Where the money was allocated and for what purposes it was spent.

I think this is a very essentially important piece of information. I expect that it will be passed by the House.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I rise to claim time in opposition.

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

Mr. HENSARLING. Thank you, Mr. Chairman. Again, I have similar concerns I had with one of the earlier amendments. I think, frankly, the gentleman from New York has a very good amendment. I will support it. I do, again, believe that there needs to be increased transparency and accountability for how these funds are used.

But, again, Mr. Chairman, I have concerns, and I agree with our distinguished chairman of the Financial Services Committee that this is an important vote that we will take on the underlying legislation. But I continue to have concerns that I feel have not been addressed.

Number one, although the underlying legislation—and the gentleman from New York is certainly adding more accountability and transparency to the process—although my friends on that side of the aisle take a few steps forward, they unfortunately take a number of steps backwards as well. As I look at the underlying legislation, particularly with respect to the HOPE for Homeowners program which, by the way, the Congressional Budget Office estimates is a 15 percent subsidy cost, and that could cost $675 million over 10 years, that the legislation, the underlying legislation actually eliminates borrower certifications. That a borrower has not intentionally defaulted on the mortgage or any other debt, has not knowingly or willfully and with actual knowledge furnished material information known to be false for the purpose of attaining an eligible mortgage. I mean, Mr. Chairman, that is clearly a step backwards when it comes to adding accountability and transparency to the process.

In addition, the underlying legislation eliminates the requirement that an individual receiving assistance under that program verify their income by providing tax return information.

So I have heard all of the wonderful words about our accountability and transparency increases within the legislation, but I haven't heard a whole lot though about the steps the underlying legislation has taken in the wrong direction.

In addition, Mr. Chairman, I still am concerned about this provision that I hope that perhaps the distinguished chairman will address, the provision in the underlying bill allowing the Secretary to place board observers into ''assisted institutions.'' I mean assisted institution is defined on page eight of the base bill and it includes any institution that receives directly or indirectly, or indirectly, any assistance or benefit.

I still question, again, whether or not a small business in a rural community who does business with a small community bank receiving TARP funds, all of a sudden are they going to end up having a Federal observer in their small business? Now maybe some Members would like to go down that road. Maybe they think that is a good thing. I, for one, do not. I don't believe that was probably the intention of the author of the bill. But, again, I am reading the definition in the legislation.

I think it's a great concern, and Members need to pay very careful attention before they vote on the underlying legislation.

With that, Mr. Chairman, I reserve the balance of my time.

□ 1430

Mr. HINCHEY. Mr. Chairman, I think the amendment that we have here is very clear and puts forward some necessary information which must be received by the Congress, especially prior to the enactment of the remaining $350 billion, just making it clear that we need to know how much money has been spent and where it has been spent

and for what purpose, and it stipulates that the Secretary of the Treasury must submit that information within 30 days after the enactment of this legislation.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, might I inquire how much time I have remaining.

The Acting CHAIR. The gentleman from Texas has 1½ minutes remaining, and the gentleman from New York has 3 minutes remaining.

Mr. HENSARLING. I yield myself the balance of my time.

Mr. Chairman, again, I want to compliment the gentleman from New York for his amendment. I think it certainly improves the underlying bill. My main concerns remain with the underlying bill; and I am still fearful that this institution is about to, essentially, commit the same error that many feel was committed a few months ago.

I myself did not vote for the underlying TARP legislation; I voted against it twice. I supported an alternative plan. Now, these continue to be very serious challenging, serious economic times that need thoughtful plans. But we are essentially saying to the incoming administration: Here is a $350 billion bank account. Well, I say, where is the plan? And Congress isn't going away. Congress can come, and when the need is presented and the plan is presented, can vote for this money.

There is the Federal Reserve. We are already up to $7 trillion to $8 trillion of taxpayer liability exposure that includes their various lending facilities. It is not like, if Congress goes to bed at night, that no one is there to aid in an emergency situation.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HENSARLING. I would be happy to yield to the chairman.

Mr. FRANK of Massachusetts. I appreciate what the gentleman is saying. He knows we are going to have a hearing in our committee on the Federal Reserve; but because of what the Senate did, whether or not they spend the $350 billion is no longer an open question. They are going to spend it. The Senate guaranteed that.

Mr. HENSARLING. Reclaiming my time, I understand that, to the distinguished chairman; but I also understand, as I believe you said, to paraphrase, this sends an important signal. I don't want to send the signal that the vote on the underlying legislation would provide that, here is $350 billion, without a plan.

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

Mr. HINCHEY. I yield to the chairman.

Mr. FRANK of Massachusetts. I have to differ with my friend from Texas when he says it sends a signal that they shouldn't have $350 billion without a plan. They know they have the $350 billion. This is an effort to strengthen our hand when we impose some constraints on them.

But the signal it sends is we care about these substantive issues: Foreclosure, requiring a disclosure, et cetera. It does not send a signal that they have $350 billion, because they have it. They don't need a signal. $350 billion is better than a signal; it is now legally theirs to spend without any constraint, except what we are able to impose on them through our efforts. I understand the gentleman disagrees with some of the specifics. Those were entirely reasonable points to make. But the notion that we shouldn't send them a signal to spend the money misses the point that they are about to spend the money next week whatever we do, and all we can do at this point, given what the Senate has done, is to try to impose some of the concerns we have on them.

Mr. HINCHEY. And it is unclear to me whether the gentleman is opposed to putting this information forward or not. I think that everybody here should be in favor of addressing this issue in a responsible way, saying we need to know where the money has been spent, who it has been allocated to, and what has been the result of the expenditure.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

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

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

Mr. FRANK of Massachusetts. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HINCHEY) having assumed the chair, Mr. HOLDEN, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, had come to no resolution thereon.

RECESS

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

Accordingly (at 2 o'clock and 35 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1505

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Florida) at 3 o'clock and 5 minutes p.m.

TARP REFORM AND ACCOUNTABILITY ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 62 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 384.

□ 1506

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, with Mr. HOLDEN (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 11 printed in House Report 111–3 offered by the gentleman from New York (Mr. HINCHEY) had been postponed.

AMENDMENT NO. 11 OFFERED BY MR. HINCHEY

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, the unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 427, noes 1, not voting 11, as follows:

[Roll No. 23]

AYES—427

Abercrombie	Boccieri	Carney
Ackerman	Boehner	Carson (IN)
Aderholt	Bonner	Carter
Adler (NJ)	Bono Mack	Cassidy
Akin	Boozman	Castle
Alexander	Boren	Castor (FL)
Altmire	Boswell	Chaffetz
Andrews	Boustany	Chandler
Arcuri	Boyd	Childers
Austria	Brady (PA)	Christensen
Baca	Brady (TX)	Clarke
Bachmann	Braley (IA)	Clay
Bachus	Bright	Cleaver
Baird	Broun (GA)	Clyburn
Baldwin	Brown (SC)	Coble
Barrett (SC)	Brown, Corrine	Coffman (CO)
Barrow	Brown-Waite, Ginny	Cohen
Bartlett	Buchanan	Cole
Barton (TX)	Burgess	Conaway
Bean	Burton (IN)	Connolly (VA)
Becerra	Butterfield	Conyers
Berkley	Buyer	Cooper
Berman	Calvert	Costa
Berry	Camp	Costello
Biggert	Campbell	Courtney
Bilbray	Cantor	Crenshaw
Bilirakis	Cao	Cuellar
Bishop (GA)	Capito	Culberson
Bishop (NY)	Capps	Cummings
Bishop (UT)	Capuano	Dahlkemper
Blackburn	Cardoza	Davis (AL)
Blumenauer	Carnahan	Davis (CA)
Blunt		Davis (IL)

Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—1

Sablan

NOT VOTING—11

Bordallo
Boucher
Crowley
Harman
Herseth Sandlin
Neugebauer
Platts
Solis (CA)
Tiberi
Watson
Young (AK)

□ 1537

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. PLATTS. Mr. Chair, on rollcall No. 23 (Hinchey Amendment to H.R. 384), I was delayed en route to the Capitol due to two traffic accidents (not involving my vehicle) and then not able to record my vote on said amendment. Had I been present for rollcall No. 23, I would have voted "aye," in favor of the amendment.

Ms. BORDALLO. Mr. Chair, on rollcall No. 23, traffic delays. Had I been present, I would have voted "aye."

Mr. SABLAN. Mr. Chair, during rollcall vote No. 23 on H.R. 384, I mistakenly recorded my vote as "no" when I should have voted "aye."

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. HOLDEN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, and pursuant to House Resolution 62, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GOHMERT

Mr. GOHMERT. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GOHMERT. Yes, I do oppose the bill, Madam Speaker.

Mr. FRANK of Massachusetts. Madam Speaker, I reserve a point of order against the recommittal motion.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Gohmert moves to recommit the bill H.R. 384 to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SUSPENSION OF EMPLOYMENT TAXES.

(a) TAX ON EMPLOYEES.—Section 3101 of the Internal Revenue Code of 1986 (relating to rate of tax) is amended by adding at the end the following new subsection:

''(d) SUSPENSION.—In the case of wages received for service performed during the 2-month period beginning with the first full month after the date of the enactment of this subsection, the percentage under subsections (a) and (b) shall be zero percent.''.

(b) TAX ON EMPLOYERS.—Section 3111 of such Code (relating to rate of tax) is amended by adding at the end the following new subsection:

''(d) SUSPENSION.—In the case of wages paid for service performed during the 2-month period beginning with the first full month after the date of the enactment of this subsection, the percentage under subsections (a) and (b) shall be zero percent.''.

(c) TAX ON SELF-EMPLOYMENT INCOME.—Section 1401 of such Code (relating to rate of tax) is amended by adding at the end the following new subsection:

''(d) SUSPENSION.—In the case of self-employment income for service performed during the 2-month period beginning with the first full month after the date of the enactment of this subsection, the percentage under subsections (a) and (b) shall be zero percent.''.

(d) EFFECTIVE DATES.—

(1) The amendments made by subsections (a) and (b) shall apply to remuneration paid or received after the date of the enactment of this Act.

(2) The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2008.

SEC. 2. SUSPENSION OF INCOME TAXES.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting after section 139B the following new section:

''SEC. 139C. WAGE AND SELF-EMPLOYMENT INCOME.

''In the case of an individual, gross income shall not include—

''(1) any remuneration for service performed during the 2-month period beginning with the first full month after the date of the enactment of this section, by an employee for his employer, including the cash value of all remuneration (including benefits) paid in any medium other than cash wages (as defined in section 3121), and

''(2) any self-employment income (as defined in section 1402) derived by such individual during such period.''.

(b) CLERICAL AMENDMENT.—The table of sections for such part is amended by inserting after the item relating to section 139B the following new item:

''Sec. 139C. Wage and self-employment income.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2008.

SEC. 3. FUNDING OF SOCIAL SECURITY TRUST FUNDS WITH REPEALED TARP FUNDS.

(a) REPEAL OF FINAL $350 BILLION PURCHASE AUTHORITY UNDER TROUBLED ASSETS RELIEF

PROGRAM.—Section 115 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225) is amended—

(1) in subsection (a), by striking paragraph (3); and

(2) by striking subsections (c), (d), (e), and (f).

(b) TRANSFER TO SOCIAL SECURITY TRUST FUNDS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury (in consultation with the Secretary of Health and Human Services and the Commissioner of Social Security, as appropriate) shall estimate the impact that the enactment of this Act has on the income and balances of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and the Federal Hospital Insurance Trust Fund.

(2) TRANSFER OF FUNDS.—If, under subsection (a), the Secretary of the Treasury estimates that the enactment of this Act has a negative impact on the income and balances of any of such funds, the Secretary shall transfer from the general revenues of the Federal Government such sums as may be necessary so as to ensure that the income and balances of such funds are not reduced as a result of the enactment of this Act.

SEC. 4. IMMEDIATE TERMINATION OF TARP PURCHASE AUTHORITY.

(a) IN GENERAL.—The authorities provided under section 101(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211), excluding section 101(a)(3) of such Act, shall terminate immediately upon the enactment of this Act.

(b) RULE OF CONSTRUCTION.—The termination under subsection (a) shall apply to any authority of the Secretary of the Treasury under the Emergency Economic Stabilization Act of 2008 to purchase preferred or other stock or equity in any financial institution.

(c) CONFORMING AMENDMENT.—The Emergency Economic Stabilization Act of 2008 is amended by striking section 120 (12 U.S.C. 5230).

Mr. GOHMERT (during the reading). Madam Speaker, I ask unanimous consent to waive the reading.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

POINT OF ORDER

Mr. FRANK of Massachusetts. Madam Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman from Massachusetts will state his point of order.

Mr. FRANK of Massachusetts. Madam Speaker, having read the motion, I insist on my point of order.

It is not germane calling on spending under the jurisdiction of the Committee on Ways and Means and other matters entirely outside the jurisdiction of the Financial Services Committee and mandating spending not covered by this bill.

The SPEAKER pro tempore. Does the gentleman from Texas wish to be heard on the point of order?

Mr. GOHMERT. Yes, I do, Madam Speaker.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. GOHMERT. Madam Speaker, I applaud the chairman's efforts to try to rein in some of the actions by the Secretary of the Treasury. I think it's well intentioned. But it directs the Secretary of the Treasury to take action. So does the motion to recommit.

The bill itself attempts to direct the Treasury Secretary to take certain actions and to be more accountable, whereas the motion to recommit directs the Treasury Secretary in a different direction and says he must put the $350 billion back in the Treasury and allow a 2-month tax holiday so the American taxpayer can bail out the economy, not a Treasury Secretary. We've seen enough of that for the last 3 months.

So, Madam Speaker, I understand the chairman's point of order. I believe it's inappropriate. But if there were a vote, even on a vote to table, the American taxpayers understand it's a vote on whether the Treasurer gets to trickle down on them or whether they get to spend the money that they themselves earned and prop up the economy by whom they select.

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

Mr. FRANK of Massachusetts. Madam Speaker, the argument is that because the bill directs the Secretary of the Treasury to do certain things that are within the jurisdiction of the Financial Services Committee, it is therefore allowed if you want to direct the Secretary of the Treasury to do anything. Now, it might, I suppose, be that the Secretary of Treasury could declare war on somebody under that theory, except my colleagues there don't believe having any check on the executive power to declare war; so they wouldn't vote that. There is a clear violation here of the rules.

The gentleman from Texas then says, well, if you don't vote to totally disregard the rules of the House, because this isn't even a clear question by getting into Ways and Means jurisdiction, then you must not like what I want. The notion that people who believe that the rules ought to be followed are somehow disagreeing with the substance, of course, makes no sense. And, in fact, if there were a real intent to do this, I would assume a bill to do it would have been introduced and made available to the appropriate committees. No bill's been introduced. No serious effort has been made to do this.

I hope that the point of order is sustained.

The SPEAKER pro tempore. The Chair is prepared to rule.

The amendment offered by the gentleman from Texas, in pertinent part, seeks to transfer funds to the Social Security trust funds.

The bill, as amended, addresses the distribution of TARP funds but does not broach the issue of the solvency of the various Social Security trust funds.

As such, the amendment fails the subject-matter test of germaneness.

The point of order is sustained. The motion is not in order.

Mr. GOHMERT. Madam Speaker, I would appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. FRANK of Massachusetts. Madam Speaker, I move to lay that appeal on the table.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 251, noes 176, not voting 6, as follows:

[Roll No. 24]

AYES—251

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gillibrand
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)

Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—176

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—6

Boucher
Herseth Sandlin
Neugebauer
Solis (CA)
Tiberi
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1605

Mrs. SCHMIDT, Messrs. PUTNAM, JOHNSON of Illinois, GRAVES, FLAKE, and CUELLAR changed their vote from ''aye'' to ''no.''

Mrs. HALVORSON, Ms. KILPATRICK of Michigan, Mrs. MALONEY, Ms. BERKLEY, Messrs. HASTINGS of Florida, JACKSON of Illinois, MCMAHON, RANGEL, and WEXLER changed their vote from ''no'' to ''aye.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

MOTION TO RECOMMIT OFFERED BY MR. BARRETT OF SOUTH CAROLINA

Mr. BARRETT of South Carolina. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BARRETT of South Carolina. In its current form, I am.

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

The Clerk read as follows:

Mr. Barrett of South Carolina moves to recommit the bill H.R. 384 to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

Page 2, after the table of contents, insert the following new title (and redesignate subsequent title, sections, and cross references accordingly:

TITLE I—TARP TERMINATION AND FULL REPAYMENT PLAN

SEC. 101. REPEAL OF 3RD TRANCHE OF TARP FUNDS.

(a) IN GENERAL.—Section 115(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225(a)) is amended by striking paragraph (3).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 115 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225(a)) is amended by striking subsections (c), (d), (e), and (f).

SEC. 102. TAXPAYER REBATES.

(a) PLAN AND TIMETABLE REQUIRED.—The Secretary of the Treasury shall develop a plan and establish a timetable for the repayment to the United States Government of all assistance provided under the Emergency Economic Stabilization Act of 2008 to any institution.

(b) REPORT REQUIRED.—The Secretary of the Treasury shall submit a report to the Congress on the plan developed and the timetable established under subsection (a).

Mr. BARRETT of South Carolina (during the reading). I ask unanimous consent to waive the reading of the motion.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from South Carolina is recognized for 5 minutes.

Mr. BARRETT of South Carolina. Madam Speaker, this is a commonsense motion to recommit that is very straightforward and simple. The motion would repeal the third and final payment of the funds to the Troubled Assets Relief Program, or TARP. It will require the Secretary of the Treasury to develop a plan and a timetable for all TARP recipients to pay back the taxpayer. Let me say that again. It would require the Secretary of the Treasury to develop a plan and a timetable for all TARP recipients to pay back the American taxpayer.

Given that the Senate has already rejected this Joint Resolution of Disapproval, President Obama will receive his final $350 billion. Voting for this motion to recommit is the only way to stop a new, expanded TARP program, which has spun out of control.

Like many of my colleagues, Madam Speaker, I voted for the Emergency Economic Stabilization Act to restore liquidity and stability into America's financial system, allowing American businesses access to credit that they needed to obtain inventory and purchase needed supplies and make a payroll. Simply put, the program, as it was sold to Congress, was necessary to prevent an even greater economic disaster, and I am glad we haven't seen the widespread financial turmoil that I believe was certain, had the government not taken unprecedented measures during the extraordinary times.

However, at the same time, I agree with my colleagues that the first $350 billion was spent too hastily and haphazardly and without the proper oversight. I have not yet seen that there was a credible plan in place to assure the taxpayer money was spent effectively and efficiently. I appreciate the fact that we are facing an unprecedented emergency economic situation, but trial and error, Madam Speaker, is simply not an acceptable strategy for spending taxpayers' hard-earned dollars.

Now, a brand new administration is asking for more taxpayer money to see if they can do a better job. While I appreciate that we should not punish the new TARP implementation team for the poor planning of the prior group, we owe it to the American taxpayer to take our time and examine their plans more closely before we throw more money in an unsuccessful foreclosure mitigation program. I think it's only fair that we take a step back before we further expand TARP to prop up more failing businesses.

Madam Speaker, I hope my colleagues agree that before continuing down a path toward greater government intervention, we fully consider all of our options. We need to stop the expansion of the TARP, and considering the actions of the Senate last week, this motion to recommit is our best, the House's best, and only option.

Our economic situation, while still critical, has stabilized from where it was this fall. We now have the time and the responsibility to fully consider whether this program is the best way to get our troubled financial sector working and allow our economy to recover.

In closing, Madam Speaker, I ask my colleagues to join me in protecting the American taxpayer by voting for this motion to recommit to stop the next $350 billion from going out the door and to make sure that we are paid back for the first $350 billion.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I rise to speak in opposition to the motion to recommit and in defense of George Bush.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. I would have thought my Republican colleagues would have waited a little bit more than 28 hours to so thoroughly repudiate George Bush. What this motion says is that George Bush used the authority to deploy $350 billion ''so badly''—direct quotes—''so hastily, so haphazardly, so without a plan, that nothing will fix it.''

Basically, we are told that President Bush drove the car so recklessly that we have to junk it. That because President Bush so misused these tools, we have to deny them to a new President.

Let's be very clear. The TARP has taken on in the minds of some of my colleagues on the other side an odd shape. It has become alive. It's sort of a horror movie in their minds. The TARP is this thing that has its own will.

No, the TARP is not something with its own will. It's a set of policies. George Bush's administration used them badly. Not, I think, as badly as my Republican colleagues say. That is why I think I am defending them. He didn't permanently destroy this.

There are a number of things that the past President did that I don't like. I was not a great fan of the Bush foreign policy. But I don't think we should repeal the State Department. I think Obama should have a chance to have a good foreign policy. So that is the first part of this. The criticisms made of the Bush administration, wholly irrelevant to what the Obama administration will do.

As to the timing, the Bush administration acceded to the wish of the Obama administration to release the funds. Apparently, the Bush administration agreed with the Obama administration that delay would be a serious problem. Had the Bush administration not waited, we might have had more time. The President, to his credit, President Bush, accommodated President Obama, unlike my colleagues who now want to cut him off at the knees early on.

I have another problem, Mr. Chairman. This motion today is a motion to end the program. Guess what we will vote on tomorrow? A motion to end the program. Having wasted the House's time with a blatantly nongermane rule, recommittal, they now come up with a blatantly unnecessary one because the exact vote we are having today, we will have tomorrow.

□ 1615

And so why do they do this? Why would they ask for the same vote? They have a dilemma.

Let's be very clear. Responsibility, which comes with it sometimes making decisions that can be in the short term difficult, in the minds of some—responsibility sits uneasily on the shoulders of many of my Republican colleagues, particularly the most conservative.

When they had a President they were supposed to support, they had to do things that made them uncomfortable. Not all of them, but their leadership and many of them voted for the TARP. They couldn't wait for George Bush to leave town so they can throw off the shackles of responsible public policy. Now they can simply revel in their negativism. They can vote to kill the program today and tomorrow to show George Bush how much they don't like him.

And what particularly is their problem? Well, one of the things many of us on this side think was the greatest single problem of the Bush administration was not doing foreclosure mitigation. The Obama administration has committed that if they get this second $350 billion, which the Senate vote means they will get, they will do foreclosure mitigation. But here is the problem of this conservative dominated Republican Party: The most recent paper from the Heritage Foundation says, don't do foreclosure mitigation; it is a waste of time and money. The Wall Street Journal editorial board, another source of great guidance for my colleagues over there, says, don't do foreclosure mitigation.

They are torn. They have to put in the recommit that they can find some reason to vote for because they don't want to have to choose between the demand of a large number of Americans for foreclosure mitigation and the arguments of the Heritage Foundation and the Wall Street Journal that they shouldn't do this. So what do they do? They advance the disapproval vote from tomorrow to today because they don't want to do this.

By the way, the Wall Street Journal and the Heritage Foundation also are critical of other things. The Wall Street Journal says, how dare we try to give money to community banks; how dare we talk about auto industry help or auto dealers, or loans to others in America.

The Bush administration—and I give the gentleman from South Carolina, it was better that we passed it than that we didn't. But the Bush administration made several errors: They didn't put any real controls on how the money that they infused was spent; they did too little on compensation; they didn't do anything about foreclosure.

President Bush agreed with President Obama that there was still a need for the money. We here want to pass a bill that instructs them to use it better. I do not think that your desire to dissociate from George Bush should lead you to cripple the Obama administration.

[From the Heritage Foundation's Web Memo, Jan. 14, 2009]

TARP: FRANK'S BILL UNDERSCORES WEAKNESSES OF THIS BAILOUT PROGRAM

(By David C. John)

More is not better. Efforts by Chairman Barney Frank (D–MA) of the House Financial Services Committee to ''improve'' the Treasury's Troubled Asset Relief Program (TARP) in the TARP Reform and Accountability Act of 2009 (H.R. 384) would unfortunately just make the program worse. Among other policy mistakes, it would explicitly approve the use of TARP to bail out the auto manufacturers as well as expanding the program into several other new areas.

Frank hopes that with his legislation, Congress will see fit to approve TARP'S second $350 billion for use by the incoming Obama Administration. However, there is no good reason to approve the request for additional TARP funding under any foreseeable circumstances, and Frank's bill only adds more reasons for the additional funding request to be denied.

H.R. 384 is a compilation of responses to congressional criticisms of the TARP program, fixes to previous attempts to address housing foreclosures, attempts to revive housing sales, and various other miscellaneous provisions. A few of those provisions are good policy moves, such as making permanent the temporary increase in FDIC and NCUA deposit insurance coverage to $250,000. Unfortunately, most of the other provisions would only make matters worse.

POLICY ERRORS IN THE FRANK LEGISLATION

Increased Interference in Corporate Decisions: H.R. 384 authorizes the government to have an ''observer'' in the board meetings of financial institutions that have accepted TARP funds. This is a far step from pledges that any government investments through TARP funds would be passive, and it opens the way for additional political takeovers of financial institutions.

Expansion of TARP into New Areas: Frank's bill not only retroactively approves the highly questionable use of TARP into bailing out GM and Chrysler; it also expands the program into consumer loans, student loans, commercial real estate, and municipal securities. The language makes it clear that TARP will be held accountable for ensuring that these types of loans are made available. This is a further step toward government micro-management of lending decisions. Even worse, the Fed has already addressed some of these problems, and there is no evidence that the situation will be improved by additional TARP programs.

New Foreclosure Programs: Congress has already passed a wildly unsuccessful program to help homeowners who are facing foreclosure, and H.R. 384 attempts to both fix the earlier program and to set up another one. Last year's Hope for Homeowners program initially promised to help almost 2 million homeowners, but in operation, it has helped fewer than 500. The bill both tinkers with the existing program and promises at least $40 billion for a new one to be managed by the FDIC. Unfortunately, both proposals still face the same problems, namely the diverse ownership of mortgages caused by securitizing them into mortgage-backed securities. The Frank bill lists several options for this program in the hopes that the new Treasury secretary can come up with a more effective approach, but all of them face such severe logistical obstacles that the provision is more wishful thinking than anything else.

Use the Fed for Future Crises. The financial market dangers that led to the TARP program, however, are far from over and could yet require additional governmental action. U.S. and international credit markets are still undergoing a wrenching restructuring and repricing of financial assets as markets adapt to the ending of excessive and risky borrowing. It is possible for another short-term crisis to once again cause financial markets to seize up.

However, the first line of defense against these dangers should be the Federal Reserve Board under its wide, existing powers—not TARP. While some of the Fed's actions in recent months have been disconcerting, it is still the most appropriate institution to address short-term dislocation in the financial

system. The Fed is also insulated from the political and lobbying pressures that have caused TARP to range far and wide from its original purpose. As the Frank legislation demonstrates, TARP is seen as almost a slush fund that is available both to respond to real crises and to address politically sensitive areas. However, the Fed has the ability to only focus on real situations that require its intervention while also avoiding political pressure. Rather than adding still more money to this increasingly untargeted TARP, Congress should just rely on the Fed to address any future emergencies.

Time to End TARP. Regardless of valid criticisms about its day-to-day management and many specific efforts, TARP did achieve its short term purpose of heading off a financial catastrophe. However, as the Frank legislation shows, its future use will be as an increasingly unfocused and under-supervised fund to help politically active constituencies. It is time to lay TARP to rest and to move onto other more urgent priorities.

[From the Wall Street Journal, Jan. 15, 2009]

LEADERSHIP AND PANICS

Stocks took another header yesterday, nearly 3% on the Dow this time, continuing their decline in the New Year since Congress has returned and as the federal government Once again revs up its bailout machinery. Maybe this isn't a coincidence.

With Barack Obama about to take the oath of office, this ought to be a moment for fresh, more consistent economic leadership. Instead, we're getting a new version of the same ad hoc policy and scare-tactics that marked 2008. No clear spokesman or leader has emerged with a strategy to rebuild the financial system, and now Mr. Obama's term may begin without a Treasury Secretary (see below). This is no way to start a recovery—or a Presidency.

Consider Fed Chairman Ben Bernanke, who used a London speech on Tuesday to pat the Fed on the back as the Horatio at the Bridge of this panic. This would have been appropriate for a Princeton seminar a couple of years from now. Amid the current uncertainty, however, he succeeded mainly in suggesting that the financial system is in even worse shape than we thought, the President-elect's ''stimulus'' isn't sufficient, and thus more of Mr. Bernanke's policy magic will be needed to save the day.

''With the worsening of the economy's growth prospects, continued credit losses and asset markdowns may maintain for a time the pressure on the capital and balance sheet capacities of financial institutions,'' he declared. ''Consequently, more capital injections and guarantees may be necessary to ensure stability and the normalization of credit markets.'' Message: There's more mayhem to come, but don't worry, the Fed can keep printing money and buying private assets. No wonder the world is scared half to death.

The Fed has been creating new vehicles right and left for nearly 18 months, so the problem isn't a lack of liquidity. The problem is that too few people want to use the liquidity the Fed is creating. They don't want to lend money, or take risks, in part because they never know what Mr. Bernanke and the government might do next.

Then there's the Treasury's request for the second $350 billion in Troubled Asset Relief Program (TARP) cash. This commitment to backstop the financial system ought to be reassuring, especially for financial stocks. Yet in requesting the funds, Obama transition aide Larry Summers indulged in familiar scare rhetoric about ''a potential catastrophe.''

Congress also seems eager to use TARP II to bail out any and all industries that have powerful enough patrons. The car makers are already in line for a bigger chunk, and Barney Frank's draft bill orders Treasury to line up community banks for a taste—whether they pose a larger risk to the banking system, or not.

Democrats are also insisting that as much as $100 billion go to prevent more home foreclosures, though this will have little impact on housing prices. The evidence from the last two years is that foreclosure mitigation often merely delays a reckoning because many of these homeowners never could afford the home in the first place. Meanwhile, Mr, Frank, the Dr. Kevorkian of capital injections, wants to impose new management and compensation restrictions on any institution that gets TARP money, whether it is well-managed or not. The bankruptcy ''cramdown'' now streaking through Congress will also impose more losses that will destroy more bank capital.

Mr. Obama has threatened to veto any Congressional vote of disapproval for TARP II, so Treasury will get its cash. But if the money is squandered on foreclosures and nonfinancial industries, the Obama Administration is setting itself up to need TARP III or TARP IV down the road. Asset values are going to continue to fall until they find a market bottom, and no declaration of Congress can make them stop in mid-descent. There are going to be more bank failures.

We supported TARP as a way to prevent a financial meltdown, providing public capital to help regulators manage problem banks, arrange mergers, and work off bad assets. TARP has since become a cash pool for all and sundry, casting a pall over the entire financial system. Mr. Obama would make more progress against recession if he steered the TARP back to the purpose that Paul Volcker and Eugene Ludwig first proposed on these pages—as a resolution agency on the model of the Resolution Trust Corp. of the 1990s. Working in tandem with the Federal Deposit Insurance Corp., such an outfit could close problem banks before they collapse, serve as a holding and workout agency for bad assets, and then sell them back over time into private hands.

A new TARP should also have a leader of recognized stature and independence—not a 30-something assistant secretary—who isn't afraid to take the heat and can also reassure the public. Mr. Volcker would be ideal for the job, and for that matter for overseeing the design of a new, sturdier financial system. Down the current road lies more uncertainty, and more market selloffs.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

Mr. BARRETT of South Carolina. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 199, nays 228, not voting 6, as follows:

[Roll No. 25]

YEAS—199

Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hodes
Hoekstra
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kaptur
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)

Smith (TX)
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NAYS—228

Abercrombie
Ackerman
Adler (NJ)
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Campbell
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gillibrand
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—6

Boucher
Neugebauer
Solis (CA)
Souder
Tiberi
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1634

Mrs. HALVORSON changed her vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. COBLE was allowed to speak out of order.)

MOMENT OF SILENCE IN MEMORY OF THE HONORABLE HORACE R. KORNEGAY, FORMER MEMBER OF CONGRESS

Mr. COBLE. Madam Speaker and colleagues, I regret to inform the House of the passing of a former Member of this body, Horace Kornegay. Horace was elected as a Democrat to the 87th Congress and the three succeeding Congresses. He did not seek reelection in 1968 and became the vice president and counsel, then president, and subsequently chairman of the Tobacco Institute. He returned to Greensboro, North Carolina, in January of 1987 and resumed the practice of law and remained there until his passing today.

Madam Speaker, I would ask the Chair to allow a moment of silence in memory of Horace Kornegay.

The SPEAKER pro tempore. Members please rise to observe a moment of silence in respect to our departed colleague.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 260, noes 166, not voting 7, as follows:

[Roll No. 26]

AYES—260

Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Camp
Campbell
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gillibrand
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (MI)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—166

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cantor
Cao
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McHenry
McHugh

McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Nunes
Olson
Paul
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—7

Boucher
Conyers
Neugebauer
Poe (TX)
Solis (CA)
Tiberi
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1644

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CONYERS. Madam Speaker, on rollcall No. 26, final passage of H.R. 384, I was unable to vote. Had I been present, I would have voted "aye."

Stated against:

Mr. POE of Texas. Madam Speaker, on rollcall No. 26, had I been present, I would have voted "no."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 384, TARP REFORM AND ACCOUNTABILITY ACT OF 2009

Mr. FRANK of Massachusetts. Madam Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 384, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings. We would not want inappropriate headings in our bill, Madam Speaker.

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

There was no objection.

□ 1645

RESIGNATION AS MEMBER OF COMMITTEES ON EDUCATION AND LABOR, OVERSIGHT AND GOVERNMENT REFORM AND AGRICULTURE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committees on Education and Labor, Oversight and Government Reform and Agriculture:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 15, 2009.

Speaker NANCY PELOSI,
U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: With my election to the Committee on Rules, I resign, effective immediately, from the Committees on Education and Labor, Oversight and Government Reform and Agriculture. I appreciate the honor of serving on these committees representing the people of the Fifth District of North Carolina and our great Nation.

Sincerely,

VIRGINIA FOXX,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON THE BUDGET

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Budget:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 21, 2009.

DEAR SPEAKER PELOSI: I resign, effective immediately, from the Committee on the Budget. I have appreciated the honor of service on this committee representing the people of Louisiana and our great Nation.

Sincerely,

RODNEY ALEXANDER,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

CONGRATULATING GREEN VALLEY HIGH SCHOOL BAND

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

Ms. TITUS. Mr. Speaker, I rise today to congratulate the Green Valley High School Marching Band and Flag Team on their magnificent performance yesterday in the inaugural parade. They joined with high schools from every State in the Union to welcome our new President, Barack Obama.

The countless hours of practice and hard work were evident during their wonderful performance that warmed the spirit on a cold Washington day. Led by director Diane Koutsulis, the Green Valley students livened up an already festive crowd with their rendition of Viva Las Vegas, bringing a hometown touch to our Nation's Capital.

I had the pleasure of welcoming the band to Washington on Monday, and saw the enthusiasm in their faces. For many, it seemed the performance was really the easy part. Early morning flights, cold weather and countless hours spent raising money for the trip were some of the challenges they overcame, exhibiting the same determination and perseverance they apply in the classroom to hone their musical talent.

It was with great pride that Nevadans in the audience and at home watched to see our students celebrate the inauguration and take their place in this historic moment.

I again congratulate them on their fine performance, and thank them for coming to Washington.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BRIGHT). 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.

PUBLICATION OF THE RULES OF THE COMMITTEE ON ARMED SERVICES 111TH CONGRESS

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

Mr. SKELTON. Mr. Speaker, in accordance with clause 2 of rule XI of the Rules of the House, I respectfully submit the rules of the Committee on Armed Services for printing in the CONGRESSIONAL RECORD. On January 14, 2009, the Committee on Armed Services adopted by a unanimous vote, a quorum being present, the following rules:

RULE 1. APPLICATION OF HOUSE RULES

The Rules of the House of Representatives are the rules of the Committee on Armed Services (hereinafter referred to in these rules as the ''Committee'') and its subcommittees so far as applicable.

RULE 2. FULL COMMITTEE MEETING DATE

(a) The Committee shall meet every Wednesday at 10:00 a.m., when the House of Representatives is in session, and at such other times as may be fixed by the Chairman of the Committee (hereinafter referred to as the ''Chairman''), or by written request of members of the Committee pursuant to clause 2(c) of rule XI of the Rules of the House of Representatives.

(b) A Wednesday meeting of the Committee may be dispensed with by the Chairman, but such action may be reversed by a written request of a majority of the members of the Committee.

RULE 3. SUBCOMMITTEE MEETING DATES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it. Insofar as possible, meetings of the Committee and its subcommittees shall not conflict. A subcommittee Chairman shall set meeting dates after consultation with the Chairman, other subcommittee Chairmen, and the Ranking Minority Member of the subcommittee with a view toward avoiding, whenever possible, simultaneous scheduling of Committee and subcommittee meetings or hearings.

RULE 4. JURISDICTION AND MEMBERSHIP OF COMMITTEE AND SUBCOMMITTEES

(a) Jurisdiction

(1) The Committee retains jurisdiction of all subjects listed in clause 1(c) and clause 3(b) of rule X of the Rules of the House of Representatives and retains exclusive jurisdiction for: defense policy generally, ongoing military operations, the organization and reform of the Department of Defense and Department of Energy, counter-drug programs, security and humanitarian assistance (except special operations-related activities) of the Department of Defense, acquisition and

industrial base policy, technology transfer and export controls, joint interoperability, the Cooperative Threat Reduction program, Department of Energy nonproliferation programs, detainee affairs and policy, and interagency reform as it pertains to the Department of Defense and the nuclear weapons programs of the Department of Energy. While subcommittees are provided jurisdictional responsibilities in subparagraph (2), the Committee retains the right to exercise oversight and legislative jurisdiction over all subjects within its purview under rule X of the Rules of the House of Representatives.

(2) The Committee shall be organized to consist of seven standing subcommittees with the following jurisdictions:

Subcommittee on Air and Land Forces: All Army and Air Force acquisition programs (except strategic missiles, special operations and information technology programs). In addition, the subcommittee will be responsible for deep strike bombers and related systems, National Guard and Army and Air Force reserve modernization, and ammunition programs.

Subcommittee on Military Personnel: Military personnel policy, reserve component integration and employment issues, military health care, military education, and POW/MIA issues. In addition, the subcommittee will be responsible for Morale, Welfare and Recreation issues and programs.

Subcommittee on Readiness: Military readiness, training, logistics and maintenance issues and programs. In addition, the subcommittee will be responsible for all military construction, installations and family housing issues, including the base closure process, and energy policy and programs of the Department of Defense.

Subcommittee on Seapower and Expeditionary Forces: Navy and Marine Corps acquisition programs (except strategic weapons, space, special operations, and information technology programs) and Naval Reserve equipment. In addition, the subcommittee will be responsible for maritime programs under the jurisdiction of the Committee as delineated in paragraphs 5, 6, and 9 of clause 1(c) of rule X of the Rules of the House of Representatives.

Subcommittee on Strategic Forces: Strategic weapons (except deep strike bombers and related systems), space programs, ballistic missile defense, intelligence policy and national programs, and Department of Energy national security programs (except nonproliferation programs).

Subcommittee on Terrorism, Unconventional Threats and Capabilities: Department of Defense counter-proliferation and counter-terrorism programs and initiatives. In addition, the subcommittee will be responsible for Special Operations Forces; science and technology policy, including the Defense Advanced Research Projects Agency and information technology programs; force protection policy; homeland defense and consequence management programs within the Committee's jurisdiction; and related intelligence support.

Subcommittee on Oversight and Investigations: Any matter within the jurisdiction of the Committee, subject to the concurrence of the Chairman of the Committee and, as appropriate, affected subcommittee chairmen. The subcommittee shall have no legislative jurisdiction.

(b) Membership of the Subcommittees

(1) Subcommittee memberships, with the exception of membership on the Subcommittee on Oversight and Investigations, shall be filled in accordance with the rules of the Majority party's caucus and the Minority party's conference, respectively.

(2) The Chairman and Ranking Minority Member of the Subcommittee on Oversight and Investigations shall be filled in accordance with the rules of the Majority party's caucus and the Minority party's conference, respectively. Consistent with the party ratios established by the Majority party, all other Majority members of the subcommittee shall be appointed by the Chairman of the Committee, and all other Minority members shall be appointed by the Ranking Minority Member of the Committee.

(3) The Chairman of the Committee and Ranking Minority Member thereof may sit as ex officio members of all subcommittees. Ex officio members shall not vote in subcommittee hearings or meetings or be taken into consideration for the purpose of determining the ratio of the subcommittees or establishing a quorum at subcommittee hearings or meetings.

(4) A member of the Committee who is not a member of a particular subcommittee may sit with the subcommittee and participate during any of its hearings but shall not have authority to vote, cannot be counted for the purpose of achieving a quorum, and cannot raise a point of order at the hearing.

RULE 5. COMMITTEE PANELS AND TASK FORCES

(a) Committee Panels

(1) The Chairman may designate a panel of the Committee consisting of members of the Committee to inquire into and take testimony on a matter or matters that fall within the jurisdiction of more than one subcommittee and to report to the Committee.

(2) No panel appointed by the Chairman shall continue in existence for more than six months after the appointment. A panel so appointed may, upon the expiration of six months, be reappointed by the Chairman for a period of time which is not to exceed six months.

(3) Consistent with the party ratios established by the Majority party, all Majority members of the panels shall be appointed by the Chairman of the Committee, and all Minority members shall be appointed by the Ranking Minority Member of the Committee. The Chairman of the Committee shall choose one of the Majority members so appointed who does not currently chair another subcommittee of the Committee to serve as Chairman of the panel. The Ranking Minority Member of the Committee shall similarly choose the Ranking Minority Member of the panel.

(4) No panel shall have legislative jurisdiction.

(b) Committee and Subcommittee Task Forces

(1) The Chairman of the Committee, or a Chairman of a subcommittee with the concurrence of the Chairman of the Committee, may designate a task force to inquire into and take testimony on a matter that falls within the jurisdiction of the Committee or subcommittee, respectively. The Chairman and Ranking Minority Member of the Committee or subcommittee shall each appoint an equal number of members to the task force. The Chairman of the Committee or subcommittee shall choose one of the members so appointed, who does not currently chair another subcommittee of the Committee, to serve as Chairman of the task force. The Ranking Minority Member of the Committee or subcommittee shall similarly appoint the Ranking Minority Member of the task force.

(2) No task force appointed by the Chairman of the Committee or subcommittee shall continue in existence for more than three months. A task force may only be reappointed for an additional three months with the written concurrence of the Chairman and Ranking Minority Member of the Committee or subcommittee whose Chairman appointed the task force.

(3) No task force shall have legislative jurisdiction.

RULE 6. REFERENCE AND CONSIDERATION OF LEGISLATION

(a) The Chairman shall refer legislation and other matters to the appropriate subcommittee or to the full Committee.

(b) Legislation shall be taken up for a hearing or markup only when called by the Chairman of the Committee or subcommittee, as appropriate, or by a majority of the Committee or subcommittee, as appropriate.

(c) The Chairman, with approval of a majority vote of a quorum of the Committee, shall have authority to discharge a subcommittee from consideration of any measure or matter referred thereto and have such measure or matter considered by the Committee.

(d) Reports and recommendations of a subcommittee may not be considered by the Committee until after the intervention of three calendar days from the time the report is approved by the subcommittee and available to the members of the Committee, except that this rule may be waived by a majority vote of a quorum of the Committee.

(e) The Chairman, in consultation with the Ranking Minority Member, shall establish criteria for recommending legislation and other matters to be considered by the House of Representatives, pursuant to clause 1 of rule XV of the Rules of the House of Representatives. Such criteria shall not conflict with the Rules of the House of Representatives and other applicable rules.

RULE 7. PUBLIC ANNOUNCEMENT OF HEARINGS

Pursuant to clause 2(g)(3) of rule XI of the Rules of the House of Representatives, the Chairman of the Committee, or of any subcommittee, panel, or task force, shall make public announcement of the date, place, and subject matter of any hearing before that body at least one week before the commencement of the hearing. However, if the Chairman of the Committee, or of any subcommittee, panel, or task force, with the concurrence of the respective Ranking Minority Member, determines that there is good cause to begin the hearing sooner, or if the Committee, subcommittee, panel, or task force so determines by majority vote, a quorum being present for the transaction of business, such chairman shall make the announcement at the earliest possible date. Any announcement made under this rule shall be promptly published in the Daily Digest, promptly entered into the committee scheduling service of the House Information Resources, and promptly posted to the internet web page maintained by the Committee.

RULE 8. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Clause 4 of rule XI of the Rules of the House of Representatives shall apply to the Committee.

RULE 9. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(a) Each hearing and meeting for the transaction of business, including the markup of legislation, conducted by the Committee, or any subcommittee, panel, or task force, to the extent that the respective body is authorized to conduct markups, shall be open to the public except when the Committee, subcommittee, panel, or task force in open session and with a majority being present, determines by record vote that all or part of the remainder of that hearing or meeting on that day shall be in executive session because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of

Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance no fewer than two members of the Committee, subcommittee, panel, or task force may vote to close a hearing or meeting for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. If the decision is to proceed in executive session, the vote must be by record vote and in open session, a majority of the Committee, subcommittee, panel, or task force being present.

(b) Whenever it is asserted by a member of the Committee or subcommittee that the evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, or it is asserted by a witness that the evidence or testimony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness, notwithstanding the requirements of (a) and the provisions of clause 2(g)(2) of rule XI of the Rules of the House of Representatives, such evidence or testimony shall be presented in executive session, if by a majority vote of those present, there being in attendance no fewer than two members of the Committee or subcommittee, the Committee or subcommittee determines that such evidence may tend to defame, degrade, or incriminate any person. A majority of those present, there being in attendance no fewer than two members of the Committee or subcommittee may also vote to close the hearing or meeting for the sole purpose of discussing whether evidence or testimony to be received would tend to defame, degrade or incriminate any person. The Committee or subcommittee shall proceed to receive such testimony in open session only if the Committee or subcommittee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

(c) Notwithstanding the foregoing, and with the approval of the Chairman, each member of the Committee may designate by letter to the Chairman, only one member of that member's personal staff, which may include fellows, with Top Secret security clearance to attend hearings of the Committee, or that member's subcommittee(s), panel(s), or task force(s) (excluding briefings or meetings held under the provisions of committee rule 9(a)), which have been closed under the provisions of rule 9(a) above for national security purposes for the taking of testimony. The attendance of such a staff member or fellow at such hearings is subject to the approval of the Committee, subcommittee, panel, or task force as dictated by national security requirements at that time. The attainment of any required security clearances is the responsibility of individual members of the Committee.

(d) Pursuant to clause 2(g)(2) of rule XI of the Rules of the House of Representatives, no Member, Delegate, or Resident Commissioner may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee, unless the House of Representatives shall by majority vote authorize the Committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members, Delegates, and the Resident Commissioner by the same procedures designated in this rule for closing hearings to the public.

(e) The Committee or the subcommittee may vote, by the same procedure, to meet in executive session for up to five additional consecutive days of hearings.

RULE 10. QUORUM

(a) For purposes of taking testimony and receiving evidence, two members shall constitute a quorum.

(b) One-third of the members of the Committee or subcommittee shall constitute a quorum for taking any action, with the following exceptions, in which case a majority of the Committee or subcommittee shall constitute a quorum: (1) Reporting a measure or recommendation; (2) closing Committee or subcommittee meetings and hearings to the public; (3) authorizing the issuance of subpoenas; (4) authorizing the use of executive session material; and (5) voting to proceed in open session after voting to close to discuss whether evidence or testimony to be received would tend to defame, degrade, or incriminate any person.

(c) No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee is actually present.

RULE 11. THE FIVE-MINUTE RULE

(a) Subject to rule 15, the time any one member may address the Committee or subcommittee on any measure or matter under consideration shall not exceed five minutes and then only when the member has been recognized by the Chairman or subcommittee chairman, as appropriate, except that this time limit may be exceeded by unanimous consent. Any member, upon request, shall be recognized for not more than five minutes to address the Committee or subcommittee on behalf of an amendment which the member has offered to any pending bill or resolution. The five-minute limitation shall not apply to the Chairman and Ranking Minority Member of the Committee or subcommittee.

(b)(1) Members who are present at a hearing of the Committee or subcommittee when a hearing is originally convened shall be recognized by the Chairman or subcommittee chairman, as appropriate, in order of seniority. Those members arriving subsequently shall be recognized in order of their arrival. Notwithstanding the foregoing, the Chairman and the Ranking Minority Member will take precedence upon their arrival. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the Majority to Minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of either party.

(2) Pursuant to rule 4 and subject to rule 15, a member of the Committee who is not a member of a subcommittee may be recognized by a subcommittee chairman in order of their arrival and after all present subcommittee members have been recognized.

(3) The Chairman of the Committee or a subcommittee, with the concurrence of the respective Ranking Minority Member, may depart with the regular order for questioning which is specified in paragraphs (a) and (b) of this rule provided that such a decision is announced prior to the hearing or prior to the opening statements of the witnesses and that any such departure applies equally to the Majority and the Minority.

(c) No person other than a Member, Delegate, or Resident Commissioner of Congress and committee staff may be seated in or behind the dais area during Committee, subcommittee, panel, or task force hearings and meetings.

RULE 12. POWER TO SIT AND ACT; SUBPOENA POWER

(a) For the purpose of carrying out any of its functions and duties under rules X and XI of the Rules of the House of Representatives, the Committee and any subcommittee is authorized (subject to subparagraph (b)(1) of this paragraph): (1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold hearings, and (2) to require by subpoena, or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents, including, but not limited to, those in electronic form, as it considers necessary.

(b)(1) A subpoena may be authorized and issued by the Committee, or any subcommittee with the concurrence of the full Committee Chairman and after consultation with the Ranking Minority Member of the Committee, under subparagraph (a)(2) in the conduct of any investigation, or series of investigations or activities, only when authorized by a majority of the members voting, a majority of the Committee or subcommittee being present. Authorized subpoenas shall be signed only by the Chairman, or by any member designated by the Committee.

(2) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives, compliance with any subpoena issued by the Committee or any subcommittee under subparagraph (a)(2) may be enforced only as authorized or directed by the House of Representatives.

RULE 13. WITNESS STATEMENTS

(a) Any prepared statement to be presented by a witness to the Committee or a subcommittee shall be submitted to the Committee or subcommittee at least 48 hours in advance of presentation and shall be distributed to all members of the Committee or subcommittee as soon as practicable but not less than 24 hours in advance of presentation. A copy of any such prepared statement shall also be submitted to the Committee in electronic form. If a prepared statement contains national security information bearing a classification of Secret or higher, the statement shall be made available in the Committee rooms to all members of the Committee or subcommittee as soon as practicable but not less than 24 hours in advance of presentation; however, no such statement shall be removed from the Committee offices. The requirement of this rule may be waived by a majority vote of the Committee or subcommittee, a quorum being present. In cases where a witness does not submit a statement by the time required under this rule, the Chairman of the Committee or subcommittee, as appropriate, with the concurrence of the respective Ranking Minority Member, may elect to exclude the witness from the hearing.

(b) The Committee and each subcommittee shall require each witness who is to appear before it to file with the Committee in advance of his or her appearance a written statement of the proposed testimony and to limit the oral presentation at such appearance to a brief summary of the submitted written statement.

RULE 14. ADMINISTERING OATHS TO WITNESSES

(a) The Chairman, or any member designated by the Chairman, may administer oaths to any witness.

(b) Witnesses, when sworn, shall subscribe to the following oath: ''Do you solemnly swear (or affirm) that the testimony you will give before this Committee (or subcommittee) in the matters now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?''

RULE 15. QUESTIONING OF WITNESSES

(a) When a witness is before the Committee or a subcommittee, members of the Committee or subcommittee may put questions to the witness only when recognized by the

Chairman or subcommittee chairman, as appropriate, for that purpose according to rule 11 of the Committee.

(b) Members of the Committee or subcommittee who so desire shall have not more than five minutes to question each witness or panel of witnesses, the responses of the witness or witnesses being included in the five-minute period, until such time as each member has had an opportunity to question each witness or panel of witnesses. Thereafter, additional rounds for questioning witnesses by members are within the discretion of the Chairman or subcommittee chairman, as appropriate.

(c) Questions put to witnesses before the Committee or subcommittee shall be pertinent to the measure or matter that may be before the Committee or subcommittee for consideration.

RULE 16. PUBLICATION OF COMMITTEE HEARINGS AND MARKUPS

The transcripts of those hearings conducted by the Committee, subcommittee, or panel will be published officially in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. The transcripts of markups conducted by the Committee or any subcommittee may be published officially in verbatim form. Any requests to correct any errors, other than those in transcription, will be appended to the record, and the appropriate place where the change is requested will be footnoted. Any transcript published under this rule shall include the results of record votes conducted in the session covered by the transcript and shall also include materials that have been submitted for the record and are covered under rule 19. The handling and safekeeping of these materials shall fully satisfy the requirements of rule 20. No transcript of an executive session conducted under rule 9 shall be published under this rule.

RULE 17. VOTING AND ROLLCALLS

(a) Voting on a measure or matter may be by record vote, division vote, voice vote, or unanimous consent.

(b) A record vote shall be ordered upon the request of one-fifth of those members present.

(c) No vote by any member of the Committee or a subcommittee with respect to any measure or matter shall be cast by proxy.

(d) In the event of a vote or votes, when a member is in attendance at any other committee, subcommittee, or conference committee meeting during that time, the necessary absence of that member shall be so noted in the record vote record, upon timely notification to the Chairman by that member.

(e) The Chairman of the Committee or a subcommittee, as appropriate, with the concurrence of the Ranking Minority Member or the most senior Minority member who is present at the time, may elect to postpone requested record votes until such time or point at a markup as is mutually decided. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, the underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

RULE 18. COMMITTEE REPORTS

(a) If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives timely notice of intention to file supplemental, Minority, additional or dissenting views, that member shall be entitled to not less than two calendar days (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such days) in which to file such views, in writing and signed by that member, with the Staff Director of the Committee, or the Staff Director's designee. All such views so filed by one or more members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter.

(b) With respect to each record vote on a motion to report any measure or matter, and on any amendment offered to the measure or matter, the total number of votes cast for and against, the names of those voting for and against, and a brief description of the question, shall be included in the Committee report on the measure or matter.

RULE 19. PUBLIC INSPECTION OF COMMITTEE ROLLCALLS

The result of each record vote in any meeting of the Committee shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition and the names of those members present but not voting.

RULE 20. PROTECTION OF NATIONAL SECURITY AND OTHER INFORMATION

(a) Except as provided in clause 2(g) of rule XI of the Rules of the House of Representatives, all national security information bearing a classification of Secret or higher which has been received by the Committee or a subcommittee shall be deemed to have been received in executive session and shall be given appropriate safekeeping.

(b) The Chairman of the Committee shall, with the approval of a majority of the Committee, establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any national security information that is received which is classified as Secret or higher. Such procedures shall, however, ensure access to this information by any member of the Committee or any other Member, Delegate, or Resident Commissioner of the House of Representatives, staff of the Committee, or staff designated under rule 9(c) who have the appropriate security clearances and the need to know, who has requested the opportunity to review such material.

(c) The Chairman of the Committee shall, in consultation with the Ranking Minority Member, establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any proprietary information that is received by the Committee, subcommittee, panel, or task force. Such procedures shall be consistent with the Rules of the House of Representatives and applicable law.

RULE 21. COMMITTEE STAFFING

The staffing of the Committee, the standing subcommittees, and any panel or task force designated by the Chairman or chairmen of the subcommittees shall be subject to the Rules of the House of Representatives.

RULE 22. COMMITTEE RECORDS

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule VII of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of rule VII, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

RULE 23. HEARING PROCEDURES

Clause 2(k) of rule XI of the Rules of the House of Representatives shall apply to the Committee.

POLITICAL PRISONERS RAMOS AND COMPEAN, PART II

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

Mr. POE of Texas. Mr. Speaker, well, it has finally happened. Mr. Speaker, President Bush, in one of his last acts as President of the United States, commuted the sentences of political prisoners Border Patrol agents Ramos and Compean who were just doing their job down on the violent Texas-Mexico border when they were prosecuted because they happened to shoot a drug dealer who was smuggling in $750,000 worth of narcotics.

It is good that President Bush has commuted their sentence. We hope to press further with the new President, President Obama, and get a complete pardon for these two individuals. But there already has been an effect of this commutation. You see right away, the Mexican government, in its self-righteous indignation, disapproves of the commutation of Ramos and Compean. Obviously, if the Mexican government is opposed to it, President Bush did the right thing. And who cares what the Mexican Government thinks about the United States enforcing its dignity and enforcing the rule of law and keeping drug smugglers from Mexico out of coming into the United States. So that was obviously the right decision if the Mexican Government is opposed to President Bush's decision.

But also, it will have an effect, hopefully, on our border agents. You see, since this case and other cases where our Federal Government chooses to prosecute border protectors instead of prosecuting criminals who come into the United States, like drug smugglers, since that has occurred so often, our border protectors have been reluctant to enforce the rule of law. And when they see a situation on the border from San Diego to Brownsville, Texas, that may turn out to be violent, they have backed off. And the reason they have backed off is because our Federal Government refuses to protect them when they get themselves in a scrape protecting us and the dignity of the United States. Now maybe our Federal Government will prosecute criminals, drug smugglers, human smugglers who come into the United States, emphasize prosecuting them rather than emphasizing prosecuting Border Patrol agents who are doing their job just to protect the rest of us.

One statistic, Mr. Speaker. Last year, 2008, 1,097 violent assaults were committed against American Border Patrol agents on the southern border of the United States. Of course we don't read about that in the newspaper. We only read about the drug dealers who

get shot by our Border Patrol agents. So 1,097 violent assaults against people who we send down to that violent border to protect us from criminals that are coming into the United States. Three a day occur, and we can suspect that probably three a day have occurred this year. It is important that our government prosecute those assaults, those people who commit crimes against our border agents when they sneak into the United States, many of them to commit crimes in the United States.

It has also gotten so violent on the Texas border that a local sheriff in Hildago County, Lupe Trevino, has issued automatic weapons to his sheriff's deputies, and has told them to use those weapons if they are fired upon. That is a new policy. That is how violent the border is, and they are all down there just protecting us.

One of the reasons they protect us is because of America's unfortunate but tremendous greed for illicit drugs. And because we have an appetite for narcotics in this United States, the drug dealers are willing to supply them. That is another issue. This country has to get around to solving that appetite that we have as a Nation for illicit drugs.

So we have that appetite and we send our Border Patrol agents down to the border to keep those drugs from coming into the United States, and then if one of them gets in a scrape, we prosecute them rather than the drug dealers. Maybe those times have changed because of this commutation. I certainly hope so.

And we certainly can't expect the Mexican Government to do their part. We hear constant reports of corruption in Mexico, especially with Mexican officials on the Mexican side of the Rio Grande River. That is unfortunate because they have an obligation to protect Mexican citizens as well as we on this side have an obligation to protect American citizens.

Border protectors need to know we support them. Back in the days of Vietnam, some of us remember those days when our troops came home, how they were treated. They were treated with utmost disrespect, unfortunately. And we have changed. Our country has changed. We show great respect to our troops that are in Afghanistan and Kosovo and Iraq, and we should because they are protecting us.

Our border protectors down on the border, our Border Patrol agents and our border sheriffs, need to know that America stands behind them as well because they are fighting a war just as important and just as violent as those troops in Afghanistan and Iraq are fighting. And they need to know that we will support them when they do their job, when they enforce the rule of law to keep people out of this country that are coming over here to smuggle drugs. Our Federal Government needs to get on the right side of the border war.

And that's just the way it is.

EQUAL ACCESS TO HEALTH CARE

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

Mr. MASSA. Mr. Speaker, I rise today to quiet a voice, to complete a commitment that I made to the 640,000 voters who sent me here.

Ten years ago this month, I completed a course of chemotherapy that saved my life under some of the best and most expert medical care available in the world.

I believe passionately and I believe strongly and I believe to the core of my soul that all Americans should have access to the same medical care that I had access to 10 years ago. And so today I stand to complete a promise and a commitment: I will personally, with malice towards none and negativity towards none, won't accept the Federal and congressional health care benefits policy until such time that all Americans have access to the same medical care that all of us in this exalted and honored Chamber have access to. It is not a pejorative, it is a one-person commitment to try to change the system we have today. And I will not rest until all Americans have access to quality health care.

COMMENDING THE NATIONAL CHAMPION UNIVERSITY OF FLORIDA GATORS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today to congratulate my University of Florida football team for winning its second NCAA BCS championship bowl game in the last three seasons. Go Gators.

I want to congratulate the University of Florida not only for being the best academic school, but also athletic school in the country.

Their 24–14 victory over the Oklahoma Sooners showed off teamwork, sportsmanship, and one of the defense plays that I have seen. They held the team with the highest scoring offense to just 14 points. The Gators once again came back to prove that the University of Florida season was no fluke, and that the Florida Gators are again a championship team that made history. Congratulations to their great players and outstanding coach, Urban Meyer, for coaching a remarkable group of guys.

Let's do a quick fact check.

The Gators won their second national championship in the past 3 years and the third in the school's history. Florida is the fourth school in the modern era to win two outright national titles in 3 years. Florida finished the 2008 season with a 13–1 record, matching the single-season school record for wins.

□ 1700

Tim Tebow became the fifth player since 1950 to win a Heisman Trophy and two national championships.

The win makes Urban Meyer the fifth active coach with multiple national titles and the fifth coach since the AP poll began in 1936 to win two national championships in his first four seasons at a school.

Tim Tebow, Florida's leader and quarterback, not only ran for 109 yards, but threw 18-for-30 and was flawless in the fourth quarter alone when it mattered the most and the pressure was on.

Percy Harvin, whose gutsy play won him the game ball, came back from an ankle injury and dashed for 122 yards on only nine carries. And it was his 52-yard run down the stretch that set up Jonathan Phillips' 27-yard field goal early in the fourth quarter for a 17–14 lead, which the Gators never lost and never looked back.

There has been some discussion in this body about having a national championship playoff. Let me be clear, we've had a playoff. And I hate to say it, that everything is just not all equal. We want to encourage all of our kids to participate in sports and activities because we know that it builds character, but it is clear that the Gators are superb to any other schools with the conferences that we play in.

So, in closing, I want to leave you again with the Gators' chant that I just love: ''One, two, three, four, five, them there Gators don't take no jive.''

APPLAUDING PRESIDENT BUSH'S COMMUTATION OF BORDER AGENTS' SENTENCES

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. Mr. Speaker, on September 14, 2006, I first stood before this House to call attention to the case of two United States Border agents who were convicted in Federal court for shooting and wounding a Mexican drug smuggler who brought 743 pounds of marijuana across our borders in 2005. Now, Mr. Speaker, more than 2½ years and more than 45 speeches later, I stand before this House to thank President Bush for heeding the calls of the American people by commuting the sentences of Agents Ramos and Compean.

The agents entered Federal prison on January 17, 2007, to begin serving sentences of 11 and 12 years respectively. Both men are now due to be released from prison on March 20, 2009, after serving 26 months.

Like the millions of Americans who have followed the case over the past several years, I am so relieved to see the unjust imprisonment of these distinguished law enforcement officers finally come to an end. As these men sat in Federal prison for 2 years, my heart

ached for them and their families. While I firmly believe that these agents never should have been prosecuted, I am very grateful that President Bush has used his authority to close this ugly chapter in their lives. I will do everything in my power to see that Ramos and Compean are able to reclaim their lives and in due time will be fully exonerated with a pardon.

The prosecution and imprisonment of Agents Ramos and Compean has been a black mark for the United States justice system. Its legacy will not be forgotten by those of us in Congress who have criticized the indictment of these two men.

The facts of this case have shown, as Judge E. Grady Jolly stated on December 3, 2007, during the agents' appeal, and I quote Judge Jolly, ''The government overreacted here, and for some reason this one got out of hand.''

The truth of why this indictment was able to move forward and get out of hand still deserves to be investigated. The truth of why this indictment was able to move forward and get out of hand still should be investigated. I repeat that, Mr. Speaker, because it should be investigated. However, it is clear that President Bush understood one of the most troubling aspects of this case, the agents were charged under a statute intended for violent criminals carrying guns, not for law enforcement officers acting in the line of duty. This statute, which carries a sentence of no less than 10 years, was enacted by Congress to discourage criminals from carrying guns. It was never intended to apply to law enforcement officers who are required to carry firearms on the job. This was clearly a sentence Ramos and Compean should never have been ordered to serve.

In closing, Mr. Speaker, my thoughts and prayers are with the agents, Ramos and Compean, as they are finally able to return home to their families and their children. And may God continue to bless America.

AMERICA ''CAN LEAD ONCE MORE''

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

Ms. WOOLSEY. Mr. Speaker, I rise to give my 288th Special Order on the subject of the occupation of Iraq. The first 287 cited the terrible death and destruction that the occupation was causing and the damage that it was doing to America's moral standing in the world. But this Special Order, number 288, is different from all the rest. That's because we woke up this morning with new leadership in the White House, President Obama.

President Obama is meeting with his military advisors today. He is planning for the withdrawal of our troops from Iraq, something that the American people have been demanding for many years. And today, the Senate is meeting to confirm the nomination of Secretary of State HILLARY CLINTON, who firmly believes that America should emphasize peace and diplomacy over war.

President Obama has pledged to withdraw our troops within 16 months. He must not hesitate for a moment to make good on that pledge. He must make sure that the withdrawal is complete, that it is safe, and it is meaningful. There must be no residual forces, no military contractors left behind. And if his advisors urge him to change his mind about withdrawal, he must not waiver or go wobbly. I don't think President Obama will. Just listen to yesterday's inaugural address.

President Obama said that it is time to ''leave Iraq to its people.'' I've said for years that Iraq must have its national sovereignty and must have it back soon, so those words were very welcome to this Member of Congress.

He said, ''To the Muslim world, we seek a new way forward based on mutual interest and respect.'' After showing the Muslim world nothing but shock and awe for nearly 6 years in Iraq, those were very healing words.

He said that ''earlier generations faced down fascism and communism with sturdy alliances,'' and he called for ''greater cooperation and understanding between neighbors,'' a clear repudiation of the previous administration's disastrous decision to go it alone in Iraq and elsewhere in the world.

He also said that America must choose ''hope over fear,'' and that we must reject the false choice ''between our safety and our ideals.'' This was another clear repudiation of the previous administration, which used fear to get us into Iraq in the first place and then used it to tear the Constitution to shreds.

President Obama also said that ''power alone cannot protect us, nor does it entitle us to do as we please.'' He said our security comes from ''the justness of our cause'' and the qualities of ''humility and restraint.'' President Obama understands that the true source of America's power is our moral authority.

The President also said that ''we'll work tirelessly to lessen the nuclear threat.'' And he promised to work with the poor people of the world ''to nourish starved bodies and feed hungry minds.'' These are good words. They echo some of the most important parts of my national security plan known as SMART. SMART calls for ending nuclear proliferation, and it calls for giving poor people a better life because it's the best way to stop terrorists from recruiting absolute new followers. It's just the right thing to do.

In the most dramatic moment of his speech yesterday, President Obama promised that America will ''lead once more.'' That pledge has already inspired millions of people around the world. But now the challenge is to put the President's words into practice. It won't be easy. We know that there will be powerful forces that will try to push him in the wrong direction. That's why he will need the support of the American people, he will need the support of the Congress to put our country back on the right track.

He must get that support, the support in the House, and I hope that it comes from both sides of the aisle. By working together, we can build a more peaceful, more congruent world, and we can show that America can lead once more.

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.)

LIVING BENEATH OUR MEANS

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

Mr. PAUL. Mr. Speaker, it has been said, and all too often ignored, if you live beyond your means, you will be forced to live beneath your means.

Living and consuming on borrowed money always end. Lenders, even in an age of inflation, have their limits. When living extravagantly, it seems the good times will continue forever, but when the bills come due and the debt, with interest, needs to be paid, the good times end.

The fiction that the appreciating prices of houses and stocks and other assets serve as savings is always self-limited and ends with pain. Without a source of newly borrowed funds, once the value of stocks and houses depreciates, the individual comes to the realization that hard work and effort are required to produce sustained wealth. Working minimally is replaced with working maximally to survive, as well as to pay for the extravagance of previous years. The consequence is more work and a diminished standard of living.

A nation that has lived beyond its means for a long period of time must go through a similar process. Once the national debt grows to an extreme proportion, as ours has, there is no possibility of it being paid off in the conventional sense. Default and liquidation are required, but sovereign states that enjoy the ruthless power to tax and create new money always resort to paying their pays by deliberately depreciating the currency. This makes it hard to identify the victims and the beneficiaries.

Today's middle class and poor are suffering and the elite are being bailed out, and all the while the Federal Reserve refuses to tell the Congress exactly who has benefitted by its largesse. The beneficial corrections that come with a recession, of debt liquidation and removing the malinvestment,

are delayed by government bailouts. This strategy proved in the late 1930s to transform a recession into a Great Depression and will surely do so again.

We have become the greatest debtor nation in the world. The borrowed money was not used to build our industries but was used mainly for consumption. The fact that the world trusted the dollar as the reserve currency significantly contributed to the imbalances of the world financial system. The fiat dollar standard that evolved after the breakdown of Bretton Woods in 1971 has ended. This is a consequence of our privileged position of living way beyond our means for too many years.

At present, all efforts worldwide are directed toward salvaging a financial system that cannot be revived. The only tool the economic planners have is the creation of trillions of dollars of new money out of thin air. All this does is delay the inevitable and magnify the future danger.

Central bank cooperation in the scheme will not make it work. Pretending the dollar is maintaining real value by manipulating the price of gold—the historic mechanism for measuring a currency's value—will work no better than the effort of the 1960s to keep gold at $35 an ounce. Nevertheless, Bretton Woods failed in 1971, as was predicted by the free market economists, despite these efforts.

This crisis we're in is destined to get much worse because the real cause is not acknowledged. Not only are the corrections delayed and distorted, additional problems are yet to be dealt with—the commercial property bubble, the insolvent retirement funds, both private and public, state finances, and the university trust funds. For all these problems, only massive currency inflation is offered by the Fed. The real concern ought to be for a dollar crisis, which will come if we don't change our ways.

Even massive bailouts cannot work. If they did, no person in the United States would ever have to work again. We need to wake up and recognize the importance of sound money. We need to reintroduce the work ethic. We must once again cherish savings over consumption. We must recognize that an overextended foreign policy has been the downfall of all great nations. And, above all else, we need to simply believe once again in the free society that made America great.

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

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

□ 1715

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

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

HOW STIMULUS FUNDING COMPARES TO OTHER TOP GOVERNMENT EXPENDITURES

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

Mr. HUNTER. Mr. Speaker, I rise today because in this last week and next week, we are going to be considering in this Congress spending more than we've ever spent since World War II.

With the Troubled Assets Relief Program, otherwise known as TARP, and I like to call it the bailout, Mr. Speaker, the bailout is $700 billion. The bailout was a mistake by the last President, and I believe it will be a mistake from this administration. Only $350 billion is left of that bailout bill, and Congress is probably going to spend that also. Out of the first $350 billion, we don't even know where any of that went because the administration didn't have to tell us.

The legislation being considered now for this bailout bill and this stimulus package is being considered under a false promise that more spending in the wrong places is going to help the economy. It's being considered under the false promise that it's going to create millions of jobs. It's simply throwing bad money after bad programs.

The reality is that this plan does very little to help working-class families that are having to pay bills, that are having to make mortgages, that are having to make car payments. People are struggling day in and day out, some working two jobs to try to pay health care, raise the kids. This stimulus bill does not help them.

Instead of providing relief and jobs for Americans, this Democrat stimulus package, when combined with the bailout, totals over $1.5 trillion, but it still contains things such as $50 million for the National Endowment of the Arts. That's not going to help anybody. That's a waste of money, Mr. Speaker. The first half of this bailout bill has already been spent, and it would be a mistake to spend the second half of $350 billion without knowing where that money is going.

But for me, everything has to be in perspective. And $1.5 trillion is a lot of money. I don't know how much money that is really. I have heard somebody say if you stack it up in $10 bills, it would stretch over 4,000 miles. That's $1.5 trillion.

So to put it in perspective, Mr. Speaker, I created this graph here. This shows you how this stimulus bill, along with the bailout bill for Wall Street, compared to other American expenditures since World War II. This is how it compares to it, Mr. Speaker:

What it shows is that the Vietnam War costs just under $700 billion. That is the entire war. The Iraq War that we're fighting now, that we have been fighting since 2003: $600 billion. Our entire interstate highway system that we drive on every day: $42 billion. That's what it has cost for the roads that we drive day in and day out. That puts things in perspective for me.

Education spending since 1965, Federal education spending, this is all that we have spent compared to this bailout bill: under $400 billion. Let me say that again. Our entire education spending since 1965 by the Federal Government: under $400 billion. Congress is going to spend almost $400 billion in one day and hardly any of that on education.

Lastly, I would like to say, Mr. Speaker, that if this money was spent now, if it was spent tomorrow and it all went into jobs and it all went into infrastructure, that would be different. But according to analysis of this bill, only $3.8 billion of the $1.5 trillion is going to be spent on infrastructure by 2010. That's only 12.7 percent of this money that is going to be spent on infrastructure.

So when you hear people talk about spending this money, creating jobs, does it really do that? Are we really spending that? Are we really injecting this much money into the economy so it will create jobs right away? That is not what we're doing, Mr. Speaker. What we are doing is creating government programs that my son and my daughters are going to be paying for for years to come.

Mr. Speaker, one of my colleagues said it best when asked why this TARP, this bailout bill to Wall Street fat cats, and this stimulus bill was a bad idea. And his answer was very simple: We simply don't have the money.

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

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

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

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

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

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

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEES

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

Mr. SPRATT. Mr. Speaker, under section 201 of S. Con. Res. 70, the Concurrent Resolution on the Budget for fiscal year 2009, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal years 2008 and 2009 and the period of fiscal years 2009 through 2013. This revision represents an adjustment to certain House committee budget allocations and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to passage of the bill H.R. 2 (Children's Health Insurance Program Reauthorization Act of 2009). Corresponding tables are attached.

Under section 323 of S. Con. Res. 70, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 323 of S. Con. Res. 70 is to be considered as an allocation included in the resolution.

Any questions may be directed to Ellen Balis or Gail Millar.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal years, in millions of dollars]

House Committee	2008		2009		2009–2013 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:						
Energy and Commerce	89	81	884	847	3,153	3,148
Ways and Means	1,853	1,843	5,794	5,714	−6,724	−5,034
Change in the Childrens' Health Insurance Program Reauthorization Act (H.R. 2):						
Energy and Commerce	0	0	10,625	2,391	50,000	32,604
Ways and Means	0	0	0	0	−260	−260
Total	0	0	10,625	2,391	49,740	32,344
Revised allocation:						
Energy and Commerce	89	81	11,509	3,238	53,153	35,752
Ways and Means	1,853	1,843	5,794	5,714	−6,984	−5,294

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal year—		
	2008 [1]	2009 [1 2]	2009–2013
Current Aggregates:[3]			
Budget Authority	2,564,244	2,532,592	[4]
Outlays	2,466,685	2,572,179	[4]
Revenues	1,875,401	2,029,659	11,780,493
Change in the Childrens' Health Insurance Program Reauthorization Act (H.R. 2):			
Budget Authority	0	10,625	[4]
Outlays	0	2,391	[4]
Revenues	0	3,724	32,518
Revised Aggregates:			
Budget Authority	2,564,244	2,543,217	[4]
Outlays	2,466,685	2,574,570	[4]
Revenues	1,875,401	2,033,383	11,812,811

[1] Current aggregates include spending covered by section 301(b)(1) (overseas deployments and related activities) that has not been allocated to a committee.
[2] Current aggregates do not include Corps of Engineers emergency spending assumed in the budget resolution, which will not be included in current level due to its emergency designation (section 301(b)(2)).
[3] Current aggregates include impact of new allocations for enactment of H.R. 2095 (with updates to estimates to reflect final CBO scoring) and S. 3560.
[4] Not applicable because annual appropriations Acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

ABORTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New Jersey (Mr. SMITH) is recognized for 60 minutes as the designee of the minority leader.

Mr. SMITH of New Jersey. Mr. Speaker, President Barack Obama's eloquent inauguration speech yesterday was uplifting and historic. The 44th President of the United States of America said in part: ''The time has come to reaffirm our enduring spirit; to choose our better history; to carry that precious gift, that noble idea; passed on from generation to generation: The God-given promise that all are equal, all are free, and all deserve a chance to pursue their full measure of happiness.''

Powerful rhetoric indeed, Mr. Speaker. Yet for many of us, even as the President spoke those wonderful words, something seemed amiss, disconnected, and inconsistent with what we understand his true agenda to be.

Clearly not all are free in America. All are not equal or have a chance at happiness.

Today, by direct government action and ongoing complicity, enabling or indifference, especially by Congress, those God-given promises President Obama spoke about are systematically denied to an entire class of American children: Unborn babies.

By reason of their age, dependency, immaturity, inconvenience, or unwantedness, unborn children have been legally rendered persona non grata, and expendable.

Let's be honest, Mr. Speaker. Abortion is violence against children. It dismembers and chemically poisons a child to death. It hurts women physically and psychologically and spiritually. There is nothing whatsoever compassionate, benevolent, ennobling, or benign about abortion. It is a violation of a child's fundamental human rights.

Which begs the question, will our new President extend the ''God-given promise,'' as he put it, of hope and freedom, justice, respect, compassion, and protection and a simple chance at happiness to America's unborn children? Will the President's words be matched by deeds that rescue and save the most vulnerable among us?

Sadly, waiting in the wings, barely visible in the shadows, ready to pounce, lurks the most extreme pro-abortion agenda in American history. If even a portion of the Obama agenda advances by executive order, reinterpretation of existing law, or enactment of new laws like the so-called Freedom of Choice Act, millions of children will die and their mothers will be wounded. And President Obama will be remembered forever not just as a smart, savvy, gifted and eloquent man, but as the Abortion President.

Recently, more than 50 pro-abortion organizations conveyed a 55-page blueprint to promote abortion to the Obama transition team. The document, marching orders, will result in the death for millions of children in America and in foreign countries and will impose incalculable harm and pain on expectant mothers everywhere. The Obama administration and the pro-abortion nongovernmental organizations, or NGOs, that prepared it are, as of today, in lockstep. Indeed, many personnel from pro-abortion NGOs have already been embedded in strategic places in the administration where they can foment anti-child policies often undetected and with a degree of stealth.

What follows in the days and months ahead will be a highly choreographed, highly deceptive message amplified by a pliant supportive news media to market the agenda. The propagandists will try to sell the agenda by repeating ad nauseam that their goal is to reduce abortions.

Curiously, the very people who claim to want to reduce the number of abortions will seek to degrade, undermine,

and if they get away with it, repeal outright hundreds of Federal and State pro-life laws that have demonstrated over time to have saved millions of innocent human lives.

Both the pro-abortion Alan Guttmacher Institute and pro-life advocates agree on one thing, and that is that the Federal prohibition on taxpayer funding for abortion significantly reduces the number of abortions. According to the Guttmacher Institute, between 18 and 35 percent of Medicaid patients who would have had an abortion carry their babies to term when Medicaid funding is not available. Similarly, a recent study showed that when laws requiring one parent consent before a minor girl obtains an abortion were enacted, the minor abortion rate was reduced by 19 percent and 31 percent when parental consent was required from both parents. These time-tested policies that have already reduced abortion are now in jeopardy.

The Freedom of Choice Act, if enacted, would repeal taxpayer bans on funding for abortions, including the Hyde Amendment, which has been in effect for over 30 years. It would repeal parental notification for minors; women's right to know statutes; conscience protections for health care workers who want no part of this grizzly business; ethical safeguards for embryo-destroying stem cell research; the repeal of even the recently enacted ban on partial birth abortion, one of the most hideous methods of abortion imaginable, where the child is half born in the birth canal only to have his or her brain sucked out to effectuate the death of the child. A hideous method of child abuse. That would be repealed if the Freedom of Choice Act were to be enacted into law. Nearly every pro-life, life-affirming policy over the past three decades would be gone, nullified, vitiated if this extreme piece of legislation, sadly, backed by our President, were to be enacted.

Are these changes that we can believe in, Mr. Speaker? Hardly.

The administration, sadly, will also seek to enrich and empower pro-abortion organizations, most likely maybe today, tomorrow, the next day will repeal the Mexico City policy, which separates abortion from family planning and says that the U.S. taxpayer and our overseas population control programs will have nothing whatsoever to do with the promotion of abortion or the performance of abortion as a matter of family planning.

Much well-deserved respect, finally, Mr. Speaker, has been directed to the man and the legacy of the late Dr. Martin Luther King, this week especially. And for that reason we need to hear the courageous voice of another Dr. King: His niece, Dr. Alveda King, who has had two abortions and now speaks out for both victims of abortion: The unborn child and his or her mother.

□ 1730

As Dr. King has said, defending human life is part of the civil rights struggle; and as we remember the dream of Dr. Martin Luther King, Jr., let us also remember the words of Dr. Alveda King when she asks, how can the dream survive and we murder the children?

I would like to yield to VIRGINIA FOXX.

Ms. FOXX. I want to thank all of my colleagues who are here tonight, to remember the millions of unborn children whose blood has been shed in the abortion mills of America. I especially thank my colleague from New Jersey who has organized this Special Order.

Defending the defenseless is one of the most important duties that we have as Members of Congress. The pro-life cause has roots deep in the historic battles against all forms of injustice, brutality and equality and is today growing strong as we mark the infamous 36th anniversary of what one Supreme Court justice called an exercise in ''raw judicial power.''

Despite recent setbacks, such as the election of a stridently pro-abortion President, those who spend their days fighting for abortion on demand don't know what we know, that they are on the losing side. We are on the side of justice. We are on the side of the innocent and the defenseless, and we are on the side of equal dignity for every human life.

So as we mourn the holocaust of abortion and the grievous toll it has taken upon our Nation, let us not forget whose side we are on. Though the battle to protect every life, from unborn child to disabled elderly will be long and hard, it is a battle worth fighting.

As the late father Richard John Neuhaus, our dear brother and fellow soldier in this fight, said last year, ''We have been at this a long time, and we are just getting started . . . We shall not weary, we shall not rest, until every unborn child is protected in law and welcomed in life.''

And so today the fight continues. President Obama has promised the pro-abortion lobby that he will sign and support the Orwellian ''Freedom of Choice Act'' which, if it were to become law, would roll back almost every restriction on abortions in America and would even allow for taxpayer-funded abortion on demand.

Such an act will take this country in the wrong direction and send absolutely the wrong message to the world. That message is that we do not value life. That is not the message we need to be sending from this country. I believe we do value life, and that's the message we should be sending.

Mr. SMITH of New Jersey. I yield to the distinguished gentleman that serves as our conference chairman, Mr. PENCE, who has been a leader on behalf of all human rights around the world.

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

Mr. PENCE. I thank the distinguished gentleman from New Jersey for his moral leadership, not only for organizing this discussion tonight among our cherished colleagues but for a lifetime of standing in the gap on behalf of the defenseless. I commend CHRIS SMITH and to no less extent his wife for their work on behalf of the unborn.

Mr. Speaker, I come to this Chamber cognizant of the fact that tens of thousands of Americans will brave the elements tomorrow, as they do every year, on what will be the 36th anniversary of the worst Supreme Court decision since Dred Scott. I bristle at the term ''anniversary'' because, in my life, anniversaries are special things. We remember them at fondly remembered occasions, and this is certainly not the case.

This is the annual marking of that decision which 36 years ago tomorrow nullified all of the hard-fought bills and legislation over 100 years at the State level that put restrictions on the abortion of unborn children in Roe v. Wade.

It is accurate to say that life is losing in Washington, D.C., both in our judiciary among a pro-abortion majority in the House and the Senate and now with the election of a pro-abortion President of the United States.

But let me say with confidence that while life may be losing in Washington, D.C., I believe life is winning in America. Despite the best efforts of the pro-abortion movement, the defend abortion on demand, more Americans embrace the sanctity of life today than ever before, especially younger Americans.

While more than 50 million innocent human lives have been ended by abortion since Roe v. Wade, I am happy to report, Mr. Speaker, that abortions have declined by nearly 20 percent in the last 15 years. That actually figures out to be more than 881 lives saved per day, each a poignant reminder of why we can never relent in the defense of life.

Now there are many theories about why attitudes are changing about the sanctity of life in America. Some people believe that moments like this on the floor of legislative chambers have their good effect, and I would like to believe that, but I am not really sure that I do.

Now, some think that it's about political activism and people organizing and communicating. And while that plays a role, I am not sure that it's changing attitudes in America.

And even some much more plausibly believe that legions of organizations across the country that fall under the heading of crisis pregnancy centers, organizations have come alongside young women with unwanted pregnancies and provide them with resources and a message of hope and encourage them to choose life are changing hearts, and I am much more prepared to believe that that's true.

But I actually believe in my heart of hearts that what's changing in America today is happening in the quiet

counsels between mothers and daughters, between grandmothers and granddaughters, women who themselves were victimized by abortion. I believe we are telling the most cherished younger women in their lives the truth, and attitudes are changing across kitchen tables and over coffee in living rooms.

And that's why I believe that life is winning in America. But that doesn't obviate the need for us to take action here on Capitol Hill, and action we will take, not only as we prepare to respond to what may be an eminent executive order upending one of the most popular restrictions on foreign aid in recent American history. There are rumors, Mr. Speaker, that the so-named Mexico City Policy will be overturned by our new President, and we prepare to make a case on behalf of American taxpayers and on behalf of pro-life Americans of the wrong decisions if it comes to pass. We also prepare ourselves in the legislative process to both defend and advance the cause of life.

Just moments ago, with 63 original cosponsors, I reintroduced legislation that I brought to this floor in the last Congress, the Title X Abortion Provider Prohibition Act.

It comes as a surprise to many to learn that the largest recipient of nonabortion Federal taxpayer dollars through title 10 is the largest abortion provider in America. Most Americans don't realize that.

Let me say that again, that the largest recipient of Federal funding through title 10 is the largest abortion provider in America.

Now, Planned Parenthood, that recipient, will be very quick to say that, well, title 10 can't go to providing or promoting abortion services, and that is certainly true, but it doesn't change the fact that the largest abortion provider in America is also the recipient of literally tens of millions of dollars in Federal taxpayer money that go into their nonabortion related activities.

Our legislation, reintroduced today with broad support and in the last Congress, cosponsored by nearly 200 of our colleagues, would restrict any Federal family planning funds from going to organizations like Planned Parenthood, who perform abortions on demand or for any reason, and I urge my colleagues to support this measure.

With this I close. I believe that life is winning in America because there is a moral reawakening on this issue. It's happening in the quiet counsels of the home and the workplace and in faith communities. But that doesn't change the fact that we must take a stand on this floor, on the National Mall tomorrow and in all of our communities on behalf of the unborn.

It would be William Wilberforce who said famously of his long multi-decade struggle against the scourge of slavery, he said, ''Never, never will we desist till we . . . extinguish every trace of this bloody traffic, of which our posterity, looking back to the history of these enlightened times will scarce believe that it has been suffered to exist so long a disgrace and dishonor to this country.''

Strong words, but I believe they are words that resonate with the conscience of a Nation. America is great because America is good, and at the very center of the American experiment is the belief in the value and the sanctity of every human life. Until we restore that principle to the very center of the rule of law in this very Nation, we risk the ongoing vitality of the American experiment. I believe it with all my heart.

Mr. SMITH of New Jersey. I want to thank our very distinguished conference chair for his eloquent defense of innocent human life, for his steadfastness on this issue, and point out when my good friend and colleague mentioned Planned Parenthood, I think most Americans would be shocked and dismayed and even discouraged to learn that Planned Parenthood alone performs approximately 300,000 abortions in their own clinics every year, and that number is going up.

They seek even more money from the Federal Government, in part to expand their capability, their capacity. More clinics equals more dead babies and more wounded mothers.

I yield to my good friend and colleague from New Jersey (Mr. GARRETT), SCOTT GARRETT.

Mr. GARRETT of New Jersey. And I thank the gentleman from New Jersey for your leadership on this issue today and in the past so much and in the future as well.

Mr. Speaker, as you know, I also hail from the great State of New Jersey; and tonight I would like to begin tonight by talking about a women who lived there, who had lived there in Tenafly, a town in my congressional district. You may have heard her name before. In fact, she is commemorated in a sculpture located right here in the rotunda of this building.

I am talking about Elizabeth Cady Stanton. Ms. Stanton was a leading social activist of her time and a champion of the women's suffrage movement. As a proponent of women's rights, some might assume she supported a women's ability to have an abortion. No.

Ms. Stanton actually took the opposite view. In a letter in 1873 written to Julia Ward Howe, who was a prominent abolitionist, she wrote ''When we consider that women are treated as property, it is degrading to women that we should treat our children as property to be disposed of as we see fit.''

She called abortion then what it was then and today as well, infanticide. Today, over 100 years later, women, of course, have won that battle of the women's suffrage movement and the right to vote, but we still allow some unborn infants to be classified as simply, with what she called it, unwanted nuisances and to be killed. You know, permitting this hypocrisy is really a promotion, you might say, of age-based discrimination, and I believe Ms. Stanton would be appalled to know that it continues today.

After all, murder is a direct violation of the very same rights that she was fighting for back then and as proposed by our Founding Fathers in original documents. You know, as the chairman of the Constitution Caucus, I have pledged to fight for the liberties recognized by our Founding Fathers. But I know, realistically, that we will have tough battles ahead in this term and years ahead on many different fronts.

The first skirmish will likely be waged in the executive branch. One of the executive orders that President Bush stated in his Mexico City Policy, and what it does is to ban U.S. funds from going to nongovernmental agencies that provide abortion services overseas. Now, just last week, I joined Representative LAMBORN and other Members of Congress in sending a letter at that time to President-elect Obama urging him to uphold that policy when he comes into office.

Now, the second combat zone is right here in this U.S. Congress. Now, due to the successful efforts of past legislators, particularly former Congressman Henry Hyde, Federal funds could not be used to pay for abortions. However, Members who support abortions will likely, very likely, seek to erode these key restrictions.

□ 1745

Even worse than that, some Members would like to pass something called the Freedom of Choice Act. So today, I have signed a letter to now-President Obama, urging him to withdraw his pledge to support any such legislation.

As bad as it is, fortunately, not all congressional clashes are on the offensive. So I applaud efforts of Members who have introduced legislation to protect the health of young mothers and restrict the number of abortions performed here in the United States.

Just today, I signed on, and I am proud to do so, of the original cosponsor of Mr. JORDAN's bill, which is the Ultrasound Informed Consent Act; Ms. ROS-LEHTINEN's Child Interstate Abortion Notification Act; and Mr. PENCE's, who was just speaking, Title X Abortion Provider Prohibition Act.

Thankfully, the battle for the unborn is not waged merely here in the Capitol, in the Congress, in the Executive, the walls of the White House, or the halls here of the Congress, or even at the desks across the street at the Supreme Court Justices. The main struggle is fought in the towns and suburbs and cities across this United States.

Many Americans strive to promote life by supporting young mothers who cannot afford to raise their child. They do this by adopting children who do not have a home or a parent. They counsel men and women who chose to abort and now experience the very deep depression and regret.

Just closing, just yesterday, I thought for a split second that our new President would seek to protect this innocent life as well. As I listened to his inaugural address, I heard him say, and I quote, ''All are equal, all are free, and all deserve a chance to pursue their full measure of happiness.'' It seems that President Obama really believes that some people are just too young or too small to deserve such rights or privileges.

Perhaps the new President should study the position of one of his predecessors, John Quincy Adams. Adams once wrote, ''Americans, ask the Declaration of Independence and it will tell you that its authors held for self-evident truth that the right to life is the first of the unalienable rights of man, and that to secure and not destroy that right, that is the reason the governments have been created.''

So, as I stand here as an elected official in this government, I pledge, along with my colleagues from New Jersey, and across this country, to follow John Adams' footsteps and uphold our basic fundamental right. For without this fundamental right, all other freedoms in this Nation shall perish.

Mr. SMITH of New Jersey. Thank you for that very compassionate and historical context that you bring to the floor today.

The gentleman now recognizes Mr. LATTA.

Mr. LATTA. I thank the gentleman for yielding. I appreciate your efforts today on putting together this Special Order. Tomorrow, we are going to have tens of thousands of Americans here. They are coming here to support the rights of those who can't speak for themselves, the right of the unborn. I know in my hometown of Bowling Green, at Bowling Green State University, I know that at least 40 college students will be coming down tomorrow to be out there on that Mall.

It's great that we had so many people here yesterday, but we also have young people coming out to talk about and support those who can't speak for themselves.

As already has been mentioned by other of the Members today, talking about their views on the Freedom of Choice Act and what that will do in this country, it will be a travesty. The world judges us by what we do, and they will judge us harshly when they see what we do if this bill would ever become law.

I have always been pro-life. When I was in the Ohio Legislature, I had the privilege of chairing the Senate Judiciary Committee and the House Criminal Justice Committee. Probably one of the toughest days that we ever had was when we had the partial birth abortion ban bill up. And when you sit on a committee that hears about all the gruesome crimes that are committed against the living, and I'd always have some of my constituents say to me, after they sat through some of our hearings after a long day, they would say, ''Latta, how do you sit through that stuff day after day after day?'' I'd say, ''It's my job.''

But then when we had the partial birth abortion bill come before our committee, it was kind of also very unique to sit there in that committee room and look out across that audience and looking down across the committee to the folks sitting in their chairs. There was a lot of squirming going on that day because of the testimony of the doctor that testified that day to explain exactly what partial birth abortion was.

It was one of those days that I had the initiative at times as the Chair that I can actually tell that we are not going to have anyone under the age of 18 in the hearing room because of what it might do to affect some of the kids that might be there.

But when we heard the testimony that day, I can look down on both sides, left and right, and see from my members on that committee that they had heard enough. And they wanted to vote. It was a bill that we were able to bring to the floor quickly. We got that bill passed in Ohio to ban that horrible, horrible procedure, as discussed a little bit earlier.

We do things in this country that, when you see what we try to do to save the living, it's time that we do what we can to save those who cannot speak for themselves.

According to the National Right to Life, since 1973, there have been 49,551,703 abortions performed in this country. In the State of Ohio, from the Department of Health, we have records showing that 32,936 abortions were performed in Ohio alone in 1 year.

And I will close on this, because we have to think about this. We have all these troubles and travesties that are coming before our country today. We have to ask ourselves, of those 49,551,703 lives, who among those could have found the cure for cancer? Who among those could be out there that found that energy cure that we have to have for this country? And, who in that number could have been the next President of the United States?

So I am very, very glad to be here to support those who cannot speak for themselves and stand before you and say that it's time for this country to remember those who cannot speak and defend themselves.

I yield back. Thank you.

Mr. SMITH of New Jersey. Thank you very much, Mr. LATTA.

I'd like to yield to MICHELE BACHMANN. The gentlelady is recognized.

Mrs. BACHMANN. I thank the gentleman from New Jersey (Mr. SMITH). I would like to just thank him for the years and years and years of commitment that he has had to the unborn here in America. The unborn have had a friend in CHRIS SMITH. I thank you. That through thick and thin, it seems like we got a lot closer to our goal. Right now, it seems like we are a lot farther away when you look at the way the winds are prevailing.

It has been 36 years since we have had the fateful decision of Roe v. Wade. In 36 years, we look at the fruit of that decision and what it has led to. Has it been freedom for women? Some might say so. Has it been enslavement for women? There are a lot of women who testify that yes, it has been enslavement for them, to years of depression, fighting perhaps alcoholism, drug addiction, because they had no idea what terminating the life of their little child would do to them in terms of ripping up their insides. They didn't really know what the decision would mean.

My husband has had the privilege of counseling women and men who have been in that decision, abortion-minded women, who have later deeply regretted that decision that they made. I know for my husband and I, we are just so grateful God gave us five biological children over the years that we are grateful for, and we lost one.

The baby that we lost taught us so much. When that baby died, it changed our lives. I know for me, personally, I couldn't speak for 3 days after I lost that baby. Something was touched in the center of my soul, something so deep, so fundamental about human life that I can't even put into words right now. But the one thing I do know is that we are created in the image and likeness of a holy God.

I just think that we should not be about the business of taking away something that is so precious and so life-giving and that can never be altered. It is a decision that, once it's made, can't be changed.

When we lost our own baby, my husband and I decided we wanted to open up our home to children that were in difficult circumstances. And so we brought in 23 children over the years, not all at once, but over the years, and it changed us for the better, bringing in kids who are in really some of the very tough, tough situations. But, you know what? I have often heard that phrase from Planned Parenthood that says, ''Every Child a Wanted Child.''

I just want the American public to know, every child is a wanted child. There's a foster parent out there that wants to take in a child in at-risk situations. There are adoptive parents out there that are crying tonight, literally crying themselves to sleep, because they want to take in a child.

No, we are not talking just perfect children. We are talking special needs children. Children with disabilities of every kind. There are parents that want to adopt those children.

And so when I look at the policy that is coming down the pike here in our Nation's Capitol or we are looking at reviving this policy of having the American taxpayer pay for international abortions, my heart breaks. It breaks because it's all so unnecessary. It's unnecessary because there is love. There are homes. There are men, there are women that want to offer the positive alternative.

For years, one of our colleagues from Pennsylvania, JOE PITTS, offered legislation called the Positive Alternatives Act. He was gracious to allow me to offer that bill last year. I offer it again now this year. It says to the men and women of America who are in a pregnancy that maybe they didn't count on that there's another way. Abortion isn't the only answer. There's a positive alternative.

Can we allow tax money, your tax money, the American people, to go to pay for international abortions? Shouldn't we allow your tax money to go to offer to pay for positive alternatives for men and women, to offer them counseling, hope. Isn't this the time of hope and change? Let's offer true hope and change that will make an eternal difference in the lives of America's next generation.

We have lost 50 million. We have lost 50 million Americans. Part of the generation that would be up and working right now to build this country into a better Nation, but we have lost them to eternity. We have lost them.

I say we have a chance now for true hope and true change, to have a positive alternative so that tax money won't be spent just on death, but tax money now could be to offer life, a true positive choice. That is why I am so grateful to my colleague from New Jersey, the wonderful Representative CHRIS SMITH, because for years and years and years he has known, he has fought. He gets it.

The next generation needs us. They need our voice. And that is why I am so grateful that I can be a Member of Congress, to make that message now and to make that plea with my beloved colleague, just to beg our colleagues to join us. If we can offer death, certainly our country is good enough to offer life.

With that, I yield back.

Mr. SMITH of New Jersey. Mrs. BACHMANN, thank you so much for your not only eloquent, but your passion for innocent life, and especially for the women who are so seriously injured by each and every abortion. Very often it doesn't manifest itself immediately. There's a post-traumatic stress element to this. And you certainly get it. And I think your passion and your voice is indispensable in this Congress. So I thank you for your leadership on behalf of all human life.

I yield to my good friend, Mr. LAMBORN.

Mr. LAMBORN. I thank the gentleman for yielding and, most of all, for his leadership on this vital interest of protecting life. So, thank you, Representative SMITH, for the years of dedication and for that of your wife as well.

Mr. Speaker, I rise today in honor of the sanctity of all human life. Last Friday, in a bipartisan effort that I initiated, 78 Members of Congress sent a letter urging President Obama to continue the Mexico City Policy, which separates abortion and family planning in America's foreign aid programs.

President Reagan first issued this Executive order in 1984. This policy, the Mexico City Policy, establishes a bright line between family planning activities and abortion, therefore ensuring that U.S. family planning funds are not co-opted by groups who promote abortion or provide abortion as a method of family planning.

□ 1800

Such activities sends a wrong message overseas that the United States promotes abortion. The Mexico City policy simply assures that taxpayer money is not used overseas to fund highly controversial abortion providers. The controversial debate of abortion has no business being included in foreign aid programs, and the Mexico City policy makes it clear that abortions are not to be funded overseas with U.S. tax dollars.

In these difficult economic times, the American people would not want taxpayers to fund groups that are trying to export abortions all over the world. Also, in a moral sense, it is simply wrong to make all Americans who pay taxes complicit in even the smallest degree with the funding of abortions overseas when tens of millions of Americans believe abortion, elective abortion, is immoral and wrong.

We strongly urge President Obama not to go down this road by forcing American taxpayers to pay for abortions overseas. We urge you, Mr. President, do not get rid of the Mexico City policy.

I thank you.

Mr. SMITH of New Jersey. I yield to Mr. ROE.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

Mr. Speaker, as an obstetrician/gynecologist for over 30 years, and I have delivered close to 5,000 babies, I strongly, very strongly, support the sanctity of life.

Using 3–D technology like the ultrasound has given us a window to the womb that shows that the unborn child is a living, breathing person. We can see the heartbeat as early as 28 days post-conception. I have watched babies breathe, move their small fingers. They are human beings at that point of conception. I have looked through this window with my own eyes many, many times. I have seen human development from its earliest stages of a fetus all the way through birth, which strengthens my conviction in the right to life.

Life is a precious gift from God, and it begins at conception. It is our responsibility and privilege as legislators to protect those who do not have a voice. I will always fight for the right to life, because it is my conviction that we are all unique creations of God who knows us and loves us before we are ever conceived.

Tomorrow, in my opinion, will mark one of the most tragic, misguided Supreme Court cases in our Nation's history, Roe versus Wade. Since its decision in 1973, more than 50 million babies have been denied the right to life. We must make our laws consistent with our science and fully restore legal protections to all those waiting to be born. If the government has any legitimate function whatsoever, it is to protect the most innocent among us.

And, just to comment on the previous speakers, one of the most egregious procedures ever done is the third trimester abortion. I can tell you as a physician with over 30 years' experience there is no indication for that procedure for protection of the life of the mother. There are none. And my group that I practiced with for over 30 years has delivered over 25,000 children, and I can tell you right here and now, it breaks my heart to see that procedure, to know that it is done, and it is legal in this country. That is as wrong as it gets.

I am glad and privileged to be here on the floor of the House with other legislators fighting for the rights of the unborn, and I thank you very much, Mr. Speaker.

Mr. SMITH of New Jersey. I yield to JIM JORDAN.

Mr. JORDAN of Ohio. I thank the gentleman for yielding, and I thank him for his many years of work on behalf of the pro-life cause and his work with the Pro-Life Caucus, in the bipartisan Pro-Life Caucus, here in Congress.

I just want to say quickly three thank you's to the thousands of people who will be here tomorrow and to the millions of pro-life people across this country: Thank you for getting involved in this most important issue about the sanctity of human life.

I spoke Sunday night back in our district to a banquet for a women's center in the town of Bell Fountain, Ohio, and I told them the same thing, thanking them for their effort in this cause for so many years, but also specifically I thanked them for two other things.

First, I thanked them for taking the risk. There is always risk associated with stepping into public life and advocating for something so important. There is risk associated with getting off the sidelines and getting in the game to try to make a difference. We know that many times those in the press don't always give us a fair shake on this issue.

I am always reminded of Cal Thomas, a guy who was pro-life and a syndicated columnist, Cal Thomas, and what he said when he was talking about how sometimes the press doesn't always give us a fair shake. And he had a great line. He said, ''I get up every morning; I read my Bible and the New York Times so I can see what each side is up to.'' And there is certainly some truth to that. We understand the risk that people take when they step forward and advocate for this, but the risk is worth taking, because this issue is so important.

And the last thing I would say to, again, the thousands who are going to

be here tomorrow and the millions of pro-life people across this country, for the work you have done for years to help protect human life and protect the unborn, stay positive. I see the difference you make when you get a chance to talk with the folks who have helped these women's centers across the country, these crisis pregnancy centers across the country. They are so positive, when they can help a young lady who is in this position, help her with her unborn child and help her through the whole pregnancy. Stay positive. Positive people get things done; negative people are negative. Positive people accomplish things of meaning and significance; negative people are negative. Positive people accomplish real things, and they help a lot of other people accomplish them as well. So stay positive.

I will finish with this, Congressman. I am reminded of the story from Scripture we are all familiar with where the Israelites were camped against the Philistines, and every day the Philistine giant would walk out and issue the challenge: Who would fight Goliath? The Israelites' response was: He is so big, we can never defeat him. But David's response was: He is so big, I can't miss. And that is the attitude that pro-life people have had for over 30 years and that is the attitude that is ultimately going to allow us to win in this country and some day protect every single human being and make sure that unalienable right that our Founders talked about really applies to every single American.

Mr. SMITH of New Jersey. I thank you very much. And I think you very correctly pointed out how important it is to stay positive, and Dr. ROE certainly did the same, especially bringing his expertise as a medical doctor to this very important fight for human rights and for protection of both the mother and the child. So I thank them both for their contributions.

And I yield to Dr. BROUN now such time as he might consume.

Mr. BROUN of Georgia. Congressman SMITH, I appreciate the opportunity to speak tonight.

Mr. Speaker, there is no greater moral issue in America than killing 4,000 babies every single day. We have killed 53 million unborn children since Roe versus Wade. God cannot and will not continue to bless America while we are killing these unborn children. He creates life. He is the only entity who has the right to take away innocent life.

I am a medical doctor. I have treated a lot of patients over many years of serving the public in that capacity as a physician, and I want to tell you that women suffer through abortion. When we look at a woman who is pregnant, we have two patients actually. That is truly a child.

We hear people, particularly the pro-abortion folks, talk about a woman should have the right to do with her body as she pleases. Well, I don't necessarily disagree with that statement. But what I do say to that person who is pro-abortion: She does not have the right to kill her unborn child. That unborn child should have constitutional protections, and there is no question about it, because it is a person. In fact, in the Roe versus Wade ruling, in the majority opinion it was stated: If any definition of the beginning of life was ever established legislatively, it would vacate Roe versus Wade.

But let me tell you, America, this is a person. It is a baby. It is a baby who has all of the genetic material that it needs to grow and be successful as a human being. It is totally different from its mother's genetic makeup. It is a separate human being. At the time of fertilization is the only time that we can say that we can draw lines scientifically and say that there is not life and that there is a separate life. That occurs at fertilization.

So we need to protect these children. It is absolutely critical as a Nation because, as I said, God cannot continue to bless America while we are killing 4,000 babies every day, and 1.2 million babies, it is estimated, on a yearly basis.

We have a President, a new President who has said that he would sign the Freedom of Choice Act. The Freedom of Choice Act would actually allow abortions throughout the pregnancy, for 9 months, all the way until the baby literally was born completely and started to breathe on its own. But this is a baby. It is a life prior to that birth. In fact, the D&X procedure, partial birth abortion, if you will, was developed solely, solely, folks, and I can tell you this as a physician; it was developed by the abortionists solely to guarantee a dead baby.

They were faced with a dilemma. During these late-term abortions they were delivering babies that were alive, breathing, struggling for life. These abortionists would throw these babies on a stainless steel counter or in the garbage can and allow them to die. It tears my heart out just to think about that, but that is literally what they were doing. They had to develop a procedure that would guarantee them a dead baby, and that is the reason the partial birth abortion procedure was developed.

There is absolutely no—let me repeat—absolutely no medical reason to do that procedure except but to guarantee the abortionist a dead baby. That is what it is all about.

For many years, we have had the Mexico City policy that was put in place years ago during the Reagan administration, and what it says is that taxpayers' funds would not be given to foreign entities that promote abortion for family planning. Here in this country we have Planned Parenthood. The last statistics that I have here before me tonight were put forward in 2006. Planned Parenthood admits to performing 289,650 abortions, killing that many unborn children. They have a profit that year of $112 million. Yet taxpayers' dollars went to that organization to the tune of $336 million that hardworking taxpayers sent to the Federal Government in your tax dollars. We have to stop funding this organization that is killing these children.

They say, well, it is not used for abortion. It is used for family planning. It is used for other things. Well, this is just a shell game. It is transferring funds from one place to another so they can continue this culture of death that they promote. And it is about money for them. It is about power. For the abortionist, it is about making a lot of money, and that is what it is all about. I don't see how they can stand themselves to look in the mirror every morning after they have killed all these children, because I know within my heart that they have to know that that is a child, that that is a living human being. We intuitively as physicians know that.

In fact, when I graduated from medical school, from the Medical College of Georgia, I did a pledge. It is called the Hippocratic oath. And in that oath there are two things that I pledged to do. One was to do no harm. Abortion does harm to that child, a separate human being. It is not the mother's body. It is that child's body, and we are doing harm.

Secondly, more importantly, I pledged not to do an abortion. Sadly, medical schools don't do the Hippocratic oath anymore. Why don't they do it? For the two reasons I just stated: Because the pledge in the Hippocratic oath says, I will do no harm, and I will not commit an abortion.

□ 1815

Doctors in medical schools today don't take that pledge any longer. But this is the most important issue we face morally as a Nation. We have to stop the killing of these kids. There is absolutely no question about it. We have to stop using taxpayers' dollars to fund Planned Parenthood. We have to stop funding abortions in military hospitals overseas and in other Federal facilities. We have to stop funding organizations around the world that use taxpayers' dollars to promote abortion for family planning and for other things.

As we look overseas at the Mexico City Policy that Barack Obama said he is going to overturn, those moms in those countries don't need an abortion. They need some help. They need a job. They need economic wellbeing. And abortion is not going to give it to them.

Madam Speaker, I just heard a story recently. It's a story about a married lady who had one child. She and her husband were struggling economically. And she had an unintended pregnancy. So she goes to her doctor and says, Doctor, I need to have an abortion. I cannot continue through with this pregnancy. I cannot afford a second child. The doctor said, okay, I will be

glad to do it. She was shocked at the cavalier attitude that the doctor had. He said, but I will tell you what. Why don't we kill your 2 year old? Why don't we kill your 2 year old? This is a child. You have another child in your uterus. Why don't we kill your 2 year old today, and then you will have the rest of your pregnancy to be able to save some money and get back on your feet and be able to put things in order. And you will still just have one child. Well, she was shocked, absolutely shocked. How could he suggest such a thing?

But that is exactly the point he was trying to make, that this is a child. It's a human being. It's a life that is totally separate. Just like her 2 year old, that baby in her uterus is a child. It's a baby. It's a person, a whole, new human being who should have the right that we all have, the constitutional right of life, liberty and pursuit of happiness, as the Declaration of Independence says, that we are given those certain inalienable rights and that we are endowed by a Creator to have those rights.

We need to give those rights to these unborn children. We have to stop the culture of death in America. We have to stop this killing of these children, 50 million, 53 million, whatever it is. God cannot and will not continue to bless America if we do. And His judgment is going to fall upon this country if we continue this heinous practice of killing these unborn children.

Mr. SMITH, Congressman CHRIS SMITH, I greatly appreciate your doing these special orders tonight. It is such an important issue. It is the greatest issue we face morally as a Nation. We have to stop it. And I'm happy to work with you and other members of the pro-life caucus in fighting to preserve the life of these unborn children that desperately want to live and that our country needs to desperately protect. And I thank you so much for the time, sir.

Mr. SMITH of New Jersey. Dr. BROUN, thank you very much for your very eloquent and passionate statement and bringing to bear your medical expertise on this very important issue. It is extraordinary. And I hope people are listening, especially Members of Congress.

Mr. BROUN of Georgia. Thank you, Congressman. And the thing is that as a physician, I know that is a life. There is no question. Scientifically, it is a life. It is a separate life. It is not the mom's life. It is not just a little glob of tissue that is amorphous—that is a medical term, by the way—that doesn't have form. By the time the mom knows she is pregnant, there is a heartbeat there. The baby is developing. It is a person. It is developing feelings. It is developing a central nervous system. That is why ultrasound has been so important in protecting the lives, because these moms who are in crisis pregnancies, when they go to a crisis pregnancy center with an ultrasound—a 3D ultrasound is even better—they look at that baby and say this is a child. And they realize that that is a child. And the American public needs to understand that it's a child. It's a baby. The word ''fetus'' is a Latin term. You hear the pro-abortion folks say that it is just a fetus. That term ''fetus'' means ''baby.'' That is the definition of the word. It is a baby. And it truly is.

And I appreciate the long, hard fight that you have been doing for all these years to try to protect these children. And I'm glad to join you in that effort.

Mr. SMITH of New Jersey. Thank you so much, Dr. BROUN.

DANA ROHRABACHER.

Mr. ROHRABACHER. Thank you very much, Madam Speaker. And let me just note that I have worked with CHRIS SMITH now for 20 years. He is a heroic individual, a man who has come forth and put so much time and so much energy into protecting human rights throughout the world. Throughout the world, this man is known as the guy who will step forward and take the time and the effort to try to protect people who are under attack. Whether they are Montagnards or whether they are off in Africa or whether they are in South America or wherever out in the world that you have people whose human rights are being abused and peoples' lives, innocent lives, are being lost, CHRIS always stands up for them. And I have tried my best to work with him. He has a lot more energy than I do. But it has just been an honor serving with him.

And it is so consistent with that position for people who claim to believe in human rights to also take a very close look at the issue of abortion and understand that we are talking about a human being which has rights.

Now let me note that I did not always hold the position on abortion that I do today. And for a great deal of time in my life, I didn't give it any thought at all in fact. And what convinced me, it was very interesting, I worked for Ronald Reagan years ago. And Reagan called me to the front of the bus one time. And he said, DANA, I want to talk to you about abortion, because he thought that I was disappointed in a decision that he had made to stand up against abortion. And I said, no, I'm not against it. I just don't know much about it, and I know there's a political price to pay for people who are so pro-abortion that they will come back to you on this issue. And he said, let me ask you this, DANA. If you had a close friend and she was pregnant, and perhaps a former boyfriend who hated her and wanted to get even with her for no longer being his girlfriend, then intentionally dragged her into an alley and kicked her in the stomach because he said, I know you're pregnant and I'm going to kill your baby.

The SPEAKER pro tempore (Mrs. HALVORSON). The time of the gentleman has expired.

GENERAL LEAVE

Mr. SMITH of New Jersey. I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the topic of my Special Order.

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

There was no objection.

THE INALIENABLE RIGHTS OF THE UNBORN

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

Mr. SOUDER. First, I want to thank Mr. ELLISON who has been waiting for some time to do his Special Order and has agreed in effect to cut the line here. People say that we don't do things in a bipartisan way, but we try to accommodate. And he has been very gracious, and I appreciate that.

I would like to yield 1 minute to Mr. FORTENBERRY from Nebraska.

Mr. FORTENBERRY. I thank the gentleman from Indiana for yielding as well. I was watching the conversation back in the office and felt compelled to come down and speak as well. I wanted to commend my colleague, Congressman SMITH, for all of his leadership through the years on this essential American issue.

And Congressman SMITH, I wanted to relay a story to you of something that happened to me a few years ago. I was at our State fair. And there is a group of people there who actually hand out little plastic replicas of unborn children just as a positive reminder to all of us about what an unborn child looks like. And I took one and brought it home. And somehow it ended up on the floor in one of my children's room or the toy room. And our youngest child actually picked that little replica of an unborn child up and was carrying it around. And before she could hardly speak a word, she was saying the word ''baby, baby.'' This little child herself recognized an immutable truth that the wisest of us on the Supreme Court and the legislatures here and throughout the land don't seem to be able to grasp. And I think this point is essential in the sense that I think we are entering a new phase in society where we have to confront this issue head on.

The pain, the trauma, the personal conflict, the psychological damage, the tearing apart of hearts that has occurred because of abortion I think could potentially lead us to a new day because America is built on a fundamental premise namely that all persons have inherent dignity and therefore rights. We have lived that imperfectly as a country because we had to fight a civil war and have a 100-year civil rights struggle because we didn't believe that at first if you were black. We didn't believe that at first if you were a woman, because at the beginning of last century women didn't have

the right to vote. And we have not matured yet I think to this point. But I certainly believe we have the capacity to, because our philosophical premise is to accept the fact that the new civil rights struggle is for the unborn because women deserve better than abortion.

So Mr. SMITH, thank you so much for your leadership on this issue. And I'm very grateful to be a partner and colleague with you as we build toward a new way forward, a new day for America, and we can celebrate the beautiful gift of life and confront circumstances no matter how hard and difficult they are with a loving community response that helps get people through it. Thank you so much.

Mr. SOUDER. I wanted to share a few thoughts. Many years ago, I was a student at Indiana Purdue University in Fort Wayne. I'm old now. But in the late 1960s and 1970s, prior to Roe v. Wade, many of us were concerned about the liberalization of abortion laws in California and New York. And I was then a graduate student at the University of Notre Dame on January 22, 1973 when the Supreme Court decision on abortion came through. Therese Willke, the daughter of Dr. and Mrs. Willke from Cincinnati, who founded the National Right To Life and came up with the little feet, and I formed an organization called Student Coalition for the Human Life Amendment with Dr. Charles Rice who wrote the original human life amendment who was a law professor at Notre Dame and was our faculty adviser. We worked for many years trying to overturn the decision. But it has been interesting to watch both my pattern at the personal level and to watch the pro-life movement evolve. When I was a young male student, quite frankly, I didn't know much about babies, didn't really care a whole lot about babies, thought that maybe when they became college age I would be able to relate well, so I can't say I was initially motivated by love. I was motivated by horror. Who would take the life of these innocent babies?

Probably my first eye-opening experience was in the Lamaze baby course as I was watching my own daughter, Brooke, develop in the womb, feeling the attachment of a parent, and then all of a sudden the love side comes in.

The pro-life movement started mostly as a frustration to overturn a law. But as the pro-life movement evolved, we still have many people trying to be a symbol to the Nation, a conscience in the march here tomorrow and marches all over the country, like in Fort Wayne on Saturday. But my wife now works at the Hope Center. We support women's care centers. Tonight she is on a hotline trying to deal with young mothers. Because for too long, all we were concerned about was stopping abortion and not helping the mothers involved. What do they do? All of a sudden, they're in a disastrous situation. They don't know how they are going to deal with school. They don't know how they are going to deal with their finances.

And what you see in the pro-life movement is not only a love for the baby, but increasingly a love for the parents. And that is part of our responsibility. We can't just point a finger. The question is how do we address poverty? How do we address it on an individual basis, not just conceptually? Are we open that when somebody is in need that will answer the phone, that will provide the food, that will provide the shelter, that will provide the clothing. And it is just amazing to watch these centers all over the country who aren't just talking the talk but are walking the walk.

Tomorrow we will see many of them here in Washington. And I want to thank all those millions of volunteers around the country for showing the true love that comes in the pro-life movement. We need to have political action. But we also need to have this personal action.

I want to again thank Mr. ELLISON for yielding. And I yield back the remainder of my time.

THE CONGRESSIONAL PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Madam Speaker, my name is KEITH ELLISON, and I do represent the great State of Minnesota. And tonight I'm coming to the floor to talk about the progressive message of the Progressive Caucus, the Congressional Progressive Caucus, dedicated to ideas that some might describe as liberal, but all must recognize have benefited the United States over the course of time.

To be liberal is to be open-minded, to be accepting of others, to listen to different points of view and to try to be tolerant and inclusive of all people. But the progressive community in the United States and throughout our whole land is entitled to have a body of people in Congress who will reflect their views. And tonight we are coming together to offer these views. I'm proud to be able to take the floor tonight with the cochair of the Progressive Caucus, Mr. RAÚL GRIJALVA from the great State of Arizona. We are proud to have him in our leadership.

But I want to point out before I hand it back to our Chair that the progressive promise is fairness for all. The Congressional Progressive Caucus offers progressive promise for all. We believe in government of the people, by the people and for the people. Our fairness plan is rooted in our core principles. And it also embodies national priorities that are consistent with the values, needs and hopes of all of our people, not just the powerful and the privileged.

□ 1830

We pledge our unwavering commitment to these legislative priorities, and we will not rest until they become law.

I want to throw it out to our cochairman, RAÚL GRIJALVA from the great State of Arizona and ask him, what makes you come to the House floor tonight and commit yourself to talking about the Progressive Caucus and the principles that support our caucus?

Mr. GRIJALVA. Thank you very much, Mr. ELLISON, and thank you, Congressman, for your initiative in beginning to highlight and to talk to the American people about the Progressive Caucus, about the fact that the Progressive Caucus stands for more than people have given us credit for, and stands for what I believe are the commonsense, rooted values of the American public in general.

Mr. ELLISON. Is fighting for economic justice and security in the U.S. and global economies, is that part of the Progressive message?

Mr. GRIJALVA. It is essential to the Progressive message as we look, as we try to spin our way out and as our President said yesterday, to come out of this long, dark night economically and socially in this country, and to get ourselves in a position where we are rebuilding America, its schools, its people, and its infrastructure. We are rebuilding its values, and we establish ourselves in a global sense, not only economically, but as leaders, that the American people have a shared responsibility in this. I thought those were very poignant and very important words. It was an historic inauguration, one that is fundamentally changing the scope and the tenor of this Nation.

President Obama called upon us to embrace a shared responsibility. He called upon us that this shared responsibility is going to be the cornerstone of how this country pulls itself out of its quagmire and begins a renewed and better future for all Americans. And I think the call for shared responsibility and sacrifice is a hallmark of our Nation's spirit, and it is a hallmark of its past.

I think today as we speak about the Progressive Caucus, it is also time to reflect on what we have been through and not to point fingers and not to malign anyone in particular, but to talk about the past, what went right and more importantly what went wrong, and how not to repeat those mistakes. I think the opportunity afforded to us tonight by yourself and others is a very important step in that direction.

Mr. ELLISON. In the beginning of our hour as we come together in this Special Order, I think you, as one of the leaders in the Progressive Caucus, have correctly identified economic justice as one of the critical things that the Progressive Caucus stands for, not only here at home but also abroad.

Congressman GRIJALVA, what does it mean to you that there are a billion

people who go to sleep every night around the world who live on less than a dollar a day?

Mr. GRIJALVA. One of the tragedies for our Nation has been in the last 8 years our inability to not only export our products but export our values to the rest of the world. With the exportation of values comes the exportation of ideas, democracy, and I think the most important thing is that we have an association with other people, not by domination, not by exploitation, but a cooperation that we are going to work together. And for a billion people and children in the Third World and poor people, to wake up trying to figure out where they are going to live and survive that next moment and that next day is a tragedy upon all of us, and it is a tragedy upon all of us who have the privilege of living in this great Nation.

That is part of economic justice because it is part of the picture, as you well know, KEITH, that if we are going to have real security in this Nation, we share the common value of prosperity and opportunity for other people in the world. One of the breeding grounds for hatred and one of the breeding grounds for violence in this world, and to some extent in our Nation, is the lack of——

Mr. ELLISON. That's right.

Mr. GRIJALVA.——the lack of health, the lack of education, the lack of food and the lack of opportunity.

Mr. ELLISON. So when we are talking about fighting for economic justice, we are talking about universal health care and about preserving guaranteed Social Security benefits for all Americans, including protecting private pensions and corporate accountability.

We are talking about investing in America by creating new jobs in the U.S., by building affordable housing and rebuilding America's schools and physical infrastructure, just like you talked about a minute ago, about cleaning up our environment and improving our homeland security.

What we mean when we say ''economic security'' is about exporting more American products and not more American jobs, and we demand fair trade, not just free trade, and affirming freedom of association and enforcing the right to organize. You and I know that we will probably be coming here one day in the future to talk about the Employee Free Choice Act. That is the right to organize in the labor union, and also to ensure that working families can live above the poverty line with dignity by raising and indexing the minimum wage.

I would like to ask you about protecting and preserving civil rights and civil liberties. What does that mean to you, Mr. Chairman?

Mr. GRIJALVA. One of the hallmarks of this great country of ours has been and continues to be our personal freedoms, our liberties and freedoms guaranteed under the Constitution and the Bill of Rights, the rule of law. That is the example that the rest of the world looks to us not only as leaders but as examples of that. I think President Obama said it well, we are to lead by example. And our civil rights and our civil liberties being the fundamental right of every American, the rule of law a fundamental right, the ability to exercise our discretion and our choice in a democracy, to protect our Constitution, to eliminate discrimination, those are what this country is built on. That is why people have died for this Nation, to protect those rights, and they are essential. And any part of what the Progressive Caucus does is to protect, as you well said, to protect, preserve those civil rights and liberties. They are part of what makes us American, what makes us unique and different, and, quite frankly, what makes us coveted. And to do what we need to do as a country and to continue that example, we need to protect number two in a big way and in an earnest way, and that is why the Progressive Caucus is so important to this Congress because we make that one of the platforms that we are united around.

Mr. ELLISON. Chairman GRIJALVA, as you know, the Progressive Caucus is dedicated to preserving civil rights and civil liberties. That means we believe in sunsetting expiring provisions of the PATRIOT Act and bring remaining provisions into line with the Constitution. We believe in protecting the personal liberty of all Americans from unbridled police powers and unchecked government intrusion. That means unlawful surveillance, things like that, violation of the Foreign Intelligence Surveillance Act. We believe an extended Voting Rights Act could reform the electoral process.

We believe in fighting corporate consolidation of the media because if the people don't know, how can they do anything about it. And we also believe in ensuring the enforcement of all legal rights in the workplace. That goes again to OSHA and things like that so people don't get injured. We worked hard for those rights, isn't that right, Mr. Chairman?

Mr. GRIJALVA. Those rights were earned by people who came before us, by anonymous people, by people who worked hard to make sure that those rights were in place and protected. It is incumbent upon us to protect their legacy and their hard work. Without the sacrifices they made years ago in establishing those rights in this country, the right to vote, the right to free association, the freedom from discrimination, the right to know, to lose those, we have to honor that legacy, and that legacy is part and parcel, it is as American pie as being American, and we need to protect those. I appreciate that you have highlighted that as one of the three important cornerstones of our caucus.

Mr. ELLISON. Mr. Chairman, do you want to talk about the third thing that the American people can count on the Progressive Caucus to fight for?

Mr. GRIJALVA. Yes. Our caucus has long believed that promoting global peace and security is essential to the security and the peace here at home. We have pledged under our mission to honor and help our overburdened international public servants, both civilian and military, so it is not always the hammer that we use internationally but is extending the hand of support. And the international public servants, God bless them, they sacrifice more than we can ever thank them for, but they need the support. They need the resources and the personnel, and they need the help.

And to bring home our troops, bring them home from Iraq as soon as possible, to make sure that the agreed-upon timetable, both by the Iraqis and by our new President, is upheld, followed through, that there are no permanent bases there, that there is no presence there, that we bring our troops home, thank them, give them the respect and support that they need, and begin a whole new era and a new dawn of how we do our international affairs and how do we really promote peace. And to rebuild all of the alliances around the world, to restore international respect for the American power and influence, and reaffirm our Nation's constructive engagement in the United Nations and other multilateral organizations. Rather than playing the role of reluctant partner in many of these alliances and organizations in the United Nations, we must be firmly and totally engaged, both with resource support to the United Nations and as a full participating partner in the enhancement of global peace and security.

And we need to enhance international cooperation to reduce threats posed by nuclear proliferation and weapons of mass destruction. The caucus is committed to nonproliferation of nuclear weapons. We are committed to the end of weapons of mass destruction, and one of the ways to do that, and possibly the most effective way to do that, is with international cooperation, treaties, and agreements. And to increase efforts to combat hunger, to fight the scourge of HIV-AIDS, tuberculosis, malaria, and other infectious diseases.

When 1 billion people wake up every morning wondering if there is going to be a next day, one of the ways that we can enhance our global peace and security for our Nation is to increase our efforts to combat the social and human ills that affect almost a full third of the world's population, and to encourage debt relief for poor countries and support the efforts of the U.N. to reach the Millennium goals for poor countries. That is the way that we feel, an important way, to enhance security globally and in turn enhance security for ourselves in this country.

Mr. ELLISON. I think it is important as we come together with the Progressive Caucus message, and it is our goal to come here week in and week out,

that people know what the Progressive Caucus stands for, that they know what the Progressive Caucus will fight for, and that they have a chance to join and participate.

So now, I think, Mr. Chairman, we are ready to talk about the main subject we are going to be talking about tonight and that has to do with a report that was recently issued called ''Reining in the Imperial Presidency.'' This is a 500-page document that was drafted by Chairman JOHN CONYERS and his staff, the lessons and recommendations relating to the Presidency of George W. Bush, House Committee on Judiciary Staff to report to JOHN CONYERS.

In this report, it lays out a whole series of issues that need to be addressed. You know what, Chairman GRIJALVA, some people have said we don't want to look back, we don't want to dig up old dirt. We have a new President, why look back. But you know what, Chairman, I don't think we are looking back because you and I never want to have to deal with another President in the future who thinks, because George W. Bush did these things, they can do them, too.

We are looking to the future. We don't want to set a precedent around illegal wire-tapping, around domestic warrantless surveillance, around the U.S. attorney scandal, and things like that. We will get into this over the course of the next several minutes, and that is what we are going to be really talking about and digging into tonight.

Do you have any preliminary comments, Mr. Chairman?

Mr. GRIJALVA. Thank you very much, Congressman.

I can't add too much more to the fine introduction that you have just given to the subject. Again, my thanks to you for your effort and time that you are putting into making sure that our message is carried weekly before the American people, the Progressive Caucus's message.

□ 1845

You know, a new President was inaugurated yesterday. We turned an unbelievable corner in this country in so many ways. America's hunger for change, America's hopeful attitude and expectation that things will be better are historic firsts. An African American President, when perhaps his forefathers and his father could have never even voted in this country. It's a corner. It is a huge corner. And it speaks to the general goodness and the decency of the American people.

And, in doing so, all of us have the tendency or the desire to clean the slate. That's over. We need to move on. And I couldn't agree more. I could not agree more. We need to clean that slate and begin anew, begin to talk about this country in a different tone.

But, in cleaning the slate, we can't forget the past. The adage about history repeating itself is an important adage and a good thing to remember.

So when we look at this past administration, we want to forget it. We want to say that chapter in American life is over. Let's move on. Well, as we embark on this new political frontier that promises to restore America's values of justice and speaking the truth to the American people and the world, then the cornerstone is our Constitution and the checks and balances the system created—Congress, executive, judicial. And I think we owe it to our forefathers and we owe it to all the American people and to all the future generations that we are empowering, as a consequence of this great election, to ensure that the most basic tenets of our system are not disregarded or ignored by past, current or future administrations.

Simply said, we owe the American people the truth, not to ignore the past, and to present them with the facts and the proposed policies that will move our country forward and assure that the intrusions into our civil liberties, the intrusions into privacy, the intrusions into the powers of Congress and to restoring that checks and balances do not occur again. And to do so it is not to rehash the past, it is to learn from the past. Without running from the past, we are not able to make the corrective steps that we can.

Many of the dark chapters in this Nation's history were corrected because we learned from the past—segregation, the treatment of certain people because of who they were, what they looked like or where they came from. We learned from that. We learned from wars and preemption. We learned that that is a chapter we don't want to repeat.

Those lessons were taught to us as a consequence of knowing history and correcting history. So what we are asking for, as the Progressive Caucus—and you can speak to that, Mr. ELLISON, with the report that Chairman CONYERS put out—and we're very grateful to his effort for this—is that we're not asking for us to be punitive, mean, harsh or vindicative to the Bush administration.

We are saying there is some accountability here. There is a consequence to your actions. And there is a reckoning point with the American people. And that reckoning point is not about retribution, that reckoning point is we will not repeat these mistakes again. And we cannot do that unless there is full disclosure, an investigative process, and a set of recommendations and policies that cement in place the thought and the policies that this cannot occur again.

Mr. ELLISON. Chairman GRIJALVA, did we do this after the tragedy of 9/11? Did we engage in a process where we tried to discover what the truth was?

Mr. GRIJALVA. Excellent. I think that commission brought to light what we should have done, what we didn't do, and what we need to do in the future to secure the safety of the American people. And I think your point is well taken. This is not a process of indictment. It is a process of correction. And I think the 9/11 Commission did just that, took corrective steps so it would not occur again and to mitigate any of those occurrences in the future.

Mr. ELLISON. You know what? Chairman GRIJALVA, I'm holding in my hand a pretty thick piece of paper right here. This is 500 pages all documenting allegations regarding abuses of power by the Bush administration. This thing is not designed, as you said, to try to settle old scores but to get to the truth of the matter of what really happened.

I mean, don't the American people deserve to know what Karl Rove would have said if he would have honored the subpoena that was lawfully served on him? Don't the American people deserve to know what Harriet Miers and Josh Bolten would have said when the Judiciary Committee had a subpoena duly served on them, where they were summoned to give testimony before the Judiciary Committee and they simply refused to show up? What would they have said?

This is the kind of process we need to go into. And I think the American people deserve to know what the truth is. And I think that this very weighty report—you know, you could probably work out with this thing, this thing is heavy—and it details allegations and it details the facts and information that cry out for answers.

And so what we've done is not just come to talk about a problem but really to discuss a solution. H.R. 104 is a bill that calls for a panel to do an investigative process to figure out what the truth is behind the allegations right here. Now, if nobody did anything wrong, then there won't be any problem and nobody should be concerned. But if there is some facts tied up in here that can be confirmed in this voluminous document.

I think it only makes sense that we should pass H.R. 104 to really figure out what actually happened. What actually happened with regard to allegations of torture and the torture memos that were written authorizing the torture of detainees? What happened with the extraordinary rendition, when, Mr. Chairman, people were brought from the United States and sent to countries and were tortured in those countries, where these countries aren't squeamish about torture? What happened with warrantless domestic surveillance? What happened with the U.S. Attorney scandal? These are things that need to happen.

What do you think about that?

Mr. GRIJALVA. Well, I think if you look at this nearly 500-page report that you just indicated, Mr. ELLISON, I think you will see that there are 47 separate recommendations in the report. But I think central to it is the point that you made, as you made the comparison to the 9/11 Commission, and that is the establishment of such a bipartisan commission, a blue ribbon, bipartisan commission of Congress to

thoroughly investigate and make legislative recommendations to the standing committees, or, if necessary, to call upon the Attorney General to appoint a special counsel to investigate and follow through and prosecute, if necessary.

I mention those because I really believe—and let me just quote Chairman CONYERS, and I believe he's going to be here later so he can quote himself. But as part of the statement that he issued with this report he said, ''Even after scores of hearings, investigations and reports, we still do not have answers to some of the most fundamental questions left in the wake of Bush's precedency,'' CONYERS said.

Pointing to allegations of torture and inhumane treatment, extraordinary rendition, warrantless domestic surveillance, the Valerie Wilson leak, the U.S. Attorney scandal, investigations are not a matter of payback or political revenge, Chairman CONYERS says. It is our responsibility to examine what has occurred and set an appropriate baseline of conduct for future administrations.

In the set of recommendations, the report contains a forward by the chairman in which he talks about the need for H.R. 104, that it is a step to begin to correct what has gone wrong, to rein in the excessive power, to restore Congress to its legitimate, necessary and constitutional role of oversight over the executive branch, and to assure the American people with transparency, truth and public information. Those are what we are asking for.

Many of us—yourself and I and many members of the Progressive Caucus—have co-sponsored this legislation. We feel strongly about it. This is not looking back to point fingers. It is looking forward so that we have a blueprint for the future generations that, as I said earlier, this is not to occur again.

Mr. ELLISON. Well, Mr. Chairman, I mean, Josh Bolten, Karl Rove and Harriet Miers were served with subpoenas to appear in front of the Judiciary Committee within the context of the law. We followed the rules when we authorized those subpoenas to be served upon them, and the White House told them not to come. Now, there may one day be a Republican administration, a Republican House, I mean, we're Democrats now, but one day things may change. Do we really want to set up a situation, no matter who's in charge, where an individual can simply scofflaw or skip over or just ignore a subpoena of the Judiciary Committee? I think it sets a horrible precedent, no matter who is in charge of our government.

And so I think you're right. This is a forward-looking process. This is not about settling scores. This is about setting the record straight. I think it's important that the American people really know what happened. I mean, extraordinary rendition. I was in a committee hearing one day when a man named Maher Arar, who is a Canadian of Syrian ancestry, was explaining how he had come from Europe through New York and was on his way to Canada when he was scooped up by representatives of our government and then held incommunicado, sent to Syria, and was tortured and was eventually released.

The Canadian Government did a full investigation of the whole matter and came to the conclusion that they grabbed the wrong guy. Oops. Well, the fact is the Canadian Government gave him a monetary award, but he could not come to the committee hearing and explain to us what actually happened to him. He had to appear by teleconference. Why? Because even our State Department, after they had demonstrably said they made a mistake about who they had picked up, still refused to take him off of the watch list.

My point is, these kind of things need a full hearing; these kind of things need a full airing. The rest of the world needs to know this is not how America does business. It was something that happened. We're not happy about it, but it happened.

We've been joined, Chairman GRIJALVA, by one of our most outstanding public servants from the great State of Texas. SHEILA JACKSON-LEE has been putting it down for a long time. How are you, Congresswoman?

Ms. JACKSON-LEE of Texas. It is a pleasure to join two distinguished Members of not only this body but the Progressive Caucus. And I thank you so very much for yielding. And, as well, let me thank both of you for framing the issue and giving voice to what I believe represents a broad breadth of the American people.

And let me thank the distinguished co-chairman for jump-starting this session, for not taking for granted that we have a lot to celebrate—and we do. As the American people watch us, they still have in their memory what I thought was a day of reckoning, a day of reconciliation, a day of movement. But, at the same time, the Progressive Caucus wants to not only give voice—and I heard both of you speaking—but to give action, hearings and legislation.

And, Congressman ELLISON, I appreciate greatly the reach that you have shown, the breadth and the depth, the understanding of finite issues dealing with the rule of law. And I came to the floor today—and I thank you for allowing me—just to take one small corner. I've heard the discussion as you opened and you talked about our economy, and I think the important point is there should be a progressive voice on all of that.

Now, some would say that we're the guys that are anti-PAYGO. No. There is no doubt that we have to balance our pocketbooks, our wallets just like anyone else. What we are for is to make sure that the voices of the people that ride the bus, that have to leave at 6 a.m. in the morning to get to work, that don't have childcare, that, in fact, are still waiting on lines to be employed, never having been employed, those who are underemployed, those who have gotten out of, as I said, the line and therefore are not even counted anymore, those who are making $18,000 a year, such as a constituent in my constituency, who is trying to hold on to a home that obviously was given some years ago under the adjustable mortgage rate, so this is who we are speaking to.

And I am, frankly, a supporter of a balanced budget. I want to make sure that our monies are used well, that there is transparency. But again, I want to have a hand—or a handle, if you will—on making sure those dollars—the economic stimulus package, I've had people ask me, am I going to have an impact? Is it going to get to me down in fifth ward Texas? I imagine there are some neighborhoods both in your great State and that of our chairperson's to ask, is it going to get to the Indian reservations or pueblos that have been lost, if you will—even though a lot of people say that they get a big donation, but there are great needs on our Indian reservations.

So I come today to just take a corner of what you were speaking of called the rule of law. And I would like to, as well, thank Chairman JOHN CONYERS. And, of course, we organized today, and I'm very excited to have had my first time opportunity to be on the Constitution Subcommittee. Mr. ELLISON, we miss you, but as well you are going on to do great works, and I look forward to working with you and collaborating on a number of issues.

But this basic document suggested that, one, the continuation of congressional oversight. One of the criticisms we got over the last 8 years—though it was not accurate, we were in the minority, as Democrats—is that there was no oversight. But we were, we were sort of fighting in the darkness.

I was reminiscing about the vote on the Iraq war before you came. There was a corner of about 133 of us who just worked and whipped and worked and whipped, but the loud noise, the thunderous noise drowned us out. We were on the floor asking and begging that we not go to war, that it was the wrong direction.

□ 1900

So congressional oversight is key. The independent criminal probes by the incoming Justice Department must continue. I would almost suggest that we look at this issue called prosecutorial abuse, and you know what? I'm open minded. I would as well look at the case in North Carolina. You remember that, with I believe it was not the soccer team but it was one of the sports teams of a university. It's coming to me. Everyone will remember that case. But they should also look at Jena 6.

Mr. ELLISON. The lacrosse team.

Ms. JACKSON-LEE of Texas. The lacrosse team. Thank you very much.

You're absolutely right. I don't mind looking at that case or looking at the case of Jena 6, looking at the Sean Bell case in New York or wherever these cases might be. We must look at that. And then the creation of a blue ribbon commission to fully investigate the last administration's actions. I think we had a meeting and we thought that was a productive manner in which we should work.

But I want to focus on this FISA, the Restore Act, and just indicate that one of the areas that I was targeting was reverse targeting. For Americans what that means is I'm calling my aunt overseas and they use that call to then reverse target me. And what we have said is that that is such a significant breach of the Constitution, unreasonable search and seizure, that we wanted a warrant to issue. And, of course, we went back and forth and back and forth, and the language that we attempted to use was language that indicated that you must use a significant purpose as a basis for being able to do that. The language that finally got, I call it, watered down says when the government seeks to conduct electronic surveillance. That means if you just feel like fishing, they could surveil you here minding your business in the United States. The government wouldn't have to explain that it was a significant purpose. And, frankly, I think that much of the premise of our new President, and he made it clear—I congratulate him for some of the actions today indicating the closing of Guantanamo Bay. I heard you mention that. Most people think we'll be in danger, but I think we are in danger as it is now. And believe it or not, we have a rule of law and a system of law that will capture all of those who need to be captured in the system and will find all of those on the basis of our system innocent or guilty. I'm not interested in terrorists running free as well.

Mr. ELLISON. Reclaiming my time, could you speak on this critical issue. Some people might think that having a blue ribbon panel such as contemplated in H.R. 104 might be a backward-looking process and sort of be something about settling old scores now that the Dems have the White House and the Congress. But in your opinion as a lawyer of many years, what would such a process do in terms of signaling that such presidential behavior from a future President might not be permissible or might not be condoned if we were to have such a process?

Ms. JACKSON-LEE of Texas. I find it a constitutional necessity that will equate to the cleansing of this body and of this process or these processes that we've seen. A cleansing.

When we were engaged in the impeachment process that I was engaged in some years ago, we went back to the Madison Papers to be able to read as to whether or not we were on solid ground in the approach that we were taking. Many of us who opposed this impeachment believed that we were not on solid ground because it was not a governmental action, if you will.

What we want to do is to lay the record and make it clear and not have someone guessing whether or not waterboarding equates to torture. We want someone to not guess whether or not it is appropriate for the counsel to the President to go into the night in a hospital room and seek some action from a sick cabinet officer. It could be an action to go to war. It could be an action to eliminate Medicare. But we want to have a basis of refining and clearing up. I'm not looking to throw darts and call names. These are pointed issues. And let me lead into something that goes to this point.

Mr. ELLISON. Before you lead to this point, I just want to ask you another question.

You and I and Chairman GRIJALVA only a few days ago raised our hands up and we said we would swear an oath to support and defend. What did we swear to support and defend? Can you tell us?

Ms. JACKSON-LEE of Texas. The Constitution of the United States of America.

Mr. ELLISON. That's right. What does that mean to you?

Ms. JACKSON-LEE of Texas. I thank you for yielding. I think you have drawn for me, and that's a wonderful cross-examination, counselor, but you've drawn for me to say that that is a simple underpinning of a blue ribbon commission, to restore the understanding of the Constitution.

Might I tell my friends around America and my colleagues that are here that there is something called legislative history, and years down the road that legislative document will be used to help further interpret the actual law itself. That's why we're on the floor of the House, and this will be used to further interpret the understanding.

So the gentleman that was captured inappropriately by Canada, and there may be people now incarcerated here in the United States, they will look to the laws and its legislative history to assist them.

For example, two border patrol agents' sentences have been commuted. I happen to be a supporter of that. Why? I was a supporter of that because I found the facts needed to, in essence, provide mercy. It seemed like a contrary position by someone from the Progressive Caucus. But I also believe there should be fairness to individuals who were dealing with drugs on the border and an incident happened. I would have preferred for them to be reprimanded and fired if they misused a firearm or some other handling of it. They were incarcerated, in jail. I happen to think that even their rights might have been somewhat shortchanged. So the sentence was commuted. In the course of that, there was probably a statement of sorts, some explanation that can be used further down the road to say why the sentence was commuted.

So this blue ribbon commission, and I know you're about to drop and I hope to join with you, I think is a vital response to the cleansing of the last actions that occurred in the last 8 years but also to help support what the Constitution stands for. Our duty is to provide the eyes and ears of the American people.

Let me just finish with a point as well. I talked about FISA, but I wanted to also talk about the Congressional Lawmaking Authority Protection Act, which we are reintroducing, and it has to do with signing statements. And one would think we have this new President which we are so enthusiastic of supporting.

Mr. ELLISON. Forgive my reclaiming my time again, gentlelady, but if you could convey to the American people what is a signing statement? What is that?

Ms. JACKSON-LEE of Texas. I will be happy to do so because I think it really hit us over this last 8 years. The legislature, our body, the House and the Senate, would write a bill, and we would do our work teams. We would have what we call a conference, and that means that House and Senate Members would come to the conference. We'd finish that bill. It could be on the Medicare prescription drug benefit, of course, which was so controversial and went completely upside down and cost Americans millions and millions of dollars. That bill would go to the President's desk, and he would sign it with a signing statement saying you and the administration, my executives, my State Department, my Health and Human Services, my Department of Transportation, you don't have to pay attention to that at all. So they would completely have the authority or they would sense that their President has told them that the law that was passed by this body fairly representing the many millions of Americans in transparency—our hearings are open, the floor debate is open—did not matter. So the work that we might have done to create a summit jobs program, there might be a signing statement saying it's too costly or it is not a worthy program, ignore it. That means the Department of Labor could ignore it.

Mr. ELLISON. Now, did the President do a signing statement when it came to the law that this body passed and he signed with regard to torture?

Ms. JACKSON-LEE of Texas. He obviously had in mind that he could overturn our position on that, as the PATRIOT Act and, of course, in others, yes. And, of course, we had the famous memo, the memorandum that came in one of the Department of Justice, if you will, lawyers who today still defend——

Mr. ELLISON. That's John Yoo and David Addington and people who worked for the Vice President?

Ms. JACKSON-LEE of Texas. Many of those who did likewise. And let me finish on these points because you raised a very good point.

In the redistricting case in Texas, the staff of the Department of Justice

agreed with the kind of redistricting arguments that were being made by the congressional delegation of Texas, the legal arguments that were being made about diversity, representation, and the way the lines were drawn. The professional staff agreed with the State of Texas prior to the loss of seven or eight Members, who happened to be Democrats. Well, interestingly enough, the political folk came in and altered their presentation and representation, which significantly caused a completely opposite result, which, of course, is the result that lost eight Members of Congress, not on the fact that eight Members of Congress don't have a right to win or lose, but it was because we reconfigured the Voting Rights Act of 1965 to the contrary of how it should have been interpreted. So that wasn't necessarily a signing statement, but we found many incidences like that in the actions of those, and needless to say, the Judiciary Committee spent many, many days and hours, able work by able subcommittees, on this whole question of the U.S. attorneys and political appointments.

Let me close, and then I want as well to have you yield to my good friend from Arizona, just to simply say that this is an important journey that we are about to venture, and that is the cleaning and cleansing and restoring of the Constitution; the protecting of your rights of privacy; the questioning of the watch list, which, as a chairwoman of the Transportation Security Committee of the last Congress, we looked at and will forge ahead in the new Congress as well. But this is an important and vital opportunity for not only the Progressive Caucus, which will lead, but as I look at it, the body of this institution. The Madison Papers would not be what they are today if there was not a meticulous and interested body of lawmakers that wrote meticulously what the law should be in the early stages of this Nation's history.

I want to be part of the positive history that protects every boy and girl, every man and woman, every family from the injustices that will come about through an unruly and a wrongheaded direction as it relates to the rule of law.

Let me thank you very much, Mr. Chairperson. Let me thank you again for yielding to me. And I think that we are making some important steps to help lead this Congress on issues that must be addressed to protect the American people and to work with the new President of the United States of America.

Mr. ELLISON. Thank you, Congresswoman. And we have only got about 15 more minutes; so we invite you to hang out with us a little bit.

But we have got to hear from our illustrious chairman, who has helped lead the way for the Progressive Caucus.

You've had a long time to reflect on what Congresswoman JACKSON-LEE has said and, of course, you have some thoughts on your own. How does any of this stuff strike you, Mr. Chairman?

Mr. GRIJALVA. Let me, first of all, thank our esteemed colleague from Texas (Ms. JACKSON-LEE). Her expertise and her voice is an ingredient that this Congress would sorely miss if it was not here. Her clarity and her honesty are something this body has come to depend on and those of us who work with her have come to rely on.

As we discuss this and particularly the resolution before us that you are discussing, Mr. ELLISON, let me thank you for the initiative. The Progressive Caucus in the past has spent too much time talking to itself and not enough time talking to the public and to the people we represent. So thank you for breaking that mold.

We are all proud Americans, all of us that serve here. And I think as Americans, and let me go back to the point that our colleague just made, we're about learning the truth in this body. And we're about making sure that that truth is given out to the American people that everybody knows. And I think as Americans we all have a sense of decency and fair play, that no one is above the law. And Ms. JACKSON-LEE made the point about the rule of law being the cornerstone of who we are. And she made the point about cleansing, and to Native people, cleansing is an important tradition. It is about taking body, the entity, and making it come to full circle and to removing things that are not natural to that body and to that circle. And if we refer that to the body of this institution, that's what we're asking for in a very simple way, to return us to that whole that we should be.

□ 1915

We are all here for a short period of time. Whether we are here for 20 years or 2 years, we are a mere breath in the history of this Nation. And I think our legacies are going to be judged, and this is why this discussion today is so important, by how we protect and preserve the rule of law and the Constitution.

So this is not about retribution. This is about moving forward. Because we need a blueprint to move forward, and I think this process of discovery, this process of letting the truth be known, can only lead to better policies, restored checks and balances and restoring to this body the oversight and authority that it gave away.

We are at that point now, and this is not a reflex on what is to come in the future, this is merely a discussion about the future with some milestones and markers about how we need to travel and still remain that Nation that everybody envies because we are governed by the rule of law.

Congressman, thank you so much. I am looking forward to these discussions. Again, thank you for the initiative, and I am looking forward to continuing to participate as the Progressive Caucus against this very important discussion, this talk, this communication with the American people.

Mr. ELLISON. Thank you, Mr. Chairman; and as we begin to wind down, I would like to invite Congresswoman JACKSON-LEE of Texas to maybe give us a few concluding remarks.

We are here, this hour, we like to call it the progressive message. It is a special order afforded to Members of Congress to talk about what the progressive message is, whether it's on issues of executive authority, reining in executive authority, the economy, whatever it is. We want to let the American people know what the Progressive Caucus is talking about.

Would you like to give a few remarks as we come to the end of our hour tonight?

Ms. JACKSON-LEE of Texas. Let me thank you very much.

Obviously, we have only been at the tip of the iceberg of what we have to talk about in the future. Certainly I want to make the point very clear that as it relates to the TARP and the economic stimulus package, the Progressive Caucus will be very much engaged, collaborating, of course, with a number of other caucuses, Hispanic Caucus, Women's Caucus and the Congressional Black Caucus and others, not from the perspective of isolation but from the perspective of ensuring, again, that voices that cannot speak for themselves are heard and particularly to go to places where others might not attempt to go.

Again, what does that mean? It means that as we rallied around our opposition for the Iraq war, it was a willingness to be able to stand in the eye of the storm on many of these issues, whether it be on the reform of health care, looking to not talk about socialized medicine but ensuring that everyone has access to health care. That will be a progressive, if you will, challenge, to ensure that that happens.

Finally, let me say that we are here to shine the light on items that some may think was not necessarily an item or an issue that needed to be broadly affirmed or confirmed.

I am still questioning the administrative agreement that took place in the resolve of the Iraq war, not resolving it but establishing the role of our American soldiers, the soldiers that we love. The care and the nurturing of those soldiers in Iraq is an administrative document that this Congress has not had a chance to review.

So the Progressive Caucus is that light that is to shine, not for ourselves but for all of those who asked what is it that this government is doing and what are they doing for me as I am trying to do for my Nation.

So I thank you. We are patriots, and I hope that as our voices are heard, as you have made a commitment, we will be part of the cornerstone of legislation and laws, and we will therefore serve the American people even better.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of this special

order. I would like to discuss the importance of America returning to the rule of law and respect for our Constitution in the immediate aftermath of the Bush-Cheney legacy. Madam Speaker, I thank you for the opportunity to address this issue.

Since 2001, the Bush Administration's policies impacting civil liberties have raised grave constitutional and legal concerns. After the myriad hearings and investigations last year, there is much we do not know about the Bush Administration.

Last week, Chairman of the House Judiciary Committee released a report, entitled ''Reining in the Imperial Presidency: Lessons and Recommendations Relating to the Presidency of George W. Bush.'' This document contained nearly 500 pages. The report detailed numerous examples of these abuses by the administration from allegations of torture and inhumane treatment, extraordinary rendition, and warrantless domestic surveillance to the U.S. Attorney scandals. The report also contained over 45 pages of recommendations designed to restore our Constitution's traditional system of checks and balances. Chief among these recommendations are: (1) The continuation of congressional oversight; (2) independent criminal probes by the incoming Justice Department; and; (3) the creation of a blue ribbon commission to fully investigate the Bush Administration's activities.

My office will work to put some of these into law. These included recommendation number 17 on pages 280 to 281, regarding the President, the Director of National Intelligence, the Director of the Central Intelligence Agency, and the Director of the National Security Agency should implement policies to ensure that there is no ''reverse targeting'' used under authorities created by the FISA Amendments Act of 2008. Specifically, I have long championed the inclusion of language that would prohibit ''reverse targeting.''

Indeed, I worked on specific language that was included in an early version of the FISA Act, the RESTORE Act, which was added during the markup made a constructive contribution to the RESTORE Act by laying down a clear, objective criterion for the administration to follow and the FISA court to enforce in preventing reverse targeting.

''Reverse targeting,'' a concept well known to members of this Committee but not so well understood by those less steeped in the arcana of electronic surveillance, is the practice where the Government targets foreigners without a warrant while its actual purpose is to collect information on certain U.S. persons.

One of the major concerns that libertarians and classical conservatives, as well as progressives and civil liberties organizations, have is that there is an understandable temptation of national security agencies to engage in reverse targeting that may be difficult to resist in the absence of strong safeguards to prevent it.

My amendment reduces even further any such temptation to resort to reverse targeting by requiring the administration to obtain a regular, individualized FISA warrant whenever the ''real'' target of the surveillance is a person in the United States.

The amendment achieves this objective by requiring the administration to obtain a regular FISA warrant whenever a ''significant purpose of an acquisition is to acquire the communications of a specific person reasonably believed to be located in the United States.'' The current language in the bill provides that a warrant be obtained only when the Government ''seeks to conduct electronic surveillance'' of a person reasonably believed to be located in the United States.

It was far from clear how the operative language ''seeks to'' is to be interpreted. In contrast, the language used in my amendment, ''significant purpose,'' is a term of art that has long been a staple of FISA jurisprudence and thus is well known and readily applied by the agencies, legal practitioners, and the FISA Court. Thus, the Jackson-Lee Amendment provides a clearer, more objective, criterion for the administration to follow and the FISA court to enforce to prevent the practice of reverse targeting without a warrant, which all of us can agree should not be permitted.

I am also pleased that the chairman has accepted my recommendation for the President to end abuses of Presidential signing statements. I have re-introduced a bill to address this issue in the 111th Congress.

In an earlier Congress, I introduced the ''Congressional Lawmaking Authority Protection Act'' or CLAP Act of 2006, which: (1) prohibited the expenditure of appropriated funds to distribute, disseminate, or publish Presidential signing statements that contradict or are inconsistent with the legislative intent of the Congress in enacting the laws; and (2) bars consideration of any signing statement by any court, administrative agency, or quasi-judicial body when construing or applying any law enacted by Congress. I am proud to say that the chairman was one of the original co-sponsors of my bill.

In the 110th Congress, I introduced another bill substantially in the same form in the current Congress, except that the new bill, H.R. 264, makes clear that the limitations of the law do not apply to Presidential signing statements that are consistent with congressional intent. This is not a hard test to administer. As the late Justice Potter Stewart said about obscenity: ''it may be hard to define, but you know it when you see it.''

I have now reintroduced this bill in the 111th Congress. Notwithstanding that we have a new President, my bill is still relevant.

If there be any question whether the Congress has the power to ban the use of appropriated funds to publish or distribute signing statements, the answer is simple: regardless of whether it is wise to do so, if no one seriously can question Congress's constitutional authority to terminate the Executive's use of appropriated funds to wage military operations, a fortiori, Congress has the constitutional authority to withhold from the President funds needed to distribute a signing statement that undermines the separation of powers.

The problem with presidential signing statements is that their use fosters abuse and misuse. Presidential signing statements seek to alter Congress's primacy in the legislative process by giving a President's intention in signing the bill equal or greater standing to Congress's intention in enacting it. This would be a radical, indeed revolutionary, change to our system of separated powers and checks and balances.

Bill signing statements eliminate the need for a President ever to exercise the veto since he or she could just reinterpret the bill he signs so as to make it unobjectionable to him. Such actions deprive Congress of the chance to consider the President's objections, override his veto, and in the process make it clear that the President's position is rejected by an overwhelming majority of the people's representatives. Since few Presidents wish to suffer a humiliation so complete and public they have strong incentive to work closely with the Congress and are amenable to negotiation and compromise. This is precisely the type of competitive cooperation the Constitution contemplates and which bill signing statements threaten.

Again, I thank the Chairman for including these two very important ideas in his very thorough and thoughtful report.

There is much work to be done by the Members of Congress to fix the mistakes that were made during the prior administration so that the proper foundation can be laid for a succesful President Obama and his administration. It is my hope that we can wipe the slate clean from the Bush Administration and start afresh for the current administration.

I agree that we must investigate the U.S. Attorney firings to determine what precisely happened. We need to determine why these firings occurred. Moreover, the incoming administration should limit the ability of Executive Branch officials to prevent victims of terrorism from recovering for their losses. The President should seek to resolve a dispute between victims of torture and the government of Iraq committed during the Gulf War.

Because of the myriad of problems that we have seen at the Department of Justice, I recommend that the Department of Justice should issue guidelines to require transparency and uniformity of corporate deferred and non-prosecution agreements. These are agreements between the Federal Government and individual corporations in which the Government agrees to not prosecute or defer criminal prosecution in exchange for the corporation agreeing to specific actions such as changes in corporate policies and payment of monetary penalties.

We should also consider whether we should consider legislation concerning the exercise of clemency involving government officials. This is important so that we can truly learn what happened during the Bush Administration.

We should also enact changes in statutes and rules to strengthen protection for Executive Branch whistleblowers, Congress's contempt powers, and the incoming administration should establish procedures for asserting executive privilege. There are a myriad of laws that we must enact to set this Nation on the right track. We must roll up our sleeves and get ready to work with the new administration to restore the rule of law to America and its position of respect on the world stage.

Mr. ELLISON. Thank you, Congresswoman.

Let me just say, tonight we have come together, members of the Progressive Caucus, a caucus organized, not based on ethnicity, like the Black Caucus or the Hispanic Caucus, not based on things like that, but based on our commonality of views, our value, what we all believe in. The Progressive Caucus represents diverse members of our congressional body, people from all over the country, different religions, different ethnic groups, all coming to project a progressive vision for our Nation.

We believe in fighting for economic justice and security in the United States and global economies. We also believe in protecting and preserving civil rights and civil liberties. We also believe in promoting global peace and security. These are some of the essential core beliefs of the Progressive Caucus, and you can count on us to come, week in, week out, with the progressive message to talk about how these critical values impact you.

Tonight we have spent time, Congresswoman SHEILA JACKSON-LEE and Congressman RÁÚL GRIJALVA, talking about the imperial presidency that we have just seen ushered out of the door. We have seen a 500-page report, this big, thick, giant, humongous, enormous report full of facts and information in detail about allegations that the Bush administration may have overstepped its constitutional bounds. We believe this needs to be looked into. We believe the groundwork has been laid for an inquiry for a blue ribbon panel.

The vehicle, we believe, that should be used to get to the bottom, to get to the truth, is H.R. 104. H.R. 104, which Members and their community can look it up and read it, but what it would tell you if you looked it up is it would contain 47 separate recommendations designed to restore our Constitution's traditional system of checks and balances.

Chief among the recommendations are, one, continuation of congressional oversight; two, independent probes by the Justice Department; three, creation of a blue ribbon commission to fully investigate the activities; and they go on and on and on. You can look up the report online. It's there for you to look at it, at judiciary.house.gov/hearings/printers/110th. You can look it up that way.

Finally, we want to look into and don't want the American people to forget that our constitutional system is delicate. It must be maintained. It is a three-part system of checks and balances, executive, judiciary and legislative. The legislative branch is the first one mentioned in the Constitution.

We are a coequal branch of government. We don't work for the President, not the President we just got, Barack Obama, although we support him and wish him well. He is not our boss. The people are our boss. Also, we don't work for the President. We have a duty and an obligation to provide oversight to the executive.

We need to get to the bottom of allegations of torture and inhumane treatment, extraordinary rendition, warrantless domestic surveillance, the U.S. Attorney General scandal, a contrived drive to go to war with Iraq, signing statements to override laws of the land, intimidation and silencing of critics. We need to get into what happened with Valerie Plame. Why didn't Rove, Bolton and Myers show up to the Judiciary hearing after they were duly served? These are issues the American people have a right to know, and we intend to get to the bottom of it.

This is going to conclude the Progressive Message. Mr. Speaker, it has been a wonderful hearing.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOUCHER (at the request of Mr. HOYER) for today and the balance of the week on account of a death in the family.

Mr. NEUGEBAUER (at the request of Mr. BOEHNER) for today and January 22 on account of a death in the family.

SPECIAL ORDERS GRANTED

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

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SPRATT, for 5 minutes today.

(The following Members (at the request of Mrs. LUMMIS) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, January 27 and 28.

Mr. PAUL, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. SCHOCK, for 5 minutes, today.

Mr. JONES, for 5 minutes, January 27 and 28.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. MASSA, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 7 o'clock and 23 minutes p.m.), the House adjourned until Thursday, January 22, 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:

177. A letter from the Secretary, Department of Agriculture, transmitting a document entitled, ''Gasoline Savings From Ethanol Use by State''; to the Committee on Agriculture.

178. A letter from the Assistant Secretary for Global Security Affairs, Department of Defense, transmitting the Department's fiscal year 2008 report on the Regional Defense Combating Terrorism Fellowship Program, pursuant to 10 U.S.C. 2249c; to the Committee on Armed Services.

179. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [44 CFR Part 67] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

180. A letter from the Regulatory Specialist, Department of the Treasury, transmitting the Department's final rule — Minimum Capital Ratios; Capital Adequacy Guidelines; Capital Maintenance; Capital; Deduction of Goodwill Net of Associated Deferred Tax Liability [Docket No.: OTS-2008-0019] (RIN: 1550-AC22) received January 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

181. A letter from the Assistant Deputy Secretary, Department of Education, transmitting the Department's final rule — Teaching American History Grant Program Catalog of Federal Domestic Assistance (CFDA) Number: 84.215X. — received January 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

182. A letter from the Director, International Cooperation, Department of Defense, transmitting notification of the Department's intent to sign a Project Agreement concerning the Development of Advanced Non-Acoustic Sensing Technologies under the Agreement between the Department of Defense of the United States of America and the Government of the Kingdom of Sweden for Technology Research and Development Projects, Transmittal No. 22-08, pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958; to the Committee on Foreign Affairs.

183. A letter from the Director, International Cooperation, Department of Defense, transmitting notification of the Department's intent to sign a Project Agreement concerning the Joint Light Tactical Vehicle under the Memorandum of Understanding between the United States and Australia concerning Cooperation on Land Force Capability Modernization, Transmittal No. 18-08, pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958; to the Committee on Foreign Affairs.

184. A letter from the Director, International Cooperation, Department of Defense, transmitting notification of the Department's intent to sign a Project Arrangement concerning the C-130J Block 7 and 8.1 Upgrade among Australia, Canada, Denmark, the Italian Republic, the Kingdom of Norway, the United Kingdom of Great Britain and Northern Ireland and the United States of America, Transmittal No. 21-08, pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958; to the Committee on Foreign Affairs.

185. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Cote d'Ivoire that was declared in Executive Order 13396 of February 7, 2006; to the Committee on Foreign Affairs.

186. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national

emergency with respect to the former Liberian regime of Charles Taylor that was declared in Executive Order 13348 of July 22, 2004; to the Committee on Foreign Affairs.

187. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, ''Actions Taken on Office of Inspector General Recommendations'' for the period ending March 31, 2008, pursuant to the Inspector General Act Amendments of 1988; to the Committee on Oversight and Government Reform.

188. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, ''Actions Taken on Office of Inspector General Recommendations'' for the period ending September 30, 2008, pursuant to Inspector General Act Amendments of 1988; to the Committee on Oversight and Government Reform.

189. A letter from the Associate Deputy Secretary, Department of the Interior, transmitting notification that the Department has adopted and will fully follow the guidelines of the No FEAR Act; to the Committee on Oversight and Government Reform.

190. A letter from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting the Department's report on competitive sourcing efforts for fiscal year 2008, pursuant to Public Law 108-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

191. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's strategic plan for fiscal years 2010-2015; to the Committee on Oversight and Government Reform.

192. A letter from the Inspector General, General Services Administration, transmitting the Administration's semiannual report from the Office of the Inspector General during the 6-month period ending September 30, 2008; to the Committee on Oversight and Government Reform.

193. A letter from the General Counsel, Government Accountability Office, transmitting a letter pursuant to the requirements of the Competition in Contracting Act of 1984, 31 U.S.C. 3554(e)(2)(2000); to the Committee on Oversight and Government Reform.

194. A letter from the Deputy General Counsel, Office of National Drug Control Policy, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

195. A letter from the Deputy General Counsel, Office of National Drug Control Policy, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

196. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; 2007-2009 Specifications [Docket No.: 061228342-7068-02] (RIN: 0648-XM06) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

197. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific Crustacean Fisheries; Deepwater Shrimp (RIN: 0648-AV29) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

198. A letter from the Deputy Assistant Administrator, For Regulatory Programs, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Bering Sea and Aleutian Islands King and Tanner Crab Fisheries; Groundfish Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Western Alaska Community Development Quota Program; Recordkeeping and Reporting; Permits [Docket No.: 080302360-7686-03] (RIN: 0648-AT91) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

199. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No.: 0812081564-81568-01] (RIN: 0648-XM18) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

200. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries (RIN: 0648-XM15) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

201. A letter from the Director, Department of Justice, transmitting the Department's report entitled, ''Report to the Nation 2007'' from the Office for Victims of Crime for fiscal years 2005-2007, pursuant to Section 1407(g) of the Victims of Crime Act of 1984; to the Committee on the Judiciary.

202. A letter from the Acting General Counsel, Department of Justice, transmitting the Department's final rule — Voluntary Departure: Effect of a Motion to Reopen or Reconsider or a Petition for Review [EOIR Docket No.: 163; AG Order No. 3027-2008] (RIN: 1125-AA60) received January 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

203. A letter from the Secretary, Department of Veterans Affairs, transmitting a report for fiscal year 2005 through 2008 on expenditures from the Pershing Hall Revolving Fund for projects, activities, and facilities that support the mission of the Department, pursuant to Public Law 102-86, section 403(d)(6)(A); to the Committee on Veterans' Affairs.

204. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting notification of action taken to extend the ''Memorandum of Understanding Between the Government of the United States of America and the Government of the Kingdom of Cambodia Concerning the Imposition of Import Restrictions on Khmer Archaeological Material,'' pursuant to 19 U.S.C. 2602(g), section 303(g); to the Committee on Ways and Means.

205. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Interim Guidance under section 475A (Notice 2009-08) received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

206. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Required Minimum Distributions for 2009 (Notice 2009-9) received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

207. A letter from the Chief Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Postponement of Certain Tax-related Deadlines by Reason of a Federally Declared Disaster or Terroristic or Military Action [TD 9443] (RIN: 1545-BG16) received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

208. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Postponement of Certain Tax-related Deadlines by Reason of a Federally Declared Disaster or Terroristic or Military Action (Rin: 1545-BG16 (TD 9443) received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

209. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Revenue Ruling: 2009 Prevailing State Assumed Interest Rates received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

210. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting notification that the President intends to exercise his authority to waive the prohibition on the use of Economic Support Funds for Barbados, Bolivia, Costa Rica, Cyprus, Ecuador, Kenya, Mali, Mexico, Namibia, Niger, Paraguay, Peru, Samoa, South Africa, St. Vincent and the Grenadines, Tanzania, and Trinidad and Tobago, pursuant to Public Law 110-161, section 671 Div. J; jointly to the Committees on Foreign Affairs and Appropriations.

211. A letter from the Program Manager ODRM, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Changes to the Competitive Acquisition of Certain Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) by Certain Provisions of the Medicare Improvements for Patients Providers Act of 2008 (MIPPA) [CMA-1561-IFC] (RIN: 0938-AP59) received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BOREN:

H.R. 611. A bill to provide for marginal well production preservation and enhancement; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES:

H.R. 612. A bill to amend section 1922A of title 38, United States Code, to increase the amount of supplemental insurance available for totally disabled veterans; to the Committee on Veterans' Affairs.

By Mr. JONES:

H.R. 613. A bill to amend title 10, United States Code, to provide for forgiveness of certain overpayments of retired pay paid to deceased retired members of the Armed Forces following their death; to the Committee on Armed Services.

By Mr. PENCE (for himself, Mr. SMITH of New Jersey, Mr. PITTS, Mr. FRANKS of Arizona, Mr. WESTMORELAND, Mr. COLE, Mr. SENSENBRENNER, Mr. TERRY, Mr. BURTON of Indiana, Mr. INGLIS, Mr. HALL of Texas, Mrs.

SCHMIDT, Mrs. BLACKBURN, Mr. PAUL, Mr. LAMBORN, Mr. FLAKE, Mr. HOEKSTRA, Mr. FORTENBERRY, Mr. MILLER of Florida, Mr. TIAHRT, Mr. BOOZMAN, Mr. SHUSTER, Mr. BROWN of South Carolina, Mrs. BACHMANN, Mr. WILSON of South Carolina, Mr. MCCAUL, Mr. RYAN of Wisconsin, Mr. SCALISE, Mr. ROGERS of Alabama, Mr. BARTLETT, Mr. POE of Texas, Mr. HERGER, Mr. BACHUS, Mr. NEUGEBAUER, Mr. AKIN, Mrs. MCMORRIS RODGERS, Mr. OLSON, Mr. KLINE of Minnesota, Mr. KING of Iowa, Mr. FLEMING, Mr. BARRETT of South Carolina, Mr. MCKEON, Mr. THOMPSON of Pennsylvania, Mr. HARPER, Mrs. LUMMIS, Mr. CHAFFETZ, Mr. MCHENRY, Mr. BROUN of Georgia, Ms. FALLIN, Mr. BRADY of Texas, Ms. FOXX, Mr. GINGREY of Georgia, Mr. CASSIDY, Mr. LINDER, Mr. DAVIS of Tennessee, Mr. SOUDER, Mr. DAVIS of Kentucky, Mr. JORDAN of Ohio, Mr. ROE of Tennessee, Mr. GARRETT of New Jersey, Mr. BISHOP of Utah, and Mr. MCCLINTOCK):

H.R. 614. 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, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ACKERMAN (for himself, Mr. MORAN of Virginia, Mr. ROHRABACHER, Mr. CROWLEY, Mr. BROWN of South Carolina, Mr. CASTLE, Mr. COHEN, Mr. VAN HOLLEN, Mr. HARE, Mr. FILNER, Mr. SMITH of New Jersey, and Mr. MOORE of Kansas):

H.R. 615. A bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent so as to render it unpalatable; to the Committee on Energy and Commerce.

By Mr. BERRY (for himself, Mr. MORAN of Kansas, Mr. ROGERS of Alabama, Mr. JONES, Mr. PAUL, Mrs. MCMORRIS RODGERS, Mrs. EMERSON, and Mr. WEXLER):

H.R. 616. A bill to amend part B of title XVIII of the Social Security Act to provide for an exemption of pharmacies and pharmacists from certain Medicare accreditation requirements in the same manner as such exemption applies to certain professionals; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOREN:

H.R. 617. A bill to amend the Internal Revenue Code of 1986 to eliminate the taxable income limit on percentage depletion for oil and natural gas produced from marginal properties; to the Committee on Ways and Means.

By Mr. FATTAH (for himself, Mr. CUMMINGS, Mr. KENNEDY, Mr. ABERCROMBIE, Mr. STARK, Ms. LORETTA SANCHEZ of California, Ms. DELAURO, Mr. PLATTS, Mr. LEWIS of Georgia, Mr. COOPER, Mr. PAYNE, Ms. BORDALLO, Mr. HINOJOSA, Mr. YOUNG of Alaska, Mr. POLIS of Colorado, Mr. KUCINICH, Mrs. MALONEY, Mr. GRIJALVA, Mr. YARMUTH, Mr. WEXLER, and Mr. CARDOZA):

H.R. 618. A bill to require the President to call a White House Conference on Children and Youth in 2010; to the Committee on Education and Labor.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself and Mr. GRIJALVA):

H.R. 619. A bill to amend title XIX of the Social Security Act to remove the exclusion from medical assistance under the Medicaid Program of items and services for patients in an institution for mental diseases; to the Committee on Energy and Commerce.

By Mr. KING of New York:

H.R. 620. A bill to amend the Internal Revenue Code of 1986 to allow an increased work opportunity credit with respect to recent veterans; to the Committee on Ways and Means.

By Mr. KINGSTON (for himself, Mr. SESSIONS, Mr. WU, Mr. BARROW, Ms. MCCOLLUM, Mrs. MALONEY, Mr. MCGOVERN, Mr. GOHMERT, Mr. DUNCAN, Mr. WOLF, Ms. EDWARDS of Maryland, Mr. LEWIS of California, Ms. WASSERMAN SCHULTZ, Mr. MARSHALL, Mr. FRELINGHUYSEN, and Mr. DEAL of Georgia):

H.R. 621. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America; to the Committee on Financial Services.

By Mr. MICHAUD (for himself, Mr. PLATTS, and Mr. GORDON of Tennessee):

H.R. 622. A bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use; to the Committee on Ways and Means.

By Mr. REYES:

H.R. 623. A bill to provide for greater judicial discretion in sentencing for certain firearms offenses committed in exceptional circumstances; to the Committee on the Judiciary.

By Mr. THOMPSON of California:

H.R. 624. A bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WEINER (for himself, Mr. FLAKE, Mr. BURTON of Indiana, and Mr. GONZALEZ):

H.R. 625. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to require, as a condition of receiving a homeland security grant, that a grant recipient submit reports on each expenditure made using grant funds; to the Committee on Homeland Security.

By Ms. LEE of California (for herself, Ms. WATERS, Mr. WAXMAN, Mrs. CHRISTENSEN, Ms. VELÁZQUEZ, Mr. HONDA, and Mr. MEEKS of New York):

H. Con. Res. 24. Concurrent resolution expressing the sense of Congress on the need for a national AIDS strategy; to the Committee on Energy and Commerce.

By Mr. LARSON of Connecticut:

H. Res. 74. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. MCNERNEY (for himself, Mr. BERMAN, Mrs. CAPPS, Mr. CARDOZA, Ms. ESHOO, Mr. FARR, Mr. FILNER, Ms. LEE of California, Ms. MATSUI, Mr. GEORGE MILLER of California, Ms. LORETTA SANCHEZ of California, Mr. SHERMAN, Mrs. TAUSCHER, Mr. THOMPSON of California, and Mr. WAXMAN):

H. Res. 75. A resolution honoring Chesley B. ''Sully'' Sullenberger III and the crew of US Airways Flight 1549 for their heroism, calm under pressure, and dedication to the safety of passengers on board; to the Committee on Transportation and Infrastructure.

By Mr. BURTON of Indiana (for himself, Mr. ENGEL, Mr. MACK, Ms. ROS-LEHTINEN, Mr. SIRES, Mr. WEXLER, Mr. PAYNE, Mr. GENE GREEN of Texas, Ms. LEE of California, Mr. HINOJOSA, Mr. BERMAN, and Mr. CROWLEY):

H. Res. 76. A resolution mourning the horrific loss of life in January 2009 caused by a landslide in Guatemala and an earthquake in Costa Rica and expressing the sense of Congress that the United States should assist the affected people and communities; to the Committee on Foreign Affairs.

By Mr. WITTMAN:

H. Res. 77. A resolution congratulating the University of Mary Washington in Fredericksburg, Virginia, for more than 100 years of service and leadership to the United States; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. CONYERS and Mr. MCGOVERN.

H.R. 16: Ms. HERSETH SANDLIN.

H.R. 17: Mr. MCCLINTOCK and Mr. ROGERS of Alabama.

H.R. 31: Mr. FALEOMAVAEGA, Mr. JACKSON of Illinois, Mr. GRIJALVA, Mrs. LOWEY, Ms. ROYBAL-ALLARD, Mr. SPRATT, Mr. RODRIGUEZ, Mr. RUSH, Mr. LARSEN of Washington, Mr. CUELLAR, Mr. PASCRELL and Ms. CASTOR of Florida.

H.R. 85: Mr. LAMBORN.

H.R. 104: Mr. WU and Mr. DEFAZIO.

H.R. 106: Mr. SESTAK.

H.R. 135: Mr. CALVERT.

H.R. 147: Mr. FILNER, Ms. CORRINE BROWN of Florida, Mr. MOORE of Kansas, and Mr. GRIJALVA.

H.R. 150: Mr. BURTON of Indiana, Mr. BILBRAY, and Mrs. MYRICK.

H.R. 154: Mr. BILBRAY.

H.R. 155: Mr. BILBRAY.

H.R. 156: Mr. HALL of New York, Mr. AUSTRIA, and Mr. FLEMING.

H.R. 223: Mr. FARR, Ms. MATSUI, Mr. GEORGE MILLER of California, Mr. MCNERNEY, Ms. SPEIER, Ms. ESHOO, Ms. ZOE LOFGREN of California, Mr. CARDOZA, Mrs. NAPOLITANO, Ms. LORETTA SANCHEZ of California, Mrs. DAVIS of California, and Mr. FILNER.

H.R. 225: Mr. KILDEE, Mr. TURNER, Mr. FARR, Ms. SHEA-PORTER, and Mr. SARBANES.

H.R. 227: Mr. COLE and Mr. LUETKEMEYER.

H.R. 253: Ms. SCHAKOWSKY.

H.R. 268: Mr. MCINTYRE.

H.R. 290: Mr. STARK, Mr. ELLISON, Mr. LEVIN, and Mr. WELCH.

H.R. 291: Mr. LEWIS of Georgia, Mr. STARK, Mr. HARE, Mr. GRIJALVA, Ms. HIRONO, Ms. EDWARDS of Maryland, and Mr. WELCH.

H.R. 292: Mr. BOSWELL.

H.R. 307: Ms. HERSETH SANDLIN.

H.R. 311: Mr. KLINE of Minnesota.

H.R. 328: Mrs. LOWEY.

H.R. 336: Mr. HARE, Ms. BORDALLO, Ms. MOORE of Wisconsin, Mr. MCGOVERN, Mr. LEWIS of Georgia, Mr. FARR, and Mr. HINCHEY.

H.R. 383: Mr. GARY G. MILLER of California.

H.R. 385: Mr. YOUNG of Alaska and Mr. HOEKSTRA.

H.R. 389: Mr. ELLISON.

H.R. 450: Mr. BROUN of Georgia.

H.R. 461: Mr. SESTAK.

H.R. 464: Mrs. SCHMIDT, Mr. CALVERT, Mr. BOOZMAN, and Mr. SMITH of Nebraska.

H.R. 490: Mr. HOEKSTRA.

H.R. 500: Mr. DENT, Mr. BARTLETT, Mr. WHITFIELD, Mr. PETRI, Mr. LATOURETTE, Mrs. BIGGERT, and Mr. GERLACH.

H.R. 510: Mr. KAGEN and Mr. PETRI.

H.R. 525: Mr. BRADY of Texas.

H.R. 562: Mr. FARR.

H.R. 569: Mr. ACKERMAN, Mr. WEXLER, Ms. SCHAKOWSKY, and Mr. MCDERMOTT.

H.R. 594: Mr. FILNER.
H.R. 608: Ms. EDWARDS of Maryland.
H.R. 610: Mrs. MCCARTHY of New York, Mr. HOLT, and Mr. CUMMINGS.
H.J. Res. 3: Mr. POSEY.
H.J. Res. 11: Mr. DENT.
H. Con. Res. 18: Mr. BURTON of Indiana.
H. Res. 20: Mr. MILLER of North Carolina and Mr. DANIEL E. LUNGREN of California.
H. Res. 22: Mr. FILNER, Mr. CONYERS, and Mr. MILLER of North Carolina.
H. Res. 31: Mr. MITCHELL, Mr. DOYLE, Mrs. MYRICK, Mr. WEXLER, Mr. FILNER, Mr. MCNERNEY, Ms. ZOE LOFGREN of California, Mr. MILLER of North Carolina, Mr. LATTA, Mr. CONNOLLY of Virginia, Ms. KILROY, and Ms. LEE of California.
H. Res. 36: Mr. VAN HOLLEN, Mr. HONDA, Mr. SCHRADER, Mr. MCDERMOTT, Mr. CAPUANO, Ms. ZOE LOFGREN of California, Mr. GRAYSON, Mr. PERRIELLO, Mr. AUSTRIA, and Mr. ETHERIDGE.
H. Res. 39: Mr. DAVIS of Kentucky, Mr. DRIEHAUS, Mrs. BIGGERT, and Mr. JONES.
H. Res. 56: Mr. HINOJOSA, Mr. KENNEDY, Mr. LANGEVIN, Mr. HOLT, Mr. CONYERS, Mr. MILLER of North Carolina, and Mr. MCDERMOTT.
H. Res. 57: Mr. SESTAK.
H. Res. 66: Mr. FILNER and Mr. CLEAVER.
H. Res. 70: Mr. PENCE, Mr. BURTON of Indiana, Mr. BUYER, Mr. MCCOTTER, Mrs. MILLER of Michigan, Mr. OBERSTAR, Ms. GINNY BROWN-WAITE of Florida, Mr. MILLER of Florida, Mr. ROONEY, Ms. CASTOR of Florida, Mr. PUTNAM, and Mr. YOUNG of Florida.
H. Res. 73: Mr. MICHAUD, Mr. KUCINICH, Mr. FARR, Mr. COURTNEY, Mr. SNYDER, Mr. EDWARDS of Texas, Ms. BORDALLO, Mr. DOYLE, Mr. SERRANO, Mr. FATTAH, Mr. JACKSON of Illinois, Mr. ELLISON, Mr. ISRAEL, Mrs. MALONEY, Mr. SIRES, and Ms. NORTON.

PETITIONS, ETC.

Under clause 3 of rule XII,

11. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 606 of 2008 requesting that the United States Senate pass legislation to prohibit the display of social security account numbers on medicare cards; which was referred to the Committee on Ways and Means.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, WEDNESDAY, JANUARY 21, 2009 No. 12

Senate

The Senate met at 12 noon and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the Commonwealth of Pennsylvania.

PRAYER

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

Let us pray.

Almighty God, the giver of true freedom, awaken in us a new appreciation for our Nation that we may apply ourselves to keeping alive a real sense of liberty.

Thank You for our Nation's Founders, their ideals, their principles, and their sacrifices. Thank You, Lord, for the long progression of statesmen and patriots who have guarded our rights and healed our land. Thank You for the peaceful transition of power that took place in our Capitol yesterday. Lord, we also thank You for the members of the Senate staff who serve behind the scenes and work into the evening sustaining our well-being. In an hour where great issues are at stake, may those who serve on Capitol Hill rise to meet the challenges and strive to be faithful.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr. led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 21, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the Commonwealth of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will proceed to executive session to consider the nomination of HILLARY CLINTON to be Secretary of State. There will be up to 3 hours of debate equally divided and controlled between the two leaders or their designees. The designee I have on this side is the chairman of the Foreign Relations Committee, Senator JOHN KERRY.

The Senate will recess from 12:45 until 2:15 p.m. today to allow for the weekly caucus luncheons. We tried to make it clear last night, but if we did not, for further clarification I ask unanimous consent that the time during the recess not count against the time reserved for debate on the nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, upon disposition of the Clinton nomination, the Senate will resume consideration of the Lilly Ledbetter Fair Pay Act and debate the pending Hutchison amendment. We hope to complete the vote on that today. I understand there are other Senators who have amendments to offer. I ask they be ready to offer them sometime this afternoon or this evening. In addition, the managers are working on an arrangement to consider additional amendments in order to complete any action on this bill. This bill is open for amendment when we finish the Clinton nomination, so I hope people are ready to work on that.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF HILLARY RODHAM CLINTON TO BE SECRETARY OF STATE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate shall proceed to executive session to consider the following nomination which the clerk will report.

The assistant legislative clerk read the nomination of HILLARY RODHAM CLINTON, of New York, to be Secretary of State.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 3 hours of debate equally divided and controlled between the leaders or their designees.

The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the following nomination: HILLARY RODHAM CLINTON of New York to be Secretary of State.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I further ask unanimous consent that if there

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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are quorum calls to be placed during the course of this equally divided time, those quorum calls will be charged equally to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KERRY. Mr. President, yesterday—a historic day—we swore in a new President who has the vigor and the vision to restore America's place in the world. I think we would all agree that yesterday he made very inspiring and bold statements about America and how we will invite the world to join us in the efforts to restore our values, in a sense, to the center stage of that debate, but also to join in a renewed effort to find peace and end conflict. I thought his words, particularly to the Muslim world, were very important. We hope, obviously, to be able to move on those initiatives as rapidly as possible. Already, the new administration is taking crucial, long-awaited steps to embark on a new era of moral leadership and global outreach.

It is an understatement to say these are challenging times. We are fighting two wars and the threat of terrorism, as we all know, is as strong as ever. As the President said, we labor under gathering clouds and raging storms of the severest economic crisis of our lifetime. At such a moment, it is essential that we provide the President with the tools and the resources he needs to effect change. That starts by making sure he has the national security team he has chosen in place as soon as possible. Even this afternoon, the President will follow through on promises he has made to sit down on day one with his national security team, particularly with the military leadership, in order to talk about Iraq, Afghanistan, Pakistan, and the wars we are involved in. That team includes HILLARY CLINTON as Secretary of State.

I think everyone can agree that at her confirmation hearing, Secretary-designate HILLARY CLINTON demonstrated an impressive grasp of the numerous complex foreign policy issues we face and she demonstrated why she is going to make such an effective Secretary of State. She has the stature to project America's leadership globally and to help build alliances at home and abroad. That is going to be vital to our success in the years ahead.

Now, I understand the concerns that were raised about fundraising activities of the Clinton Foundation. Let me start by saying that Secretary-designate CLINTON and former President Clinton have voluntarily entered into an ethics review and disclosure process with respect to donations to former President Clinton's foundation that goes well beyond any requirements under the law or any applicable ethics regulations. This is an unprecedented situation none of us can contest, nor would we. There is no existing blueprint on which to draw here. Secretary-designate CLINTON and former President Clinton have gone to considerable lengths to create a new review process tailored to these particular circumstances.

Senator LUGAR, myself, and others on the Foreign Relations Committee expressed our own concerns about aspects of this new arrangement. We went through a thorough review of the relevant agreements that Senator CLINTON and former President Clinton have entered into. We submitted numerous questions for the record, and they were very direct and blunt questions. We examined this issue extensively in the lead-up to Senator CLINTON's nomination hearing, and then again at the hearing itself. Senator LUGAR at quite some length expressed why he saw some issues here and expressed some concerns, but at the same time could not have been more clear about his support—enthusiastic support—for Senator CLINTON assuming these responsibilities. The conclusion we reached was whatever the concerns some in this body may have—and we don't contest the legitimacy of believing that, as Senator LUGAR said, perhaps going further would have cleared some of the questions that still exist—but that doesn't mean that on the other side there is an automatic—that there is a problem. So in essence, none of these questions call into question at all Senator CLINTON's fitness, readiness, and appropriateness in serving as Secretary of State. Senator LUGAR, in his very clearly stated view with respect to this issue, offered a series of well-thought-out additional proposals, and he made clear that notwithstanding those proposals—which in his heart and in his mind he felt would have simply made this much clearer—he nevertheless was clear about his intention, without those being put in place, that he felt it was important that Senator CLINTON be confirmed. It is noteworthy that after a very lengthy discussion about review and disclosure and after the full consideration by the committee itself, the Foreign Relations Committee passed her nomination out and brought it here to the floor by a vote of 16 to 1.

Now, as we think about this issue, for anybody who is not yet decided about what they may or may not do, context is very important. The Clinton Foundation does extraordinary, worthwhile, lifesaving work in areas such as HIV/AIDS, global climate change, and economic development in some of the most impoverished corners of this planet. It is important to remember that the Clintons do not in any way personally benefit financially from the actions of the foundation. So there is none of the sort of traditional notion of financial conflict of interest. It doesn't exist because there is no personal financial interest by either of them. Moreover, according to Secretary-designate CLINTON, all donations to the Clinton Foundation, including donations to the Clinton Global Initiative, will be disclosed publicly. So nothing relevant to the measurement of a potential conflict is being withheld from the public. Transparency is critically important here, obviously, because it allows the American people, the media, and those of us here in Congress with an oversight responsibility to be able to judge for ourselves that no conflicts, real or apparent, exist.

Senator CLINTON was also very clear personally at the hearing and in her answers to the questions for the record in saying that she fully understands her obligation and her interest in avoiding any kind of unwelcome distraction. I take her at her word. I hope the rest of our colleagues will do so also.

I understand that Senator LUGAR and some others have requested that large donations from foreign entities ought to be disclosed more frequently than the once-a-year requirement outlined in the agreement. I happen to agree that that would have been preferable, but the bottom line is that the desired deterrent effect still exists, and the bottom line is the public will still know, albeit in a different time frame, but it will know what the situation is. Furthermore, all contributions by foreign governments will be subject to a review process by the State Department's ethics officials. This review will occur prior to the receipt of any such contribution, and Senator CLINTON has made it clear that the process has been designed to avoid even the appearance of a conflict of interest. As all of us know, the appearance of a conflict under the law is always as critical as the reality of a conflict. It stands at the same level of scrutiny and, therefore, I think her statement is a very important one.

It is important to note that the pledges for future contributions by foreign governments will also be subject to this same review process. That was an issue of particular interest to me and some other members of the committee, and I appreciate the willingness of Secretary-designate CLINTON and the foundation to address the issues during the discussions we had over the memorandum of understanding leading up to the hearing. Again, I and others preferred that those pledges might have also been subject to disclosure requirements. Still, we take comfort in the fact that they are going to be subject to the ethics review process and subject also, frankly, to the stated interest Senator CLINTON expressed before the committee of avoiding any kind of conflict or perception issue, and I am confident she is going to bend over backward to try to make sure that happens.

So, in the end, I fully respect the questions that have been raised. I acknowledge that some members of the committee felt that perhaps the final product could have expressed more, but the final product is not contained entirely within the framework of the four corners of the agreement. It is contained in the framework of the hearings and it is contained also in the expressions made publicly by Senator

CLINTON about what she intends to do as a matter of personal oversight in this effort to live up to the standards that have been expressed.

So I am confident that significant and sufficient checks and balances exist and that we should proceed forward and overwhelmingly—I hope unanimously but certainly overwhelmingly—confirm Senator CLINTON. She needs to assume these responsibilities and begin serving the country as our Secretary of State. And while the Senate ponders the ethical implications of Senator CLINTON's charitable work and President Clinton's charitable work, we need to remember that the world is moving at a fast pace. There isn't time to delay American engagement in ongoing crises. Gaza is waiting, the Middle East is waiting, Pakistan, Afghanistan, and a host of other issues, and our Secretary of State needs to be in place and empowered to engage in discussions that have been waiting all these months and weeks now, where President Obama has made so clear that we only have one President at a time. Well, now we have that President and that President needs and deserves his security team.

So I hope my colleagues will join me in appreciating the larger importance of this moment, put aside those concerns with an appropriate, obvious sort of further expression of them but move forward to allow President Obama and his Secretary of State to confront the multiple crises and challenges that are going to be the measure of our achievement as a country and as a Senate and Congress over the course of the next few years.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I appreciate the comments of the distinguished chairman of the Foreign Relations Committee, and I find I agree with virtually all of them, so I wish to make clear at the outset that this is an opportunity for us, over the next few hours, to talk about what ought to be our goal and that is to confirm a new Secretary of State who will be able to do the Nation's work and be able to avoid any perceived conflict of interest as a result of the fundraising by her husband's foundation.

I appreciate particularly the good-faith acknowledgement of the concerns of the Senator from Massachusetts. They were also expressed by Senator LUGAR. I think the concerns were acknowledged by both the Clinton Foundation and by Senator CLINTON herself in entering into a memorandum of understanding with the transition team of the now President Obama administration.

I know we all realize this, but it is important to say again that yesterday was a historic day, with the inauguration of the 44th President of the United States. Among the many things President Obama said, and that I agree with, I was particularly glad to hear him say we should do our business in the light of day because only then can we restore the vital trust between the people and their Government. I am someone who has long believed that our Government is too opaque to most of the people we work for, and as an advocate of open government, I agree with him 1,000 percent. I pledge to him and to my colleagues across the aisle that if there are things we can do, such as working together, as Senator LEAHY and I have on Freedom of Information Act reform, to improve the openness and transparency of our Government, we ought to be all about that. As we know, the foundation of our legitimacy comes from the consent of the governed—the people of this country. If they do not know what their Government is doing or if certain things are hidden from their view, they cannot consent, and they operate in a less-than-legitimate way.

I wish President Obama and his administration well. His success will mean America's success. But if we are going to restore trust between the American people and their Government, we need to be careful that the reality matches the rhetoric. My concern is not whether our colleague, Senator CLINTON, is qualified to be Secretary of State—she is, and I intend to vote for her confirmation—but I believe it is very important to flesh out some of the concerns that have been raised, legitimately, by Senator KERRY, Senator LUGAR, and others that I think bear some public discussion and some debate in the Senate.

I argued to Senator CLINTON yesterday—or I didn't argue to her, but I explained my position to her; that I thought greater transparency would make it better for her as she enters this new job as Secretary of State because any cloud or question that remains because of the lack of transparency or lack of disclosure I think hurts her and hurts the Obama administration at a time when we want to see it succeed. Of course, the concern is that, as she explained to me, any rule we have should not just apply to her and the former President, and I told her that is fine with me; that we would be glad to work together to try to come up with something that would make this kind of disclosure across the board.

I agree with the Senator from Massachusetts, having a former President of the United States running a foundation such as this and to have his spouse as Secretary of State is an unusual and perhaps unprecedented event, giving rise to these unusual and unprecedented concerns. But many taxpayers make frequent disclosures to the Government on a monthly or quarterly basis. I don't see why the Clinton Foundation could not do so on a more frequent basis, as suggested by Senator LUGAR, the ranking member on the Foreign Relations Committee. I don't see any particular hardship for her—or, excuse me, for the foundation—to do something that taxpayers are required to do regularly—file monthly or quarterly reports. And, of course, all of us who run for office are familiar with the fact we have to file campaign finance reports so the public can know who is contributing to our campaigns and be attuned to any concerns that may arise.

I wish to be clear that my concerns are not with the charitable activities of the Clinton Foundation, which I and others admire. But we should not let our respect for Senator CLINTON or our admiration for the many good works of the Clinton Foundation blind us to the danger of perceived conflicts of interest caused by the solicitation of hundreds of millions of dollars from foreign and some domestic sources. The perception and reality must be that the office of the Secretary of State, as viewed around the world, is beyond reproach.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the New York Times, dated December 19, 2008, immediately following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. The title of that article is: ''In Clinton List, a Veil Is Lifted on Foundation.''

As many of our colleagues know, when this memorandum of understanding was entered into, for the first time the Clinton Foundation revealed the source of its some $500 million worth of contributions over the last 10 years. Many of them were unremarkable, but some of them were troubling, raising the very issue we are discussing today—contributions from foreign nations, for example, from the Kingdom of Saudi Arabia directly to the foundation. Clearly, Senator CLINTON, as Secretary of State, as our chief diplomat, is going to be dealing with the country and the Kingdom of Saudi Arabia.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of the Clinton Foundation's select foreign sources of contributions following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. CORNYN. Mr. President, that list includes the State of Kuwait, the State of Qatar, and various foreign individuals.

In the article I mentioned a moment ago from the New York Times, there is just one example of the perception of conflict of interest that I think ought to give all of us concern. Last year, in the last Congress, we voted to support a civilian nuclear technology arrangement with the country of India, and I voted for it. But one of the problems, for example, is that one of the individuals who was lobbying for that was a politician in India who gave between $1

million and $5 million to the foundation. That individual was actually lobbying Congress to pass that very same bill at the same time he is making a significant contribution to the foundation.

Now, I am not suggesting anything untoward or improper about that, but I am pointing out the very real example of a perception of conflict of interest, which is something that I think we all would hope to avoid.

There is also a list of other contributors, domestic contributors, including some of the financial services industry on Wall Street, which has been the beneficiary of various Government bailouts during the course of the last few months during the economic crisis.

Mr. President, I ask unanimous consent to have printed in the RECORD that list at the end of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 3.)

Mr. CORNYN. Mr. President, Senator LUGAR, who is admired by all of us for his knowledge and experience on the Foreign Relations Committee, explained the likelihood of a conflict of interest. He said that the Clinton Foundation exists as a temptation to any foreign entity or government that believes it can curry favor through a donation, and obviously that creates a potential perception problem with any action taken by the Secretary of State in relation to foreign givers of their country. I share Senator LUGAR's concerns, as I have explained here. I concur with his commonsense solution that during Senator CLINTON's tenure as Secretary of State, the foundation should actually refuse all contributions from foreign sources. That would take care of that particular problem outright.

Senator KERRY, as he said in those hearings and reiterated today, pointed out that Senator LUGAR wasn't speaking from a partisan perspective, he was speaking for the committee. In other words, this is not a partisan matter. This is a matter of serious concern regarding public policy. It is a matter of record that, as I said, the transition team, Senator CLINTON, and the foundation agreed to a memorandum of understanding. Of course, this does not require disclosure of past contributions with any sort of real detail, which would be helpful to the observer. It does require annual disclosure, and I think that was a very positive step in the right direction. But simply stated, the fundraising restrictions of disclosure statements I don't think go far enough. It is in the Nation's interest for the Clinton Foundation to refuse foreign-sourced donations while Senator CLINTON serves as Secretary of State.

If the foundation refuses to do so—and I realize Senator CLINTON has limited control, if any, over what the foundation does—I think there should be other options available that would reduce the likelihood of real or perceived conflicts of interest. Senator LUGAR himself has recommended several disclosure requirements. For example, he suggested that gifts of $50,000 or more to the Clinton Foundation from any foreign source, including individuals, should be submitted to the agreed-upon State Department ethics review process.

I would alert my colleagues to the fact that the agreement between the Obama team and the foundation only commits the foundation to submit for State Department review those gifts from foreign governments and government-controlled entities. As Senator LUGAR aptly pointed out, in many foreign countries the tie between the government and private citizens is blurred. Individuals with close connections to the government or governing families often act as surrogates for those governments. Consequently, contributions from foreign governments or foreign-controlled companies are not the only foreign contributions that could raise serious conflicts of interest.

I would go further and require that every pledge or donation be made publicly available online within a short time—perhaps a week. If we did it on a monthly basis, that would be far better than what the MOU currently provides.

The foundation's agreement to make disclosures once a year is simply not enough in order to achieve that kind of transparency President Obama talked about yesterday that will help give the American people more confidence in their Government. That is not doing business in the light of day in a way that restores that vital trust, to do it only annually, after the fact. This is only one example of some of the improvements that could be made.

In short, I remain concerned that Senator—soon to be Secretary of State—CLINTON's diplomatic work will be encumbered by the global activities of the Clinton Foundation under these circumstances—not their good and charitable work, which I certainly support, but the contributions they raise from these various sources that are not transparent, not subject to prompt disclosure. Obviously, I think it is important that the Senate discuss and debate this in the context of her nomination, not wait until the inevitable conflict or crisis arises.

Mr. President, I also ask unanimous consent to have printed in the RECORD a New York Times editorial, a Washington Post editorial, and a Los Angeles Times editorial, which identify some of these same concerns, at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 4.)

Mr. CORNYN. In short, I was encouraged by my conversation with Senator CLINTON yesterday in the Rotunda following the inaugural ceremonies where she said she would be open to a requirement that really was an across-the-board disclosure requirement that was not just targeted at her and the Clinton Foundation. I think there is a meaningful basis upon which to further discuss this, negotiate it, and it would be my intention, working with other colleagues here, to produce legislation, as we flesh that out, which might accomplish that in the days ahead.

EXHIBIT 1

[From the New York Times, Dec. 19, 2008]

IN CLINTON LIST, A VEIL IS LIFTED ON FOUNDATION

(By Peter Baker and Charlie Savage)

WASHINGTON.—Former President Bill Clinton has collected tens of millions of dollars for his foundation over the last 10 years from governments in the Middle Fast, tycoons from Canada, India, Nigeria and Ukraine, and other international figures with interests in American foreign policy.

Lifting a longstanding cloak of secrecy, Mr. Clinton on Thursday released a complete list of more than 200,000 donors to his foundation as part of an agreement to douse concerns about potential conflicts if Senator Hillary Rodham Clinton is confirmed as secretary of state in the Obama administration.

The donor list offers a glimpse into the high-powered, big-dollar world in which Mr. Clinton has traveled since leaving the White House as he jetted around the globe making money for himself and raising vast sums for his ambitious philanthropic programs fighting disease, poverty and climate change. Some of the world's richest people and most famous celebrities handed over large checks to finance his presidential library and charitable activities.

With his wife now poised to take over as America's top diplomat, Mr. Clinton's fundraising is coming under new scrutiny for relationships that could pose potential conflict-of-interest issues for Mrs. Clinton in her job. Some of her husband's biggest backers have much at stake in the policies that President-elect Barack Obama's incoming administration adopts toward their regions or business ventures.

Saudi Arabia alone gave to the foundation $10 million to $25 million, as did government aid agencies in Australia and the Dominican Republic. Brunei, Kuwait, Norway, Oman, Qatar and Taiwan each gave more than $1 million. So did the ruling family of Abu Dhabi and the Dubai Foundation, both based in the United Arab Emirates, and the Friends of Saudi Arabia, founded by a Saudi prince.

Also among the largest donors were a businessman who was close to the onetime military ruler of Nigeria, a Ukrainian tycoon who was son-in-law of that former Soviet republic's authoritarian president and a Canadian mining executive who took Mr. Clinton to Kazakhstan while trying to win lucrative uranium contracts.

In addition, the foundation accepted sizable contributions from several prominent figures from India, like a billionaire steel magnate and a politician who lobbied Mrs. Clinton this year on behalf of a civilian nuclear cooperation agreement between India and the United States, a deal that has rankled Pakistan, a key foreign policy focus of the incoming administration.

Such contributions could provoke suspicion at home and abroad among those wondering about any effect on administration policy.

Matthew Levitt, a senior fellow at the Washington Institute for Near East Policy, said donations from ''countries where we have particularly sensitive issues and relations'' would invariably raise concerns about

whether Mrs. Clinton had conflicts of interest.

''The real question,'' Mr. Levitt said, ''is to what extent you can really separate the activities and influence of any husband and wife, and certainly a husband and wife team that is such a powerhouse.''

Mr. Clinton's office said in a statement that the disclosure itself should ensure that there would be ''not even the appearance of a conflict of interest.''

Stephanie Cutter, a spokeswoman for Mr. Obama, said the president-elect had chosen Mrs. Clinton for his cabinet because ''no one could better represent the United States.''

''Past donations to the Clinton foundation,'' Ms. Cutter said, ''have no connection to Senator Clinton's prospective tenure as secretary of state.''

Repuclians have addressed the issue cautiously, suggesting that they would examine it but not necessarily hold up Mrs. Clinton's confirmation as a result. Senator Richard G. Lugar of Indiana, the top Republican on the Foreign Relations Committee, which will consider her nomination, was in Russia on Thursday and unavailable for comment, according to Mr. Lugar's office.

But in an interview on Nov. 30 on ''This Week'' on ABC, Mr. Lugar said Mr. Clinton's activities would raise legitimate questions, adding, ''I don't know how, given all of our ethics standards now, anyone quite measures up to this who has such cosmic ties.''

Still, he indicated that he would vote for Mrs. Clinton and praised Mr. Obama's team for doing ''a good job in trying to pin down the most important elements'' in its agreement with Mr. Clinton.

To avoid potential conflicts, the Obama team, represented by its transition co-chairwoman, Valerie Jarrett, signed a memorandum of understanding on Dec. 12 with the William J. Clinton Foundation, represented by its chief executive, Bruce R. Lindsey. The five-page memorandum, provided to reporters on Thursday, required Mr. Clinton to disclose his past donors by the end of the year and any future contributors once a year.

The memorandum also requires that if Mrs. Clinton is confirmed, the Clinton Global Initiative, an offshoot of the foundation, will be incorporated separately, will no longer hold events outside the United States and will refuse any further contributions from foreign governments. Other initiatives operating under the auspices of the foundation would follow new rules and consult with State Department ethics officials in certain circumstances.

Federal law does not require former presidents to reveal foundation donors, and Mr. Clinton had until now declined to do so, arguing that many who gave expected confidentiality. Other former presidents have taken money from overseas sources, including President George Bush, whose son has sat in the Oval Office for the last years. The elder Mr. Bush has accepted millions of dollars from Saudi, Kuwaiti and other foreign sources for his own library.

Mr. Clinton's foundation has raised $500 million since 1997, growing into a global operation with 1,100 paid staff members and volunteers in 40 countries. It said it had provided medicine to 1.4 million people living with H.I.V./AIDS, helped dozens of cities reduce heat-trapping gases and worked to spread economic opportunity.

Mr. Clinton's advocates said that the disclosure on Thursday showed he had nothing to hide and that most of his largest contributors were already known.

Yet while unprecedented, the disclosure was also limited.

The list posted on the foundation's Web site—www.clintonfoundation.org—did not provide the nationality or occupation of the donors, the dates they contributed or the precise amounts of their gifts, instead breaking down contributors by dollar ranges. Nor did the list include pledges for future donations. As a result, it is impossible to know from the list which donations were made while Mr. Clinton was still president or while Mrs. Clinton was running for president.

Many benefactors are well-known Americans, like Stephen L. Bing; Alfonso Fanjul; Bill Gates; Tom Golisano, a billionaire who ran for New York governor; Rupert Murdoch; and Barbra Streisand. Bloomberg L.P., the financial media empire founded by Mayor Michael R. Bloomberg of New York, contributed, as did Freddie Mac, the mortgage company now partly blamed for the housing market collapse.

Another potentially sensitive donation came from Blackwater Training Center, part of the private security firm hired to protect American diplomats in Iraq. Five of its guards have been indicted for their roles in a 2007 shooting that left 17 Iraqi civilians dead.

The potential for appearances of conflict was illustrated by Amar Singh, a politician in India who gave $1 million to $5 million. Mr. Singh visited the United States in September to lobby for a deal allowing India to obtain civilian nuclear technology even though it never signed the Non-Proliferation Treaty. He met with Mrs. Clinton, who he said assured him that Democrats would not block the deal. Congress approved it weeks later.

Other donors have connections with India, a potential flashpoint because of tensions with Pakistan. Among them was Lakshmi Mittal, a steel magnate and, according to Forbes magazine, the fourth-richest person in the world. Mr. Mittal, who donated $1 million to $5 million, was involved in a scandal in 2002 in London, where he lives. After Mr. Mittal made a large donation to the Labor Party, Prime Minister Tony Blair helped him persuade Romania to sell him its state steel company.

Another donor was Gilbert Chagoury, a businessman close to Gen. Sani Abacha of Nigeria, widely criticized for a brutal and corrupt rule.

Mr. Chagoury tried during the 1990s to win favor for Mr. Abacha from the Clinton administration, contributing $460,000 to a voter registration group to which Democratic officials steered him, according to news accounts. He won meetings with National Security Council officials, including Susan E. Rice, who is now Mr. Obama's choice to be ambassador to the United Nations.

EXHIBIT 2

CLINTON FOUNDATION—SELECT FOREIGN SOURCES

$10M–25M: Kingdom of Saudi Arabia.

$5M–10M: Government of Norway.

$1M–5M: Sheikh Mohammed H. Al-Amoudi—Saudi/Ethiopian businessman; Nasser Al-Rashid—Saudi businessman; Dubai Foundation—partnership between Harvard Med and Dubai; Friends of Saudi Arabia; Lakshmi N. Mittal—Indian businessman; State of Kuwait; State of Qatar; Taiwan Economic and Cultural Office; The Government of Brunei Darussalam; The Sultanate of Oman; Zayed Family—Zayed bin Sultan Al Nahyan was former president of UAE.

$500K–1M: Walid A. Juffali—Saudi billionaire; Kjell I. Rokke—Norweigan businessman; Soros Foundation; The Swedish Postcode Lottery.

$250K–500K: Abbas Al-Yousef; Carlos Bremer Gutierrez—CEO of Mexican corporation; China Overseas Real Estate Development; Gustavo Cisneros & Venevision—Venezuelan businessman and his company; Rolando Gonzalez-Bunster—CEO of Int'l power company; Ajit Gulabchand—Indian business executive; Vinod Gupta—Indian business executive; Hanwah Engineering and Construction Corporation—Chinese corporation; Hanwah L&C Corporation—Chinese corporation; Lalit Suri (deceased)—Indian hotel entrepreneur; US Islamic World Conference; Niklas Zennstrom—Swedish entrepreneur.

$100K to 250K: Aker Kvaerner ASA—Norweigan corporation; Hamza B. Al Kholi—Saudi businessman; Alibaba.com Corporation—Chinese corporation; Credit Suisse—Swiss financial services corporation; India Today Group; Karlheinz Koegel—German businessman; Lata Krishnan—Indian entrepreneur; National Opera of Paris; The Monte dei Paschi di Siena—Italian bank; Poju Zabludowicz—Finnish businessman.

EXHIBIT 3

$1M to $5M: Citi Foundation; Entergy; Sterling Stamos Capital Management, LP; The Wal-Mart Foundation.

$500K to $1M: Bank of America Foundation; Hewlett Packard Company; ICAP Services North America; Pfizer Inc; Procter & Gamble; Sanyo North America Corporation; The Anheuser-Busch Foundation.

$250K to $500K: American International Group, Inc. (AIG); Energy Developments and Investments Corporation; Google; Microsoft Corporation; Orbitex Management Inc.; The Coca-Cola Company.

$100K to $250K: Charles Schwab & Co.; Citigroup Inc.; FedEx Services; Hyundai Motor America; Lehman Brothers Holdings Inc.; Merrill Lynch & Company Foundation, Inc.; Bay Harbour Management; Visa Inc.

$50K to $100K: General Motors Corporation.

EXHIBIT 4

[From The New York Times, Jan. 11, 2009]

BILL CLINTON'S DONORS

In the likely event that Senator Hillary Rodham Clinton is confirmed as secretary of state, the last thing she will need is a distracting ethics controversy.

That is why Mrs. Clinton's confirmation hearing, now scheduled to begin on Tuesday before the Senate Foreign Relations Committee, must cover wider terrain than pressing world issues. It should address the awkward intersection between Mrs. Clinton's new post and the charitable and business activities of her husband, former President Bill Clinton.

Last month, Mr. Clinton disclosed the names of more than 200,000 donors to his foundation. It was a positive step toward the transparency that Mr. Obama insisted on before selecting Mrs. Clinton. But it also reinforced concerns about potential conflicts of interest ahead.

The roster of donors to Mr. Clinton's presidential library and global foundation enterprises include million-dollar-plus contributions from governments in the Middle East, tycoons from India, Nigeria, Ukraine and Canada, and international figures with interests in the policies Mrs. Clinton will be helping to write and carry out.

The five-page accord signed by representatives of Mr. Clinton and Mr. Obama could use tightening. For example, the wording calls for disclosure of ''new contributors'' to Clinton Foundation programs. It does not necessarily require disclosing the size of their gifts or the dates they were made. Disclosure of Mr. Clinton's charitable fund-raising and relevant private fees should be done monthly, or at least quarterly, not just once a year.

The overarching principle should be prompt disclosure of the amount and source of all payments to any Clinton charity or to Mr. Clinton personally by any person or entity with a political or economic interest, real

or perceived, in State Department decisions. Ideally, the White House counsel's office would be assigned a larger role than envisioned in screening Mr. Clinton's speaking and consulting deals before any check is received.

Mr. Clinton has agreed to reduce his fundraising and administrative role in the Clinton Global Initiative. The international project will no longer accept contributions from foreign governments or hold big events outside the United States once Mrs. Clinton is installed. These are prudent moves. The committee must decide if they are sufficient, given Mr. Clinton's continuing ties.

During her confirmation hearing, Mrs. Clinton must make it emphatically clear that past and future supporters of her husband or his work will not get favored treatment by the State Department. Avoiding the appearance of favoritism will be as important as the fact.

We believe that Mrs. Clinton has the potential to be a superb secretary of state. We also value Mr. Clinton's work since leaving the White House to help advance the fight against AIDS, malaria, malnutrition and other global ills. He has agreed to greater transparency and more restrictions than any former president, going beyond what law requires. That does not alter the committee's duty to scour the plans for workability and loopholes.

Everyone should recognize that there is no perfect solution for Mrs. Clinton's particular spousal dilemma. And, realistically, no set of rules, however well-meaning or tightly drafted, can substitute for the exercise of sound judgment and proper restraint. But they can help.

[From the Washington Post, Jan. 9, 2009]

QUID PRO CLINTON?—POTENTIAL CONFLICTS OF INTEREST COULD HAUNT PRESIDENT-ELECT OBAMA

In a letter to the editor Tuesday, Bruce Lindsey, chairman and chief executive of the William J. Clinton Foundation, took us to task for an editorial last month suggesting that former president Bill Clinton suspend fundraising for his foundation upon the confirmation and during the tenure of his wife, Sen. Hillary Rodham Clinton (D–NY)), as secretary of state. Mr. Lindsey called our suggestion ''shortsighted and dangerous.'' But not to see the appearance of a conflict of interest is shortsighted and potentially dangerous for one person who has enough to worry about: President-elect Barack Obama.

The good works of Mr. Clinton or his foundation are not in question. His work to lessen or eliminate the suffering brought about by HIV/AIDS and to address the challenges presented by climate change is impressive. So is his ability to raise vast sums for his foundation to tackle these issues. The money comes from sources in the United States and abroad. What has always been worrisome is that such prodigious fundraising could set up the potential of someone looking to curry favor with Ms. Clinton by making a sizable donation to Mr. Clinton's organization. Even the appearance of a conflict could call into question the motives of both Clintons and the donor.

A prime example emerged this week as a result of Mr. Clinton disclosing his contributors as part of an agreement with Mr. Obama that smoothed Ms. Clinton's nomination. The New York Times reported Sunday that upstate New York developer Robert J. Congel gave $100,000 to Mr. Clinton's foundation in November 2004, one month after enactment of a law, first supported by Ms. Clinton in 2000, that gave Mr. Congel access to tax-exempt ''green bonds'' to build the Destiny USA shopping complex in Syracuse. Nine months later Ms. Clinton secured $5 million in funding for road construction at the complex. We hasten to point out that Ms. Clinton was joined by other members of the New York delegation in urging passage of both bills, including the state's senior senator, Charles E. Schumer (D).

While Mr. Clinton's fundraising has been an appearance of a conflict waiting to happen with his wife a senator, it will only get worse and more troublesome once Ms. Clinton is confirmed as secretary of state. Per the agreement with Mr. Obama, a list of who is bankrolling the foundation will be released once a year. Only new donations from foreign governments will be examined by government ethics officials. And there is no prior review of donations from foreign companies or individuals or those in the United States with interests overseas. Mr. Clinton's continued globetrotting while collecting checks along the way could embarrass the administration on multiple, sensitive and dangerous fronts.

[From the Los Angeles Times, Jan. 14, 2009]

THE CLINTON CONNECTIONS—THE FORMER PRESIDENT SHOULD KEEP HIS FOUNDATION AT ARM'S LENGTH WHILE HIS WIFE HOLDS A CABINET POST.

Hillary Rodham Clinton, whose confirmation as secretary of State is a foregone conclusion after a three-hour love-fest of a hearing before the Senate Foreign Relations Committee on Tuesday, will probably do a fine job in the post—as long as her husband can keep his wallet zipped.

Former President Clinton's charitable foundation has the potential to haunt both his wife and the Obama administration, and not just because it has a history of accepting donations from tyrants and corrupt businessmen. Foreign governments, including Saudi Arabia, Australia, the Dominican Republic and Kuwait, have given millions to the Clinton Foundation, which might complicate Hillary Clinton's dealings with those countries—and could lead to a perception, justified or not, that one way to influence U.S. policy is to slip a few bucks to the secretary of States husband's charity. Given the importance of perception in international relations, that's no small concern.

Bill Clinton has a troubling history of doing favors for his political donors, and although his charity's work is beyond reproach—it has contributed millions to fighting AIDS and climate change around the world—the foundation's connection to enterprises that personally enrich both Clintons is murky. Many of its donors also have paid hundreds of thousands of dollars in speaking fees to the former president. Then there are highly questionable donations, such as the $500,000 he was paid by a Japanese American business for a speech he never gave, and that he later donated to the foundation, as reported in Tuesday's Times by Andrew Zajac.

The Obama administration struck a deal with the foundation aimed at improving transparency and avoiding conflicts, but it doesn't go far enough. Though the names of future donors will be released, it will be on an annual basis, and foreign govemments will be subject to review by federal ethics officers only if they're new donors.

The best way out of this mess would be for Bill Clinton to divorce himself from all of his foundation's fundraising activities for as long as Hillary Clinton is secretary of State; he can consider it partial atonement to his long-suffering wife. If he won't, the foundation should at least reveal its donors in real time, as the contributions are received, and should follow a suggestion made Tuesday by Sen. Richard G. Lugar (R–Ind.) and forswear new foreign contributions. That won't end potential conflicts from U.S.-based donors with international interests, but it's a start.

Mr. CORNYN. I see there are other colleagues here who wish to speak. I yield the floor and reserve the remainder of our time.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I yield 5 minutes to the Senator from Florida and then, after that, if I may yield to the Senator from Arizona and the Senator from Maine for comments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KERRY. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, there is an example of another one of our Senators in this body who is now assuming a very high and important position in the Government. The President and the Vice President have sprung forth from this Chamber. How honored we are, it having just been announced that Senator SALAZAR has resigned since he has been confirmed as Secretary of the Interior.

The issue before us is Senator CLINTON. The Senator from Texas has laid out his concerns and has said he finds the arrangement unusual. I appreciate his remarks. He has noted the good works of the Clinton Foundation. This Senator would think this arrangement is unusually good—for reasons. What has the Clinton Foundation done? It is not as if the spouse of a high-level new Secretary of State is in a foundation or a corporation of some nefarious kind of activity. Indeed, this is the kind of activity, as noted by the Senator from Texas, that is extraordinarily good.

For example, the Clinton Foundation has helped millions of people around the world. Mr. President, 1.4 million people living with HIV/AIDS now have access to lifesaving drugs. Because of this foundation's efforts and the former President's efforts to lower the cost of those antiretroviral drugs, 71 countries have access to these lifesaving medicines, which represents more than 92 percent of the people living on this planet with HIV.

I will give another example: 425,000 Rwandans are served by four health facilities that have been strengthened by the Clinton Foundation.

Because of these efforts, they have increased countries' human resource capacity to deliver care and treatment to their people, and it has helped prevent the transmission of disease from mothers to their children.

Take for example the Clinton Climate Initiative. It is working with 40 of the world's largest cities, both in the United States and around the globe, to reduce greenhouse gas emissions and combat global warming—something in which the next speaker, the Senator from Arizona, has been so intimately involved. These Clinton programs are

fostering sustainable development in Africa and Latin America.

As Americans, we can clearly applaud the efforts of the former President and his exceptional humanitarian work he has accomplished over the years that he has been a private citizen and that he has worked on through the Clinton Foundation.

We were reminded yesterday, with the inaugural celebration and the inaugural activities, of the importance of getting the national security team in place and getting it in place fast. The President laid out the imminent crises he is having to face. We need a Secretary of State in place. Senator CLINTON's integrity and her record of service are clear. We should not delay any longer, and we ought to confirm her quickly to be our next Secretary of State.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Mr. President, before I yield to the Senator from Arizona, Mr. LUGAR, who would normally be here as the ranking member, the distinguished ranking member, who is one of our most respected voices on foreign policy, is not feeling well, so he is not here right now. But he has asked me to personally make sure his comments are printed in the RECORD in full. I wish to share just 30 seconds here. He says:

> In my judgment she is an extremely well qualified nominee who is deserving of confirmation. Her presence at the helm of the State Department could open unique opportunities for U.S. diplomacy and could bolster efforts to improve foreign attitudes toward the United States.

He goes on to talk about her relationship with world leaders at the time and her understanding of U.S. foreign policy.

• Mr. LUGAR. Mr. President, I wish to comment on the nomination of Senator HILLARY CLINTON to be Secretary of State. In my judgment she is an extremely well qualified nominee who is deserving of confirmation. Her presence at the helm of the State Department could open unique opportunities for U.S. diplomacy and could bolster efforts to improve foreign attitudes toward the United States. She has longstanding relationships with many world leaders that could be put to great use in the service of our country. Her time in the Senate has given her a deep understanding of how U.S. foreign policy can be enriched by establishing a closer relationship between the executive and legislative branches. She is fully prepared to engage the world on a myriad of issues that urgently require attention.

Given Senator CLINTON's remarkable qualifications, President Obama's strong confidence in her, and pressing global issues, which I do not need to enumerate, I favored having our friend confirmed yesterday by unanimous consent. Relevant points of concern about conflicts of interest arising from the fundraising of the Clinton Foundation were made during her confirmation hearing. In my judgment, only Senator CLINTON and President Clinton, themselves, have the ability to avoid these problems. At the hearing, I strongly urged Senator CLINTON to ensure that no conflict of interest problems arise. She stated that she would do so, and I am confident that she understands the importance of this commitment.

Nevertheless, I recognize that some colleagues who do not serve on the Foreign Relations Committee shared similar concerns about the potential for conflicts of interest. They wanted an opportunity to discuss these concerns, and the Senate gives them that right. The Foreign Relations Committee and the Senate have oversight responsibility over anything that might add or detract from U.S. foreign policy. The Obama Transition and Senator CLINTON implicitly recognized this Senate responsibility when they forwarded their memorandum of understanding addressing Clinton Foundation activities to the Foreign Relations Committee for its review.

I understand that the Clinton's are proud of the Clinton Foundation, and I applaud the work it has done. I also understand that the foundation is devoted to many ongoing projects and beneficiaries. President Clinton has given a great deal of time and energy to this enterprise, and he and other leaders of the foundation are reluctant to accept changes or restrictions that they perceive as potentially inhibiting its momentum.

But this understandable concern for the work of the foundation does not trump the vital business of U.S. foreign policy that will be directed by Senator CLINTON. The work of the Clinton Foundation is a unique complication for Senator CLINTON's service that will have to be managed with great care and transparency.

The point I attempted to make during the hearing and in other communications leading up to the hearing was that the Clinton Foundation exists as a temptation for any foreign entity or government that believes it could curry favor through a donation. As such, it sets up potential perception problems with any action taken by the Secretary of State in relation to foreign givers or their countries. There need be no wrongdoing on the part of anyone to generate controversy or misperceptions. Every new foreign donation that is accepted by the foundation comes with the risk that it will be connected in the global media to a proximate State Department policy or decision. Foreign perceptions are incredibly important to U.S. foreign policy, and mistaken impressions or suspicions can deeply affect the actions of foreign governments toward the United States. Moreover, we do not want our own Government's deliberations distracted by avoidable controversies played out in the media. The bottom line is that even well intentioned foreign donations carry risks for U.S. foreign policy.

At the hearing, I recommended that the only certain way to eliminate this risk would be for the Clinton Foundation to forswear new foreign contributions and rely on its large base of U.S. donors during Senator CLINTON's time as Secretary of State.

Alternatively, I suggested that the Clinton Foundation could enhance public confidence and minimize risks of conflict of interest with a few additional transparency commitments, none of which would threaten the operations of the Clinton Foundation. Inconveniences for the foundation or a reduction in some types of donations that have been accepted in the past are small prices to pay when balanced against the serious business of U.S. foreign policy that affects the security of every American. If there is the slightest doubt about the appearance that a donation might create, the foundation should not take it. If there are issues about how a donation should be disclosed, the issues should be resolved by disclosing the donation sooner and with as much specificity as possible.

In particular, I suggested three additional commitments that the Clinton Foundation could make in the interest of transparency. First, all donations of $50,000 or more in a given year from any source should be disclosed immediately upon receipt, rather than waiting up to 12 months to list them in the annual disclosure. Second, pledges from foreign entities to donate more than $50,000 in the future should be disclosed both at the time the pledge is made and when the donation eventually occurs. Third, gifts of $50,000 or more from any foreign source, including individuals, should be submitted to the State Department ethics official for the same ethics review that will be applied to donations from foreign governments. This is especially important because the lines between foreign governments and foreign individuals are often blurred. For example, conflicts of interest could arise from a donation from a Gazprom executive or a member of the Saudi Royal family as easily as from the governments of Russia and Saudi Arabia.

Since the inception of the Clinton Foundation in 1997, 499 donors have given $50,000 or more, an average of less than one per week. So the administrative burden of these additional transparency commitments would be minimal. But adopting them would yield substantial transparency benefits with regard to the donations that are most likely to raise issues.

In answers to questions for the record, Senator CLINTON offered no reasons why these additional disclosure items would not be beneficial. Instead, answers stated that the MOU went beyond what other spouses of cabinet officials have done to limit their Foundations and that there is no law or ethics regulations requiring further steps. These statements are true, but beside the point.

First, the issues surrounding the fundraising of the Clinton Foundation and its impact on Senator CLINTON's service as Secretary of State are not primarily legal. The imperative here is protecting U.S. foreign policy, not satisfying a legal or ethical requirement. If a transparency measure would help guard against donations that could jeopardize Senator CLINTON's participation in some matters, prejudice foreign opinion against U.S. policies, or generate public controversies, it should be embraced. Each proposal should be judged on its own merits, rather than rejecting suggestions on the basis that enough has been done. Is it, or is it not a good idea to subject all foreign donations greater than $50,000 to the State Department ethics review process, for example.

Second, following precedents established by other foundations is unsatisfying given that this case far exceeds previous cases in magnitude and risk. Senator CLINTON will be the Secretary of State—the top foreign policy official of the United States after the President. President Clinton is one of the most recognizable personages and prolific fundraisers in the world. As an ex-President, he is regarded as having personal influence with members of our Government and other governments. Moreover, we have already seen in the December disclosure of past donors that the Clinton Foundation has received tens of millions of dollars from foreign governments, government-controlled entities, foreign businesses and others who may have interests affected by State Department policy. Other cases lack this extraordinary confluence of a Secretary of State with responsibility for foreign policy, a globally recognized ex-President spouse who has raised money in every corner of the world, and a foundation that has implemented an aggressive foreign fundraising strategy.

Furthermore, we should be clear that the MOU is a negotiated, political agreement that involved both the Obama Transition and the Clinton Foundation exerting leverage and making compromises. There is nothing wrong with this. But we should not confuse it with a document produced by ethics experts seeking to construct the most effective arrangement for avoiding conflicts of interest. These negotiations produced a useful, good-faith agreement, but not one beyond improvement. It represents a beginning, not an end. Its success will require that all parties make the integrity of U.S. foreign policy their first principle of implementation.

I am hopeful that Senator CLINTON and the Clinton Foundation will take time to reexamine their position on these items. If they do, I believe they will see that they could reap substantial transparency and public confidence benefits by going beyond what the MOU requires them to do. More importantly, all involved should recognize that protecting the foreign policy of the United States from conflict of interest appearances far outweighs the relatively minimal impact additional transparency measures might have on the operations of the Clinton Foundation.●

The ACTING PRESIDENT pro tempore. The senior Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank my colleague, the distinguished chairman of the Foreign Relations Committee. I will speak briefly. I know the Senator from Maine would like to say a few words.

I really believe we should move forward with the nomination of our former colleague—I guess our still present colleague—Senator HILLARY CLINTON, to take up the urgent and important duties she holds, which are to meet some very serious challenges. We should not delay. I do not have to remind you, Mr. President, or anyone else in this body that we are in two wars. There is a very fragile cease-fire in the Gaza now between the Israelis and Hamas. The situation in North Korea seems to have deteriorated again with the paradoxical and unpredictable behavior of the North Korean dictator and Government. I think we need to immediately, or as soon as possible this morning, by voice vote, move forward with the nomination and confirmation of the Senator from New York to be the next Secretary of State.

I remind all my colleagues, we had an election and we also had a remarkable and historic time yesterday as this Nation has come together in a way it has not for some time. I, like all good politicians, pay attention to the President's approval ratings. They are very high. But more important, I think the message the American people are sending us now is they want us to work together and get to work. I think we ought to let Senator CLINTON—who is obviously qualified and obviously will serve—get to work immediately.

I ask unanimous consent that at the completion of the remarks any of my colleagues might have, we vitiate the vote at 4:30 and proceed by voice vote to a confirmation of Senator HILLARY CLINTON to be the next Secretary of State for the United States of America.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KERRY. Mr. President, reserving the right to object, I am in a very strange position here of wanting to protect the prerogatives of the minority, which is an important part of how we work here but at the same time completely supporting the Senator from Arizona.

I will balance this out for a moment.

Mr. MCCAIN. Will the Senator yield? While the unanimous consent request is being considered, perhaps my other colleagues could speak?

Mr. KERRY. If we could ask for forbearance for the unanimous consent, perhaps it would be more appropriate if Senator CORNYN or someone from the other side of the aisle were willing to lodge that objection because I am personally very uncomfortable doing so.

Mr. MCCAIN. Let me say to my colleague, I just had a conversation with Senator CORNYN. He does not object to that.

Mr. KERRY. I was going to ask for the same thing at the end of the comments, but I wanted to first see if he was prepared to clear it. Mr. President, could I ask if the Senator will withhold his unanimous consent request for a moment and if the Senator from Maine could be permitted to speak? We will see if we can jump through this hoop.

Mr. MCCAIN. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I rise today in strong support of the confirmation of Senator HILLARY CLINTON to be our next Secretary of State. Last Thursday, the Senate Foreign Relations Committee overwhelmingly approved Senator CLINTON to become our Nation's top diplomat. I rise today to echo the committee's approval and to urge my colleagues to vote in favor of her confirmation.

Senator CLINTON's many years of public service make her an outstanding nominee for Secretary of State. In her confirmation hearing, the ranking member of the Senate Foreign Relations Committee, Senator LUGAR, spoke of Senator CLINTON as ''the epitome of a big leaguer,'' who has remarkable qualifications for the post of Secretary of State. The committee chairman, Senator KERRY, shared his faith in her qualifications and abilities, having seen her ''diplomatic acumen up close.'' He also said that Senator CLINTON did an outstanding job in her testimony before the committee, as those of us who observed the hearings can affirm.

Senator CLINTON is the ''first'' First Lady of the United States elected to public office. As First Lady, she traveled the world for 8 years, visiting more than 80 countries. In doing so, she took an active role in helping to carry out our Nation's foreign policy and was an advocate for our Nation. She not only met with foreign leaders at the highest levels of government, but she made it a hallmark of her trips to visit villages, clinics, and other remote areas, learning firsthand the importance of a foreign policy founded at the most basic levels of humanity.

During my service in the Senate, I have had the opportunity to work very closely with Senator CLINTON on a number of issues, particularly since we both serve as fellow members of the Armed Services Committee. We have worked together tirelessly to improve the detection, assessment, and treatment of traumatic brain injury among wounded servicemembers.

We also cochaired the Alzheimer's Task Force and have worked together to increase funding for research into this devastating disease.

Senator CLINTON and I have had the opportunity to travel with Senator

MCCAIN to Iraq and Afghanistan. I witnessed her world knowledge and authoritative approach to foreign policy. I have seen her tireless work ethic and intelligence up close, as well as her ability to engage with colleagues across the aisle to get the job done and to meet the needs of the American people.

I will always remember one meeting in particular that we had together in Afghanistan. Senator CLINTON and I broke off from the group to go meet with a group of Afghan women from all walks of life. I was so impressed with Senator CLINTON's engagement with these women, with her genuine interest and the details of their lives, whether it was their access to health care or the education for their children. She was very engaged in the conversations despite the fact that we had traveled all night and were extremely tired.

Her caring, her compassion came across in her conversations with these women. I know these qualities—her caring, her compassion, her commitment, her extraordinary preparation and intelligence—will serve her well and will serve our country well as Secretary of State.

Today our Nation faces many pressing challenges abroad. The challenges are many, not only in Afghanistan and Iraq but security in the Middle East and the safety of the people of Israel, and the dangerous situation in Pakistan. I am encouraged by Senator CLINTON's commitment to a foreign policy and a national security strategy that is built on bipartisan consensus and executed with nonpartisan commitment and confidence. She has promised a foreign policy based on principles and pragmatism, not rigid ideology; facts and evidence, not emotion or prejudice.

I urge my colleagues to join me in voting in favor of her confirmation, and I echo the suggestion of Senator MCCAIN that we get on with this as she is an extraordinary nominee and deserves our support.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from Arizona and the Senator from Maine for their important comments, with which I agree. I understand the Senate is under a prior order to actually recess.

I ask unanimous consent that we allow one more speaker, the Senator from South Carolina, at which time the Senate would recess for the caucus lunches and return, I believe, at 2:15.

Mr. MCCAIN. Mr. President, would the Senator yield for a question?

Mr. KERRY. I would be happy to yield for a question.

Mr. MCCAIN. Do you think it is possible, if we can get it cleared, to perhaps have this unanimous consent vote before breaking for lunch?

Mr. KERRY. I think it is possible if the Senator can persuade three members of his caucus that they do not need to speak on this issue. If that can happen in the next 5 minutes, I believe it is possible for us to move forward.

I think the Senator's cloakroom has those names and, obviously, to protect their right to be able to speak, we need to check with them. But that is the only thing standing between our ability to confirm the nomination before the recess.

Mr. MCCAIN. I will follow up with another question for my colleague; that is, if we are unable to do it in the next few minutes, perhaps we could, for sure, during the lunch break, be ready to go at the conclusion of the lunch break.

Mr. KERRY. I think that would be terrific. Again, if all three Senators would raise this issue at the caucus, at their caucus luncheon, we ought to be able to come back and expedite the confirmation. We are prepared to vote now. We were prepared to vote yesterday. I might add, Senator LUGAR was encouraging our moving by unanimous consent yesterday. So we are a day overdue, and we are ready to proceed.

With that, I would yield such time as the Senator from South Carolina might consume.

The ACTING PRESIDENT pro tempore. Without objection, the request is agreed to.

The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I thank the committee chairman. I want to recognize the work the committee did. I thought the hearings were very important for the country. They were well done. They were timely held. Any concerns about conflicts of interest, there will be a process in the future, if that happens to be a concern, to go through the committee. I have a lot of confidence in the committee to provide oversight.

But having said that, I have a lot of confidence in Senator CLINTON to be a good Secretary of State. We have a new President. We had a tough campaign. The campaign is over, but the wars are not. The challenges facing the country are enormous, domestically and internationally.

I think this new President deserves to have his team in place. I could not think of a better choice for Secretary of State, and he has many to choose from. So he has made his choice; the committee has acted. I do hope the Senate can act expeditiously after lunch. Everyone deserves to have their say. I respect the chairman preserving the ability of Senators to have their say.

I intend to vote for Senator CLINTON. I have had the pleasure of serving with her, traveling throughout the world. I know she understands the world; people understand her. There is no place in the world that she cannot go that people do not have, I think, a very favorable impression of her. She will help execute a foreign policy that is going to be difficult. I want it to be bipartisan where it can.

If we can get this done today, it will be good for the country. She will do an outstanding job. I have a lot of confidence in the committee to make sure that any potential conflict of interests are fairly dealt with.

With that, I hope this afternoon we can do it by voice vote. But let's get it done. This country needs a Secretary of State right now, this minute, engaging the world because we have young men and women throughout the world in harm's way, and they need an advocate on the world stage.

There is no better advocate I can think of than Senator HILLARY CLINTON. She can do an outstanding job. I appreciate the chairman allowing me to speak on her behalf, and I enthusiastically will support her.

COMMUNICATION FROM SENATOR KEN SALAZAR

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the following communication, which the clerk will report.

The assistant legislative clerk read as follows:

U.S. SENATE,
Washington, DC, January 20, 2009.

Hon. JOE BIDEN,
Vice President of the United States, President of the Senate, U.S. Capitol, Washington, DC.

DEAR VICE PRESIDENT BIDEN: I hereby resign as United States Senator for the State of Colorado immediately, in order to undertake the responsibilities of United States Secretary of the Interior. Enclosed is a letter to the Governor of Colorado concerning the same.

Sincerely,

KEN SALAZAR,
U.S. Senator.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:52 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARDIN.)

EXECUTIVE SESSION

NOMINATION OF HILLARY RODHAM CLINTON TO BE SECRETARY OF STATE—Continued

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. May I ask how much time remains with respect to the Clinton nomination?

The PRESIDING OFFICER. There is 57 minutes on the majority and 76 minutes on the Republican side.

Mr. KERRY. It is my understanding the Senator from South Carolina wishes to speak.

We have had some discussion with a few of our colleagues on the other side of the aisle. I understand there are two or three folks who want to speak, at which point I am prepared to move forward immediately to a vote on this nomination. That is our current plan, unless somebody else had a reason they wanted to speak.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, the Senator is correct. I believe there are a few Republicans who wish to make comments, and I believe everyone is agreeable to move directly to the vote.

Senator CLINTON is uniquely and highly qualified for the job of Secretary of State. She has been very open and forthright in her answers to questions at the committee hearings and to my questions asked in private conversations and in the dozens of questions I submitted to her for written response. I believe she honestly wants what is best for the Nation. I will do my best to support her in that endeavor.

As a member of the Senate Foreign Relations Committee, I voted to send her nomination to the full Senate because I believe she has earned the right to an up-or-down vote. Senator CLINTON will be confirmed today. There is not much doubt about that. She will be sworn in and, when she is, she will have my prayers for her success. At the committee level, I said she not only had the potential to be a good Secretary of State but a great Secretary of State. But her success will be determined by more than just her considerable intellect and experience. It will also be determined by the policies she pursues. This is one area that concerns me.

Based on her testimony, her answers to questions and her public statements, I believe she will take our foreign policy in a direction that erodes our national independence and surrenders sovereignty to international powers. I am deeply concerned that she will take aim at decades-old policies intended to protect the sanctity of life. These policies ensure that our foreign assistance dollars do not fund abortion and are not used to lobby foreign nations to repeal laws that protect unborn children. The United States is certainly an economic, political, and military superpower. But we have also strived to be more, to be a moral superpower. Our unwavering adherence to principles of freedom and human dignity are what truly set us apart. These pro-life regulations contribute to that moral leadership.

Some will argue that we should expect these policies from Senator CLINTON, given that President Obama has very strong views supporting unrestricted abortion. I understand that. To some degree, I believe he should be allowed to surround himself with individuals who share his views, even when they are misguided. Within reason, I may even support a nominee who has certain views I disagree with. I do not plan to slow up this nomination, but I find it difficult to support a nominee who I know will pursue policies so contrary to American sovereignty and the dignity of the human person. I will continue to try to persuade Secretary of State CLINTON and President Obama to modify their positions. That obviously will not happen before the vote today.

One matter I had hoped would be resolved before the vote today is the Clinton Foundation and its initiatives. I urged Senator CLINTON at the hearing, as others did, to do whatever she could to eliminate any doubt about the foundation's fundraising and a potential conflict of interest with foreign nations. I believe this problem can be very easily fixed, if the foundation agrees to refuse all foreign donations and fully discloses all contributions on line immediately, as long as Senator CLINTON is Secretary of State. To date, Senator CLINTON has not agreed.

Let's be clear. Senator CLINTON does not have to provide this disclosure to be confirmed. She already has the votes. As far as I know, the law does not require this disclosure. In fairness, the foundation plans to provide disclosure far beyond what is required legally, but we are in new waters today, the first time the spouse of a former President is stepping into such an important role. In a world where bribes, kickbacks, and pay-to-play are too often the normal way of doing business, the United States must stand apart. As President Obama said yesterday, those of us who manage the public's dollar will be held to account. We must do our business in the light of day, because only then can we restore the vital trust between a people and their government. That is why I believe additional steps should be taken to eliminate this potential conflict. This will help Senator CLINTON be a Secretary of State who is above reproach. It is essential that our Secretary be seen as treating nations fairly, and I have every belief that Senator CLINTON can be a fair Secretary of State. But it is not enough that we treat other nations fairly. They must know that they are being treated fairly. If there is suspicion that certain nations or international players are gaining advantage by virtue of contributions to the Clinton Foundation or its initiatives, that will compromise our new Secretary's effectiveness. This is why I believe only full and immediate public disclosure and refusal of all foreign donations is the only solution.

The memorandum of understanding signed by the foundation leaves a lot of discretion to Senator CLINTON. During her confirmation hearings, Senator LUGAR presented a request for more acceptable disclosures, and Senator KERRY, as chairman, supported these recommendations. Unfortunately, Senator CLINTON has not agreed to follow even these modest recommendations. For these reasons, I will be voting against the nomination today. But I will do so with nothing but sincere hope and goodwill toward our new Secretary of State and prayer for her success, as she takes the helm of the State Department.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator for his comments and for the concerns he has expressed which I think I have addressed earlier in my opening comments and which Senator LUGAR also has addressed.

It is my understanding that there was one other Senator who wished to speak.

I suggest the absence of a quorum, with the understanding, as before, that time will be charged against both sides equally.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KERRY. Mr. President, Senator VITTER wanted to speak. I know he was scheduled for later, but it would be great if he was able to get down here. We have no other Members on our side who want to speak, so we could proceed to an immediate vote and hopefully do it by consent which would expedite matters here and make it simpler for colleagues. I hope our colleagues on the other side of the aisle will cooperate with us.

In the meantime, I yield such time as the Senator from New York may consume.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I thank Senator KERRY for his leadership on this issue. We look forward to continued leadership on many different issues from Senator KERRY.

I rise in favor of HILLARY CLINTON's nomination to be Secretary of State. It has been said: HILLARY CLINTON is the ideal candidate, particularly during these troubled times, for Secretary of State. I thank my colleagues on both sides of the aisle for the cooperation we are getting so that we can move this resolution quickly. These are difficult times. Yesterday our country entered a new era in its relationship with the rest of the world. President Obama laid out a daunting task to return the United States to its historic role as a moral leader of the international community and HILLARY CLINTON is exactly the right person for the job. She has studied the issues of foreign policy over the years. She has outstanding relationships with the leaders of the world. She also has that internal gyroscope that will lead her to balance the very legitimate security needs of the United States along with the need to be a moral leader. That is not easy to do. But HILLARY CLINTON has shown her ability to synthesize different parts of a difficult problem in a way that produces real results.

The country and the world need a new U.S. foreign policy, one championed by a strong and consultative leader. HILLARY CLINTON is exactly the

right person for the job. Her abilities as a prudent and effective policymaker have been proven in the dual crucibles of national scrutiny and international pressure. And through all of this time, she has demonstrated a steadiness of character, a soundness of judgment and strength that will make her an exceptional leader.

We can't wait too long. I would have hoped that we could have unanimously supported this nomination and moved it yesterday. But colleagues have the right to delay only for a short period of time. I am glad that delay is about to end. As a country, as a world, we need HILLARY RODHAM CLINTON as Secretary of State, given her intelligence, her strength, her compass, and her ability to get things done.

I urge my colleagues to move quickly. I don't want to delay this further. I remind them of her vast international experience, negotiating aid packages in Asia, pushing democratic reforms in the Soviet Bloc, promoting peace plans in Northern Ireland and Serbia. But HILLARY CLINTON will combine a fresh look at our foreign policy with lots of experience and the know-how to get it done.

I can tell my colleagues from serving with HILLARY for 8 years as Senator—and I will regret that our partnership as Senator is ending—there is no one better to do this job. We should move the nomination quickly. We should then all get behind Senator CLINTON and President Obama, and there will be a great foreign policy team.

In all of her many roles as a public servant, HILLARY has always shown the insight to see to the heart of a problem, the courage to tackle it, and the talent to solve it.

In her years as First Lady, Senator CLINTON was one of the country's most important and best-loved ambassadors.

She traveled to over 80 countries, meeting with heads of state from the Czech Republic to Nepal.

She served as a representative to the United Nations, addressing forums around the world.

She has negotiated aid packages in Asia, pushed democratic reforms in the former Soviet Bloc, and promoted peace plans in Northern Ireland and Serbia.

But HILLARY didn't just meet with world leaders. She has met with the private citizens around the world whose lives are shaped by international decisions.

She has met survivors of the Rwandan genocide, with advocates for social justice and women's rights in Pakistan, with the families of children kidnapped in Uganda.

And after serving her country 8 years as First Lady, when most people retire, HILLARY stepped up and has served as a vital and powerful advocate on behalf of the people of New York.

Going from the White House to White Plains, HILLARY has continued to show just as much acumen in her dealings with national and global leaders, as she shows empathy and interest in the needs of private individuals around New York.

From her time 30 years ago with the Children's Defense Fund, to her commitment while in the White House to improving women's rights at home and abroad, to her indefatigable efforts in the Senate to fight poverty and disease in the developing world, HILLARY has dedicated her career to improving the lives of the country's and the world's least fortunate people.

I cannot think of anyone who, as Secretary of State, could do as much as good for the people of the world, or as much to restore the world's faith in our leadership.

Senator CLINTON has important work waiting for her in Foggy Bottom, and the country and the world cannot afford to wait for her leadership any longer.

I am sad to see HILLARY leave the Senate, but I am confident that she will be a brilliant Secretary of State.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KERRY. Mr. President, I yield 3 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Thank you, Mr. President.

Mr. President, I rise today to speak on the nomination of Senator HILLARY RODHAM CLINTON to be Secretary of State. I would like to make a few brief points why I think her nomination is important and why I think she will do an outstanding job in this very important position. I want to begin, though, by saying something about President Clinton's charitable efforts and what they have meant to our State and to our region and what I think they have meant to the world at large.

We have seen in our own lifetime many Presidents come and go from the Oval Office. Many of them leave and you do not hear much from them. Some of them spend their time in very worthy causes. But, to my mind, no past President has taken on such an ambitious agenda as President Bill Clinton to help ease the suffering and pain in this world. He could have spent his time doing many things, but he has challenged himself and his contacts around the world—businessmen, philanthropists, women engaged in social organizational work around the world—to make this a better community. He has done it masterfully and with the strength and networking capabilities that perhaps only a President of this Nation has.

In the State of Louisiana, which I represent, we have seen firsthand the benefit of that work, as he has raised private dollars, foundation dollars to come to the aid of Katrina and Rita survivors: $130 million in funding to the gulf coast region, which was devastated by not two storms but actually four counting Ike and Gustav; and not just for Louisiana and Mississippi but for the State of Texas, where JOHN CORNYN hails from, which has been particularly helped by the efforts not just of the Clinton Foundation but the Clinton-Bush foundation or the Bush-Clinton foundation that raised $130 million for tremendously helpful causes.

Just a few notes: Mr. President, $30 million was awarded to 38 higher education institutions to keep those doors open, when homes were destroyed, jobs were lost, and families were scattered to States all over America; $40 million went to nonprofit groups working on reconstruction efforts; $25 million was awarded to rebuild over 1,000 houses; and $35 million was given to general nonprofits.

As of January 16, 2009, another one of President Clinton's funds—the Bush-Clinton Gulf Coast Fund—has raised over $2 million for additional help to towns and neighborhoods.

In the aftermath of Hurricane Ike—the fourth of the storms that have struck our coast in these 3 years—the Clinton Climate Initiative helped to catalyze a cooperative effort between the public and private sector to transport 4.5 million gross cubic yards of green waste to 9 sites in order for it to be composted as opposed to dumped into landfills.

The Clinton Foundation, via the Clinton Global Initiative, has received commitments valued at over $103 million to work on climate protection initiatives and health technology initiatives in the State of Texas, as well as to enhance the quality of life of Texas-Mexico border residents.

As a Senator who represents the storm survivors of Louisiana, I am incredibly grateful for President Clinton's hard work for our communities.

Not only has Senator HILLARY RODHAM CLINTON herself been one of the first Senators on the ground to the gulf coast, sharing her expertise, her knowledge, and her passion for recovery, but President Clinton himself.

Mr. President, I know I have only been given 3 minutes. I ask unanimous consent for an additional 1 minute because I would like to add, I say to Senator KERRY, if I could, that I hear so many people from the other side coming down and expressing their philosophy that they are just appalled that Democrats sometimes rely on Government to do it all.

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

Ms. LANDRIEU. Well, here is an example of a former President who is not relying on Government to do it all, who realizes the combined treasuries of all the governments in the world cannot stop, perhaps, the AIDS crisis or lift women out of poverty or educate

girls who have not been educated in centuries. So he has taken it upon himself to raise private dollars and foundations. Yet the same group who complains that Government cannot do it all—when somebody tries to leverage the strength of the private sector, they have to clobber him anyway. I think part of it is not so much the words they say, but perhaps this gives them an ability to do some fundraising they may have to do for the coming elections, which is really very disturbing based on the passionate comments of President Obama yesterday about how he would like to get past this partisan era we have been in.

Just a word about Senator CLINTON herself. Not only on the international front is she an expert, and our President needs a very smooth transition on the international front given the two wars we are facing, the crisis in the Mideast, and the economic crisis at home, but I want to spend my last minute saying how personally proud I am of the work she has done in this country and abroad helping women and children, particularly orphans, particularly children who find themselves, because of war or famine or disease or other terrible causes, separated from their families and in this country left for years in limbo in foster care or in a foster care system that is broken and is still yet to be fixed. Senator CLINTON herself has been a champion for these children, both foster care children and orphans around the world. I think as the Secretary of State, although she is going to be busy with many great issues of the world, her heart is big enough to find a space and to keep a space for orphans and other children. As far as I am concerned, they may be an afterthought to many big policy leaders today, but I would like to paraphrase a quote that says: Children may be an afterthought today, but they are 100 percent of our future, and paying a little attention to them will help this world keep a steady course.

As First Lady, Senator CLINTON led numerous efforts to increase awareness about and support for youth aging out of foster care, and to increase the number of children who are adopted out of foster care. She partnered with the late John Chaffee and JAY ROCKEFELLER to develop and pass the Adoption and Safe Families Act in 1997. This law is credited for fundamentally shifting the U.S. foster care system away from the archaic notions that trapped children in foster care for years to child-focused policies that resulted in children finding safe, loving, and permanent homes. After the passage of that legislation, foster adoptions increased 64 percent nationwide—from 31,030 the year the law passed to 51,000 last year.

As a Senator she has continued to push for legislation that benefits children in foster care. Under her leadership, the 110th Congress took up and passed legislation that provides Federal support for family members who take on the responsibility of caring for children who would otherwise continue to live in foster care. She worked tirelessly to enhance efforts to incentivize States to continue their success in finding families for older children, children with special needs, and large sibling groups.

I have no doubt that she will carry these passions with her to her new assignment as Secretary of State and that the orphans of the world will be better for it.

President Obama took the oath of office with the U.S. fighting two wars, a simmering crisis in the Middle East and the need for a seamless transition to address the threats and challenges to the United States.

He needs his national security team confirmed and ready to work immediately.

The outgoing Bush administration understood the importance of a smooth national security transition and worked closely with the Obama administration towards that goal. Republicans in the Senate should do no less.

Yesterday, President Obama spoke eloquently about—and the American people responded so vigorously to—the need to set aside partisan posturing in these challenging times and come together to advance our collective interests. It is a shame that the President's call is being ignored at this critical time.

Any delay for partisan political purposes denies the President of the team that he needs to preserve and protect our national security.

I look forward to Senator CLINTON becoming our new Secretary of State.

Mr. President, I ask unanimous consent that an article from Politico dated January 15, 2009, about President Clinton's charity work helping Senator VITTER's home State—our State of Louisiana that we represent—be printed in the RECORD.

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

[From Politico, Jan. 15, 2009]

BILL'S CHARITY WORK HELPED VITTER'S STATE

(BY GLENN THRUSH)

There's a small, but biting irony in David Vitter's solo ''no'' vote against Hillary, which was based on conflicts-of-interest concerns about Bill Clinton's foundation.

It just so happens that the ex-president's charitable efforts have been more focused on Vitter's home state of Louisiana than just about any other place in America, with $130.6 million in funding flowing to the Gulf region through the Bush-Clinton Katrina Fund, according to records.

A partial breakdown: About $30 million was awarded to 38 higher education institutions; $40 million went to non-profits working on reconstruction in Alabama, Louisiana and Mississippi; $25 million was awarded to 1,151 houses of worship and organizations assisting the faith community; and $35.6 million was given to 42 other non-profits for various services.

Some noteworthy BCKF Louisiana grants: $550,000 to the storm-damaged Delgado Community College in New Orleans and $1.89 million to Xavier University, also in NOLA.

Ms. LANDRIEU. Mr. President, I thank my colleague from Massachusetts for giving me the opportunity to speak in this series of speakers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I thank the Senator from Louisiana for her personal and important observations. I know they will be much appreciated by her colleague and our friend, Senator CLINTON.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, could I ask, how much time is there still divided?

The PRESIDING OFFICER. The majority has 39 minutes, the Republicans have 64 minutes.

Mr. KERRY. Mr. President, I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, it is such a pleasure to be here, and I want to say to my chairman, Senator KERRY, how much I wish him the best in his new position.

I am a very proud member of the Foreign Relations Committee, and I want to talk a little bit about HILLARY CLINTON and her qualifications to be Secretary of State and, more than that, our need to see her confirmed as swiftly as possible this afternoon.

Many of my constituents are visiting for the great inaugural celebration we witnessed yesterday. They played a role in it. Many of them have talked to me and asked: Well, why hasn't HILLARY CLINTON been confirmed already? Why has there been any delay? She is obviously so well qualified.

I answered: Well, several of my colleagues on the other side had some issues with disclosure of Clinton Foundation donations. And I believe we will deal with that.

I think it is important to point out that President Clinton has agreed to disclose so much regarding his foundation. Other Presidents do not disclose anything. I think if there is any problem, we will have transparency and we will know.

What my constituents are saying to me is this: Look, we need a strong and respected Secretary of State who is knowledgeable on day one. They basically say there are two reasons for that, and I agree with them. The first reason is, there are so many hot spots in the world and so many complicated issues out there for the next Secretary

of State. HILLARY CLINTON—having run for President, having been a United States Senator, having served on the Armed Services Committee—is supremely ready for these challenges. Whether it is winding down the war in Iraq, which our President says he will do responsibly and soon; whether it is making sure we don't lose Afghanistan to the Taliban and set that nation back; whether it is the terrible crisis between Israel and the Palestinians; whether it is turmoil in Africa, genocide in Darfur, the war on terror in general, or the need to win over the hearts and minds of people around the globe, all of these things are out there for our new President, President Obama, to address. He needs someone to help him shoulder that burden. He is going to count on HILLARY CLINTON to do that. He is going to count on Senator KERRY in his new position, all of us on the committee and all of us in the Senate, as well as House leaders to do that.

HILLARY CLINTON understands all of these hot spots. She also understands the fact that there is one President and she will work with him and for him and for the American people. After all, she was in the White House and she knows the President sets foreign policy. She understands that. So she is supremely ready.

The other reason my friends from California have stated is this: We need someone with that prestige, with that recognition, with that charisma because we have so many problems at home to which our President has to attend. And HILLARY CLINTON has that sense of, frankly, star quality, the ability to gain attention and respect. President Obama couldn't do the work himself. If he had to fly all over the world, he couldn't take the time he needs to fight this deepening recession.

President Obama is inheriting massive problems. These problems didn't happen in a day; they happened over the last 8 years. It is going to take time to get out of some of the mess. President Bush had a surplus; he has put us deeply in debt. Pay as you go is gone. Our new President has to deal with that.

President Bush made no progress on health care. Our new President has to deal with it. On the environment, we have gone backwards. I know the chairman understands this. He serves on the committee on which I am privileged to serve as well, the Committee on Environment and Public Works.

Mr. President, I ask unanimous consent for 1 more minute.

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

Mrs. BOXER. So where are we? We have this string of problems, and our new President has to focus on getting people back to work, on making sure that Social Security and Medicare are strong, that our kids are educated, and that global warming is addressed in the right way. That is just the partial list. We also want to make sure our small businesses thrive. President Obama is inheriting that list of problems: debt, deficit, unemployment, the worst economy since the Great Depression. He needs someone such as HILLARY CLINTON to help shoulder the burden on foreign policy.

So I hope we get a tremendous vote for HILLARY CLINTON. She deserves it. I wish to thank my chairman again for yielding me the time.

Mr. KERRY. Mr. President, I thank the Senator from California. I appreciate it very much.

It is my understanding the Senator from Tennessee wishes to speak, but he wishes to speak in morning business. On the other hand, we don't want to delay the march of the clock. So I ask unanimous consent that the time used by the Senator from Tennessee be charged to the other side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Tennessee is recognized.

THE ECONOMY

Mr. CORKER. Mr. President, I rise to speak as in morning business, and I thank the chairman for allowing me to do so. If someone comes in to speak on the subject matter, I will defer.

As is the Senator from California, I am very concerned about our economy. I know there is going to be a stimulus package forthcoming. I am very concerned about that. I am afraid what we are doing right now as a country is addressing the recession—a severe recession—in the standard way people like to respond to recessions. I think we are potentially doing that without addressing the real issue, which is the credit markets in our country.

I know over the last 6 months we have wrestled with ways of dealing with the credit markets in our country. I wish to tell my colleagues it is my belief the boards of banks throughout our country are in boardrooms today and are in conversations throughout the country talking about the fact that their banks are actually insolvent. They know they are insolvent, but because of the way gap financing accrues to banks who make whole loans, they are able to actually meter those losses out over quarters into the future, knowing that today they are insolvent.

What we have done through TARP funding is put money through capital injection into these banks. In their intelligent self-interests they have hoarded that money because they know they have losses coming in the future that would cause their banks to be insolvent if they recognized those losses today.

What concerns me is our country is quickly getting to the point where our resources are limited more than they have ever been, where we are borrowing huge amounts of money—and certainly we have been doing that for some time—and we are getting to a point in time where there is not a lot of power left for us to solve problems. So what I hope will happen over this next 30 days as we wrestle with this issue—which is serious and which is affecting people throughout this country; which is harming households and people who are just trying to work for a living—is that we will solve the root cause of this problem, which is our credit problem.

It is my belief we have trillions of dollars that are going to be lost in the credit market. Much of that is being driven by housing. These two issues have to be dealt with together. I fear we are going to look at a spending package that candidly isn't going to make its way into the economy until long after many predict this may be over. In the interim, what we are going to do is create a zombie banking system where, in essence, banks are just there metering out losses but not doing the productive things that need to occur.

It is my belief we have a number of banks in this country—large banks, banks that we know and respect—that need to be seized, that right now need to get down to a base level where normal investors would be willing to invest in these banks. The longer we put this off, the longer we are going to be away from actually solving the root cause of this problem.

This President is inheriting these problems. I in no way assess these problems to him. Many Presidents—most Presidents—deal with issues they had no idea they were going to deal with. I know this President is looking at a spending package. Candidly, there may be some need for capital investment in infrastructure. However, if we do not deal with the root issue—and that is the fact that much of our banking system is insolvent and recognize that as adults—and cause the assets to be written down to their real level as we do with derivatives, but we do not do that on whole loans—we give banks a break, if you will. We let them meter those out. If we do not deal with that, everything we do here to deal with our economy, in my opinion, will be for naught. It will be a total waste.

What concerns me is we are quickly getting to the point again where we are going to have fewer and fewer resources available to deal with that. The United Kingdom just recently realized that the policies they were putting in place were causing their currency to devalue rapidly.

I realize we are not there yet today as a country. I hope what we will do as a body—and as a country—is tell the American people we realize many of our financial institutions are insolvent. We realize the problem could be trillions of dollars, and until that issue is dealt with in a serious and real way, anything else we do for the economy is for naught.

It takes a functioning financial system for every small business—for every barbershop, beauty salon, for every large business—for all of us to get our payroll checks processed; it takes that

for this economy to function. In order for our financial markets to stabilize, we have to deal with the issue of housing, which we have not yet done. It is my hope this body will take up this serious business.

I have to say, in deference to the chairman who has been on the floor talking about our new Secretary of State, I listened to his comments today in the Finance Committee and I thought his comments were dead on. I know he referred to some editorials that were written over the weekend that said exactly the kinds of things we are talking about right now. I talk to investors on Wall Street who are involved in these institutions in major ways. They know they are insolvent. They know we are just pushing this down the road.

I think we owe this to these young people up front whose last day is tomorrow. We owe this to Americans across this country who depend upon us to do mature and adult-like things. We owe this to the country, to face up to the realities of these major losses, these major insolvencies, its effect on the economy for years to come, and do something about that first before we deal with things that will possibly stimulate the economy if, in fact, we actually had a functioning financial system. We all know of small businesses all across this country that are being denied loans. We know of businesses that are actually doing the right things, but banks are calling letters of credit and other things because they want the money in so they can again meter out the losses.

So I thank my colleague for allowing me to speak as in morning business. I know we have important business at hand. I look forward to supporting Secretary of State-designate CLINTON later today. I thank my colleague for his courtesy, and I yield the floor.

Mr. FEINGOLD. Mr. President, the next administration will be faced with the difficult task of building a smarter U.S. foreign policy that restores America's image abroad and security at home. Senator HILLARY CLINTON's distinguished record and testimony before the Senate Foreign Relations Committee demonstrate that she is the right person to lead this effort. Her experience, intelligence and thoughtfulness make her an excellent choice to be our most senior diplomat and to lead a stronger and more effective State Department.

I do share some of the concerns that have been expressed about the potential for a conflict of interest between her work as our incoming Secretary of State and the Clinton Foundation. I hope that Senator CLINTON will make every effort to avoid even the appearance of such a conflict of interest, if confirmed.

Senator CLINTON brings many strengths to this position, and I am pleased to support her nomination. It has been a pleasure working with Senator CLINTON as a Senate colleague, and I look forward to working closely with her in a new capacity.

Mr. DODD. Mr. President, today I rise in support of the nomination of our colleague, the junior Senator from New York, Mrs. HILLARY RODHAM CLINTON, as our next Secretary of State.

It is a position to which I am confident she will be confirmed shortly—and in which I know she will serve extraordinarily well.

Before I speak about the qualifications that Senator CLINTON brings to this most important position at such a crucial juncture in our history, I want say a few words about the spirit of openness and cooperation that she demonstrated throughout the confirmation process.

As a member of the Senate Foreign Relations Committee for more than a quarter century—having closely reviewed her nomination—Senator CLINTON and her husband have taken unprecedented steps and gone above and beyond what we have asked of them. That she has speaks not only to Senator CLINTON's personal integrity, but to her commitment to the office of Secretary of State.

Senator CLINTON will serve during a period crucial to restoring America's moral authority—making clear to the world our virtue, our noble intentions and—as we were reminded by our new President, Barack Obama, yesterday—all that we still represent to so many around the globe.

As we all know, Senator CLINTON has a history of redefining roles and inspiring people around the world. Certainly, she did when she first rose to the national stage as First Lady, taking on issues previously unfamiliar to that position, often in new ways—children's issues, healthcare, women's rights.

To those who had known her, none of that was surprising. Indeed, long before she became First Lady or Senator, she had been a tenacious legal advocate for children and families, fostering hope in a wide cross-section of the American people. Little wonder, then, that she gained that following of passionate supporters that we saw on the campaign trail last year.

For the last 8 years, Senator CLINTON has represented the State of New York and has given her constituents a daring and tenacious advocate in Washington, putting a special focus on improving her State's economy—specifically that of upstate New York which is not only hit harder by recessions but often remains a bystander during times of economic expansion.

That she so naturally became this kind of advocate speaks volumes about her affinity for the less fortunate—her beliefs about the nature of public service and the kind of priorities she will bring as Secretary of State.

I have said that it also is a testament to President Obama that he nominated his one-time rival to such a critical post. But perhaps it says more about the nominee herself—about her commitment to bringing change to this country.

I have been privileged to serve alongside Senator CLINTON. In assuming the position of Secretary of State, Senator CLINTON assumes a responsibility—that of being our representative to friends and enemies alike. Her judgment and temperament will be critical to restoring international relationships which have been so badly tarnished in recent years.

So, let me join my colleagues in saying thank you to the junior Senator from New York. I know her tenacity and talent will serve our country extraordinarily well in the coming years, as it has throughout her lifetime. I urge my colleagues to confirm her and I wish her the best of luck.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the nomination of HILLARY RODHAM CLINTON to serve as Secretary of State.

HILLARY CLINTON is a tireless and fearless public servant.

She is a woman of strength and compassion with a powerful voice.

And I look very much forward to confirming her as our next Secretary of State.

I have known HILLARY for 16 years—since the time when she was First Lady.

I was delighted to see HILLARY CLINTON sworn into our small but ever-growing cadre of female Senators in January 2001, and I have greatly admired her work here in the Senate.

Senator CLINTON has rolled up her sleeves and worked forcefully to represent the people of New York during the past 8 years.

She worked side-by-side with her Empire State colleagues to shepherd New Yorkers through the challenges of recovering from the tragedies of the attacks of September 11.

She has been an active and diligent member of the Senate Armed Forces Committee, doing her homework and asking the tough questions.

In 2004, she was asked by the Department of Defense to join the Transformation Advisory Group to the Joint Forces Command—the only Senator to serve in that capacity.

I know that Senator HILLARY CLINTON will leave behind a large void when she leaves the Halls of this Chamber.

But her next role—as Secretary of State—presents tremendous challenges and opportunities.

The new Obama administration will usher in a new era of American foreign policy, and help rebuild our image around the world.

HILLARY CLINTON understands the value, and very great need for, a foreign policy that is guided by smart, robust diplomacy—rather than belligerent threats.

She has already visited more than 80 countries, and has formed important relationships with a number of world leaders.

I am confident that she will ably continue to represent the values and interests of our great country in the capitals of the world as Secretary of State.

There is no doubt that the foreign policy challenges we face as a nation and global community are great: the wars in Iraq and Afghanistan, and the great need to transition our forces; a resurgent Iran; the long-simmering Israeli-Palestinian conflict, which boiled over in recent weeks with tragic consequences; threats of nuclear proliferation and terrorism; ongoing instability in Southeast Asia; the need to confront climate change; the terrible atrocities in Darfur and the Congo; millions of global citizens who face a grim reality of hunger, thirst, poverty, and sickness; and the need to improve the plight of women around the world.

As HILLARY remarked during a press conference when her nomination was formally announced on December 1, 2008:

> America cannot solve these crises without the world, and the world cannot solve them without America.

I am confident that HILLARY CLINTON will rise to the occasion—and work hand-in-hand with President Obama and his national security team to help address these tremendous challenges.

Ms. SNOWE. Mr. President, I rise today to voice my strong support for the confirmation of my highly esteemed colleague and good friend, Senator HILLARY RODHAM CLINTON, as the next Secretary of State.

When Senator CLINTON arrived in the U.S. Senate in 2001, she had very large shoes to fill—those of the late and admired Senator from New York, Daniel Patrick Moynihan—but filled them she did and with tremendous distinction and accolades from both sides of the aisle. And over time, our colleague was rightly lauded and recognized for her unwavering work ethic, her expansive and detailed command of the issues, and her care for her constituents. And in 2007, Senator CLINTON began what would become a historic, Presidential campaign that was an inspiration to many and especially women. The fact is, throughout her remarkable trajectory of public service, HILLARY CLINTON has encountered immense challenges with intelligence, resilience, and resolve—traits that will stand our colleague in great stead as our Nation's 67th Secretary of State.

Indeed, the international environment facing our next chief diplomat is daunting. The world today is rife with crises that, if inadequately addressed, could lead to geopolitical instability and human suffering that spans both the globe and generations. Continuing nuclear programs in North Korea and Iran threaten the very existence of some of our closest allies and undermine decades of nonproliferation efforts. A maelstrom of conflicts as bloody as it is complex stretches across the heart of Africa, compounding heartbreaking poverty with unspeakable acts of violence. And inaction on global climate change has stymied a long-overdue coordinated international response, imperiling every coastline, crop and country on the planet.

Tackling these desperate problems will be a difficult, and, at times, thankless job. But if there is a Senator within this body who is equal to that task, it is certainly Senator CLINTON. In her work on the Senate Committee on Armed Services, she has demonstrated an exhaustive understanding of the global security environment confronting the United States and its allies. As a fellow founding member of the Senate Women's Caucus on Burma and in her tireless support for legislation urging intensive diplomatic efforts to halt the genocide in Darfur, Senator CLINTON has demonstrated not merely a deep-seated humanity, but a visceral and personal commitment to speak for the oppressed and fight for the defenseless.

On a personal note, today's vote is indeed a bittersweet moment—when we will offer our consent to President of the United States—also a former colleague, to tap another extraordinary Member to help guide our country and the free world at a perilous time. Senator CLINTON's counsel and exceptional commitment to public service will be sorely missed in this august Chamber. Yet we take heart and no small measure of pride in knowing that her indefatigable intellect is being called into service beyond these walls to the benefit of not just an administration, or one country, but an entire community of nations seeking peace and prosperity for their citizens.

And so, as we look ahead to the future success of our good friend, I wish her Godspeed.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I recognize the Senator from Mississippi for 1 minute.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I am pleased to support the nomination of Senator HILLARY CLINTON to be Secretary of State. Her service as the Senator from New York for the past 8 years has been proof of her impressive ability to effectively and thoughtfully contribute to the governance of our Nation. I have enjoyed working with her in the Senate, and I look forward to continuing that relationship in her role as Secretary of State.

Our Nation is confronted with serious global challenges, and it is imperative that we work to develop comprehensive strategies and expand our diplomatic efforts in search of peace. President Obama has a tremendous task before him. The wars in Iraq and Afghanistan, stabilizing the Middle East, securing nuclear material from terrorists are all critical to our own national security. Senator CLINTON's experience as First Lady of the United States, her record in the Senate, and her commitment to the people of this Nation have demonstrated her capabilities to lead our Nation's foreign policy and diplomatic agenda.

I urge the Senate to approve her nomination. I thank the Senator, and I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I thank the distinguished Senator from Mississippi, who has been here a long time and is a good judge of these issues and of character, and we appreciate his comments very much.

Mr. President, we are awaiting Senator SPECTER, who I understand wants to speak. So I ask unanimous consent that the time—since there is more of it now on the other side, without speakers—the time of the quorum call now be charged to the other side.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

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

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

Mr. KERRY. Mr. President, I yield 5 minutes to the distinguished assistant majority leader, the Senator from Illinois, and I ask unanimous consent that following his comments the subsequent quorum call be charged to the other side.

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

Mr. DURBIN. Mr. President, I wish to thank the chairman of the Foreign Relations Committee, and I appreciate this opportunity to say a few words about the nomination of HILLARY CLINTON to be Secretary of State to our new President, Barack Obama.

It has been my good fortune to serve with Senator CLINTON for many years in the Senate, to have known her when she was our First Lady, and to have worked with her on many issues. There is no question of her competence, no question of her skill. As someone who supported our current President in the last Presidential campaign and witnessed the spirited contest between Senator CLINTON and then-Senator Obama, there is obviously no lack of determination or commitment when it comes to Senator CLINTON and the task that she assumes. So when President Obama made the decision to ask her to serve as Secretary of State, I felt it was a decision which would bring to this country a leader who could make a real difference.

I can recall a telephone conversation where I spoke to her and reminded her that there were many things she had said as First Lady and Senator which she would be able to follow through on as Secretary of State. She was one of the first I heard articulate a premise which I have come to accept as basic

gospel when it comes to analyzing global issues. Senator CLINTON said, after returning from a trip overseas, she felt you could measure the likelihood that a country would be able to meet the challenges it faced economically and socially based on one question, and the question was very straightforward: How do you treat your women? I have found, as I have traveled around the world, that standard is valid. If women are treated like chattel or slaves, if they have no voice in the government and little voice in the family or the village, most of the time the men will make a mess of it, and that has been the case. I told her she had a chance, as Secretary of State, to not only deal with global issues of peace around the world but also to deal with those issues at the local level that make a dramatic difference in the lives of poor people.

I also know of her passion for so many other issues that are timely. When I spoke to her on the floor last week, as she cast her last vote as a Senator, I wished her well because I felt she would be confirmed as our next Secretary of State, and she said it is unfortunate that we come to this moment in history when there are so many things unresolved in the world, but she looked forward to those moments where she would be able to meet with the President of the United States and the Vice President, who has his own resume when it comes to global issues.

A Member on the Republican side has asked for us to consider this nomination today and to have a little debate and perhaps a vote. I don't know if it will come to a vote, but other nominations went through without controversy and without debate yesterday. These are now men and women going to work immediately for the new administration—no time wasted—so they can tackle the real timely issues that face America. One of the issues raised earlier on the Republican side was former President Bill Clinton's foundation. It was an effort, after he left the Presidency, to gather the resources to make a difference around the world in a variety of different challenges, not the least of which was the global AIDS epidemic.

It is true former President Clinton has been very adept at raising the funds to help the poorest people in the world, and I think that is a good thing. But questions were raised: Would that present a conflict if his wife, Senator HILLARY CLINTON, became Secretary of State? At that point, the former President made full disclosure of all contributions and contributors and made it clear that he would go out of his way to avoid conflicts and continue this disclosure and transparency.

I can recall in Senator KERRY's committee Senator LUGAR of Indiana asked questions about this to try to make sure there would be clarity and transparency. And that is good. We don't want any embarrassment coming to either former President Clinton or Senator CLINTON when she is Secretary of State and certainly not to the Obama administration. That kind of disclosure is the way to reach that goal.

So I will be voting for her nomination today with the belief that HILLARY CLINTON will bring that skill set and those values to this most important job for the future of our country. She understands the safety and security of America begins, of course, with a strong military but, as President Obama has said, to try to avoid using that military so we don't engage in unnecessary wars and wars that have no end; to use the skills of diplomacy to solve the world's problems. I can't think of a better person to carry that message and that responsibility than Senator HILLARY CLINTON, and I am hopeful this afternoon this Senate will rise quickly to support her nomination, send her down to Foggy Bottom, where the Department of State is located, so she can begin her new role in representing the United States around the world.

Mr. President, I reserve the remainder of my time, and I yield the floor.

Mr. KERRY. 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. SPECTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. SPECTER. Mr. President, I have sought recognition to comment briefly on the nomination of Senator HILLARY CLINTON to be Secretary of State. I believe Senator CLINTON brings extraordinary talent and an extraordinary record to this very important position. Her educational and professional background are sterling. I have a little parochial pride at the fact that she is a graduate of the Yale Law School and has carried forward that school's tradition for public service.

I got to know Mrs. CLINTON first when she was First Lady. Shortly after I had brain surgery, in 1993, I bumped into her at the carriage entrance, coming into the Senate Chamber, and we talked a little bit about my medical experience. She invited me to visit with her in the White House, which I did—as I recollect, on the second floor of the West Wing. I told her of the personal experience I had and also my ideas from serving on the subcommittee of Labor, Health, Human Services and Education for the 13 years that I had been in the Senate.

As First Lady, Mrs. CLINTON was an activist. The record speaks for itself on all that she undertook. Then, to maintain candidacy for the Senate in New York was very courageous, gutsy, reminiscent of Robert Kennedy leaving the Attorney General's job, going to a State not his home State to seek election to this body.

In the Senate she has had an extraordinary record. She was very accomplished here. I had the good fortune to cosponsor a number of matters with her and to work on other matters with her. We most notably, perhaps, cosponsored the legislation of our Public Service Academy; that is, to have an academy such as West Point or Annapolis or the Air Force Academy, where young people interested in public service would go for training in those arts.

Then we all know of the phenomenal race she carried on for the Presidency of the United States, coming as close as she did in the historic year we just saw, 2008, with the election of an African American and the ascendancy of a woman into the finals of the Presidential contest.

When she was talked about for Secretary of State, I thought it was a 10-strike. I did something that was a first for me, that I had never done before. When I read in the newspaper that she was equivocating as to whether to take the job, I called her with some unsolicited advice. I cannot recall having done that before. If somebody asks for advice, OK, but I called her and urged her to take the job. I urged her to do so because I thought she was an extraordinary fit for it.

I think of all of the positions available at the moment—there are some very important positions. I have been delayed coming to the floor where we were having an executive session of the Judiciary Committee on the nomination of Attorney General-designate Holder, a very important position. But no position, aside from the Presidency, is more important than Secretary of State. Perhaps the Attorney General is close, with the heavy responsibilities for national security in the fight against terrorism, the balance with civil liberties, and the very important questions facing the economy with so many fraud cases looming with people misrepresenting balance sheets. But Secretary of State poses the big issues.

I have traveled extensively in my term in the Senate in connection with my duties on the Foreign Operations Subcommittee of Appropriations and the chairmanship of the Intelligence Committee, which I held in the 104th Congress. I believe there are tremendous opportunities today for an activist U.S. policy on the hot spots around the world.

I have visited Syria on many occasions, have gotten to know President Bashar al Asad and more extensively his father before he died in the year 2000, President Hafez Asad. I believe that Syria is the key to peace in the Middle East. There have been very extensive negotiations there. The parties, Israel and Syria, came very close in 1995 when Rabin was Prime Minister, on negotiations brokered by then-President Clinton, and again in the year 2000, when Ehud Barak was Prime Minister—very close. Turkey, for the last 18 months to 2 years, has been brokering for a long while behind the scenes, negotiations.

What Syria is looking for is the return of the Golan Heights and only Israel can decide whether it is in Israel's security interests to give up the Golan. But it is a very different world today from what it was in 1967 on the strategic interests and strategic value of the Golan Heights. If a deal can be struck, I think there is great advantage for Israel and for the region. I think that would induce Syria to stop aid to Hamas or funneling aid from Iran to Hamas; stopping them from aiding Hezbollah; stopping Syria from any activities to destabilize Lebanon. So an activist policy is a matter of the first magnitude.

With respect to Iran, there again I think dialog has some hope. Can it solve the problem? I don't know. But I do know the problems with Iran cannot be solved without dialog.

I asked questions of Secretary of State Condoleezza Rice and Secretary of Defense Robert Gates before the Appropriations Committee on the undertaking of dialog and negotiations. I asked Secretary Rice how it was realistic to ask Iran to stop enriching uranium as a precondition of talks when the object of the talks was to get them to stop enriching uranium. How do you do that? It seems to me a major failure of U.S. foreign policy for decades has been a lack of civility and dignity and respect that we damn Yankees—we ugly Americans—don't accord other people, as a matter of basic dignity and respect.

I have had an opportunity to talk to the last three Iranian Ambassadors to the United Nations. They are very rational people to whom you can talk.

Ahmadinejad? A real problem, when he talks about wiping Israel off the face of the Earth. But he is not going to be President of Iran forever. I think there are forces besides President Ahmadinejad who have different views in Iran.

If you take a look at Muammar Qaddafi, there you have an example of someone who is arguably the world's worst terrorist in history—except, perhaps, for bin Laden and what al-Qaida has done. But Qaddafi and Libya blew up Pan Am 103, bombed the Berlin discotheque, killed Americans—and through negotiations, Qaddafi stopped developing a nuclear weapon, made reparations to the victims in Pan Am 103 and those who were victims in the bombing of the Berlin discotheque.

I had an opportunity to visit Muammar Qaddafi, about 30 months ago, with Congressman Tom Lantos. When you went to see Qaddafi, you would go to the desert. He lives in a tent and he meets you in plastic chairs. But you can talk to him and the talking has paid results.

With that success, I think it is an indicator, a precedent for talking to anybody. Nothing may come of it, but the dialog is an indispensable first step. We know with the difficulties in North Korea—and there have been plenty—an agreement was made in the early 1990s. They breached that in 1993. We are back on track there.

But I think it takes bilateral talks. It takes representatives of the United States to stand up and be willing to talk to other people on an equal footing, with courtesy, with civility, and with dignity.

In August of 2005, I had a chance to meet President Hugo Chavez of Venezuela. The relationship between the United States and Venezuela has been very rocky for what President Chavez has undertaken. At that time the United States Ambassador was trying to meet with the Venezuelan Secretary of the Interior over the drug issue, where there were common interests between the United States and Venezuela. I believe it is accurate to say that as a result of the conversations which I had with Chavez, the Ambassador and the Minister of the Interior met.

It was kind of a rocky day because at the same time I had the meeting with President Chavez, Secretary of Defense Rumsfeld was in Peru, and he commented in a condemnatory way about Chavez. Gratuitous insults do not advance the pace or the cause of dialog. So I would say, even with President Chavez, we ought to make the effort.

President Obama had some comments about President Chavez on a Sunday news show last week, which have started some mild fireworks. Chavez, according to the press, retaliated that he had not thrown the first stone. It is my hope, even with Chavez, that we can engage in direct, civil, courteous dialog to see if there are some areas where we can find common cause.

I know, though, the occasions I have had to talk to Fidel Castro that there were issues on sea lanes and other air lanes where the United States could have cooperated on the interdiction of drugs. I have introduced legislation which passed the Senate on two occasions and was stymied in the House of Representatives. But I mentioned this as illustrative of where I think we can go with an activist, engaged Secretary of State. It is my projection that Senator CLINTON, soon to be Secretary of State CLINTON, will undertake those matters.

There is one additional comment I have to make, and that is on the potential conflict of interest between contributions which were made to former President Clinton's Foundation and the activities of Secretary of State CLINTON, if, as, and when she is confirmed. I think Senator LUGAR was exactly on target in the comments he made in the Foreign Relations Committee about what ought to be undertaken.

There has already been a memorandum of agreement that has been entered into on the subject of some substantial import. There is a memorandum of understanding which related to this issue which was signed on December 16 of last year, right after Senator CLINTON was in the running for this position.

It would be my hope that Secretary of State CLINTON would rethink some of the additional requests which Senator LUGAR made. I do not think they are disqualifiers, but I do believe it is a matter of concern if, for example, some foreign government makes a contribution to the Clinton Foundation, then there are interests which that foreign government has, I think we would understand and trust Secretary of State HILLARY CLINTON that, in the eyes of many, especially those in the Arab world, they may be suspicious of what would appear to them to be a potential conflict of interest.

But I trust HILLARY CLINTON's good judgment, and I think she will work through the issues and the memorandum of understanding which was executed on December 16 of last year, and the additions she has made go a long way, and it would be my hope that she would rethink what Senator LUGAR has suggested. She is a very ethical person and a wise person. I think she can undertake to handle this issue satisfactorily.

So for these reasons I am pleased to speak on her behalf, and I think the temper of this body is to give her an overwhelming vote of confidence so she can carry out the very important responsibilities of Secretary of State.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I thank the Senator from Pennsylvania. I yield 5 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I thank the distinguished Senator and chairman of the Foreign Relations Committee from Massachusetts. It is interesting, this is the first day after the inauguration of President Barack Obama—my ninth inauguration, by far the most impressive—and I have the great pleasure to speak in support of the confirmation of my friend and colleague, HILLARY RODHAM CLINTON, to be our next Secretary of State.

Secretary-designee CLINTON's stature, intellect, her experience make her uniquely qualified to take on this role, a role which comes at a critical time in our history.

As chairman of the appropriations subcommittee that funds the State Department and our foreign assistance programs, I look forward to working closely with her and President Obama as they embark on the critical task of restoring America's leadership and image abroad.

I appreciate the conversations I have had with both of them in this regard. Some 8 years ago, President Bush inherited a balanced Federal budget. We were actually paying down the national debt. We had the biggest surplus in history. The U.S. economy was strong, and the country was at peace.

Now, 8 years later, his successor, President Obama, has inherited from him the largest deficit in our Nation's

history, an economic crisis and unemployment rate unlike any this country has experienced since the Great Depression, a budget deficit greater than any nation on Earth has ever had, Osama bin Laden has yet to be captured, more than 180,000 U.S. troops are fighting wars in Iraq and Afghanistan, the Middle East peace process is in shambles, the country is more dependent than ever on foreign oil, and the country's international reputation has been badly damaged as a result of policies that were contemptuous of the values of which this Nation was founded. That is the good news for the new President and the Secretary of State-designee.

I do not envy President Obama for the multitude of misguided policies and problems he has inherited, but all the more reason he needs the best men and women to work with him. Secretary of State-designee CLINTON is going to serve him and the country well as they take on these challenges.

During the election, I remember saying to President Obama that we needed him to reintroduce America to the rest of the world. I have, in conversations with Senator CLINTON, told her, what better person to go around the world than HILLARY CLINTON as Secretary of State to reintroduce America and the great core values of this Nation. What better person to do it than HILLARY CLINTON?

In her confirmation before the Foreign Relations Committee last week, she discussed the need to use ''smart power,'' including ''the full range of tools at our disposal.''

I am glad to see her support for foreign assistance reform. We need that, and we have learned over the past several years we cannot take for granted the unwavering allegiance of any country in the world. We have to work at keeping those relationships. It is not amateur hour, and I appreciate Secretary-designee CLINTON's recognition of the value and experience of dedicated international affairs public servants and her plans to support and enhance that capacity.

She is going to become immersed in the immensely difficult problems that were ignored or badly mishandled by the outgoing administration: the Middle East, Afghanistan, Pakistan, Iran, Sudan, Mexico, Somalia and central Africa. All these pose particularly vexing challenges which she has to confront immediately, and the sooner she is there, the better.

I will mention a couple of other items. The Federal law prohibiting U.S. assistance to units of foreign security forces that violate human rights was first enacted a dozen years ago. The State Department is still struggling with implementing it, particularly with regard to the monitoring of military equipment provided to foreign governments.

This law, known as the Leahy amendment, has been applied unevenly depending on the country, and I urge Secretary-designee CLINTON to review the Leahy amendment to ensure its vigorous and consistent implementation.

Ten years ago this March, the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction came into force. Today, there are 156 countries that have signed this treaty. The most powerful Nation on Earth, the United States, has not.

The U.S. military has not used the types of antipersonnel landmines prohibited by the treaty since 1991, and it has no plans to do so. I would urge her to go back to that.

Mr. President, like President Obama, Secretary-designee CLINTON recognizes the need for strong United States leadership in an increasingly complex, dangerous, and interdependent world. She understands that most global and regional problems cannot be solved by the U.S. alone, that we need to act boldly and change the status quo when it no longer serves our interests or reflects our values, strengthen and expand our alliances, help the poorest countries develop effective and accountable institutions, and pursue policies that enhance our image abroad.

Today, as we leave the troubled policies of the past 8 years behind us, the American people should feel fortunate, as I do, that HILLARY RODHAM CLINTON will be our new Secretary of State.

I commend the distinguished Senator from Massachusetts. I will be joining with him proudly to vote for the confirmation of HILLARY RODHAM CLINTON to be our next Secretary of State.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from Vermont for his clear summary of the task ahead, and those challenges are enormous. Indeed, as we all know, I particularly thank him as an old friend. And as the chairman of the appropriations subcommittee, we work in close partnership, and I am grateful that his values are where they are because it empowers us to put the muscle, the money, support, and the implementation of the policies that committee struggles to formulate. So we really appreciate the relationship. I thank him for his comments very much.

Mr. President, how much time remains on both sides? We are about to propound a unanimous consent request. I think we are going to be able to have a vote around 4 o'clock, hopefully. I want to allow for the majority leader to get back to make a couple of comments himself. But I would like to get a sense of the time that remains.

The PRESIDING OFFICER. The Senator from Massachusetts controls 19 minutes, the Republicans control 27 minutes.

Mr. KERRY. Obviously, we intend to yield back on both sides. I thank the Chair. I know the distinguished Senator from Maryland has been waiting patiently. He would like to add a few thoughts. I yield him 4 minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, let me thank our distinguished chairman for yielding me this time.

My colleagues have talked frequently about how our colleague, Senator CLINTON, is the right person at the right time to be the Secretary of State. We have talked a great deal about her experience. As First Lady of this Nation, she traveled frequently around the world. She knows firsthand the problems that America confronts internationally. With experience as the Senator for New York, serving on the Armed Services Committee, she understands the critical role the State Department plays in our national security. With her service on the Helsinki Commission, she knows firsthand the importance that the Department of State can play in human rights issues around the world. For all of those reasons, she is truly the right person to represent our Nation as Secretary of State. She is an iconic figure for American values and for hope for people around the world.

I wanted to comment about how President and Mrs. CLINTON have provided disclosure. It is unprecedented the amount of the financial information they have opened to the public.

I particularly want to thank our former President, Bill Clinton, for his humanitarian work. We all know that Government cannot do it alone. Yet he has been able to deal with the international humanitarian needs through the use of foundations and getting other people involved. But I particularly want to thank the former President and the foundation for which he is responsible for the unprecedented disclosures that they are making. We will know all the contributors. They have agreed that before new contributions are made it will be cleared through the Government ethics bureau to make sure there is not even the appearance of a conflict. So they are doing good things for our country. The foundation is doing good things for humanitarian needs. We know that.

The Clintons have taken extraordinary steps to do the right thing for this country in the disclosure and the work they do. It is now time for us to do the right thing and confirm HILLARY CLINTON as the next Secretary of State for our Nation.

I thank the Chair for yielding me the time. I would yield back the remainder of my time to the chairman.

The PRESIDING OFFICER (Ms. STABENOW.) The Senator from Massachusetts.

Mr. KERRY. Madam President, for the sake of colleagues I reiterate, in about 15 minutes, after the majority leader has returned and had a chance to speak on this nomination, we will proceed to a vote.

It is my understanding—I was going to ask for unanimous consent—there is

a request by someone on the other side to have a rollcall vote. So there will be a rollcall vote at that time.

We are going to be making that request in a few minutes. Let me speak for the couple of minutes we have left to share a couple of quick thoughts, if I may.

This is the beginning of the 25th year that I have had the privilege of serving on the Foreign Relations Committee. I have seen the ups and downs, the waves of opportunities and lost opportunities that we have lived through in the course of that time, the heady years of the 1980s, when arms control was the centerpiece of our focus and analysis, and we were in the middle of the Cold War. The committee contributed significantly to the dialog at that time about MX missile deployments and nuclear warheads, tactical, conventional weapons, how to count. Fundamentally, that was altered through the significant daring of President Reagan to meet with President Gorbachev in Reykjavik and negotiate a pretty remarkable reduction in nuclear warheads at that time. It was against the conventional wisdom, and it is proof of the opportunities we face today, many of which run against the conventional wisdom.

I am convinced President Obama and Secretary-to-be CLINTON—with the input and cooperation of the Congress and our committee—stand on the threshold of a new moment of those kinds of opportunities. If Richard Nixon had not dared to send his then-Secretary of State Henry Kissinger to China to meet with Mao Tse Tung and, indeed, even to cross the barrier to go to Red China, as we knew it, against the wishes of many of the people in his own party and the wing of his party which found it heresy, we would not have opened China and begun a process of that relationship. There is an opportunity at this moment for an even greater relationship with China. I don't think we have begun to forge the kind of cooperative effort that is available to us, if we will engage on a much more regular and intensive basis and look for the places of commonality and agreement of interest.

There are many, frankly. Most people who analyze and think about China come to the conclusion that there is a greater opportunity for a cooperative, respectful partnership than there ought to be any kind of fears of hegemony or other kinds of expansive desires on China's part. Most people interpret the current modernization of China's military as being a fairly normative modernization process within the scale of things and not something that should be translated by the United States or others into a new arms race. I am convinced there is a great deal more to be achieved with China, provided we are disciplined and thoughtful about the setting of priorities and that we have a clear set of priorities.

One thing is clear. In the management of our relationships with China or with Russia or some other countries, we can't do everything all at the same time. That is a bit of the way our diplomacy has been managed over these past years. For instance, even with Russia, if we are more thoughtful about the missile shield and more thoughtful about NATO expansion and if we engage in a greater dialog about the mutuality of interest in those regions, we can avoid significant misinterpretations and counterreactions that come as a consequence of not talking and not understanding the motives, intentions of another country.

Even as a child, when I was the son of a foreign service officer, I always heard people talking around me about how Americans are very good at seeing the rest of the world through their own lens but not particularly adept at looking at another country's aspirations, fears, threats, hopes through their eyes. The more we can foster a foreign service that is historically, culturally, linguistically, and otherwise immersed in the full culture of a particular country, the better we are, frankly, going to do in terms of determining our own foreign policy future and decisions. President Obama and HILLARY CLINTON clearly understand the imperative of changing how we have made some of those decisions.

When I became a member of the Arms Control Observer Group in the Senate, something now defunct but something we might wish to think about enhancing in the context of proliferation issues, one of the things that always struck me was the degree to which from the time we used the bomb at Nagasaki and Hiroshima, the only nation that, incidentally, has ever exploded an atomic weapon against another people, from that moment forward, almost every weapon transition, with the exception of two—it was either the long-range bomber and/or the silent submarine—almost every weapon advancement in the course of the entire Cold War, we were first in the development of the new, more technologically advanced weapon, whatever it was. Almost without exception, our principal opponents at the time, the Soviet Union, came as quick as they could afterward and met that challenge. So we always ratcheted up, up until the point that we were at something like 30,000 warheads. Today we are somewhere in the vicinity of 5,000-plus warheads.

It is my firm belief that in this next year, we have an opportunity to negotiate an agreement with Russia, where we actually ratchet down to about 1,000 warheads, which would be the lowest we have had in the course of that period of time, since the beginning, and still be safe; in fact, be safer. Because if you have the kinds of controls with verification, inspection that get you to that level, then you begin to send a message to the rest of the world that you are serious about nonproliferation, and you begin to send a message that says to the world: The United States is taking the lead, and we will live by the standards we try to foist on other people. Most importantly, we make the world safer because we reduce the capacity for fissile material to fall into the wrong hands.

I will continue to press this thousand-warhead concept. My hope is it will become a centerpiece of the START talks and where we proceed. It is interesting because, even as we have these now 5,000-plus or so warheads—and that, incidentally, depends on accounting rules because we don't count the same weapons all the time—the fact is that China, according to public estimates, nothing classified but public estimates, has about 23 warheads. They may ratchet that up because of our lack of having moved from where we are and other reasons. The fact is, they have been pretty content to feel secure with 23. Most rational people, thinking about the use of warheads, understand the implications of using only a few.

One of the things I learned at nuclear, chemical and biological warfare school, when I served in the Navy, was the full implication of just one or two or three weapons. So when you think in terms of thousands and so forth, in today's world, where the principal conflict is religious extremism and terrorism associated with it, you have to put a huge question mark over the theories that continue to spend the amounts of money that we do and create the kinds of insecurity that we do as a consequence.

This is a moment of rather remarkable opportunity. I recently was in Pakistan and Afghanistan, India. India and Pakistan are still engaged in literally old-fashioned, mostly Cold War, old, bad-habit confrontation. In fact, both sides know the concept of war would be absurd, when the real threat to both of them comes internally from people who are disgruntled and disenfranchised and otherwise seduced into believing that by adopting one religious ideology or another or none, that they are somehow advantaging themselves. This is an opportunity to forge a new relationship across the world, as the President did yesterday. I thought one of the most important phrases he uttered in his speech was his outreach, his holding his hand out to the Muslim world to ask people to come together. One of the things that most struck me in these last years is the degree to which religious, fanatical, violent extremists have actually been able to isolate the United States within that world rather than us being able, together with modern Islam, to isolate them.

That is one of the things President Obama and this administration offers us, an opportunity to have a completely different kind of interfaith, global dialog that begins to empower modern Islam to take back the legitimacy of their religion. It is my hope and prayer that will be a centerpiece of this administration's foreign policy.

There is much to do. Obviously, Somalia and East Congo, the trouble of

Darfur that remains, populations in Egypt and Saudi Arabia and elsewhere that grow at an astonishing rate so that perhaps 60 percent of Saudi Arabia and Egypt are under the age of 21, 50 percent under the age of 18, it is a stunning growth of young people who need a future. If that future is reduced to madrasas and to the distortion of the opportunities of life, we all pay a price. Our children in the future will pay a price. So these choices that President Obama and Secretary CLINTON will face, together with the Congress, are significant.

Then, of course, there is one issue many people don't always think of as a national security/foreign policy issue. That is global climate change. I have attended almost every major conference since the Rio conference of 1992. I remember going down there with then-Senator Al Gore, and Senator Gore and I and a few others had held the first hearings on global climate change in 1988. I have watched the progression of all these years as all the warnings of 1988 have come true and more. Now our scientists are revising their latest predictions. Only a year ago, 2 years ago, they were saying we could sustain 550 parts per million of greenhouse gases in the atmosphere. Now they have revised that, not just down to 450, but they are beginning to talk about 350 parts per million as being the acceptable level.

The latest science, regrettably, shows that Mother Earth is giving us feedback at a rate that is coming at us faster and in a greater degree than any of those scientific reports offered. The result is that challenge grows greater, not smaller. I regret to say we are emitting greenhouse gases at a rate that is four times faster than it was in the 1990s. We are not doing the job. No other country is either entirely, but we are the worst because we, regrettably, are 25 percent of the world's global greenhouse gas emissions. Almost every country I have talked to in the last years, as we discuss how we are going to deal with this, looks back at us and says: We are waiting for your leadership.

I have communicated this to President Obama. He has indicated he intends to be serious about it. But the latest modeling shows that if you take every single current proposal of every country in the world that has a proposal—and that is not many—and you extend the curve out in the modeling to take all the input of today from the science and measure it against those current plans, we fall woefully short of what we need to do in order to meet this challenge. We will see an increase of somewhere between 600 and 900 parts per million which is insupportable with respect to life as we know it. We will see a degree of temperature increase of somewhere from 3.5 to 6 degrees centigrade. We have seen exactly what that means in terms of the migration of forests, the destruction of ocean currents, the increase of violent storms, the destruction of property, the movement of whole populations who will live with new drought, new water problems, and other issues.

So, Madam President, I think we are running out of time. I am sort of stalling here waiting for the majority leader.

The PRESIDING OFFICER. The distinguished Senator's time has expired.

Mr. KERRY. That is what I figured.

Well, on that inauspicious note, I ask unanimous consent that I be permitted to proceed now until he comes. Then I will put in a quorum call in a few moments.

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

Mr. KERRY. To finish that thought, the ice sheets in the Arctic are melting. We anticipate now, according to the science, we are going to have an ice-free arctic in the summer in about 10 years. The problem with that is that as more ice disappears, more water is evident, is available, and the water, unlike the ice sheet, which acts as a reflecter for the Sun's rays, acts to absorb the Sun's rays. So the more the ice melts, the warmer the ocean becomes and the faster it begins to continue the rest of the melting.

The result is, we begin to change the entire ecosystem in ways that scientists cannot predict completely, but it has a profound impact on the ecosystem. Moreover, it adds to the melting of the Greenland ice sheet. The Greenland ice sheet, unlike the arctic ice sheet, which floats, and, therefore, does not change the displacement—the Greenland ice sheet is on rock.

Right now, you can go up there. The Senator from California went up there last summer with a group. You can stare down a hole 100 feet deep, and you can see a torrent of a river running down off that ice into the ocean. Scientists are worried that the water layer underneath the ice actually creates a potential that a huge block of ice may slide off and fall into the ocean.

The rest of it continues to melt. The implication of the Greenland ice sheet melting is that is where you get your 16 to 23 feet of sea level rise.

Now, all I can tell you is, all of these impacts are irreversible—irreversible—so we are staring at an abyss of irreversibility. The best choice for people in positions of high responsibility like us and public people who make these choices is the whole precautionary principle. If we are told we can avoid it by doing X, Y, and Z, and the implications of not avoiding it are disaster, we have a responsibility to try to avoid it.

Now, we have to do this. It means a fundamental, profound change in our economy. That means shifting our energy grid, moving toward solar and renewables. People sort of scratch their heads and say: Well, is that kind of dreamy, goo-goo, crazy thinking? The answer is no. I had a venture capitalist in my office last week who wants to build a 600-megawatt solar powerplant in the Southwest of our country and they cannot get the financing right now.

So this economic crisis is, in fact, an economic opportunity that also has profound national security implications because to the degree we lead in our responsibilities to go to Copenhagen—where we have an international meeting next December, where we have an opportunity to fix the Kyoto treaty with a new agreement, which will have a huge impact on people all across the planet—that is one of the major challenges before the Obama administration.

I know the President is very committed to trying to move forward on this issue. But he and Secretary of State CLINTON are going to have a huge challenge to persuade countries to do difficult things, to persuade Americans to change some of our habits and do difficult things.

I am told by experts that you could produce six times the electricity needs of the entire United States of America—six times—from either concentrated solar photovoltaics or solar thermal in Utah, Colorado, California, New Mexico, and Arizona, and I think that is the heart of it. Those approximately six States or so could wind up providing us with the base from which we could provide that. I am confident the technology will move forward.

So I wholeheartedly support, as I have said in the committee, and as I have said earlier in my opening comments, the nominee. I believe Senator CLINTON is in a position to provide a historical shift in American foreign policy where we reach out to the world with the best of our values and the best of our thinking and the best of our hopes and intentions. I think this can be a moment where we renew America's proud role as a global leader, where we touch the hearts and minds of people all across the planet, and where we have an opportunity to say to future generations, we met our responsibility.

Having said that, the distinguished majority leader is here and I yield the floor.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

Mr. REID. Madam President, I appreciate the leadership of the chair of our Foreign Relations Committee, Senator KERRY. In the short time he has assumed the responsibilities of that most important committee, he has done a remarkably good job, and the best is yet to come. He mentioned here briefly some of the things he wants to do dealing with the scourge we find ourselves in with global warming, and it is going to be remarkable, the work he does.

Madam President, we are moving forward on the vote on the nomination of Senator HILLARY CLINTON to be Secretary of State.

Senator CLINTON is uniquely capable and profoundly prepared to lead our

State Department at a time of unprecedented global challenges, and at a time when quick confirmation of President Obama's national security team is critical to protect us here at home.

We face two wars abroad, a complex and unpredictable crisis in the Middle East, the nuclear ambitions of a volatile Iranian regime, together with the complexities of dealing with North Korea.

Senator CLINTON has earned the admiration and respect of the global community with her understanding that our international power must be both strong and smart, that the true measure of our influence is not just the size and strength of our military, but also how we use other tools, including diplomacy and foreign assistance, to make the world safer and more free.

Senator CLINTON's exemplary qualifications and wise world view were demonstrated in her confirmation hearings, where she showed a tremendous breadth and depth of knowledge on the major foreign policy issues we face in the world today.

We all remember HILLARY CLINTON's arrival in the Senate a few short years ago—8 years ago. Some wondered—and some out loud—whether a former First Lady who had become a favored target of the rightwing could forge the relationships necessary to be an effective Senator for the people of New York State. She answered that loud, and she answered it very clear.

Some questioned whether a person of such national and international acclaim would put in the time to get to know the inner workings of the Senate and the nitty-gritty of the legislative process. She answered that big time.

It took no time for Senator CLINTON to make believers from those doubters. She became an instant favorite of Democrats and Republicans alike, a forceful advocate for both smart foreign policies and domestic policies, and a remarkably effective student of bipartisanship.

In her time as First Lady of our country, serving as an American emissary to the world, and then in the Senate as a member of the Armed Services Committee, HILLARY CLINTON built the diplomatic skills and breadth of knowledge one needs to be our next Secretary of State. She has the full package.

All but one member of the Senate Foreign Relations Committee voted to approve this outstanding nominee. Democrats and Republicans alike stand in support of our friend and colleague, Senator CLINTON.

I want spread on the RECORD my appreciation for JOHN MCCAIN coming to the floor and saying: Let's approve her now. He tried to do that earlier today.

I ask all my colleagues to join me in sending the world a clear message that we stand behind President Obama and our new Secretary of State as they proceed together to the task of rebuilding our foreign policy to be stronger, smarter, and more able to effectively lead the world with moral strength once again.

Madam President, first, we yield back all time on both sides.

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

Mr. REID. Madam President, I ask unanimous consent that the Senate now vote on confirmation of the nomination of Senator CLINTON to be Secretary of State, with the remaining provisions of the previous unanimous consent agreement in effect.

I would also say this: For all the new Senators and those who may have forgotten, we are starting this vote a little earlier, so we will be lenient here and not tie down the 15-minute rule. But in the future, we are going to start this Congress as we ended the last one. We are going to have 15-minute votes. There will be a 5-minute time period for people who are late getting here. But at the end of 20 minutes, the votes are going to be closed. This will be hard on Democrats and hard on Republicans, but it is a lot harder on everybody waiting around here for these people to come to vote. So some people are going to miss some votes, and I am sorry about that, but it is better for the body if we have votes that end when they are supposed to.

As soon as this matter is completed relating to the confirmation of HILLARY CLINTON, we are going to go back to Ledbetter. We would hope that the Kay Bailey Hutchison amendment in the form of a substitute, which has been offered, can be debated today and that we can vote on that this evening.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

The Chair hears none, and it is so ordered.

The question is, Will the Senate advise and consent to the nomination of HILLARY RODHAM CLINTON, of New York, to be Secretary of State?

Mr. KERRY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

(Disturbance in the Visitors' Galleries)

The PRESIDING OFFICER. I would ask that there not be responses from the gallery. Thank you.

The clerk will continue with the call of the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 6 Ex.]

YEAS—94

Akaka	Barrasso	Bayh
Alexander	Baucus	Begich
Bennett	Grassley	Murkowski
Bingaman	Gregg	Murray
Bond	Hagan	Nelson (FL)
Boxer	Harkin	Nelson (NE)
Brown	Hatch	Pryor
Brownback	Hutchison	Reed
Bunning	Inhofe	Reid
Burr	Inouye	Risch
Burris	Isakson	Roberts
Byrd	Johanns	Rockefeller
Cantwell	Johnson	Sanders
Cardin	Kaufman	Schumer
Carper	Kerry	Sessions
Casey	Klobuchar	Shaheen
Chambliss	Kohl	Shelby
Coburn	Kyl	Snowe
Cochran	Landrieu	Specter
Collins	Lautenberg	Stabenow
Conrad	Leahy	Tester
Corker	Levin	Thune
Cornyn	Lieberman	Udall (CO)
Crapo	Lincoln	Udall (NM)
Dodd	Lugar	Voinovich
Dorgan	Martinez	Warner
Durbin	McCain	Webb
Ensign	McCaskill	Whitehouse
Enzi	McConnell	Wicker
Feingold	Menendez	Wyden
Feinstein	Merkley	
Graham	Mikulski	

NAYS—2

DeMint Vitter

NOT VOTING—2

Clinton Kennedy

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

Under the previous order, the President will immediately be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

Several Senators Addressed the Chair.

Mr. DODD. Madam 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.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

LILLY LEDBETTER FAIR PAY ACT

Mrs. HUTCHISON. Madam President, I am prepared to offer my amendment to the Ledbetter Act, the Mikulski bill. To proceed, I need to know if that is the order of business.

Mr. LEAHY. Madam President, I was seeking recognition when the quorum call was put in. I am still seeking recognition. Obviously—well, I would just note that, that I was—

Mrs. HUTCHISON. Madam President, I had been working with Senator MIKULSKI and the majority leader about moving to Senator MIKULSKI's bill and my amendment, which is pending, and I had offered to allow Senator VOINOVICH to speak on that. If the Senator has something to intervene, I would be happy to try to accommodate, but this is the pending business.

Mr. LEAHY. Madam President, I crafted the Ledbetter matter that is now before the Senate.

The PRESIDING OFFICER. That is the pending business.

Mr. LEAHY. Madam President, am I correct that I was seeking recognition when the Republicans suggested the absence of a quorum, and I was still seeking recognition—

The PRESIDING OFFICER. The Senator was standing to seek recognition, although the quorum call was placed without objection.

Mr. LEAHY. Again, I object to somebody asking for a quorum call to be placed, Madam President. Perhaps I don't understand the rules after 34 years here, but I was the first one seeking recognition.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mrs. HUTCHISON. Madam President, I would like to ask the Senator from Vermont, without relinquishing my right to the floor, if there is something he would like to do that would be short, and then we could go back to the business of the Ledbetter bill. I am happy to try to accommodate him.

Mr. LEAHY. Madam President, as I said when a similar question was propounded by the distinguished Senator from Texas, I wish to speak on the Ledbetter bill.

Mr. REID. Madam President, would the Senator from Texas yield without losing her right to the floor?

Mrs. HUTCHISON. I would be happy to yield.

Mr. REID. There is a lot of time. We are going to be in session as long as people want to talk. The issue before the Senate now is an amendment offered by the Senator from Texas. Senator MIKULSKI, who is managing this bill, has been trying to get a time as to how long the debate will take on this tonight. The distinguished Republican leader asked that we try to figure out what amendments are going to be laid down tonight, and we will try to set up a series of votes, if necessary, in the morning. So no one should feel they are being cut off. There is plenty of time. We are not going anyplace tonight. We are on the Ledbetter legislation. I would hope we could work our way toward a vision of completing this legislation sometime early tomorrow. I appreciate the Senator from Texas moving forward with this.

I know the strong feelings of the Senator from Vermont about this Ledbetter legislation. It is a legal issue, and he is chairman of the Judiciary Committee. But I hope everyone will be calm and relax. There is plenty of time for everyone to say whatever they want tonight.

Mr. LEAHY. Madam President, I ask unanimous consent—and, of course, the Senator from Texas can object and has every right to object—I ask unanimous consent that I be allowed to continue for all of 7 minutes, all on the Ledbetter bill.

Mrs. HUTCHISON. Madam President, reserving the right to object, let me ask the Senator from Ohio, whom I promised 12 minutes, whether he would be able to wait 7 minutes for Senator LEAHY, after which I would turn the floor over to him before I discuss my own amendment?

Mr. VOINOVICH. I am more than happy to do that as long as I have a guarantee that after 7 minutes, I have a chance to offer my voice about the amendment.

Mrs. HUTCHISON. Madam President, let me ask whether I could propose this: I move that the Senator from Vermont be allowed 7 minutes on whatever subject he chooses, after which the Senator from Ohio would have 12 minutes, after which I would have the floor to speak on my amendment.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The Senator from Vermont.

LILLY LEDBETTER FAIR PAY ACT OF 2009—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 181) to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

Pending:

Hutchison amendment No. 25, in the nature of a substitute.

Mr. LEAHY. Madam President, I thank the Senator from Texas, and I especially thank my dear friend from Ohio, whom we are going to miss around here.

Madam President, I held a hearing at which Miss Lilly Ledbetter testified before the Senate Judiciary Committee. It was one of the most moving hearings we have had. The fact that a very activist, very Republican Supreme Court had basically written new law to deny her rights was shocking to everybody before that committee.

I believe we have to pass the bipartisan Lilly Ledbetter Fair Pay Act so employers are not rewarded for deceiving workers about their illegal conduct and maybe signal to the Supreme Court to stop legislating, and stop being an activist Court, but to uphold the law as we write it.

One of the Justice Department's roles in our Federal system of government is to protect the civil rights of all Americans, including those that protect them against discrimination.

The Bush administration's erosion of longstanding interpretation of our antidiscrimination laws has created a new obstacle for victims of pay discrimination to receive justice. That was a mistake when it was advanced by the Bush-Gonzales et al. Justice Department. It was a mistake when five Justices on the Supreme Court adopted the Justice Department's erroneous interpretation of congressional intent. It culminated in an erroneous opinion written by Justice Alito.

I understand the Members on the other side of the aisle introduced partisan amendments to the legislation. They have that right. But it is my belief that the amendments should be opposed for one simple reason: they are going to allow illegal pay discrimination to continue.

We are going to hear that this might encourage workers who are being paid less as a result of discrimination to delay filing for equal pay. That argument defies logic. Anyone who heard Ms. Ledbetter's testimony before either the Senate Judiciary Committee or the Senate Health, Education, Labor, and Pensions Committee knows that she, like other victims of pay discrimination, had no incentive to delay filing suit. But employers, based on the erroneous interpretation by the Supreme Court, the activist interpretation by the Supreme Court, now have a great incentive to delay revealing their discriminatory conduct: blanket immunity.

The reality is, many employers do not allow their employees to learn how their compensation compares to their coworkers'. They can hide it and hide it and hide it until these women finally retire, pray that they never find out how they were discriminated against, and then say when they are found out: Oh, my goodness gracious, you should have filed suit earlier. The fact that we had it all locked up and you couldn't possibly have known you were being discriminated against is your fault. These victims have the burden of proving the discrimination occurred and that evidentiary task is only made more difficult as time goes on.

It seems it is always the woman employee's fault. That is wrong. Workers like Ms. Ledbetter and her family are the ones hurt by the ongoing diminished paychecks, not their employers.

The bipartisan Ledbetter Fair Pay Act of 2009 does not disturb the protections built into existing law for employers, such as limiting backpay in most cases to 2 years. It does not eliminate the existing statute of limitations. Instead, it reinstates the interpretation of when the 180-day time limit begins to run, an interpretation that was run over roughshod by the Bush administration at its urging by their appointees on the Supreme Court. The bill corrects this injustice to allow workers who are continuing to be short-changed to challenge that ongoing discrimination when the employer conceals its initial discriminatory pay decision.

Opponents of the bipartisan Ledbetter Fair Pay Act may raise other excuses. They will no doubt

claim that somehow trial lawyers will benefit, but the reality is the Supreme Court in the Ledbetter decision could actually lead to more litigation because people will feel they have to file premature claims so that time does not run out.

The Congressional Budget Office has concluded that this legislation ''would not establish a new cause of action for claims of pay discrimination'' and ''would not significantly affect the number of filings with the Equal Employment Opportunity Commission'' or with the Federal courts.

Congress passed title VII of the Civil Rights Act to protect employees against discrimination with respect to compensation because of an individual's race, color, religion, sex or national origin but the Supreme Court's Ledbetter decision goes against both the spirit and clear intent of our anti-discrimination laws.

It also sends the message to employers that wage discrimination cannot be punished as long as it is kept under wraps.

At a time when one-third of private sector employers have rules prohibiting employees from discussing their pay with each other, the Court's decision ignores a reality of the workplace—pay discrimination is often intentionally concealed.

The Lilly Ledbetter Fair Pay Act is the only bill that gives workers the time to consider how they have been treated and the time to work out solutions with their employers. Our bipartisan bill fulfills Congress's goal of creating incentives for employers voluntarily to correct any disparities in pay that they find. Most importantly, our bipartisan bill ensures that employers do not benefit from continued discrimination.

I will not support amendments that weaken this bipartisan bill. I support the ability of all employees to receive equal pay for equal work.

The Lilly Ledbetter Fair Pay Act is the only bill that gives workers the time to consider how they have been treated and the time to work out a solution with their employers. Our bipartisan bill fulfills Congress' goal of creating incentives for employers voluntarily to correct any disparities in pay they find. I am not going to support amendments that weaken this bipartisan bill. I support the ability of all employees to receive equal pay for equal work. It comports completely with what we learned in the Judiciary Committee.

I applaud the Senator from Maryland. I applaud her cosponsors. I am proud to be one of them.

Ms. MIKULSKI. Before the Senator from Ohio speaks as agreed upon, I thank the chairman of the Judiciary Committee for his compelling remarks and steadfast support for women generally and certainly for his longstanding advocacy that women should be paid equal pay for equal or comparable work. Thank you very much.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I rise today in strong support of the Hutchison substitute amendment.

Before I discuss the merits of the Hutchison amendment, I wish to thank Senator MIKULSKI for her commitment to debate this legislation in a constructive manner. As Senator MIKULSKI said, we can disagree, without being disagreeable.

I thank the Democratic leader, the Senator from Nevada and the minority leader, the Senator from Kentucky, for agreeing that we will make our best efforts to return to the tradition here in the Senate of debating bills and allowing amendments to be offered, and returning things to the point where I think it will enhance the reputation of this great body in terms of the body that is looking in on us. I hope this is the beginning of a new era here. I think the more we can work together, the better they are going to feel about the future of our country.

I would also like to thank my colleague, Senator HUTCHISON, who I know is extremely busy in her role as ranking member of the Commerce Committee. Her efforts to draft a solution are commendable. Senator HUTCHISON is in a strong position to speak on issues arising from both her substitute amendment and Senator MIKULSKI's underlying legislation. As Senator HUTCHISON said in her opening remarks, as a young lawyer coming out of law school, she experienced the nefarious consequences of gender discrimination. In addition, I think her experience as a small business owner and the general counsel of a bank provides Senator HUTCHISON with the unique perspective to understand the problems with Senator MIKULSKI's legislation.

There is one thing on which we all agree: Gender and other forms of discrimination are wrong, illegal, and they should not be tolerated. This debate should not be about whether one party condones illegal discrimination; rather, this debate must focus on how to strike the right balance to address the situation in which a person is subject to an individual act of discrimination but through no fault of their own has no way to know about it.

As I mentioned during my retirement announcement last week, one of the reasons I decided to retire in 2 years was the desire to spend more time with my family. I am the proud father of a daughter, Betsy, who graduated as a member of Phi Beta Kappa. When she was growing up, I said: Honey, the sky is the limit for whatever you want to do.

In addition to my daughter Betsy, I have seven grandchildren, and six of them are girls. I have said the same thing to them: The sky is the limit. My oldest granddaughter, Mary Faith, is 12 years old. One of these days, she is going to be out in that business world. I want Betsy, Mary Faith, and all my grandchildren, to have the opportunity to reach their full potential based on their God-given talents, and not be constrained by outdated prejudices.

Based on the debate so far, I believe there is a good deal of agreement between Members who support Senator HUTCHISON and Members who support Senator MIKULSKI's legislation. For example, we agree that discrimination based on gender is illegal and wrong. We also agree that the dynamics of the modern workplace may make instances of such discrimination difficult to detect if the discrimination is reflected in pay decisions.

Unlike when someone is denied a job, a promotion, or is terminated, paycheck discrimination may not be obvious. The source of our disagreement is how to find a solution to address this specific issue.

Before I address the specifics of why I support Senator HUTCHISON's amendment over Senator MIKULSKI's legislation, I believe there are some misconceptions about the Supreme Court's Ledbetter v. Goodyear decision. Advocates of the Ledbetter legislation have continued to state that passing the Lilly Ledbetter Fair Pay Act will restore the law to what it was before the Supreme Court's decision. This is misleading. In its Ledbetter decision, the Supreme Court clarified a faulty interpretation of its early decision in Bazemore v. Friday. The Supreme Court did not change the underlying statute of limitations in title VII.

I think it is helpful to understand what the Court did in distinguishing these two cases. The Court's Bazemore decision held that if an employer's pay structure is facially discriminatory, that is, the pay structure sets different compensation on criteria like race or gender, then the paycheck is the last act of illegal conduct from which the 180-day filing period begins. The Court, rightfully in my opinion, distinguished this from the situation in Ms. Ledbetter's lawsuit.

With Ms. Ledbetter's lawsuit there was not a discriminatory pay structure in place, but rather allegations of specific acts of discrimination. The Court found those discrete acts occurred outside the 180-day filing period. I think that is an important distinction Members should understand.

Still, as some of my colleagues pointed out during this debate, specific and discrete acts of wage-based discrimination may be very difficult to detect within the 180-day filing period provided under title VII. This could lead to situations in which an employer escapes liability simply because the person did not know that a discriminatory act took place.

In such a situation, the 180-day filing rule appears to reward bad behavior and harm the person facing the illegal discrimination. I agree with Senator MIKULSKI that under this situation a strict 180-day filing rule is unfair.

As one of my colleagues supporting the Ledbetter legislation pointed out,

the Supreme Court, in TRW v. Adelaide and in an opinion authored by Justice Ginsburg, interpreted a statute of limitations arising under the Fair Credit Reporting Act as starting ''from the date on which the liability arises.'' Understanding this could unduly penalize victims of identity theft, Congress enacted a fix as part of the Fair and Accurate Credit Transaction Act of 2003. This fix extended the relevant statute of limitations based on the ''discovery by the plaintiff'' of the impermissible conduct.

Unfortunately, this is not the approach the Ledbetter legislation takes. Rather, it would adopt a rule allowing for the filing of lawsuits 180 days after the last paycheck issued by the employer that was affected by a discriminatory act, even if it was a single act that occurred many years ago. Thus, the Ledbetter legislation could allow for the filing of lawsuits long after someone knew they were subject to a discriminatory act, effectively eliminating the statue of limitations from title VII in many cases.

As the Supreme Court noted in its Ledbetter decision, statutes of limitations serve an important policy of repose in our justice system. Under American legal principles, it has long been public policy that a person should not be called into court to defend claims that are based on conduct long past.

As many of my colleagues who have practiced law know, it can be very difficult to mount a defense in cases in which the underlying conduct occurred long ago because witnesses are difficult to locate, memories fade, and records are not maintained. In Ms. Ledbetter's case, the supervisor accused of the misconduct died by the time of the trial. Yet under the approach taken by the Ledbetter legislation, defendants could potentially find themselves facing lawsuits that are years, if not decades, old.

Because she recognizes that paycheck discrimination may not be obvious in the modern workplace and that a bad actor should not benefit from hiding such discrimination, Senator HUTCHISON crafted a sensible compromise. Under the Hutchison amendment, a person could bring a claim under title VII within 180 days after obtaining knowledge or information that the person is the victim of discriminatory conduct. In other words, you don't start the 180-day statute of limitations until the person knows or has reasonable suspicion that she is subject to a discriminatory wage. But once you know you have been discriminated against, then it is your obligation to bring that to the attention of the EEOC and start the process to obtain relief.

By allowing a person to bring a claim from 180 days after the discriminatory conduct is discovered, Senator HUTCHISON's amendment stops bad actors from benefiting, and addresses many of the concerns many of my colleagues raised.

Unfortunately, the Ledbetter legislation would swing the pendulum completely in the opposite direction and create an open-ended legal liability that could expose businesses, the very entities we need to help us lift our economy out of this recession, to expensive new legal liabilities.

While this may not be good for insurance companies who write policies and trial lawyers who bring lawsuits, I do not believe the legislation is sound public policy.

Finally, I want to address a related issue before I yield the floor. Besides disagreeing on the solution to the issues created by the Ledbetter decision, Senator MIKULSKI's legislation did not go through the HELP Committee during this Congress.

While I understand the HELP Committee held one hearing on the Ledbetter bill during the 110th, this hearing occurred before Senator HUTCHISON introduced her legislation, which is now before us as the pending amendment. As a result, the Senate is left without the wisdom of having testimony and information comparing the different approaches.

While I understand sometimes it is necessary to bypass committees, the Senate has started to bypass the committee process too frequently. So often, as a result of that committee process, compromises can be worked out so once the bill is out of committee in many instances you can get a UC and get that legislation passed, or at least people have had a chance to talk about it in terms of some compromise.

So I am glad to be involved in this debate, but I believe the Senate and our Nation would be better served if the Senate got back into the habit of taking up legislation after it has gone through the relevant committee. In fact, I believe if these two legislative proposals had been discussed in the HELP Committee, the committee might have crafted a compromise bill that had the support of most, if not all, of my colleagues.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I appreciate very much the remarks of the Senator from Ohio who has much the same feeling about this I do. He wants to protect the employee who has known discrimination but also knowing that a business or small business needs to know what the liability might be and, hopefully, correct it if the notification is given in a timely way.

So I would look forward to talking about my amendment. At this time, I ask unanimous consent that my amendment be set aside in order for Senator SPECTER to be able to offer amendments, after which then Senator MIKULSKI will have the floor. Then when we get back to my amendment, I would like to debate my amendment.

Ms. MIKULSKI. Mr. President, I thank the Senator. We wish to follow the recommendations of our mutual leadership, which was to debate the Hutchison substitute tonight but to get as many amendments laid down tonight as we can. The Senator from Pennsylvania has two amendments he wants to offer. So I agree with the plan of laying aside the Hutchison substitute, having the Senator from Pennsylvania, Mr. SPECTER, offer his amendment, and at such time we will return to our robust debate on the Hutchison substitute and, hopefully, we can get a regular order going back and forth.

Mrs. HUTCHISON. Mr. President, I think that is a good plan. I appreciate the accommodation of the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 26

(Purpose: To provide a rule of construction)

Mr. SPECTER. Mr. President, I call up amendment No. 26.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 26.

The amendment is as follows:

(Purpose: To provide a rule of construction)

Strike the heading for section 6 and insert the following:

SEC. 6. CONSTRUCTION.

Nothing in this Act or any amendment made by this Act shall be construed to prohibit a party from asserting a defense based on waiver of a right, or on an estoppel or laches doctrine.

SEC. 7. EFFECTIVE DATE.

Mr. SPECTER. Mr. President, I agree with the underlying approach that women ought to receive equal pay for comparable work. I voted for cloture on the Ledbetter bill in the last Congress. I had been a cosponsor of the bill. I had not cosponsored the legislation this year because of my interest in making two changes I think would improve the legislation and would reduce the opposition.

I begin by congratulating Senator MIKULSKI and Senator ENZI for the very important work they have done. I congratulate Senator HUTCHISON on the amendment she has offered, the substitute. I intend to support her amendment.

The time when the statute of limitations begins to run is when the employee knew or should have known. I think that is fair. I think it is reasonable to say to an individual where you are being discriminated against, and you know about it, or you should, in reasonable diligence, know about this. This is a standard used in the law in many areas: actual knowledge or constructive knowledge, where somebody should have known. That is fair to say, at that point a person is on notice, they ought to begin their lawsuit. It is fair for the statute of limitations to begin running at that time to give the defendant a fair opportunity to know about it.

The amendment I have offered is hand in glove with the concept of

''should have known,'' that is, or actual knowledge, actual or constructive, to provide that the defendant will have the defense based on waiver or estoppel or laches. Waiver means you take an affirmative act and say: I do not want to assert my rights. That is a waiver. Estoppel means you are estopped from bringing the defense because of some conduct on your part which precludes you from bringing the action, or estopped. You are estopped from bringing the claim. And laches means too much time has passed, that you are barred by time. These are equitable doctrines which have more flexibility as opposed to a specific date. The essence of these defenses of waiver, laches, and estoppel was articulated in the dissenting opinion of Justice Ginsburg. She disagreed in the 5 to 4 decision which precluded women from claiming equal pay. She said that women ought to be able to claim equal pay and employers have a fair right to defend if they can assert these defenses.

So this is what Justice Ginsburg said: Allowing employees to challenge discrimination ''that extends over long periods of time,'' into the charge-filing period, does not leave employers defenseless against unreasonable or prejudicial delay. Employers disadvantaged by such delay may raise various defenses. Doctrines such as ''waiver, estoppel, and equitable tolling'' ''allow us to honor Title VII's remedial purpose without negating the particular purpose of the filing requirement, to give prompt notice to the employer.''

So what Justice Ginsburg lays out are the defenses which the employers would have in any event, but in putting it into the statute, it makes it conclusive. I think it is good so that you do not have an argument as to whether employers have these defenses. It allows the plaintiff to bring the claim, and allows a reasonable defense by the employer.

Mr. President, I now ask unanimous consent that the Hutchison amendment and my amendment be set aside so that I may lay down a second and final amendment.

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

AMENDMENT NO. 27

Mr. SPECTER. Mr. President, I now call up amendment No. 27.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 27.

Mr. SPECTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To limit the application of the bill to discriminatory compensation decisions)

At the appropriate place, insert the following:

SEC. ___. LIMITING APPLICATION TO DISCRIMINATORY COMPENSATION DECISIONS.

(a) FINDINGS.—In section 2(1) of the Lilly Ledbetter Fair Pay Act of 2009, strike ''or other practices''.

(b) CIVIL RIGHTS ACT OF 1964.—In section 706(e) of the Civil Rights Act of 1964 (as amended by section 3), strike subparagraph (A) of paragraph (3) and insert the following:

''(A) For purposes of this section, an unlawful employment practice occurs, with respect to discrimination in compensation in violation of this title, when a discriminatory compensation decision is adopted, when an individual becomes subject to a discriminatory compensation decision, or when an individual is affected by application of a discriminatory compensation decision, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision.''.

(c) AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—In section 7(d) of the Age Discrimination in Employment Act of 1967 (as amended by section 4), strike paragraph (3) and insert the following:

''(3) For purposes of this section, an unlawful practice occurs, with respect to discrimination in compensation in violation of this Act, when a discriminatory compensation decision is adopted, when a person becomes subject to a discriminatory compensation decision, or when a person is affected by application of a discriminatory compensation decision, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision.''.

Mr. SPECTER. Mr. President, the essence of this amendment is to strike the term ''or other practices.'' The core issue here is pay, and that is what I think we ought to deal with.

There are objections to this bill on the grounds that it is a lawyers bonanza and will allow a lot of litigation. Well, I do not think that is a sound argument, but I think there is merit in specifying that this legislation is aimed at pay, and if you talk about other practices it is going to produce a lot of litigation because there is no definition of what the ''other practices'' means.

For example, other practices might be promotion, might be hiring, might be firing, might be training, might be territorial assignment, might be transfer, might be tenure, might be demotion, place of business reassignment, might be discipline. All of these are possibilities when you talk about ''other practices.'' I do not purport to be making an exhaustive list. Those are only some of them, the possibilities on what might be included in other practices. When talking about pay, you know what you are talking about. Now, if it is the objective of the drafters of the bill to cover promotion or to cover hiring or to cover firing, fine; let's say so. If there is an intent to cover any of these other specific items, let's consider that. Let's make an evaluation as to whether that is a practice which requires remedial legislation. But in order to have ''other practices,'' I think we have the potential of reaching a quagmire and have a lot of litigation about what the intent was of Congress, a lot of questions as to what we intend to do.

Now, of course, in listing all of these items, if this amendment is defeated, I know lawyers will be citing this argument to say, well, if the amendment offered by ARLEN SPECTER was defeated, it must mean that all of those other practices are included, and then some, which is not my intent. But I do believe it would be a crisper bill, and we would know exactly what we are talking about.

Again, I say if anybody wants to include other practices, so be it.

Mr. President, I was advised that the senior Senator from Illinois was going to be here at 5:15. I want the RECORD to show that I finished my comments 1 minute early so as to allow the manager to maintain her commitment.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Let me thank the Senator from the Commonwealth of Pennsylvania for his gracious acknowledgment of my opportunity to speak on this legislation. I look forward to working with him. I hope we can get this passed.

Let me tell you what the issue is. Fundamentally, it is just basic. In the case of Lilly Ledbetter, here is what it is coming down to: Should women be paid the same for work as men? That is it. That is the basic question.

Lilly Ledbetter was a lady who worked at the Goodyear Tire plant in Gadsden, AL. You do not expect to find a lot of women working in a plant like that, do you? She went on to the managerial part of the plant, which meant she was on her way up in the managerial ranks. She worked there for years, 19 years, and at the end of the 19 years when she was near retirement, somebody said: Lilly, did you realize all of these years you were working there that men who had the same job you did were being paid more than you?

She said: That is not right. That can't be true.

She checked it out, and it was true. All those years she had the same job classification, the same job responsibilities, and she was paid less.

She said: It is not fair. I think I ought to receive compensation because the company basically discriminated against me just because I am a woman. She takes her case and files it. In most cases, it is a pretty simple situation. What was the job; what did it pay. Did you pay women less than you paid men? These are basic fact questions. Then it made it all the way across the street to the U.S. Supreme Court. Then nine Justices sat down to take a look at the Ledbetter case. The Chief Justice of the Supreme Court, John Roberts, and Sam Alito, a recent appointee by the Bush administration to the Supreme Court said: We are sorry, Ms. Ledbetter. You cannot recover for this discrimination.

She said: Why?

They said: Well, you should have discovered this and reported it the first time you got a discriminatory paycheck. The first time you were paid

less than a man who had the same job, you had 180 days from that point. When that different paycheck was given, you had to file your claim.

Of course, common sense and life experience would tell you that most people at work don't know what their fellow employee is being paid. Lilly Ledbetter didn't know. She didn't know for 19 years that the men working right next to her were being paid more than she. But the Supreme Court said: Sorry, Lilly Ledbetter. Darn shame, but you should have filed this claim years ago. The fact that you are still being paid a discriminatory wage doesn't work because you had 180 days from the first time they sent a different paycheck to a man than a woman to file your claim, and you didn't do it. You are out of court. Thanks for dropping by. End of case.

I look back at these Supreme Court Justices' answers when they appeared before the Senate Judiciary Committee. I particularly remember Chief Justice Roberts because he was the most impressive witness I had ever seen. He sat there for days and answered every question without a note in front of him. He is a brilliant man. He made a point of saying: I feel like a Supreme Court Justice is an umpire. I'll call balls and strikes there. I am not supposed to make up new rules for the ball game. I'll watch the pitches coming in, and I'll call balls and strikes.

This is a foul ball. This decision by that Supreme Court ignores the reality of the workplace today. I asked Senator MIKULSKI, who is leading our effort, what is the basic discrimination between men and women in pay today? She said it is about 78 cents for the woman and a dollar for the man. As a father of daughters and sons, I think my daughters should be treated as fairly as my son. If they do the same work, they ought to get the same pay. What Senator MIKULSKI says in her basic bill, the Lilly Ledbetter Fair Pay Act, is we are not going to allow the Supreme Court decision to stand. It makes no sense. If the company is continuing to discriminate against you in its paycheck, that is good enough. You ought to be able to go to court, not the fact that the discrimination started 10 years ago, 12 years ago, and you didn't know about it.

Basically, in the law, we have this matter called the statute of limitations. It says you get a day in court but only for a window of time for most things. If you don't go to court in that window, you don't get to go. You are finished. But we make an exception in most cases for what is known as fraud and concealment. If the person guilty of the wrongdoing has concealed what they are doing and you don't know it, you can't say the time is running. It doesn't run in that circumstance because there is concealment. In this case, there is clearly a situation where you don't know what your fellow employee is being paid.

Senator HUTCHISON of Texas comes with an amendment. I am sure it is a well-intentioned amendment, and I am sure she is not going to defend pay discrimination. I am sure she doesn't stand for that; none of us do. But she adds a provision, and I wish to make sure I have the language right because it is important we take it into consideration. She says her amendment would only permit a victim to bring a discrimination claim if she ''did not have, and should not have been expected to have, enough information to support a reasonable suspicion of such discrimination.'' On its face it sounds: What is wrong with that? What is wrong with that is now Lilly Ledbetter and people such as she have a new burden of proof. They have to prove to the court they had no reason to suspect their employer was discriminating against them. It becomes subjective. It becomes difficult. It adds another hurdle. Why would we assert this hurdle? If anything happened yesterday in Washington, DC, it was an announcement of change in this town and in this Nation. With the election of Barack Obama as President, many of us believe we are going to start standing up for folks who haven't had a fighting chance for a long time. People who are being discriminated against in the workplace, folks such as Lilly Ledbetter, who spent a lifetime getting less pay than the man right next to her, are going to have their day in court, a chance to be treated fairly. That is what this bill says. That is why Senator MIKULSKI's leadership is so important.

We are saying to the Supreme Court, wake up to reality. You don't know what the person next to you is being paid. They don't publish it on a bulletin board. Maybe they do for public employees such as us, and that is right. But in the private sector, that doesn't happen. That is what this is all about. That is what the battle is all about.

Senator HUTCHISON comes here and says: Here is another thing Lilly Ledbetter should have had to prove; in her words, Lilly Ledbetter would have been required to prove that she should not have been expected to have enough information to support a reasonable suspicion.

I think it goes too far. We ought to look at the obvious. If a person is a victim of discrimination, once they have discovered those facts and assert those in court, they should have compensation. Employers ought to be given notice nationwide that we want people to be treated fairly, Black, White, and Brown, men and women, young and old, when it comes to job responsibilities. If you do the work, you get the pay. If you get discriminated against because your employer is secretly giving somebody more for the same job, you will have your day in court.

I think it is pretty American, the way I understand it. It gets down to the basics of what this country is all about.

I salute Senator MIKULSKI for her leadership and urge my colleagues to oppose the Hutchison amendment and to pass the underlying bill.

Now I will quote a newspaper from Chicago which occasionally endorses me but not very often, the Chicago Tribune, no hotbed of liberalism. When they read the Ledbetter decision from the Supreme Court, they said:

> The majority's sterile reading of statute ignores the realities on the ground. A woman who is fired on the basis of sex knows she has been fired. But a woman who suffers pay discrimination may not discover it until years later, because employers often keep pay scales confidential. The consequences of the ruling will be to let a lot of discrimination go unpunished.

Those who vote against the Ledbetter bill or vote for the Hutchison amendment will allow a lot of discrimination in America to go unpunished. President-elect Obama has said that passing this bill as one of the earliest items in his new administration is part of an effort to update the social contract in this country to reflect the realities working women face each day.

I urge my colleagues to help update the social contract with this new administration and this new day in Washington. Let us, after we have cleaned up the mall and all the folks have gone home, not forget why we had that election, made that decision as a nation, and why America is watching us to see if our actions will be consistent with our promises.

I yield the floor.

Mrs. HUTCHISON. Mr. President, is the pending legislation my substitute for the Mikulski bill?

The PRESIDING OFFICER. The pending amendments are the two Specter amendments.

AMENDMENT NO. 25

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Hutchison substitute be laid on the table and be the pending business.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. Reserving the right to object.

Mrs. HUTCHISON. Mr. President, it was my understanding that when Senator SPECTER laid aside my amendment, we would return to my amendment, my substitute, after his two amendments had been offered. That was what we intended and that is what I was trying to restore.

Ms. MIKULSKI. I believe that clarifies it. I concur. I withdraw my reservation of objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment of the Senator from Texas will be the pending business.

Mrs. HUTCHISON. I yield 10 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I rise to speak in support of the Hutchison substitute amendment to

the Lilly Ledbetter Fair Pay Act. I do believe this substitute amendment strikes a fair balance in ensuring that employees can be relieved of discrimination. I wish to say, at the outset of my comments, I am very pleased we are able to offer amendments to this legislation. I do intend to work with my colleagues to craft and support any other amendments that I believe will improve the legislation before us.

Before speaking directly to the Hutchison substitute, I wish to make very clear one point: Discrimination because of an individual's gender, ethnicity, religion, age or disability cannot be tolerated. No American should be subject to discrimination. If they are, they have the right to the law's full protection.

The heart of the Supreme Court's Ledbetter decision is the ruling that the law requires an employee to file a complaint within 180 days of when the discriminatory intent is first activated by paycheck. Last year, I had the opportunity to speak with Lilly Ledbetter. I know she made a visit to many offices. I had a good conversation. I believed her when she told me she didn't know her wages were lower than those of her male colleagues. I agreed it is often very difficult, perhaps impossible, to know how one's wages compare with another employee's, and that even if an employee does know that he or she is being paid less, that often it is very difficult to know for sure that the reason for the disparity is discrimination.

The best solution to this problem, though, is not necessarily to restart the clock at each paycheck. I believe the best solution is to clarify that if the employee did not know about the discriminatory action at the time it was supplied or could not have reasonably suspected discrimination, the clock starts when that knowledge is available to the employee or when it is reasonable for the employee to have known of the discrimination.

It is also reasonable to require that an employee file a complaint in a timely manner, once that knowledge or that suspicion is available. The Hutchison substitute is a good fix to the Ledbetter decision. Her amendment not only recognizes that many employees do not know what their colleagues are being paid or that any disparity is due to discrimination, the Hutchison substitute amendment would also restore the reasonable requirement that the employee file a complaint in a timely manner.

We all know memories have a tendency to fade away. Paperwork may be lost or thrown away. People leave jobs. Requiring an employee to file a timely claim benefit benefits the employee in pressing his or her claim. How can the Equal Employment Opportunity Commission investigate a claim of discrimination and find the truth, if the discriminating supervisor has retired, moved away or, perhaps, even died? That is what happened to Lilly Ledbetter. The supervisor who made the original discriminatory decision about her wages died before she could even file her complaint. He wasn't even available to be questioned or cross-examined. How can the EEOC find out the truth, if the records were lost that show a woman or a minority or senior or disabled person's first paycheck was inordinately lower than the first paycheck of his or her peers?

So Senator HUTCHISON's amendment ensures that this clock does not start running on the 180-day statute of limitations until an employee finds out about, or could reasonably be expected to suspect, the possibility of discrimination. It ensures that workers can hold their employers accountable for pay discrimination.

Now, some have argued—or some will argue—Senator HUTCHISON's amendment would institute an unfair discovery rule. They argue it will force employees to file before they are sure of discrimination, when they may most fear retaliation. But I disagree. Senator HUTCHISON's amendment says the clock starts when the employee ''did not have, and should not have been expected to have, enough information to support a reasonable suspicion of such discrimination, on the date on which the alleged unlawful employment practice occurred.'' It does not say the employee must file when they have a hunch. It says a ''reasonable suspicion.''

Opponents of this amendment may also contend that the Lilly Ledbetter Fair Pay Act simply restores the paycheck accrual rule that was in place before the Supreme Court decision and that a discovery rule would be a new hurdle for employees to deal with. Again, I disagree with this. Prior to the Supreme Court's Ledbetter decision, the EEOC applied, through regulation, the concept—many attorneys are familiar with it—of ''equitable tolling.'' This concept basically means that a plaintiff may proceed with a complaint notwithstanding missing a deadline if the employee did not know he or she was being discriminated against.

The Hutchison amendment actually strengthens that familiar, often used legal concept that protects employees' rights by putting it in the statute.

Opponents of placing a so-called discovery rule in the law also allege it would lead to confusion in the courts. They call it an unclear and untested rule. Again, I would disagree. The EEOC and the courts are quite familiar with the concept of equitable tolling, and there is substantial case law in which it has been applied.

Opponents also claim a discovery rule will force plaintiffs to prove a negative—that the employee should not be expected to have known about the discrimination—before they even get to the question of whether there was discrimination. I believe it is fairly easy to prove that one did not have access to the pay records of other employees, that it is fairly easy to prove the piece of information that led the employee to file the complaint was not available to him or her earlier.

I believe the substitute amendment we have before us strikes the right balance in ensuring that employees can be relieved of discrimination. It recognizes employees often do not know their pay is different from their colleagues. It recognizes it is not always obvious that a pay disparity is based on discrimination.

For those reasons, I have cosponsored this amendment by my colleague, Senator HUTCHISON, and I urge my other Senate colleagues to support it.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Alaska for her support of my amendment.

I wish to lay out my amendment one more time, and then the long-suffering and ever-patient Senator from Maryland will have the chance to rebut. She has been so wonderful about making sure everyone got a chance to speak and knowing we would still be here to debate this amendment, and then setting a time agreement for the vote tomorrow, when the leaders have made that decision.

This is such an important issue. As the Senator from Alaska has said, and really everyone has said, we all want to make sure we give every opportunity to a person who has faced discrimination in the workplace to be able to have a redress of that discrimination.

The law, as it is today, gives 6 months for a person to be able to go forward to the EEOC, and then later to the courts, to say there has been an act of discrimination. Now, most of the time it is easy for an employee to know when a cause of action occurs. If it is age discrimination and someone has been demoted; if it is a firing, of course; any lessening of duties or responsibilities, that is a signal that perhaps there is some discrimination of some kind—whether it be based on age or gender or whatever might be alleged.

The harder issue is pay, there is no question because most people do not talk about what they make around the water cooler or in the break room. Most people hold that close because there are many factors that go into pay. Because of that, it is harder to do the fair thing. That is what I am trying to do with my amendment, to make sure there is a fair opportunity for an employee to have the right of redress and also a fair opportunity for the person in business to know if there is a liability or a mistake.

If the Mikulski bill passes, one would be able to sit on a claim because it would not matter if the person should have known of the alleged discrimination. They can pick their time, and it could be months, years, decades after a discrimination has occurred. This is a

problem because the employer has to be able to have an opportunity to mount a legitimate defense with records that would be kept, with witnesses who would come forward, with memories that would be fresh, to give the employer the right to know what the liability is and be able to have witnesses or the person who is accused there to make the other side of the case.

In pay discrimination, what we are doing in my substitute is basically setting a standard that will be uniform across the country, in all courts. It is what the Supreme Court has said should be the test. In some districts, the court will say: Well, let's hear from the employee why she did not know or why he did not know. If the court says: Well, I think that is reasonable—maybe there is a policy in the company that if you talk about your salary, that is grounds for firing. Now, that would be a very strong presumption for the employee that maybe they were in the dark. So we want that employee to have the right to say there is no way I could have known. There was a policy against it. But we need to have that standard across the board in every district. Some courts will do it, but not every court will do it, which is why my substitute amendment is needed, because we need every employee to have the ability to make the case that person could not have known.

Now, the distinguished assistant majority leader said that puts the employee with the burden of proof. Well, the employee is the plaintiff. The plaintiff always has the burden of proof in our legal system. We would certainly—if it were something that would make a difference to the Senator from Maryland or the Senator from Illinois; if it would make a difference that we would establish a rebuttable presumption that would favor the employee but be allowed to be rebutted by the employer—we could talk about that, and I would be open to that suggestion.

But the plaintiff bringing the case in our system does have the burden of proof. What we want is to assure that responsibility is codified in the law, that it is codified so that person has the right, but also the responsibility to press a claim. This is the important part of the substitute that says we want the right of the employee to be able to say they did not know, and why, and give courts the chance to apply a standard that would be set for everyone in this country to have the right to press the claim if they did not know.

On the other hand, the reason we have statutes of limitations—and we have had since the beginning of law in this country, and in other civil law countries—is that the defendant does have a right to be able to make the defense and be able to anticipate what the liability might be. A small business that has a person come forward who has a claim from 10 years ago, and they did not know the employer did not know this right was accumulating and could result in a catastrophic effect on a small business—when if the employee, when he or she suspected, brought forward this claim, perhaps it could be settled right then and there so everyone wins.

So I hope we can work on this bill so we do give fairness to both sides in a legal case. We wish to have the right of the employee to come forward when that person knew or should have known within 6 months of that right accruing; and we need to have the right for the business to be able to have evidence, records, witnesses, and fresh memories to mount an effective case in defense if they are going to rebut the charge. That is one part of the substitute.

The other part is, I think, also very important; and that is that in the bill before us there is a major change in common law and in tort law that has also been a part of our legal system and our case law since the beginning of law in our country and in other countries that have the types of laws we do; and that is that a tort accrues a right to the person who is offended or damaged or hurt by another action. It does not accrue to another person who is affected by or might be considered affected by this claim.

Now, there are exceptions to that. But in the main, it is, I think, essential, if we are going to have a statute of limitations that goes beyond the act itself—and in this case it would be 6 months, which is the law today—that it accrue to the person actually injured, the employee, and not some other person on behalf of the person who did not bring the case.

Under the Mikulski bill, the Ledbetter Act, a new right has been given to a person who may not be the person with the injury. So it could be a case where the person dies after working at a place of employment, a business. The person dies, and within 6 months of that person's last paycheck and subsequent death, some other person—an heir, a child, a mother, a father—could bring a case, which the person who has allegedly been discriminated against chose not to bring or did not bring. In such an absurd case, possible under the Ledbetter bill, you do not even have the person discriminated against to testify. I think this is a very big hole in the concept of fair play that our legal system tries to provide. By saying ''other affected parties,'' I think we have opened up a whole new right and possible class of plaintiffs that has not been contemplated before and could achieve an inequitable result.

So I hope very much that people will look at my substitute and try to get to the same end Senator MIKULSKI and I both want, by trying to shape the legislation so that it keeps the fairness in the process for a person who claims a discrimination and a person in the business that has hired this person to have a fair right for a defense. That should be our goal. I think my substitute does achieve that balance. I hope very much we can work this into a bill that all of us can support for people who have certainly known discrimination, as I have, and for people who want to make sure their children and grandchildren don't face discrimination, as well as for those who wish to make sure we don't discriminate against that small business owner who is all of a sudden, after 10 or 15 years, maybe looking at a liability that they didn't know about, couldn't prepare for because they don't know about it; maybe it is a mistake and maybe it could be corrected if we keep that statute of limitations that would say a person knew or should have known can have 6 months to file a claim so there can be an equitable, judicial remedy for this potential claim.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I yield the floor to the Senator from Maryland for such time as he may consume. He has been a longstanding advocate for women. He is a current member of the Judiciary Committee. He was the Speaker of the House in Maryland. He was a member of the House of Representatives, and now is a member of the Senate Judiciary Committee. He is a real leader and I think we can look forward to a thoughtful presentation.

The PRESIDING OFFICER. The Senator from Maryland does not control the time.

The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, let me first thank my colleague from Maryland for giving me the opportunity to speak, but also to thank her for her extraordinary leadership on behalf of gender equality in our Nation. Senator MIKULSKI is no stranger to this issue. She has fought her entire life on behalf of equality for all people in this country. From her days as a social worker to her service on the City Council of Baltimore and now to the Senate, she has been our leader on speaking out for what is right on behalf of women, on behalf of all of the people of our Nation. So I thank Senator MIKULSKI very much for everything she has done, not just on this issue but on so many issues that affect equality for the people of our country.

This has been an extraordinary week. On Monday we celebrated the life and legacy of Dr. Martin Luther King, Jr. Dr. King had a dream that everyone in this country would have the equal opportunity of this great land, regardless of race, religion, sexual orientation, or gender. He had a dream. Then, yesterday, we saw this Nation take a giant step forward in reaching that dream with the inauguration of Barack Obama as the 44th President of the United States. We can take another giant step forward now by passing the legislation that my colleague from Maryland is bringing forward, the Lilly Ledbetter Fair Pay Act. It is so important that we do this.

Let me give my colleagues some of the facts. They know this, but it is worth repeating. Today in the workplace women are being discriminated against. On average, women make 77 percent of what a male makes for the same work. That is unacceptable and inexcusable. We need to change that.

Lilly Ledbetter worked for 19 years at Goodyear Tire Company. It was shown that she was making $15,000 less than her male counterparts were making in the United States of America. Well, we passed legislation to make sure that could not happen and that there were rights to protect women who were discriminated against by that type of action by an employer. Lilly Ledbetter did what was right. She filed her case and it was found that, yes, she was discriminated against, but guess what. Her claim was denied by the Supreme Court of the United States by a 5-to-4 vote because she didn't bring her case within 180 days of the discrimination. She didn't know about the discrimination until a fellow worker told her about it, well past 180 days. She couldn't possibly have brought the case within 180 days.

Now it is time for us to correct that Supreme Court decision, and that is exactly what the legislation Senator MIKULSKI has brought forward will do. It will reverse the Supreme Court decision giving women and giving people of this Nation an effective remedy if an employer discriminates based upon gender.

I have listened to some of the debate on the floor. I don't want to see us put additional roadblocks in the way of women being able to have an effective remedy. I respect greatly my colleague from Texas. She is very sincere and a very effective Member of this body. However, I don't want to have lawyers debating whether a person can bring a claim, as to whether they had reasonable cause or try to think of what someone was thinking about at the time. This is very simple. If you discriminate against your employee, they should have an effective remedy. The Supreme Court turned down that remedy. The legislation that is on the floor corrects it. It is our obligation, I believe, to make sure that is done.

So I wish to take these few moments to urge my colleagues to pass the legislation that is before us. Let's not put additional roadblocks in the way. Let's not pass amendments that will become ways in which employers such as Goodyear Tire could prevent their employees from getting fair pay. The time is now. Let's pass this legislation.

I again congratulate my colleague from Maryland for her leadership on this issue.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank my colleague for his eloquent and persuasive argument.

I rise to debate with my colleague from Texas her amendment. Before I go into the Hutchison substitute amendment, I wish to clear up two misconceptions. The first misconception is that there have been no hearings on this bill; somehow or another this is a fast-track, jerry-rigged, gerrymandered process. That couldn't be further from the truth.

In 2008, we held two hearings on Ledbetter, one in January of 2008—just about this time—in the Senate Health, Education and Labor Committee, which was a very active committee. Second, we also held a hearing in the Senate Judiciary Committee to get the extensive legal commentary. That hearing was held on September 23. There are those who would say, But that was the last Congress. Well, that was last year, but the relevant facts are the same. So there have been extensive hearings in the Senate and in the House. I believe we are following a framework for getting views through the regular process.

Now, our new President, President Barack Obama, has said very clearly that he wants to create jobs in this country. If you don't have a job, you get a chance to get one, and if you do have a job, you get a chance to hold on to it. Additionally, he said that if you have a job or you are going to get a job, you will not face wage discrimination in the United States of America. That is why he wants not only in his first 100 days, but in his first 10 days, to pass legislation that closes a loophole on wage discrimination.

That takes me to the second misconception. The Lilly Ledbetter Fair Pay Act, which I am the lead sponsor of—but I wish to acknowledge the role of Senator KENNEDY as the lead sponsor, and I am carrying this responsibility as a member of the committee. Now, the second misconception is that somehow or another the Fair Pay Act only deals with wage discrimination affecting women. Oh, no. It deals with wage discrimination affecting all people. So if you are discriminated against in your paycheck because of your race, ethnicity, religion, natural origin, or gender, this legislation will protect you. This loophole was created by the Supreme Court, and I will elaborate on that as well.

So we followed hearings. This bill, as part of President Obama's hope for America, makes sure that when you get a job or you keep your job, you will never be discriminated against in your wages. So I wanted to clear up those two misconceptions.

Now I wish to go to the Hutchison substitute. First, I wish to acknowledge the Senator from Texas, my truly very good friend, for her long-standing advocacy for women. We have worked together on a bipartisan basis for women. Her advocacy has been steadfast. She has been of particular help. We have worked together on the women's health agenda. We have mammogram standards in this country because of the Hutchison-Mikulski amendment. We have helped with breast cancer research funding because we have worked together, and I could give example after example.

I also wish to acknowledge that the Senator from Texas herself was discriminated against in the workplace. Maybe later on in the debate she will share her own very compelling personal story. So I wish to acknowledge that.

I also wish to acknowledge that we—the women of the Senate—can disagree, which she and I do tonight, without being disagreeable. There is no doubt that the Senator from Texas and I agree that we do not want wage discrimination against women. Where we disagree is not on the goal but on the means. She has her substitute, and I have, which I think is the superior framework, the Lilly Ledbetter Fair Pay Act. I wish to be clear that in this new Senate, we can offer amendments, we can have our shared goals, and we can do it in a way that is not prickly or rancorous and so on. So I wish to be able to say that. Although I disagree with her, my bill—the Kennedy-Mikulski bill—which has 54 cosponsors, simply restores the law before the Supreme Court decision. It is a legal standard that nine separate decisions in front of courts of appeal agreed with.

Let me elaborate. The Hutchison amendment acknowledges that the Supreme Court Ledbetter decision is unfair and it has closed the courthouse door for legitimate claimants. Unfortunately, Senator HUTCHISON's effort to fix Ledbetter's problem is flawed. I think it is a well-intentioned but misguided attempt. Her amendment will not fix the problem caused by the Ledbetter decision. In fact, review of her amendment leaves the core of the Ledbetter's harsh ruling intact, creating only a very narrow and vague exception. Moreover, the exception creates significant legal hurdles for those workers who try to take advantage of it.

In the Ledbetter decision, the Supreme Court said an employee must challenge pay discrimination within 180 days of the employer's initial decision to discriminate or the employee will be forever barred from enforcing her rights. This decision gave employers a free pass to continue discrimination. By keeping in place the heart of the Ledbetter decision, the Hutchison amendment would allow such injustice to continue.

The Senator from Texas says her amendment would bring balance to our antidiscrimination laws, but in reality it imposes a very unreasonable standard on workers—a standard that would be almost impossible for someone to meet.

Under the Hutchison framework, a worker would have to prove not only that she did not know she was being discriminated against but also she "should not have been expected to have had enough information to support a reasonable suspicion of discrimination."

How can workers prove what someone else expects of them? How does a worker prove a negative, that she didn't suspect that something in the workplace wasn't quite right? And—again quoting the Hutchison recommendation—what is a ''reasonable suspicion of discrimination''? That phrase, ''reasonable suspicion of discrimination,'' is vague, and fuzzy, and I am concerned would even add to the already legal burdens. There is no similar standard in any other discrimination law.

Workers would have to prove they could meet this vague standard before they could even raise their allegations of discrimination. This means time and resources spent on what workers knew and when they knew it instead of on the conduct of unscrupulous employers.

Even conservative commentators are worried about the Hutchison amendment. Andrew Grossman of the Heritage Foundation noted that the Hutchison amendment would fail to provide the certainty of a hard statute of limitations.

By contrast, the Lilly Ledbetter Fair Pay Act would restore a bright line for determining the timeliness of pay discrimination claims. We know employers and workers can understand this rule and live with it because it was the law of the land in most of the country for decades prior to the Ledbetter decision. Our bill would simply put the law back to what it was before the Supreme Court upended the law.

Although Senator HUTCHISON claims her amendment would protect employers from unreasonable lawsuits, it could cause an explosion in the number of lawsuits. If this amendment was adopted, workers would feel compelled to file claims quickly for fear that they would miss their statute of limitations. So the only way you can protect yourself is to file a claim because you might have a reasonable suspicion. Given the way women are treated in the workplace, you could have a reasonable suspicion every time you walk in somewhere. Workers have to run to the EEOC even if the only evidence of discrimination is rumor or speculation. This could create a very nasty and hostile work environment. Without any guidance of what constitutes a ''reasonable expectation'' or a ''reasonable suspicion'' of discrimination, workers will file a tremendous number of claims. That is just what we don't want to do. We want to return to the law.

They say the Lilly Ledbetter Fair Pay Act is only going to cause an explosion of lawsuits, but it didn't before the Supreme Court decision. In fact, we now know the Lilly Ledbetter Fair Pay Act would not cause an increase in lawsuits because it gives the workers the time they need to consider how they have been treated and try to work out solutions with employers before they get into filing complaints and also lawsuits.

You don't have to take my word for this. History proves it. The rule that workers can file claims within 180 days of receiving a discriminatory paycheck did not encourage any unreasonable number of lawsuits in the decade before the Ledbetter Supreme Court decision.

We turned to CBO, again, a pretty cut-and-dry, button-down crowd. They said this bill would not increase claims filed with the EEOC or lawsuits filed in court, meaning the Lilly Ledbetter Fair Pay Act, not the Hutchison amendment.

The best evidence the Hutchison amendment does not solve the problems caused by the Ledbetter decision is that the amendment would not have helped Lilly Ledbetter herself. Isn't that something. Under the Hutchison framework, this amendment would have tipped the scales of justice against her in favor of her law-breaking employer because it is virtually impossible to meet the reasonable expectation of a reasonable suspicion standard. Ms. Ledbetter would have been forced to spend all of her time and all of her money trying to prove that she had no reason to suspect discrimination before the EEOC or the courts could have even considered Goodyear's illegal and unfair treatment of her. Discrimination claimants face enough difficult hurdles. Brave workers, such as Lilly Ledbetter, do not need more disincentives to stand up for themselves and their rights.

The Lilly Ledbetter Fair Pay Act is a bipartisan solution. It responds to the basic injustice of the Supreme Court Ledbetter v. Goodyear decision. I urge my colleagues to vote against the Hutchison amendment and vote for the Lilly Ledbetter Fair Pay Act.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Texas.

Mrs. HUTCHISON. Madam President, I was going to engage in a discussion with the Senator from Maryland. I see the Senator from Minnesota is in the Chamber. Is it OK to proceed?

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I wish to talk about a couple of points that were made by the Senator from Maryland.

First, I want to say how much I appreciate her talking about how much we have done together in the Senate for women. We have made significant legislation that has improved the lives of women. She mentioned many of the bills we cosponsored.

The other one I want on the record, because I think it is so important for the homemakers of our country, is the homemaker IRA, which was the Hutchison-Mikulski bill that allows stay-at-home spouses, those who work inside the home, to put aside the same amount for retirement security that will accrue without being taxed as someone who works outside the home, which was not the case before Senator MIKULSKI and I passed our bill. It is one of the singular achievements, I think, in helping especially women who usually go in and out of the workplace to save, without being taxed every year, in a retirement account the same amount as if they work outside the home.

We have worked together, and I know we will work together on many other issues. And I hope we will end up working together on this issue because we do have the same goal, and that is to provide a fair legal process for people to have the right to sue for discrimination and the employer that is accused to have the right of defense.

I ask unanimous consent to print in the RECORD the report of the Heritage Foundation that was mentioned earlier.

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

[From the Heritage Foundation, Jan. 7, 2009]

THE LEDBETTER ACT: SACRIFICING JUSTICE FOR ''FAIR'' PAY

(By Andrew M. Grossman)

Congressional leaders have said that they will fast-track the Lilly Ledbetter Fair Pay Act, a bill that would allow pay discrimination lawsuits to proceed years or even decades after alleged discrimination took place. Proponents say that the legislation is necessary to overturn a Supreme Court decision that misconstrued the law and impaired statutory protections against discrimination, but the Court's decision reflected both longstanding precedent and Congress's intentions at the time the law was passed.

In addition, eliminating the limitations period on claims would be bad policy. Since ancient Roman times, all Western legal systems have featured statutes of limitations for most legal claims. Indeed, they are so essential to the functioning of justice that U.S. courts will presume that Congress intended a limitations period and borrow one from an analogous law when a statute is silent. While limitations periods inevitably cut off some otherwise meritorious claims, they further justice by blocking suits where defensive evidence is likely to be stale or expired, prevent bad actors from continuing to harm the plaintiff and other potential victims, prevent gaming of the system (such as destroying defensive evidence or running up damages), and promote the resolution of claims. By eliminating the time limit on lawsuits, the Ledbetter Act would sacrifice these benefits to hand a major victory to trial lawyers seeking big damage payoffs in stale suits that cannot be defended.

The Ledbetter Act would also lead to myriad unintended consequences. Foremost, it would push down both wages and employment, as businesses change their operations to avoid lawsuits. Perversely, it could actually put women, minorities, and workers who are vocal about their rights at a disadvantage if employers attempt to reduce legal risk by hiring fewer individuals likely to file suit against them or terminating those already in their employ.

Rather than effectively eliminate Title VII's limitations period, Congress could take more modest, less risky steps to ease the law's restrictions, if such change is warranted. Most directly, it could lengthen the limitations period to two or three years to match the periods in similar laws. Another option is to augment the current limitations period with a carefully drafted ''discovery rule'' so that the time limit on suing begins running only when an employee reasonably suspects, or should reasonably suspect, that he or she has been discriminated against.

While either of these options would sacrifice some of the benefits of the current limitations period, they are far superior alternatives to throwing the law wide open to stale claims and abuse.

THE LEDBETTER SUIT

For all the rhetoric about the Supreme Court's Ledbetter decision—the New York Times, for one, called it ''a blow for discrimination''—it addresses not the substance of gender discrimination but the procedure that must be followed to assert a pay discrimination claim. Specifically, the case presented only the question of when a plaintiff may file a charge alleging pay discrimination with the Equal Employment Opportunity Commission (EEOC), a prerequisite to suing.

Lilly Ledbetter, who worked for Goodyear Tire and Rubber Co. from 1979 until 1998 as a factory supervisor, filed a formal EEOC charge in July 1998 and then a lawsuit in November, the same month that she retired. Her claim was that after she rebuffed the advances of a department foreman in the early 1980s, he had given her poor performance evaluations, resulting in smaller raises than she otherwise would have earned, and that these pay decisions, acting as a baseline, continued to affect the amount of her pay throughout her employment. She said she had been aware of the pay disparity since at least 1992.

Initially, Ledbetter sued under the Equal Pay Act of 1963 (EPA) and Title VII of the Civil Rights Act of 1964, a more general anti-discrimination statute. The EPA, unlike Title VII, has been interpreted not to require proof that pay discrimination was intentional but just that an employer paid an employee less for equal work without a good reason for doing so. For such claims, the EPA imposes a two-year statute of limitations, meaning that an employee can collect deficient pay from any discriminatory pay decisions made during that period, whether or not the employer intended to discriminate in any of those decisions. Title VII, while imposing a shorter filing deadline of 180 days and requiring proof of intent to discriminate, allows for punitive damages, which the EPA does not. Perhaps for this reason, Ledbetter abandoned her EPA claim after the trial court granted summary judgment on it in favor of her former employer.

On her Title VII claim, however, Ledbetter prevailed at trial before a jury, which awarded her $223,776 in back pay, $4,662 for mental anguish, and a staggering $3,285,979 in punitive damages. The judge reduced this total award to $360,000, plus attorneys' fees and court costs.

Goodyear appealed, and the Eleventh Circuit Court of Appeals reversed the decision on the grounds that Ledbetter had not provided sufficient evidence to prove that an intentionally discriminatory pay decision had been made within 180 days of her EEOC charge. Ledbetter appealed to the Supreme Court, challenging not that determination but only the Court of Appeals' application of Title VII's limitations period.

In a decision by Justice Samuel Alito, the Supreme Court held that the statute's requirement that an EEOC charge be brought within 180 days of an ''alleged unlawful employment practice'' precluded Ledbetter's suit, because her recent pay raises were not intentionally discriminatory. Ledbetter argued that the continuing pay disparity had the effect of shifting intent from the initial discriminatory practice to later pay decisions, performed without bias or discriminatory motive. The Court, however, had rejected this reasoning in a string of prior decisions standing for the principle that a ''new violation does not occur, and a new charging period does not commence, upon the occurrence of subsequent nondiscriminatory acts that entail adverse effects resulting from the past discrimination.'' For those familiar with the law, this appeared to be a rehash of a 1977 case that reached the same conclusion on identical grounds.

Thus, the Court affirmed the lower decision against Ledbetter.

THE PURPOSES OF LIMITATIONS PERIODS

That result did not speak to the merits of Ledbetter's case—that is, whether she had suffered unlawful discrimination years before—but only to the application of the statute's limitations period. Although it seems intrinsically unfair to many that a legal technicality should close the courthouse doors, statutes of limitations, as the majority of the Court observed, do serve several essential functions in the operation of law that justify their cost in terms of barred meritorious claims. In general, limitations periods serve five broad purposes.

Justice Story best articulated the most common rationale for the statute of limitations: ''It is a wise and beneficial law, not designed merely to raise a presumption of payment of a just debt, from lapse of time, but to afford security against stale demands, after the true state of the transaction may have been forgotten, or be incapable of explanation, by reason of the death or removal of witnesses.''

Indeed, Ledbetter itself illustrates this function. Different treatment, such as pay disparities, may be easy to prove even after much time has lapsed, because the kinds of facts at issue are often documented and, indeed, are rarely in dispute. More contentious, however, is the defendant's discriminatory intent, which Title VII requires in addition to proof of disparate treatment. The evidence proving intent can be subtle—for example, ''whether a long-past performance evaluation . . . was so far off the mark that a sufficient inference of discriminatory intent can be drawn.'' With the passage of time, witnesses' memories may fade, stripping their accounts of the details necessary to resolve the claim. Evidence may be lost or discarded. Indeed, witnesses may disappear or perish—the supervisor whom Ledbetter accused of misconduct had died by the time of trial. Sorting out the subtleties of human relationships a decade or more in the past may be an impossible task for parties and the courts, one at which the defendant, who did not instigate the suit, will be at a particular disadvantage. This seems to have been the case in Ledbetter.

Statutes of limitations, in contrast, require a plaintiff to bring his or her claim earlier, when evidence is still fresh and the defendant has a fair chance of mustering it to mount a defense. In this way, statutes of limitations also serve to prevent fraudulent claims whose veracity cannot be checked due to passage of time.

Second, statutes of limitations also help to effectuate the purposes of law. They encourage plaintiffs to diligently prosecute their claims, thereby achieving the law's remedial purpose. This is particularly the case for statutes such as those forbidding discrimination in employment practices, where Congress has created causes of action to supplement government enforcement actions. Litigation under such statutes is, in part, a public good, because the plaintiff in a meritorious suit secures justice not just for himself but for similarly situated victims, as well as the public at large, which has expressed its values through the law. Anti-discrimination law is the archetypical example of an area where private suits can promote far broader good. Other victims and the public are best served when workers who believe they have been subject to discrimination have the incentive to investigate the possible unlawful conduct, document it, and then challenge it in a timely fashion. This was an explicit goal of the Civil Rights Act of 1964, whose drafters reasoned that the short limitations period and mandatory EEOC administrative process would lead most discrimination complaints to be resolved quickly, through cooperation and voluntary compliance.

Third, time limits on filing lawsuits prevent strategic behavior by plaintiffs. In some cases, plaintiffs may wait for evidence favorable to the defense to disappear or be discarded, for memories to fade and witnesses to move on, before bringing claims. Particularly under laws that allow damages continuing violations or punitive damages, plaintiffs may face the incentive to keep quiet about violations as the potential pool of damages grows. Concerns that plaintiffs will game the system in this way are so prevalent that an entire doctrine of judge-created law, known as ''laches,'' exists to combat certain of these abuses. Laches, however, is applied inconsistently, and courts often decline its exercise in enforcing statutory rights. A limitations period puts a limit on the extent to which plaintiffs can game the law by delaying suit.

Fourth, time-limiting the right to sue furthers efficiency. Valuable claims are likely to be investigated and prosecuted promptly, while most of dubious merit or value are ''allowed to remain neglected.'' Thus, ''the lapse of years without any attempt to enforce a demand, creates, therefore, a presumption against its original validity, or that it has ceased to subsist.'' Statutes of limitations, then, are one way that our justice system focuses its limited resources on the most valuable cases, maximizing its contribution to the public good.

Finally, there is an intrinsic value to repose. It promotes certainty and stability. Putting a deadline on claims protects a business's or individual's settled expectations, such as accounting statements or income. At some point, surprises from the past, in the form of lawsuits, cease to be possible. As with adverse possession of land, the law recognizes that, though a wrong may have been done, over time certainty of rights gains value.

For these important reasons, statutes of limitation are ubiquitous in the law and have been since ancient Roman times. Limitations periods necessarily close the courthouse doors to some potentially worthwhile claims—an outcome so harsh that it would be ''pure evil,'' observed Oliver Wendell Holmes, if it were not so essential to the operation of law. That a single good claim has been barred, then, proves not that the deadline for suit is unfair or unwise but only that justice cannot provide a remedy in every case.

THE LEDBETTER ACT

Nonetheless, editorial reaction to Ledbetter was swift and almost entirely negative, with most writers drawing from Justice Ginsburg's bombastic dissent (which she read in part from the bench) calling the majority's reasoning ''cramped'' and ''incompatible with the statute's broad purpose.'' Ginsburg's logic, repeated on the opinion pages, and often news pages, of countless newspapers, was that Ledbetter was a member of a protected class (women), performed work equal to that of the dominant class (men), and was compensated less for that work due to gender-based discrimination. End of story. Pay discrimination, Ginsburg argued, is different than other forms of discrimination and is more akin to a ''hostile work environment'' claim, which by its nature involves repeated, ongoing conduct. But

this is creative reimagining of the statute: Nowhere in it is there any room for the limitations period present in the statute or indeed any of the other requirements that Congress crafted.

Unfortunately, though, it was Ginsburg's dissent, and her unseemly urging that ''once again, the ball is in Congress' court,'' that spurred the drafters of the Lilly Ledbetter Fair Pay Act, which was introduced soon after the Court issued its decision and passed the House in short order. The bill would adopt Ginsburg's view, amending a variety of anti-discrimination laws to the effect that a violation occurs ''each time wages, benefits, or other compensation is paid'' that is affected by any discriminatory practice. In this way, the law would simply eliminate the limitations period as applied to many cases.

Under the Ledbetter Act, employees could sue at any time after alleged discrimination occurred, so long as they have received any compensation affected by it in the preceding 180 days. While this would certainly reverse Ledbetter, it goes much further by removing any time limitation on suing in pay-related cases, even limitations relating to the employee's learning of the discrimination—an approach that is known in other contexts, such as fraud, as a ''discovery rule.'' This new rule is also broader in that it would apply to any (alleged) discrimination that has had an (alleged) effect on pay, such as an adverse promotion decision. In addition, retirees could bring suits alleging pay-related discrimination that occurred decades ago if they are presently receiving benefits, such as pensions or health care, arguably effected by the long-ago discrimination.

In these ways, the Ledbetter Act would allow cases asserting extremely tenuous links between alleged discrimination and differences in pay, which may result from any number of non-discriminatory factors, such as experience. Employers would be forced to defend cases where plaintiffs present evidence of a present wage gap, allegations of long-ago discrimination, and a story connecting the two. As wage differences between employees performing similar functions are rampant—consider how many factors may be relevant to making a wage determination—a flood of cases alleging past discrimination resulting in present disparity would likely follow passage. In addition to investigatory and legal expenses, employers will face the risk of punitive damages and the difficulty of rebutting assertions of discriminatory acts from years or decades ago.

The flood of lawsuits would not be endless, however, because, as Eric Posner observes, employers can be expected to change their hiring, firing, and wage practices to reduce the risk of lawsuits. To the extent that disparities in treatment are the result of discrimination, this may undercut its effects. But if, as Posner puts it, businesses ''start paying workers the same amount even though their productivity differs because they fear that judges and juries will not be able to understand how productivity is determined,'' the law would impose significant costs on businesses and, by extension, consumers and the economy. The result would be a hit to employment and wages, combined with higher prices for many goods and services.

Perversely, the Ledbetter Act may actually harm those it is intended to protect. In making employment decisions, businesses would consider the potential legal risks of hiring women, minorities, and others who might later bring lawsuits against them and, as a result, hire fewer of these individuals. Even though this discrimination would violate the law, it would be difficult for rejected applicants to prove. Other employers might simply fire employees protected by Title VII—and especially those who are vocal about their rights under the law—to put a cap on their legal liabilities. Again, this would be illegal, but difficult to prove.

These kind of unintended consequences have been a chief effect of the Americans with Disabilities Act, which prohibits discrimination against individuals with disabilities and enforces that prohibition through civil lawsuits. Today, the disabled earn less and work far less than they did prior to enactment of the ADA, and a number of economists, including MIT's Daron Acemoglu, blame the ADA for reducing the number of employment opportunities available to the disabled. In this way, by dramatically increasing employers' exposure to potential liability when they hire members of protected classes, the Ledbetter Act would put members of those classes at a disadvantage in the labor marketplace.

BIG PAYOFFS FOR THE TRIAL BAR

It is difficult to explain the hue and cry from parts of the bar that accompanied Ledbetter, given that the plaintiff clearly could have proceeded under the Equal Pay Act without running into a limitations period problem. One explanation is that Title VII, unlike the EPA, allows for punitive damages in addition to several years' worth of deficient pay. Had she proceeded under the EPA and prevailed, Ledbetter would have received deficient pay going back two or three years prior to filing a charge with the EEOC—about $60,000 according to the trial court. But under Title VII, the case was worth six times that amount, due to a large punitive award.

That result becomes all the more alluring to the plaintiff's bar when one considers the possibility of follow-on lawsuits and, in limited instances, class actions. A single legal victory against an employer could provide the fodder for scores of lawsuits by similarly situated employees and former employees receiving benefits, each alleging a pattern of discrimination affecting pay, as evidenced by the previous lawsuits. In this way, each lawsuit becomes easier and cheaper to bring than the last. Employers, then, would face the choice of fighting every suit with all their might—because any loss could lead to scores more—or agreeing to generous settlements, even in marginal cases, to avoid the risk of high-stakes litigation.

This may account for the trial bar's keen interest in the Ledbetter Act—it is among the top priorities of the American Association for Justice (formerly the American Trial Lawyer's Association)—despite the existence of other, less attractive statutory remedies for those who are the victims of recent or continuing discrimination or unjustified pay disparities.

SAFER SOLUTIONS

It is true, as proponents of the Ledbetter Act have noted, that the statute of limitations for Title VII is shorter than most others. There are good reasons for this, though, considering the context in which it was drafted. Chief among them, many Members of Congress, when they considered the Civil Rights Act of 1964, feared that businesses would be overwhelmed with litigation. Others favored voluntary conciliation over litigation. Some might have been concerned that evidence of discriminatory intent would fade away if the limitations period were too long. A relatively brief limitations period certainly satisfies these concerns.

But if Congress believes that it is too short, it has far less drastic and disruptive options at its disposal than effectively eliminating the limitations period altogether. It could, quite simply, extend the period to two or three years to match the EPA. This would give employees more time to uncover possible discrimination and seek remedies, without allowing a flood of lawsuits premised on aged grievances. There is also more logic to matching the more specific statute's limitations periods than leapfrogging it so dramatically.

Another option was proposed in the last Congress as the ''Title VII Fairness Act'' (S. 3209, 110th Cong.). This legislation would maintain the current limitations period but augment it with a ''discovery rule'' so that the period begins running only when the employee reasonably suspects, or should reasonably suspect, that he or she has been discriminated against. This approach has the benefit of encouraging employees to investigate and take action on worthwhile claims, while keeping many stale claims out of court. Some courts, however, might twist this looser rule to allow stale claims brought by sympathetic plaintiffs, such as Lilly Ledbetter, who learned about the possible discrimination fully six years before filing a charge. It would also undermine, somewhat, the clear bright-line rule that a hard statute of limitations provides. Nonetheless, this approach would provide far more certainty, and prove far less disruptive, than eliminating the limitations period.

A PERFECT STORM

It was a surprise to many legal observers a year and a half ago that the Ledbetter case—an unremarkable application of a rule settled 20 years prior—would attract any interest at all. But on closer examination, the course of events leading up to the Supreme Court's decision, and the reaction since, have not been by chance but by design, part of a ''perfect storm'' orchestrated by trial lawyers, wrongheaded civil rights organizations, and labor groups to achieve a radical shift in employment law. These special interests have an extensive agenda planned for the current Congress. Yet Members should consider each plank of it on the merits.

Far beyond reversing the result of a single Supreme Court decision—one that, viewed fairly, was consistent with precedent and fairly represented Congress's intentions—the Lilly Ledbetter Fair Pay Act would open the door to a flood of lawsuits, some frivolous, that employers would find difficult or impossible to defend against, no matter their ultimate merit. Rather than help employees, the bill could end up hurting them by reducing wages and job opportunities—at a time when unemployment is rising and many are nervous about their job prospects. Instead, Congress should recognize that statutes of limitations serve many important and legitimate purposes and reject proposals that would allow litigants to evade them.

Mrs. HUTCHISON. Madam President, it is very important that we have the whole legal memorandum on the Ledbetter Act and my substitute amendment. I want to read a couple of paragraphs from it. The Heritage Foundation report says:

Another option was proposed in the last Congress—

My bill—

as the ''Title VII Fairness Act.'' This legislation would maintain the current limitations period but augment it with a ''discovery rule'' so that the period begins running only when the employee reasonably suspects, or should reasonably suspect, that he or she has been discriminated against. This approach has the benefit of encouraging employees to investigate and take action on worthwhile claims, while keeping many stale claims out of court. Some courts, however, might twist the looser rule to allow stale claims brought by sympathetic plaintiffs, such as Lilly

Ledbetter, who learned about the possible discrimination fully six years before filing a charge. It would also undermine, somewhat, the clear bright-line rule that a hard statute of limitations provides. Nonetheless, this approach would provide far more certainty, and prove far less disruptive, than eliminating the limitations period.

Which the underlying bill does. I added for emphasis those last words.

It goes on to say:

Far beyond reversing the result of a single Supreme Court decision—one that, viewed fairly, was consistent with precedent and fairly represented Congress's intentions—the Lilly Ledbetter Fair Pay Act would open the door to a flood of lawsuits, some frivolous, that employers would find difficult or impossible to defend against, no matter their ultimate merit. Rather than help employees, the bill could end up hurting them by reducing wages and job opportunities—at a time when unemployment is rising and many are nervous about their job prospects. Instead, Congress should recognize that statutes of limitations serve many important and legitimate purposes and reject proposals that would allow litigants to evade them.

The full reading of this legal memorandum by the Heritage Foundation, I think, makes the case for my substitute as the right approach, giving more rights to the plaintiff but not eliminating or discriminating against the business to defend itself.

Let me make two points. My amendment codifies the employee's right to establish what he or she didn't know. It is so necessary that we have this right, and it is necessary to know when the person should have known and make that part of the record. Otherwise, it would allow a person to knowingly sit on a claim, to run up the amount that might be added to the discriminatory act in punitive damages. That should not be a part of our legal system.

There is one other point I want to make about the Supreme Court case that the Mikulski bill will overturn.

The Supreme Court separated a discriminatory pay policy from a single discriminatory act. That was their intention. It is the law today, and it would be the law under my substitute, that if there is a policy of discriminatory pay, every paycheck would be a discriminatory act. So it would continue if it were a policy. That is the law, and it should be the law, and it will be the law if my substitute is adopted.

What the Supreme Court did in the Ledbetter case was say when it is a single act of discrimination, not one that is discriminatory in policy, that should have a statute of limitations. But perhaps we could have a reasonable rebuttable presumption that the person should have known, and when the person brings the claim, that person can establish: I could not have known because we weren't allowed to talk about our pay. That could be a reason the court would say is legitimate, and it would uphold the statute of limitations.

The Senator from Pennsylvania was here earlier. He has several amendments. The Senator from Wyoming, Mr. ENZI, has an amendment. I think we can make this a good bill that everyone will think is fair, that will give more rights to the plaintiff but does not keep the defense from having a fair chance to defend the business. And I believe that is the right approach.

I hope we can pass my substitute. I hope we can continue to work on this bill so that everyone will feel good about voting for it and our businesses won't be subject to a lawsuit 10 years after an act is alleged to have occurred and have a bill run up, when maybe if we have a statute of limitations that is reasonable and you have the ability to bring it, it could even be settled right then and there so that the employer is not going to have a big expense that might even close the business and lay off more people, which is not a result any of us would want. So I hope we can write the law carefully to avoid that eventuality.

Madam President, I yield the floor.

Ms. MIKULSKI. Madam President, I know the Senator from Minnesota wishes to speak, and I also know the Senator from New Jersey is here. I believe we are going to turn next to the Senator from New Jersey.

Madam President, while the Senator from New Jersey, who just arrived, is still organizing, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MENENDEZ. Madam President, is there a time limitation?

The PRESIDING OFFICER. There is not.

Mr. MENENDEZ. Madam President, I rise today to support the Lilly Ledbetter Fair Pay Act in order to defend the Civil Rights Act of 1964 and to protect all Americans from the evils of discrimination.

Yesterday, millions of Americans rejoiced as Barack Obama was sworn in as the 44th President of the United States. Hope for a more inclusive America, a more unified America, a more just America swept across this land from our biggest cities to our smallest towns. There was a sense of wonder that someone who wouldn't have been allowed to eat in certain restaurants or drink from certain water fountains over 40 years ago had just become the freely elected leader of the greatest country on Earth. We should be incredibly proud of the progress we have made since the errors of slavery and Jim Crow.

But while we believe our Union can be perfected, we know it still isn't perfect. We know that equal opportunity and impartial justice for all have yet to be attained. And we know what the consequences are, for, as Dr. King so eloquently put in his letter from a Birmingham jail, ''Injustice anywhere is a threat to justice everywhere.''

Despite the progress we have made, we live in a country where women still earn 78 cents for every dollar a man makes, where African Americans earn only 80 cents for every dollar a White man makes and Latinos earn only 68 cents for every dollar a White man makes. Our country, therefore, is still far from perfect.

Today, the Senate has a historic opportunity to narrow the gap between our ideals and our practices. We have the opportunity to say that women should be treated the same as men. We have the opportunity to say that people should be fairly paid for their labor. We have the opportunity to loudly proclaim in a unified voice that discrimination will not be tolerated in America.

As of last year, after a misguided Supreme Court decision overturned what had been the law of the land for decades, a worker can't bring an action for wage discrimination if the original decision to discriminate happened more than 180 days beforehand. The Supreme Court said employers can get away with discrimination if they hide it long enough, even though the effects of that bigotry have no expiration date.

The Lilly Ledbetter Fair Pay Act would recognize the long-term, continuous, systemic discrimination as it really is and not let offending companies get away with it through loopholes and disinformation. If a woman sees her wages continuously fall behind those of her male counterparts or a worker gets paid a wage far lower than the company average just because she is Black, they should be able to challenge their employers even if the original decision to discriminate was made years ago.

Narrowly defining discrimination as merely the original decision to discriminate makes no sense at all. Let's say, for example, that a criminal hacks into your bank account and decides to steal a portion of your paycheck every 2 weeks. If we were to apply a precedent similar to the Ledbetter case, if the hacker doesn't get caught 180 days after the initial decision to hack in, he can keep stealing forever with no fear of prosecution. Current discrimination law makes about that much sense.

Now, some of my colleagues on the other side of the aisle will ask why workers often don't file their claim within 180 days from the first instance of discrimination. Well, there are several reasons. To begin with, workers generally find it difficult to compare their salaries to coworkers, and many businesses actually prohibit it. Even if a worker sees her pay is lower than her coworkers, she might not recognize it was a result of discrimination. And if workers do recognize it as discrimination, they often wait to contact the EEOC—the Equal Employment Opportunity Commission—or decide not to due to feeling ashamed or more often they fear retaliation by their company.

They fear the consequences of ''rocking the boat'' and figure a job in which they are discriminated against is better than being fired and having no job at all. And certainly, in these incredibly tough economic times, that is a rising reality. To make matters worse, skyrocketing unemployment rates have only put these vulnerable workers in a more precarious and often helpless position.

Some of my Republican colleagues will also argue that this legislation will open the floodgates, leading to thousands of lawsuits claiming wage discrimination. But this argument simply has no merit. For over 40 years, the courts have interpreted the Civil Rights Act of 1964 to be consistent with the Lilly Ledbetter Fair Pay Act. Eight out of nine appellate courts interpreted it that way, and yet there was no flood of litigation then, nor will there be after we enact this vital piece of legislation into law.

Some of my conservative colleagues will argue that this legislation will make companies liable for decades of backpay and will encourage workers to intentionally delay and file claims years later when those accused might no longer be around to defend themselves. Again, these arguments simply ignore the facts. Under this legislation, backpay would be capped at 2 years regardless of how long the victim was discriminated against and the burden to prove discrimination took place is borne by the worker. Any lack of witnesses available to testify would only hurt the worker's efforts to prove their case.

Critics who say this legislation will cripple businesses miss the point. The fact is that companies following the law are currently put at a competitive disadvantage compared to those who exploit their workers. The executive director of the U.S. Women's Chamber of Commerce—a strong business advocacy group—succinctly noted:

> The Lilly Ledbetter Fair Pay Act rewards those who play fair—including women business owners—unlike the Supreme Court's decision, which seems to give an unfair advantage to those who skirt the rules.

So we have a strong business advocacy group saying treat those who are obeying the law as it was intended and as it, in fact, has been pursued for over four decades in a way that doesn't put them at a competitive disadvantage. The vast majority of businesses that practice legal hiring procedures will not have to change anything and will no longer be punished for doing the right thing.

Wage discrimination is real. The Fair Pay Act would strike a clear blow against it. So we have to make sure to keep the legislation strong. Unfortunately, I am afraid the amendment offered by our colleague from Texas, Senator HUTCHISON, would severely undermine it. That amendment would require people to prove they had no reason—no reason—to suspect their employer was discriminating against them in 180 days. The amendment is pretty confusing just on its face. I have to ask, how does an employee prove she doesn't suspect discrimination? And when should she have to? In general, I don't see how it is relevant whether a victim suspects discrimination; the issue is whether there is discrimination. If it is happening, it has to be stopped, plain and simple. You can't ultimately be in a position in which you are allowed to discriminate and get away with it. If we send that message in our society, then all the progress we have made will be rolled back.

Madam President, I would like to believe that every Member of this body champions principles of equality, justice, and liberty as much as I do. But principles are meaningless without practice. Without vigilantly ensuring that no person is discriminated against because of their gender, their race, their religion, their ethnicity, or their sexual orientation, our principles become just empty words.

I would like to remind my colleagues that inaction on this issue is akin to tacit acceptance. And as Dr. King said:

> We will remember not the words of our enemies but the silence of our friends.

I urge my colleagues to remember those wise words and put their votes where their values are by supporting this vital piece of civil rights legislation.

I thank my distinguished colleague from Maryland for leading the charge. She has been an exceptional fighter on this issue, and I know she will soon see the fruits of her labor, not for herself and her advocacy but for millions of women, Latinos, and African Americans who find themselves discriminated against and who deserve the ability for all to be able to enjoy the fruits of their labor without such discrimination.

Madam President, I thank my distinguished colleague from Minnesota for allowing me to move forward in this time, during this process, and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I am proud to join with Senator MIKULSKI and so many others in calling for the Senate to take up and pass the Lilly Ledbetter Fair Pay Act and to do it as soon as possible.

Many here have told Lilly Ledbetter's story, so I am not going to go through it again. But I will tell you, sometimes when you get to know someone, as I have gotten to know Lilly Ledbetter as a person, it means more to you. It is like when someone is arguing against a change in the law, and they suddenly find it happens to their own wife or their own daughter, they start to feel a little differently about it. So that is why I believe it is very important to do this and to make this as simple as possible and as easy as possible in order to make sure there is not discrimination in the workplace, because it is a sad reality, that still, 88 years after the 19th amendment gave women equal voting power, and 45 years after the passage of the Equal Pay Act, it still takes women 16 months to earn what men can earn in 12 months.

I have been listening to some of the arguments made today. I was picturing what would happen if, in fact, that Supreme Court decision stayed in place, which basically said that you are supposed to somehow figure out you are being discriminated against. It says it doesn't matter if you knew or not. If it happens, you have to sue right away. I was thinking how that would work in reality, how you are supposed to find out and how Lilly Ledbetter was supposed to find out. It would be as if Senator MENENDEZ and I worked in the same company and we were doing the same job and both doing it well and he was paid more than I was. How would you know that, if you are an employee at a workplace? Are you supposed to start snooping through their paychecks and opening them and trying to figure out how much he is paid? I don't think a normal person would do that.

Are you supposed to start getting to know the people who work around him to find out how much money he makes, see if he told anyone, start asking around about your fellow employee? This doesn't make sense in the real world workplace, and it certainly, as has been pointed out, is not consistent with 40 years of law in this area.

Today we have before us the Hutchison amendment. I appreciate the work of Senator HUTCHISON in so many areas, how the women of the Senate work on a bipartisan basis, but I believe in the end this amendment is wrong. What this amendment basically says is you are not going to be able to bring any kind of claim of discrimination, even a valid one, without having to go through a bunch of hoops and dot a bunch of I's and cross a bunch of T's that is very hard to do. Again, if you want to make sure this discrimination doesn't take place, make it a clear rule, make it a bright-line rule, as we do in so many other employment cases.

Under the Hutchison amendment, our workers are subject to that Supreme Court decision in Ledbetter, unless they can prove they had no reason to suspect that their employer was discriminating against them.

Again, I believe this is done for good motives, in the spirit of some kind of compromise. But, again, I try to look at the real world and think: How would you be able to prove this? Maybe things happen in the real world, maybe one of your work colleagues—if Senator MENENDEZ and I were working in the same factory and maybe someone else, maybe you, the Presiding Officer, also worked there and maybe sometime at a coffee break you said: You know, I think he is making more money than you are, and it goes away and nobody talks about it. Would that be enough? Would that be enough to show a suspicion that you thought you were being

discriminated against, that he was making more money?

What if he bought a new car, a nice new car. He is driving around in that nice car and people are starting to think: I wonder if he got a raise. Is that a suspicion that he is making more money? What if you just think he is making more money and you tell one person on the phone, but you don't know for sure?

When you start thinking this through, you realize why this standard, this ''reasonable suspicion'' standard, doesn't appear in our employment statutes. It is because it is simply unworkable as a standard, despite the good motivation to try to come up with some understanding, some kind of compromise. It doesn't make any sense. It is based on rumor.

I believe there are enough rumors around this place without starting to put them into law. A rumor starts somewhere. It changes someplace else. By the time it comes back to you, it is totally different, and I would rather not write rumors and suspicions into the law. I prefer a bright-line rule.

As has also been mentioned by some of my colleagues, we have not seen this unfair rush of litigation under the existing law. In fact, under this, if you have suspicions, it would force you to try to rush to file your claim. I think a good argument could be made—we don't know for sure, but a good argument could be made it would actually lead to more claims. This idea that it would force a worker, put the burden on the worker to spend time and money trying to meet this complicated standard that does not appear anywhere else in the law deprives employers and employees of a clear bright-line rule for determining the timeliness of claims.

I know from my work in the private sector for 13 years, people prefer bright-line rules. It makes it easier for everyone.

One of the arguments made is that somehow this would allow some raving employee, some mad employee to go back—they would simply hide their case so no one would know about it so they could keep getting backpay. This argument defies the actual rules. What are the actual rules? It says you can go back for only 2 years. Look what happened in the Lilly Ledbetter case. She went to her trial. The jury awarded her a big amount, but then it had to be reduced because the law acknowledged this, the argument made of the difficulty, and said you can only go back for 2 years. The law also has caps on damages for major employers. I think it is something like $300,000. There are caps. There are look-back rules that get to the argument that was made here. You can see it right in the Ledbetter case, if you do not believe me. The money was reduced because of those rules that are in place.

Why suddenly we would put in a standard that we do not have in the law today, when, in fact, we have that 2-year backpay rule to protect against exactly the arguments that were being made, and we have caps in place?

The Lilly Ledbetter Fair Pay Act is the only bill that gives employees the time to consider how they have been treated and try to work out solutions with their employers. That often happens. We encourage that. We would like that to happen. You don't want everyone running into court. It fulfills Congress's goals, creating incentives for employers to voluntarily correct any disparity in pay they find, and it ensures that employers do not benefit from continued discrimination. That is all it does. It is simple.

Let me tell you a little story from the State of Minnesota to end here, why I care about this so much. That is that my grandpa was a miner up in northern Minnesota. He worked hard his whole life. He never graduated from high school, saved money in a coffee can to send my dad to college. He worked hard in those mines. It was a rough-and-tumble world up in the mines of northern Minnesota.

In the mine next door to where my grandpa worked, there were a number of women—decades later, after my grandpa worked there—who started working in the mines. It was not an easy life. If anyone has seen the movie ''North Country,'' that was the basis of the movie. It happened in the mines. My relatives were right next door.

The women there were discriminated against. I am not sure of all the details. Maybe some of it was pay, but some of it was just discriminatory treatment. It went on and on. It was an example, if you have seen that movie, of how difficult it was for them to get the gumption to stand and finally file suit because they liked these guys. They were their coworkers. They worked with them. They wanted to fit in and they tried so hard. Eventually, they brought a lawsuit, but it took time for them to be able, in that hard, rough-and-tumble world of those iron ore mines, to bring that lawsuit.

They eventually did and they eventually won that suit at great personal sacrifice to them, as documented in that movie, ''North Country.''

Things changed as a result of that lawsuit at the mines. It was not a popular thing they did. It is not even popular right now. But things changed in those mines. When I ran for the Senate, the first endorsement I got was from the United Steelworkers. The guy who gave it to me was the guy who was the union steward, the same guy, Stan Daniels, at that mine at that time, that was the subject of the lawsuit.

I got elected the first woman Senator from Minnesota. The world changes. That is why this bill is so important, to maintain that right of workers. I know in my State there is lots of the discriminatory treatment going. The world changes as people realize and understand the law and employers are educated on the law, but we still need that safety valve in place. We still need those protections in place so workers can get paid fair pay for what they do.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, we are awaiting the arrival of the distinguished ranking member of the Health, Education, Labor, and Pensions Committee because he wishes to offer an amendment this evening. We wish to accommodate him. The Senator from Wyoming has been the soul of civility on this issue and has helped us to move the bill thus far. But it is our intention to ask all speakers to come now because the Senator from Texas and I would like to be able to conclude this debate for this evening—not to conclude the debate, but for this evening—around 7. I am not making a unanimous consent request, I just wish to put a few things out there.

While we are waiting for the arrival of our colleague from Wyoming, I would like to have printed in the RECORD an excellent monograph put out by the National Women's Law Center on the Hutchison amendment. It is a very lawyer-like paper, but it is also done in plain English. That outlines some of the real issues the Hutchison substitute could present.

I ask unanimous consent that this paper in its entirety be printed in the RECORD.

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

(See exhibit 1.)

Ms. MIKULSKI. Just to give a few highlights, they advise us that the Hutchison bill allows clear pay discrimination to continue without a remedy. That is why we are doing this Lilly Ledbetter Fair Pay Act in the beginning. They make that point because they say:

> The Hutchison bill prevents employees from challenging discrimination to which they continue to be subject. [It] perpetuates the basic problem created by the Ledbetter decision.

That is what I argued earlier in the evening.

> Under the bill, employers are left without any remedy against present and continuing pay discrimination if they do not file a government complaint within 180 days of the first day when they ''have or should be expected to have'' enough information to suspect discrimination.

One of the main arguments, the differences we have with our colleague from Texas, is the should have, we should have, we should have known—how should you have known?

When you go into a workplace, one of the few things that is not discussed is pay. I commented in an earlier debate, you can talk about anything in the workplace. You can talk about religion at the water cooler. You can talk about politics at the Xerox machine. But you cannot talk about pay. This could have, should have—we don't want to have a framework where everyone who has been discriminated against by our culture and by our practice in the

workplace goes into a new job with a chip on their shoulder. We are going to presume people are fair-minded. That is the way most people show up every day. This Hutchison amendment, could have, would have, should have, I think is going to create a nightmare. It is going to do exactly what the Senator doesn't want. I think it is going to generate more lawsuits and not only more lawsuits but more lawyers arguing about could have or should have suspected.

The Hutchison bill permits employers to escape accountability for continuing pay discrimination. Like the Ledbetter decision, the Hutchison substitute immunizes an employer from any challenge to pay discrimination, even where the employer continues to profit from it. Under the Hutchison bill, an employer is off the hook for, and can continue to gain a windfall from, continued pay discrimination. . . .

You know, when you discriminate, you don't usually just discriminate against one person in the company. It is usually more than one—others. Again, we are back to this would have, should have, could have.

The Hutchison bill deprives employees of the chance to assess the extent of the discrimination and work voluntarily with their employers to address any disparities.

[It] forces employees to forfeit their claims if they take the time to work out disputes amicably.

That is exactly what we want. We want to be able to work out disputes amicably, to go to maybe some alternative dispute resolution mechanism, have time to find out the facts: What is the situation? Particularly because pay disparity may start small and grow over time. Employees may want to give their employers the benefit of the doubt hoping the employers will voluntarily remedy that gap or may want to work actively with the employer to resolve the dispute. This is especially true for employees new on the job. The Hutchison amendment denies employees this opportunity, forcing them from the get-go to file adversarial Government complaints immediately upon suspecting discrimination or risk losing the right to any relief.

Now, not only is this bad law, it is bad policy, and it is going to be bad budget. I chair the Appropriations Committee which funds the EEOC. Under the administration that left town, they were revenue starved. They have a tremendous backlog right this minute of a variety of discrimination cases. Some were wages, some dealing with gender or race or ethnicity or religion. Many of those workers really feel under siege with the workload they are going to carry. Under the Hutchison amendment, as soon as you walk into your workplace and you have a whiff, a rumor, gossip, or, oh, gee, wonder what is going on, then you have to run right to the EEOC and file a complaint.

I do not think that is good common sense. It sure is not good money sense from the strain it is going to put already on an overburdened EEOC. I think we are headed in the wrong direction.

This Hutchison bill creates burdensome and expensive, time-consuming distractions from the fundamental issue of whether an employee has been subject to pay discrimination. I fear that the Hutchison bill will increase the number of lawsuits filed against employers, and it is going to result in very protracted and very expensive minitrials in those cases that are brought.

We want to get into making sure we end wage discrimination. This bill will result in confusion for the courts and for employers. This bill rejects the bright-line familiar rule in effect before the Ledbetter decision in favor of a standard that raises numerous thorny legal and factual issues.

I like the Ledbetter Fair Pay Act, which is my bill, and also is sponsored by 54 other Members of the Senate which simply restores the familiar role for assessing the timeliness of discrimination claims that prevailed in virtually every court in this country prior to the Ledbetter decision. The Hutchison bill creates an entirely new legal regime.

The bill raises innumerable questions, including when an employee could have been found to have a ''reasonable suspicion of discrimination.''

Madam President, I have more arguments to make, but at the end of the day, why is the Lilly Ledbetter Fair Pay Act so excellent? Well, the bill from the viewpoint that I am advocating and the legislation that I am sponsoring would give employees the time to evaluate their suspicions of discrimination and work toward solutions with their employers, including voluntarily.

It would ensure that employers are held accountable for continued discrimination and, most of all, it would provide certainty in assessing the timeliness of pay discrimination claims and restore the law before the outrageous Supreme Court decision.

Congress should reject the approach of the Hutchison bill and instead act expeditiously to enact the Lilly Ledbetter Fair Pay Act.

EXHIBIT 1

[From the National Women's Law Center]

THE TITLE VII ''FAIRNESS'' ACT, S. 3209, ALLOWS PAY DISCRIMINATION TO CONTINUE

On May 20, 2007, in Ledbetter v. Goodyear Tire & Rubber Co., the Supreme Court held that employees must file claims with the government for compensation discrimination within 180 days of an employer's initial decision to discriminate or be barred from future challenges—no matter how long the discrimination has continued. The Court's decision upends decades of prior precedent and is fundamentally unfair to those subject to pay discrimination. Under the Ledbetter rule, employees have no recourse—and employers have no accountability—for continuing discrimination once 180 days have passed from the initial pay decision.

In July, 2007, the House of Representatives passed the Lilly Ledbetter Fair Pay Act to overturn the Ledbetter ruling. The Act would restore the law that applied virtually everywhere in the country before the Supreme Court's decision—that each discriminatory paycheck constitutes an act of discrimination that can be challenged. The Senate's vote on a motion to advance the Ledbetter Fair Pay Act fell just three votes short of passage in April of 2008.

In June, Senator Hutchison (together with other Senators who voted against advancing the Ledbetter Fair Pay Act) introduced S. 3209, an alternative titled the Title VII Fairness Act. But unlike the Ledbetter Fair Pay Act, the Hutchison bill fails to restore prior law or solve the problems created by the Ledbetter decision; it instead creates damaging new legal hurdles for people receiving discriminatory pay to overcome. Indeed, the Hutchison bill stands to set back basic anti-discrimination protections in the workplace even beyond equal pay.

The Hutchison bill allows clear pay discrimination to continue without a remedy.

The Hutchison bill prevents employees from challenging discrimination to which they continue to be subject. The Hutchison bill perpetuates the basic problem created by the Ledbetter decision. Under the bill, employees are left without any remedy against present, continuing pay discrimination if they do not file a government complaint within 180 days of the first day when they ''have or should be expected to have'' enough information to suspect discrimination.

The Hutchison bill permits employers to escape accountability for continuing pay discrimination. Like the Ledbetter decision, the Hutchison bill immunizes an employer from any challenge to pay discrimination even where the employer continues to profit from it. Under the Hutchison bill, an employer is off the hook for, and can continue to gain a windfall from, continued pay discrimination that is not immediately challenged when the employee first ''should have'' suspected it.

The Hutchison bill deprives employees of the chance to assess the extent of the discrimination and work voluntarily with their employers to address any disparities.

The Hutchison bill forces employees to forfeit their claims if they take the time to work out disputes amicably. Particularly because pay disparities may start small and grow only over time, employees may want to give their employers the benefit of the doubt, hoping that the employers will voluntarily remedy the pay gap—or may want to work actively with their employers to resolve the dispute over time. This is especially true if an employee is new on the job. But the Hutchison bill denies employees this opportunity, forcing them to file adversarial government complaints immediately upon suspecting discrimination or risk losing the right to any relief.

The Hutchison bill denies employees adequate time to assess the merits of their claims. Particularly because employees subject to pay discrimination may be in an ongoing relationship with an employer, they are likely to want to be sure that they have meritorious claims before filing a government challenge to their employers' practices. But the Hutchison bill limits employees' ability to take the time necessary to confirm their suspicions of discrimination or act when the problem reaches serious proportions.

The Hutchison bill creates burdensome, expensive and time-consuming distractions from the fundamental issue of whether an employee has been subject to pay discrimination.

The Hutchison bill will increase the number of lawsuits that are filed against employers. Employees who suspect discrimination will be forced to file preemptive claims to avoid forfeiting their rights. The Hutchison bill will thus increase the amount of litigation that occurs.

The Hutchison bill will result in protracted and expensive mini-trials in the cases that are brought. Employers and employees will be forced to engage in costly battles before even getting to the merits of a discrimination dispute—that is, whether a pay decision was, in fact, based on sex, race, disability or another prohibited ground. A court will have to resolve multiple threshold issues, including what the employee suspected about pay discrimination and when s/he suspected it. On top of that, even if an employee in fact had no suspicion of discrimination, she will have to prove that her failure to suspect was reasonable. These time-consuming battles will only add to the cost and burdensomeness of litigation—and will increase the difficulty employees denied equal pay will have in getting the wages they have earned.

The Hutchison bill will result in confusion in the courts and for employers.

The Hutchison bill rejects the bright-line, familiar rule in effect before the Ledbetter decision in favor of a standard that raises numerous thorny legal and factual issues. Unlike the Ledbetter Fair Pay Act, which simply restores the familiar rule for assessing the timeliness of pay discrimination claims that prevailed in virtually every court in the country prior to the Ledbetter decision, the Hutchison bill creates an entirely new legal regimen. The bill raises innumerable questions, including when an employee can be found to have a ''reasonable suspicion of discrimination.''

The Hutchison bill will result in inconsistent standards for employers in different parts of the country for years to come. Because courts will likely reach different conclusions on the many legal and factual questions raised by the bill, employers in different parts of the country will likely be subject to conflicting rules, making it difficult, if not impossible, to understand their legal obligations. It will be years, if not decades, before these questions are authoritatively resolved by the Supreme Court.

The Hutchison bill could limit protections for employees in contexts beyond pay discrimination.

The Hutchison bill is not restricted to pay discrimination. The so-called Title VII Fairness Act applies to any unlawful employment practice under the anti-discrimination laws. As a result, it goes well beyond the targeted, restorative approach of the Ledbetter Fair Pay Act.

The Hutchison bill could have particularly troubling impact on harassment claims. Under current law, employees can bring harassment claims as long as any incident of ongoing harassment occurs within 180 days prior to the complaint—regardless of how many incidents have occurred previously. It is predictable that some employers would use this bill's broad scope to try to escape their responsibility for sexual harassment and other types of discrimination.

The Hutchison bill responds to a purported ''problem'' that is, in fact, wholly invented.

Employees have no incentive to delay filing pay discrimination claims. Because employees typically cannot afford to struggle without pay to which they are legally entitled, it is simply a red herring to suggest that they will delay filing pay discrimination for years, or even decades. Furthermore, because Title VII has a two-year limit on the back pay that any plaintiff can receive, that means that if they delay they will lose compensation for all but the last two years of pay discrimination they suffer. Therefore, there is every incentive for an employee to file a pay discrimination complaint as soon as reasonably possible. It is the employer, not the employee, who benefits from any delay.

Employers were satisfied with the rules in place before the Ledbetter decision. Prior to the Ledbetter decision, employers were not asking for a change to the longstanding rules relating to the timeliness of pay discrimination claims that the Ledbetter Fair Pay Act restores. There is no evidence that the operation of the rule prejudiced employers or resulted in the success of non-meritorious claims. In fact, employers benefited from the certainty of the rule in place before Ledbetter.

The Lilly Ledbetter Fair Pay Act is the only bill that will address the basic pay discrimination that Lilly Ledbetter, and others like her, suffer.

The Ledbetter Fair Pay Act is the only bill that would have helped Lilly Ledbetter. Under the Hutchison bill, Lilly Ledbetter—to whom a jury awarded more than $3 million in damages for the egregious discrimination she endured—would have been embroiled in protracted arguments about what she knew about her workplace and when. A court would have had to decide, for example, whether idle gossip and boasting by her coworkers—who had harassed and lied to her in the past—were sufficient to give Ms. Ledbetter a ''reasonable suspicion'' of discrimination. By contrast, the Ledbetter Fair Pay Act creates a bright line rule that would ensure the timeliness of claims like Ms. Ledbetter's, when the pay continues into the present.

The Ledbetter Fair Pay Act is the only bill that corrects the problems with the Supreme Court opinion. Unlike the Hutchison bill, the Ledbetter Fair Pay Act would:

Give employees the time to evaluate their suspicions of discrimination and work toward solutions with their employers;

Ensure that employers are held accountable for continued discrimination;

Provide certainty in assessing the timeliness of pay discrimination claims;

Restore the law.

Congress should reject the approach of the Hutchison bill and should instead act expeditiously to enact the Lilly Ledbetter Fair Pay Act.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I know the Senator from Rhode Island wants to speak. I will take a minute and say a couple of things.

We are going to codify a right that is not in the law today. It is sometimes applied by judges and sometimes not. We do clarify so that there is fairness for the employee as well as for the small business owner to know if something is occurring.

Our standard is, should have known, and that is what the person can show, that they had no way to know that a discrimination was occurring. We are clarifying and trying to make it more fair and more clear and more uniform across all the districts in our country.

That is our goal, and I do hope we will be able to have this amendment that will make it a law that is better for employees who might have been discriminated against, but also give the fair right to an employer not to have a right sat on and built up so that it becomes something that could hurt the small business and be unexpected.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

ACCOUNTABILITY

Mr. WHITEHOUSE. Madam President, I rise as we celebrate a new President, a new administration, a new mode of governing, and a new future for America.

Even in the gloom of our present predicaments, Americans' hearts are strong and confident because we see a brighter future ahead. President Obama looks to that future. Given the depth and severity of those present predicaments, we need all his energy to look forward to lead us to that brighter day, forward to what Winston Churchill in Britain's dark days called ''broad and sunlit uplands.'' But as we steer toward this broad and sunlit future, what about the past?

As the President looks forward and charts a new course, must someone not also look back to take an accounting of where we are, what was done, and what must now be repaired? Our new President has said, ''America needs to look forward.'' I agree. Our new Attorney General-designate has said: We should not criminalize policy differences. I agree, and I hope we can all agree that summoning young sacrificial lambs to prosecute, as we did after Abu Ghraib, would be reprehensible.

But consider the pervasive, deliberate, and systematic damage the Bush administration did to America, to her finest traditions and institutions, to her reputation, and integrity. I evaluate that damage in history's light. Although I am no historian, here is what I believe: The story of humankind on this Earth has been a long and halting march from the darkness of barbarism and the principle that to the victor go the spoils, to the light of organized civilization and freedom.

During that long and halting march, this light of progress has burned, sometimes brightly and sometimes softly, in different places at different times around the world.

The light shone in Athens, when that first Senate made democracy a living experiment, and again in the softer but broader glow of the Roman Empire and Senate. That light burned brightly, incandescently, in Jerusalem, when Jesus of Nazareth cast his lot with the weak and the powerless.

The light burned in Damascus, Baghdad, Cairo, and Cordoba, when the Arab world kept science, mathematics, art, and logic alive, as Europe descended into Dark Ages of plague and violence.

The light flashed from the fields of Runnymede when English nobles forced King John to sign the Magna Carta, and it glowed steadily from that island kingdom as England developed Parliament and the common law and was the first to stand against slavery.

It rekindled in Europe at the time of the Reformation, with a bright light flashing in 1517 when Martin Luther nailed his edicts to the Wittenberg Cathedral doors, and faced with excommunication stated: ''Here I stand. I can do no other.''

Over the years, across the globe, that light, and the darkness of tyranny and cruelty, have ebbed and flowed. But for the duration of our Republic, even though our Republic is admittedly imperfect, that light has shown more brightly and more steadily in this Republic than in any place on Earth as we adopted the Constitution, the greatest achievement yet in human freedom; as boys and men bled out of shattered bodies into sodden fields at Antietam and Chickamauga, Shiloh, and Gettysburg to expiate the sin of slavery; as we rebuilt shattered enemies, now friends, overseas and came home after winning world wars; and as we threw off bit by bit ancient shackles of race and gender to make this a more perfect Union for all of us.

What has made this bright and steady glow possible is not that we are better people, I believe, but that our system of government is government of the people, by the people, and for the people. Why else does our President take his oath to defend the Constitution of the United States of America? Our unique form of self-government is a blessing, and we hold it in trust, not just for us but for our children and grandchildren down through history; not just for us but as an example out through the world.

That is why our Statue of Liberty raises a lamp to other nations still engloomed in tyranny. That is why we stand as a beacon in this world, beckoning to all who seek a kinder, freer, brighter future.

We hold this unique gift in trust for the future and for the world. Each generation assumes responsibility for this Republic and its Government, and each generation takes on a special obligation when they do. Our new President closed his inaugural address by setting forth the challenge by which future generations will test us: Whether ''with eyes fixed on the horizon and God's grace upon us, we carried forth that great gift of freedom and delivered it safely to future generations.''

There are no guarantees that we will. This is a continuing experiment we are embarked upon and a lot is at stake. Indeed, the most precious thing of man's creation on the face of this Earth is at stake. That is what I believe.

So from that perspective, what about the past? No one can deny that in the last 8 years America's bright light has dimmed and flickered, darkening our country and darkening the world. The price of that is incalculable. There are nearly 7 billion human souls in this world. Every morning, the Sun rises anew over their villages and hamlets and barrios, and every day they can choose where to invest their hopes, their confidence, and their dreams.

I submit that when America's light shines brightly, when honesty, freedom, justice, and compassion glow from our institutions, it attracts those hopes, those dreams, and the force of those 7 billion hopes and dreams, the confidence of those 7 billion souls and our lively experiment is, I believe, the strongest power in our national arsenal, stronger than atom bombs. We risk it at our peril.

Of course, when our own faith is diminished at home, this vital light only dims further, again, at incalculable cost. So when an administration rigs the intelligence process and produces false evidence to send our country to war; when an administration descends to interrogation techniques of the Inquisition of Pol Pot and the Khmer Rouge, descends to techniques that we have prosecuted as crimes in military tribunals and Federal trials; when institutions as noble as the Department of Justice and as vital as the Environmental Protection Agency are systematically and deliberately twisted from their missions by odious means of institutional sabotage; when the integrity of our markets and the fiscal security of our budget are open wide to the frenzied greed of corporations, speculators, and contractors; when the integrity of public officials, the warnings of science, the honesty of government procedures, and the careful historic balance of our separated powers of government are all seen as obstacles to be overcome and not attributes to be celebrated; when taxpayers are cheated and the forces of government ride to the rescue of the cheaters and punish the whistleblowers; when a government turns the guns of official secrecy against its own people to mislead, confuse, and propagandize them; when government ceases to even try to understand the complex topography of the difficult problems it is our very purpose and duty to solve and instead cares only for those points where it intersects with party ideology so that the purpose of government becomes no longer to solve problems but only to work them for political advantage; in short, when you have pervasive infiltration into all the halls of government—judicial, legislative and executive—of the most ignoble forms of influence; when you see systematic dismantling of historic processes and traditions of government that are the safeguards of our democracy; and when you have a bodyguard of lies, jargon, and propaganda emitted to fool and beguile the American people, well, something very serious in the history of our Republic has gone wrong, something that dims the light of progress for all humanity.

As we look forward, as we begin the task of rebuilding this Nation, we have an abiding duty to determine how great the damage is. I say this in no spirit of vindictiveness or revenge. I say it because the thing that was sullied is so precious. I say it because the past bears upon the future. If people have been planted in government in violation of our civil service laws to serve their party and their ideology instead of serving the public, the past will bear upon the future. If procedures and institutions of government have been corrupted and are not put right, that past will assuredly bear on the future.

In an ongoing enterprise such as government, the door cannot be so conveniently closed on the closets of the past. The past always bears on the future. Moreover, a democracy is not just a static institution. It is a living education, an ongoing education in freedom of a people.

As Harry Truman said, addressing a joint session of Congress back in 1947:

> One of the chief virtues of democracy is that its defects are always visible, and under democratic processes can be pointed out and corrected.

Entirely apart from tentacles of the past that may reach into the future are the lessons we as a people have to learn from this past carnival of folly, greed, lies, and sabotage, so that it can, under democratic processes, be pointed out and corrected. If we blind ourselves to this history, if we pull an invisibility cloak over it, we will deny ourselves its lessons. Those lessons came at too painful a cost to ignore. Those lessons merit discovery, disclosure, and discussion. Indeed, disclosure and discussion is the difference between a valuable lesson for the bright upward forces of our democracy and a blueprint for darker forces to return and do it all over again.

A little bright, healthy sunshine and fresh air so that an educated population knows what was done and how can show where the tunnels were bored, when the truth was subordinated, what institutions were subverted, how our democracy was compromised; so this grim history is not condemned to repeat itself; so a knowing public, in the clarity of day, can say: Never, never, never again; so we can keep that light, that light that is at once America's greatest gift and greatest strength brightly shining. To do this, I submit, we must look back.

I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Wyoming is recognized.

AMENDMENTS NOS. 28 AND 29, EN BLOC

Mr. ENZI. Mr. President, I ask unanimous consent to set aside the current amendment so that I may offer two amendments, amendments Nos. 28 and 29, and then return to the pending amendment.

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

The clerk will report.

The legislative clerk read as follows:

> The Senator from Wyoming [Mr. ENZI] proposes amendments en bloc numbered 28 and 29.

The amendments are as follows:

AMENDMENT NO. 28

(Purpose: To clarify standing)

> Beginning on page 3, line 22, strike ''adopted,'' and all that follows through ''including'' on page 4, line 1, and insert ''adopted or when an individual becomes subject to a discriminatory compensation decision or other practice, including''.

AMENDMENT NO. 29

(Purpose: To clarify standing)

Beginning on page 5, line 6, strike ''adopted,'' and all that follows through ''including'' on page 5, line 10, and insert ''adopted or when a person becomes subject to a discriminatory compensation decision or other practice, including''.

AMENDMENT NO. 25

Mr. ENZI. Mr. President, I rise to speak in support of the Hutchison amendment. Before I do that, I want to voice some concern, again, about the process we have gone through on this bill and that we might be going through on others. I just came from a health care meeting where we are, in a bipartisan way, trying to reform health care. That is being done the right way. We have a task force and the task force has set down principles and questions. Those of us on the task force are returning to Members of our side of the aisle and gathering their input, answers, and additional questions. We will keep going through this process until we have hammered out the principles. Then we will start putting substance in it. Then it will go to the two committees of jurisdiction. That makes it a lot more difficult than most bills. It will go to both the HELP Committee for the health policy portion, and then it will go at the same time to the Finance Committee for the way to finance what we are talking about in the policy.

We did this on the pension bill. That was a 1,000-page bill that only took up an hour of floor time while we debated two amendments, had those two votes, and a final vote. That is the simpler way of doing bipartisan work that winds up with an actual result. So often here we spend all of our time debating the 20 percent we don't agree on and fail to look for any kind of a third way of doing something that solves the problem we started out on originally. This is not a very conducive atmosphere to negotiate anything. It is not a negotiation. It is a lay down your amendment, have it voted up or down, and because there can't be any nuances in it, the hundred voices are not heard. The voices of the constituents of the 100 people who serve here are not heard. We vote down a lot of things. Occasionally, we vote for something. But usually, what is brought to the floor is done so without any kind of a real set of principles, let alone consensus, and thus, never makes it through the body.

I know there have been some changes in majority and minority. That will still hold true, and I appreciate the majority agreeing that there will be amendments and that I got to offer two amendments that we will be debating and voting on later, I hope. This is kind of a test to see if we are going to do anything in a bipartisan way, and to see if we can do it from the floor of the Senate rather than in committee. This has not had a committee markup. This has not had the voice of the 23 people working, in some detail probably, through a couple hundred very detailed amendments, and that would be resolved between the Members. That is the most effective way to address the issue and to get it resolved.

The issue that was raised is, what if an employer discriminated against an employee because she was female and paid her less than male colleagues doing the same job with the same skills and experience? That is terrible. Such conduct by an employer has been illegal for 45 years under one statute and 46 under another. But like virtually all rights of action, it has to be exercised within a statute of limitations. So this bill's supporters ask: What if the employer hid the information the employee needed to realize she was the victim of discrimination and she missed the deadline to sue? We don't want that to happen, and courts have dealt with that issue by extending the statute of limitations on a case-by-case basis through the use of estoppel and equitable tolling. The reason this was not applied in the Lilly Ledbetter case was because there she stated in court proceedings that she was aware of the pay disparity many years before she brought the lawsuit. But putting her case aside, I can certainly agree that the statute of limitations should be extended, particularly in cases where an employer has deliberately hidden the fact of discrimination.

Senator HUTCHISON's amendment does just that. It codifies the discretion courts have applied for years. Under the Hutchison amendment, individuals who, because of conscious concealment or simple lack of information, are not aware of discrimination are not prevented from filing and pursuing their discrimination claim, even if it is well beyond the statute of limitations. Here we have an amendment that would provide some statute of limitations but takes care of that case where somebody illegally hides information or where it isn't the normal course of business to get that information.

I wish to review what the Hutchison amendment does not do. It does not eliminate the statute of limitations for all employment discrimination cases and thereby create a litigation bonanza. It does not eliminate the incentive for employees to air and resolve concerns about whether they are being treated fairly in the workplace. It does not open up standing to bring employment discrimination cases to individuals other than the affected employee. That is an important part right there. In the bill we are talking about, I know we would have extensive committee discussion about other affected parties. Who would they be? How long could they make a claim? Can it be generations later? Does it have to be at the time of death, while the person is still working there? We can't tell from the bill, but other affected persons is anybody the person may or may not be related to who could be affected by the decision.

Can you think of anything broader than that? Don't you think that ought to be pulled back a little bit? Again, we didn't talk about principles. We didn't go through committee. We didn't put in multiple amendments that could have brought up some of these points, so here we are on the floor of the Senate kind of doing up-or-down amendments and I am sure arriving at things that, even if they pass, will come to raise a lot of questions in a very short period of time. That is not what we are supposed to be getting done for the American people.

The Hutchison amendment does not present a direct threat to our already struggling defined benefit pension system. The more strain we put on that, the less people are going to do it, and we want people to have pensions. So for all of those reasons, I will support Senator HUTCHISON's wise and effective approach, one that could probably be negotiated finer and done more carefully, but that would be committee work. I will support it because I think it is a wise and effective approach that will ensure that no one loses the right to sue because they didn't have the information to realize they were being mistreated. That is our goal.

While I am expressing strong support of S. 166, which is the Hutchison alternative, and I spoke on this matter earlier, I continue to express my deep concern shared by most of my colleagues about the way the bill has been handled. I will keep bringing that up on this and every bill that skips the process.

By circumventing the regular order and not subjecting this legislation to the committee amendment process, I believe it has inadequate review and debate and no opportunity for a measured consideration of other means of achieving its same stated legislative goals. That is a process which should be done in committee, not attempted to be done on the floor. However, that is the route that is being forced on us, the minority, so that is the route we will have to follow now. We hope this is not a precedent-setting bill—or precedent-setting process. It definitely will be a precedent-setting bill regardless of whether it is S. 181 or S. 166. Yet when we compare the substance of S. 181 with that of the Hutchison bill, it should be clear the legislation has suffered from a lack of process and the review and scrutiny it needs and could bring.

Now, we should begin by first keeping clearly in mind the harm which S. 181 was purportedly designed to address. The problem is a simple one. Title VII requires that the victims of employment discrimination must commence a legal claim within 180 days of the act of discrimination, or in the case of a series of discriminatory acts, within 180 days of the last act in the series.

I should note that in most States the limitations period is actually 300 days. But in Mrs. Ledbetter's home State of Alabama, it is 180 days, so I will use that number in my statement today.

When title VII was drafted, Congress consciously used the 180-day period because they wanted to ensure that all claims of employment discrimination were raised immediately and remedied quickly—get the relief to the person right away. However, what happens if the victim does not know he or she has been discriminated against? There are a lot of possible examples of this. Suppose an individual who is a member of a racial minority applies but is not selected for a job bid or a promotion yet learns, more than 180 days after being denied the job, that it was awarded to a White applicant with the same or lesser qualifications? Or suppose a female worker receives a wage increase but does not learn until well beyond 180 days from when she gets the wage increase that she has received less than her male peers? She may not know she is being compensated less because her employer has intentionally hidden those facts or simply because employees may simply not know such information. In either case, the result is the same—the employee, through no fault of his or her own, simply does not know they may be the victim of discrimination until well beyond the 180 days from the time they received their wage increase or lose their job bid.

Let us be completely clear. I do not believe there is anyone who believes an employee in any of those or similar circumstances should lose the right to file a discrimination claim because they did not have the necessary facts and did not have any reason to know they were being discriminated against before the 180 days passed. This was precisely the problem that S. 181, the Ledbetter bill, was allegedly designed to address. If that were actually the case, I would vote for the Ledbetter bill. But the Ledbetter bill goes way beyond addressing the kind of situations I have outlined here—so far beyond that it creates new problems that make supporting it impossible for me and many other fair-minded Members.

By contrast, the Hutchison bill directly addresses and solves the very problems I have outlined. Under the Hutchison bill, the denied job applicant who did not learn the facts until long after his bid was denied or the female worker who did not know her wage differential compared to her male peers, either because of conscious concealment or simple lack of information, are not prevented from filing and pursuing their discrimination claim, even if it is well beyond the 180 days from when they got the raise or did not get the job. The Hutchison bill does this by making the 180-day period a flexible one that can be readily extended in the kind of cases I have mentioned.

On the other hand, the Ledbetter bill does this by eliminating the 180-day limitation period completely. The Hutchison bill is a rifle shot to solve a problem that everyone agrees must be solved. The Ledbetter bill is a shotgun blast that causes collateral damage to important safeguards in our system of laws.

Limitation periods, such as the 180-day period for Title VII employment discrimination claims, are a feature in every law that grants the right to someone to bring a legal action against someone else. They are universal because such limitations serve two very important purposes.

First, the existence of a limitations period is an inducement to those who have claims to seek redress promptly. All of us have an interest in a society where the laws are promptly enforced and, where the beneficiaries of those laws are promptly protected and promptly compensated. This is particularly true in the area of discrimination where society benefits best when discrimination is immediately exposed and immediately remedied. It may affect more than just the one person.

Second, limitations periods serve to ensure fairness in our litigation process. The simple truth is that the more removed in time an event is, the less likely anyone is to remember it clearly or accurately. In a work setting, those who made compensation decisions 5, 10, 20 years ago, may no longer be around. And even if they are around, how could they possibly remember with any accuracy the basis for the decisions? Under our Tax Code, records are not kept nearly that long for individuals or for businesses.

The inability to fairly defend against a claim and the inability to develop reliable evidence are the exact reasons why laws invariably contain a limitations period. Limitations periods are why someone cannot come along and try to sue you over an automobile accident that took place 20 years ago, or commence a legal action to take your house away because of a claimed defect in the title that is decades old, and why the Government cannot pursue actions against citizens that have become stale with time.

But S. 181 would do away with such limitation periods in employment discrimination cases and allow individuals to reach back in time to raise claims about which there is no fair chance to defend, no evidence of any value, and possibly nobody who was even there. We do not have to do this to address the concerns raised by the proponents of S. 181. Senator HUTCHISON's bill addresses those concerns completely.

S. 181 has a number of other problems which will be explained by my colleagues as we proceed to this bill, such as the potential to severely destabilize defined benefit pension plans and the expansion of individuals with standing to sue under civil rights laws. These are normally the kind of discussions we would have in the committee of jurisdiction, which in this case would be the Health, Education, Labor, and Pensions Committee, where our members and staff are well-versed in employment laws. However, the majority's actions will require us to have those discussions on this floor. It is not the way I want to do it, and it is not the way the American people expect us to do business, and it is not the way we will get things done.

Now, on this bill a vast number of people voted to proceed to the bill, and we all waived the 30 hours that could have been required before we could even make the first amendment. It was a nice concession on both sides; speeds up the process. But there are a number of opportunities—if the process were to get jammed—that huge hours can be added to the deliberations on this bill that do not need to be, that would not have been, probably, had it gone through the committee amendment process.

I just cannot emphasize enough how important that is to me. I made sure it happened when we were in the majority. I am hoping it will happen on future bills while I am in the minority. Cooperation around here gets a lot more done, and that is what the American people expect of us.

I yield the floor.

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

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

COMMUNICATION FROM SENATOR HILLARY RODHAM CLINTON

The PRESIDING OFFICER. The Chair lays before the Senate the following communication.

The assistant legislative clerk read as follows:

U.S. SENATE,
Washington, DC, January 21, 2009.

Hon. JOSEPH R. BIDEN, Jr.
President, U.S. Senate,
U.S. Capitol, Washington, DC.

DEAR MR. VICE PRESIDENT: This letter is to inform you that I resign my seat in the United States Senate effective immediately in order to assume my duties as Secretary of State of the United States.

Sincerely yours,
HILLARY RODHAM CLINTON.

MORNING BUSINESS

THE INAUGURATION OF PRESIDENT OBAMA

Mr. MCCONNELL. Mr. President, yesterday the Nation and the world witnessed the peaceful transfer of power from one President to the next.

While this now seems normal and fair, the idea that a head of state would relinquish his power willingly amazed many when George Washington willingly stepped down as commander-in-chief.

Two centuries later, that idea serves as one of the strongest principles of our democracy.

I congratulate President Obama, Vice President BIDEN, and their families.

I am proud to say that the Commonwealth of Kentucky was well represented during this week's historic celebration.

My office received thousands of requests from Kentuckians for inauguration tickets. While we only had about 400 tickets to give out, many more came for the event and for the celebrations.

The inauguration of the country's first African-American President is truly a reason for the whole country to celebrate.

It is no secret I wish he were a conservative Republican, but regardless of party, this is a proud moment for our country, and I congratulate him and his family. And I hope his beautiful daughters come to like their new home.

America certainly will face many challenges ahead, and the Congress will work with our new President to find solutions.

Where the President seeks to cut wasteful spending, reduce the national debt, provide tax relief for working Americans, or work towards energy independence, he will have Republican support.

When he works to tackle big issues, and does so by listening to and taking into account all sides he will find enormous support here in the Capitol.

And to help get his administration off to a smooth beginning, the Senate yesterday confirmed seven Cabinet-level positions.

Today we will consider the nomination of a fellow Senator, Mrs. CLINTON, as Secretary of State; more nominations will be considered in the days ahead.

It is my intent that Congress and the new administration can work together to find solutions that are equal to the moment. Confirming these administration nominees is a good step in that direction.

Now that the balls and parades are behind us, the hard work of governing lies ahead. I am eager to get started doing the business of the American people.

NOMINATION OF WILLIAM LYNN

Mrs. MCCASKILL. Mr. President, on Tuesday our Nation witnessed the historic swearing in of President Barack Obama. President Obama has nominated Mr. William Lynn to the position of Deputy Secretary of Defense. In this time of war and economic crisis, the U.S. Senate has endeavored to rapidly take up the nomination of Mr. Lynn, as well as many other senior nominees to the Obama administration, to provide our new President the ability to begin his work with key members of his team from the outset.

Last week, Mr. Lynn faced the members of the Senate Committee on Armed Services in a hearing conducted to vet Mr. Lynn. I attended that hearing and posed questions to Mr. Lynn. The day prior I also visited privately with him to discuss his nomination.

I have significant concerns about the message the nomination and confirmation of Mr. Lynn will send within the Department of Defense and across the Federal Government. While I will not object to Mr. Lynn's confirmation by the U.S. Senate today, I feel it important for me to express my concerns as a matter of record.

Following service in various defense ''think tanks'' and as a Senate aide, in 1993 Mr. Lynn joined the Department of Defense as an executive, first as Director of Program Analysis and Evaluation. In 1997 he was promoted to be the Department's Comptroller, where he served until 2001 when the Clinton presidency concluded.

After a short stint as a consultant, Mr. Lynn made a decision that many DOD executives before him have made. He decided to accept a senior position in defense industry, where his expertise, experience and contacts within DOD were greatly sought after and valued. Specifically, Mr. Lynn joined the defense giant Raytheon as a senior executive handling management and government relations.

Mr. Lynn has served with Raytheon since that time and continues there pending his confirmation today. Importantly, it appears that Raytheon substantially improved the integrity of its government contracting operations during Mr. Lynn's tenure, a time when Raytheon also built itself into the fourth largest defense contractor in the U.S. and the fifth largest in the world.

On repeated occasions in this body, I have expressed my deep concerns with the revolving door between industry and government. Those concerns are amplified when I speak of DOD, which is well known for its wealth of ''insiders'' and its closeness to the military-industrial complex. It is not uncommon to hear people speak of the fact that DOD is an insider's game. Some try to explain away this insider's notion by claiming that the complexity of DOD and its weapons and services buying operations require these types of relationships. Even as I acknowledge the complexity of the DOD operation, I tend to believe this ''special knowledge'' concept is a double-edged sword which at a minimum can lead to an appearance of impropriety.

Returning to Mr. Lynn, it is clear that his case presents a strong example of this industry-government executive revolving door phenomenon. Frankly, we live in a time when many Americans, not just those who watch DOD closely, know of concerns about the relationship of DOD with contractors. More specifically, many believe that defense contractors have the ability to influence DOD decisions for the profit of the contractor but not necessarily for the best interest of DOD or, for that fact, the taxpayer. With this backdrop, setting aside Mr. Lynn's merits, the narrative of his story alone is problematic. Further, it comes at a time when we are vigorously endeavoring to restore public confidence in government.

My concern perhaps might be mitigated were it not for the fact that Mr. Lynn is nominated to what is fairly characterized as the most critical management position within DOD and perhaps the most important position in the making of significant decisions on major defense acquisition programs. In other words, Mr. Lynn will have possibly the most powerful position in the Department to influence how the Department does business with private industry and, in some cases, to influence with whom the Department does business.

To be frank, the way DOD does business with defense contractors must change because the status quo is unacceptable. In part because of Mr. Lynn's recent past, I am concerned that he will not bring the sense of urgency to or, worse yet, see the need for substantial reform in DOD's weapons and services procurement practices. Further, in my limited interaction with Mr. Lynn to date, I have not sensed a strong commitment to this type of change, although I understand he has communicated such a commitment to others with greater vigor.

To be clear, I am not questioning Mr. Lynn's integrity. His integrity has been testified to by many of his present and former colleagues. He is clearly highly regarded by our incoming President and his administration. And I am encouraged by the historic ethics guidelines that President Obama has put in place just today for officials in his administration. I am confident that Mr. Lynn will fully meet the letter of these new rules and act much more broadly in living up to their spirit both in his individual actions and in his oversight of other DOD officials.

Let me close by making mention of the exchange I had with Mr. Lynn at the Committee on Armed Services. I put much of what I have discussed here in regards to my concerns with the revolving door at DOD before Mr. Lynn. I further discussed concerns that he may face a conflict of interest because his former employer Raytheon is a major defense contractor. Mr. Lynn offered a limited response to my question, committing to meet every ethical requirement of the Department of Defense. I have no doubt that he will meet these requirements and frankly exceed them. But Mr. Lynn did not discuss his views on the revolving door at DOD, of the adequacy of the ethical controls at DOD or of any willingness to further study these issues if confirmed. I hope nonetheless that he will take these issues up during his tenure at DOD. I firmly believe that business as usual must come to an end at DOD, both as to these matters and in regards to many more. The chief management Officer at DOD, of which Mr. Lynn will serve, must be a reformer, a disciplinarian, a person committed to change and a person willing to challenge the system in order to drive change.

As stated earlier, I will not oppose the nomination of Mr. Lynn. Even as I have expressed my concerns today, I respect Mr. Lynn and the views of so

many of my colleagues and of his former colleagues about his abilities and his commitment to improving the state of affairs in business operations at DOD. I am excited by the opportunity he has before him. And I am optimistic about what he will accomplish alongside many others on the team that will form at DOD. But I will be watching closely because this is my duty to the people of Missouri, to the people of America and to the command of our constitution.

TRIBUTE TO SENATORS

BARACK OBAMA

Mr. FEINGOLD. Mr. President, today I want to take a moment to thank President Obama for his service in the Senate. Our new President has some very difficult challenges ahead, as he faces a serious economic downturn, and many critically important national security issues. But he has already shown his ability to handle tough challenges through his outstanding work here in the Senate since his election in 2004.

From the moment he arrived, Barack Obama showed himself to be an outstanding legislator and public servant. I was very pleased to work with him on ethics and lobbying reform issues, first authoring a bill together, and then working together to pass the Honest Leadership and Open Government Act. Passing that landmark legislation took a determined, focused effort over many months, and then-Senator Obama showed that he was both a deeply principled, and very effective, member of this body. I was also pleased to work with him on a number of other issues, including the presidential public funding legislation, and I look forward to his continued support on that issue in this new Congress.

I was proud to support his efforts, along with many other members, on the efforts to support our wounded warriors, which he championed. And, finally, I thank him for his support of my bill, authored with Majority Leader HARRY REID, to safely redeploy our troops from Iraq. His support helped to build momentum for our effort to redeploy the troops from Iraq and move toward a better national security strategy, and I thank him for it.

We will miss his presence here in the Senate, but of course the Nation needs his unparalleled skills, and deep commitment to public service, more than ever as he is now President of the United States. I look forward to continuing to work with him on issues important to the American people, and I thank him once again for his service here in the Senate.

JOSEPH BIDEN

Mr. President, it has been a pleasure to serve with Senator JOE BIDEN for the last 16 years. He is an outstanding colleague and a good friend, and I know that he will make a terrific Vice President. I have been pleased to work with him on so many issues over the years. For instance, I was proud to support him in his tremendous work on the COPS program. In turn I appreciate his steadfast support of campaign finance reform issues over the years.

Most of all, I want to say how much I have enjoyed serving with Senator BIDEN on the Foreign Relations and Judiciary Committees. I also can attest to his mastery of the complicated issues he faced in both committees. It is a huge challenge to take on the chairmanship of a Senate committee, and to do it well, but to serve with such distinction as chair of two of the Senate's most important committees is very rare, and it speaks volumes about JOE BIDEN's service in this body.

I have always found Senator BIDEN to be someone who I could talk with seriously about issues of mutual concern, or when we disagree. He is open-minded and he really listens. That quality will surely serve him well in his new position. He also, in my view, can be uniquely persuasive. He is one of the few Senators who I have actually seen change people's minds during a committee debate. In a policy fight involving complex issues, JOE BIDEN is someone who you want to have on your side.

Now Senator BIDEN becomes Vice President, and I know he will serve the Nation with the same outstanding commitment and skill with which he served the people of Delaware. I thank him for his many years of distinguished service in the Senate, and look forward to continuing to work with him, and President Obama, in the years to come.

HILLARY RODHAM CLINTON

Mr. President, I am pleased to join my colleagues in thanking Senator HILLARY RODHAM CLINTON for her outstanding service in the Senate, and wishing her our very best as she becomes our Secretary of State. One of the many reasons I strongly support her nomination for Secretary of State is because I have had the pleasure of working with Senator CLINTON, and I know what a skilled legislator and committed public servant she is. We have worked on a number of issues together over the years, including fighting for family farmers and especially the dairy farmers that are so important to both New York and Wisconsin. Finding common ground, we worked together to make sure dairy markets functioned properly, to improve the milk income loss contract or MILC program, and pushing for country-of-origin labeling, or COOL, legislation for dairy products. I was also proud to support the Paycheck Fairness Act, which she authored, and to work with her on many other issues.

I also had the opportunity to travel with Senator CLINTON and a number of other senators on an official trip to Afghanistan, Iraq, Kuwait and Pakistan, where we listened to service men and women on the ground, as well as local leaders. On that trip Senator CLINTON deeply impressed me with her depth of knowledge on foreign relations and national security issues. Later I was very pleased to have her support for my effort with Majority Leader HARRY REID to safely redeploy our troops from Iraq, and I look forward to continuing to work with her on these critically important issues as she becomes our next Secretary of State. Once again, I thank her for her service in this body, and I wish her all the best as she continues her service to the American people.

KEN SALAZAR

Mr. President, I join my colleagues in thanking KEN SALAZAR for his outstanding service to the people of Colorado over the last 4 years. It has been a pleasure to work with him on a number of issues; he is extremely easy to work with, both someone of integrity and great personal decency. In particular, he has been one of the Senate's leaders when it comes to protecting the rights and freedoms of the American people as we work to strengthen our national security. I was proud to work with him and a bipartisan coalition of Senators on the SAFE Act to change flawed provisions of the PATRIOT Act. I also appreciated his critical support of the NSL Reform Act, to address the serious misuse of the FBI's national security letter authorities. I also know Senator SALAZAR's deep commitment to public lands and energy resources issues, and I think he will be an excellent Secretary of the Interior. Again, I thank him for his service in this body, and I look forward to continuing to work with him as he assumes the leadership of the Interior Department.

Mr. DODD. Mr. President, I want to say a word of good wishes to the senior Senator, albeit very briefly, from Colorado, KEN SALAZAR, as he leaves the Senate to become Secretary of the Interior.

As the son of 11th generation immigrants, from a family that farmed Colorado's San Luis Valley for a century and a half, no one has a deeper, more powerful connection to what opportunity means in this country than KEN SALAZAR.

I can remember one of the first times I met Senator SALAZAR. After we had exchanged greetings, I said to him, ''My family came to America in the 1800s. When did your family come here?''

He replied, ''Oh, about 500 years ago.''

Indeed, it is remarkable to think that the descendant of a family that settled in the American West almost half a millennium ago will soon be a Member of the cabinet of first African-American President of the United States.

Only in America.

Indeed, though his parents, who served their country in World War II, were not college-educated themselves, they made sure that KEN, his brother, John, and their six brothers and sisters all graduated from college.

To be sure, Senator SALAZAR is a son of Colorado—a small businessman who owned ice cream stores and radio stations and a farmer for more than 30

years. Indeed, he practiced water and environmental law. Our colleague's affection for the pristine, majestic beauty of the Silver State and its people is embedded in his DNA.

Senator SALAZAR also made a mark instantly on this institution. In 4 years, he developed a reputation for bringing people together in common purpose—whether it was advancing renewable energy policy, confirming judges, standing up to abuses at the Justice Department, or championing the State Children's Health Insurance Program.

And I would add that as we work to expand that latter program today, his leadership will be missed.

His time in this institution was short, but he has made those moments count. As Senator SALAZAR seeks to find a balance between renewables and fossil fuels in the administration's energy choices, protect our public lands, and restore integrity to what has been a deeply troubled Department, I am confident that as Interior Secretary he will bring the same temperament to the job that he has brought to his responsibilities in the Senate, never forgetting those who came before us—whose sweat and heart remain at the very foundation of this great country of ours.

And so, today, we thank Senator SALAZAR for his service and wish him well. As he has throughout his life, I have no doubt he will do a remarkable job for our Nation.

TRIBUTE TO MICHAEL CHERTOFF

Mr. LIEBERMAN. Mr. President, I rise to express my deep gratitude to Secretary Michael Chertoff for the service he has given his country over the past 4 years as head of the Department of Homeland Security.

Secretary Chertoff came to the job in February 2005, upon the retirement of the Department's first leader, Pennsylvania Governor Tom Ridge, with an impressive record of public service as a Federal judge, an assistant attorney general, and a prosecutor. He leaves office in the next few days with even greater distinction for shepherding the Department through the growing pains of, shall we say, its toddler years, making great strides to turn the amalgam of 22 agencies—all with different cultures and missions—and 200,000 employees into a single, focused Department. His commitment to the security of the American people remains unswerving, for which he deserves the Nation's appreciation.

Leading the Department of Homeland Security is one of Washington's toughest jobs and probably one of the most thankless. The Department of Homeland Security carries with it the awesome responsibility for safeguarding the Nation against terrorist attacks and natural disasters. It incorporates many different agencies, with missions critical to the American people, ranging from emergency management; to immigration and border security; to air, rail, and highway travel security; cybersecurity; science and technology; biological and chemical security; and infrastructure protection. Unfortunately, the Secretary gets no credit for terrorist attacks that have been averted and, of course, would be blamed if an attack were to occur. Let me say that I believe our country is safer than it was when Secretary Chertoff began his tenure at the Department, and it is in part due to his attentive and forceful leadership—and the dedicated service of the men and women he had led—that the country has been spared from another terrorist attack. His contribution toward efforts to disrupt the plot to destroy airplanes en route from Great Britain to the United States in August 2006 is especially noteworthy.

Secretary Chertoff brought a rigorous, clear-eyed intensity to the Department's many challenges. He has worked hard to set priorities for the Department and lay out a roadmap to achieve goals. While we in Congress have not agreed with all of his decisions, he has spoken clearly about his goals and been honest with us and the American people about the difficult tradeoffs involved in many aspects of homeland security.

Obviously, the Department is still a work in progress with many challenges ahead. But the Secretary has made an indelible mark in a number of areas. I will mention just a few that are of deep importance to me. First, I would note that it has been under Secretary Chertoff that the serious work of protecting the government's information technology infrastructure began. Our enemies and economic competitors are highly skilled at using computer systems to try to gain advantage over us. Secretary Chertoff realized this, took the threat seriously, and moved to secure government networks in a coordinated, comprehensive way through the creation of the comprehensive national cybersecurity initiative, CNCI. CNCI is still in its nascent stages and many other agencies have responsibility for its success, but I am pleased the Secretary moved with resolve to improve our defenses against cyberintruders.

Under Secretary Chertoff's leadership, DHS has made important strides in improving its financial management. DHS has taken important steps toward improving its grades from OMB on information security, and, I am told OMB's latest data will show that the morale of the Department's employees has definitely improved.

To his credit, Secretary Chertoff learned from his Department's mistakes responding to Hurricane Katrina and set to work to recreate FEMA, and enable it to leverage DHS' many other significant resources, so that it can become, for the first time in its history, an emergency management agency capable of responding to a catastrophic disaster.

The fact is that today, FEMA is not the same agency it was in 2005. That's because the Secretary has been an instrumental ally in implementing legislation I was honored to draft with my colleague on the committee, Senator COLLINS, to transform FEMA into a stronger, more accountable, and more coordinated agency. It is now elevated to a special status within DHS—like the Coast Guard—so that its authorities and assets cannot be changed without congressional approval and its administrator is the President's principle adviser in an emergency. Key FEMA officials now are required to have relevant emergency management experience; its preparedness duties are united with its response functions so that the same people who prepare for emergencies also respond to them. FEMA now has responsibility for dispensing $2 billion in homeland security grants and its 10 regional offices are getting stronger by the day. To the Secretary, I would say that the Department's much improved internal coordination and coordination with State and local officials during the 2008 hurricane season attests to the improvements that have been made.

There are many other areas in which Secretary Chertoff's leadership has been instrumental, including border and port security, chemical security, information-sharing, and developing the architecture to protect the nation of terrorist attacks using weapons of mass destruction. And, of course, all Americans who travel by air have been made safer by the Secretary's focus on improving the Transportation Security Administration.

I cannot talk about all of the Secretary's accomplishments today. But I would be negligent if I did not thank him for his assistance in achieving a goal that has a very low national profile, but which has significant ramifications for the 200,000 employees at the Department. I am talking about efforts to consolidate most of the Department's headquarters under one roof at St. Elizabeths Hospital campus in southeast Washington. The Department's headquarters is spread throughout more than 70 buildings across the Washington area, making communication, coordination, and cooperation between its component parts a real challenge. A unified headquarters would allow employees to work more efficiently and interactively and is a critical cornerstone of the efforts to improve management and integration at the Department. I am pleased the National Capital Planning Commission recently approved a master plan for a consolidated headquarters at St. Es. I expect construction to begin later this year, And I thank Secretary Chertoff for his leadership in this effort.

In the short time since it was created in 2002, the Department of Homeland Security has become an equal among the most important government agencies responsible for our national security, such as the Department of Defense. Secretary Ridge launched the process and admirably led the Department through the initial challenge of

merging scores of agencies and programs—the largest government reorganization in half a century. Secretary Chertoff has moved the Department to the next level, where it now has a focused, long-term strategy clarifying the Department's priorities, roles, and responsibilities, as well as those of other key Federal, State, and local partners. He has worked tirelessly to ensure an integrated and overarching vision of how the government will tackle its role of defending the homeland.

We have much work ahead to transform the Department into a mature agency whose whole is greater than the sum of its parts. But we have made steady progress. The threat of natural disasters is ongoing and the threat of terrorism remains with us. As I have often said, these are not ordinary times. They demand extraordinary commitment from those who have chosen public service. Secretary Chertoff has given our country his extraordinary commitment, and he will be well and gratefully remembered for it.

75TH ANNIVERSARY OF HOSTELLING INTERNATIONAL USA

Mr. GRASSLEY. Mr. President, I would like to take a moment today to recognize the 75th anniversary of Hostelling International USA. Since 1934, Hostelling International USA has helped facilitate travel within the United States by the world's youth and promoted intercultural understanding. As part of the international hostelling movement, this organization has helped Americans to experience different parts of their own country and helped international travelers to better understand our unique and proud history, people, and way of life.

The sharing of cultures that naturally occurs in a hostel helps people to better understand and identify with others of various backgrounds. Instead of retreating to a hotel room every night, travelers in a hostel are literally living beside and interacting with fellow travelers from other countries. Several of my staff have stayed in hostels while traveling, and I know their experiences have helped shape their ability to appreciate different cultures and points of view. In this respect, it is the small, everyday human interactions that can have the biggest impact, like encountering someone who may not speak English and learning to communicate or sharing favorite foods among an international group of travelers.

In my home State of Iowa, the Northeast Iowa Council of Hostelling International USA has provided activities for youth and adults alike in Postville and surrounding communities since 1975. I am glad that Iowans have the benefit of this programming to give a greater understanding of the world and its people to residents who may not have had a chance to travel widely. I am also glad that Hostelling International USA continues to provide the opportunity for people from around the world, and especially young people, to see the real America firsthand and meet the American people. This is the best way to build good will across the globe, and I congratulate Hostelling International USA for its 75 years of service.

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 touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. 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:

I am an Idaho youth, currently learning how to drive, but due to the ridiculously high gas prices it is not as much fun as I was expecting it to be. Because of these prices I feel bad about doing something I need to know how to do. I am also a musician and because of that I am constantly going to rehearsals and performances and need to drive in order to get where I need to be. I do in fact carpool but because most of the people I would carpool with also have very busy schedules it is extremely hard to coordinate. Not only must I travel to get to my rehearsals and performances but I am also a transfer student at my school due to their spectacular music program. Because I am not in the school's boundary it is quite a distance for me to travel two ways every day. Simply because I have a passion for music and want to pursue a career in it I must break not only my own but also my parents' wallets. Due to my age many people will not hire me so it is quite a financial strain seeing as how I do not make an income, and only so many people need a babysitter.

I personally would greatly appreciate if the government would take the time and money to look into alternative renewable energy sources. Not only can we do that on a national level but on a more local level we could create more public transportation systems. The only place we have anything is in Boise, and I, as well as many others, live in Meridian. If there was a bus or light rail that I could get on in my town and travel to Boise or Nampa, and anywhere in between, I assure you I would use it. And, I'm pretty positive that I'm not the only person who would. Not only would this save many people's wallets but it would also be very handy for those of us who are yet to be licensed. Not to mention that the reduced number of cars would lower pollution levels greatly. Please look into a public transportation system locally. It would be greatly appreciated by many, and thank you for finally giving the people more of a voice on the issue and for bringing attention to the Congress.

BRITTAN CHASTAINE.

I assume you have already seen this website dollargas.us. It seems to me that as a nation we are not only in serious debt, but we are allowing ourselves to be put in ''bondage'' by other countries needlessly. I am angry and frustrated that we are not more assertive in addressing this problem.

We have a family of nine children all are on their own. Some are married and have young families as well as trying to get through college. As you know, job wages are not very substantial in college towns for students. The increase in the cost of fuel is driving other costs up as well. These young adults are trying very hard to make ends meet and it is becoming more difficult for them to live within their means. Wages are not keeping up with the cost of living. This is forcing mothers out of the home and children which is not in the best interest of the family.

The rising cost of fuel is also precluding their visits to our home as well as our visits to their homes. The visits are the short range effect but the long range effect is grandchildren having less interaction with grandparents which further weakens the family structure. The family is the basic unit of society and as the family weakens the values of society and our nation are also weakened. There is strength, honor, value and a sense of duty in knowing personal heritage.

Our livelihood is farming, luckily we have enough fuel which was bought two years ago and hopefully will finish out the needs for this year. It is a tragedy that farms are being sold and subdivisions are taking over good Idaho farm ground. Rising fuel costs and fertilizer prices are becoming a serious burden.

I do hope you will strongly support opening and drilling domestic oil resources as well as other technologies that provide efficient energy alternatives.

Thank you for your time. Thank you for listening. Please represent the state of Idaho in finding ways to cut rising fuel and energy costs.

CHERYL OKELBERRY.

My husband is a Viet Nam veteran who retired after 30 years with the Boise Police Department. I have worked all my life so when he was eligible for retirement, we had saved and planned and we were in a good position to do so. In the five years since he retired, we have seen our insurance premiums rise over $400 per month to $1,020 per month, and we know that is a bargain! Because of oil prices, grocery prices are rising, Idaho Power just raised their rates, the gas company is sure to follow and fuel prices have made it almost prohibitive to travel except in necessity. We have a little place in the mountains and to get there now costs $90+ just to enjoy a weekend away from the heat and noise in Boise. Our nest egg is dwindling, and we are stuck in the house watching it disappear! And we are far luckier than most—we don't have to choose between food and gas, yet.

Saudi Arabia says they make money at $70 per barrel; why is the price $130? The government has so mismanaged its own affairs that we find ourselves at the mercy of speculators and oil shieks who don't like us much anyway. We have been so short sighted that we haven't the refineries to process oil even if

you do allow drilling in the Arctic or offshore. While France gets 80% of its power from nuclear plants, we languish and waste costly oil to light and power our homes when Nuclear power would do the job for pennies comparatively. We need a ''Manhattan Project''—throw the weight of the government and the best minds behind getting nuclear facilities on line, build new refineries, develop methods for cleaner burning coal. Stop arguing about which side of the aisle is the right side, and do something for the people you were elected to represent.

PENNY TAYLOR, *Boise*.

Thank you for taking the time to hear my input on fuel prices. I hope this letter reaches the ears of your fellow Senators. I own and operate a small business with one truck. I spend approximately $700 each time I fill my truck with diesel. This occurs about 3–4 times per month. I also own and operate heavy equipment which costs about $800 to $1,000 per month to fuel. I have raised my prices slightly, however, work is scarce. Raising prices too high will result in loss of work. It appears that many people in government do not care about their constituents. Do you pay for fuel? How about health care? Maybe we ought to vote on whether you and your fellow senators should receive a fuel allowance and free health care on taxpayers' money. Maybe then, you can get your heads back out where the sun is shining! It is time to tell the environmentalists to cram it. Start drilling in our own country, providing jobs to our own people, and supplying our own nation with energy. By the way, how is the government going to tax electric cars? Let me guess, raise our electric rates? I guess I could use biodiesel, but it costs more than regular diesel. Oh yeah, big oil cannot profit from biodiesel. Are you going to do anything about the oil speculators? No. Reducing speculation would cut into the retirement accounts of 90 percent of Senators and Congressman. After all, you already have free health care and fuel allowances. Why is it okay for other countries to drill off our coastline, but we cannot? Quite frankly, Senator, no disrespect, but something needs to be done. Enough already. Tell your fellow Senators to do something.

DEVIN.

Gasoline Prices at the Pump—I am sure there are many watch dog groups out there looking at the record breaking profits of the large oil companies, but does DOE or DOJ investigate price fixing, price gouging and record profits of the large oil companies? I am not talking about regulating the oil industry, but just watching out for the average Joe who has no option but ''has to grin and bear it'' at the pumps.

Miles Per Gallon—Before the fleet MPG average included light trucks and SUVs the automakers call a lot of cars ''SUVs'' as to not include them in the car category, now that light trucks and SUVs are included in the average, maybe automakers will be forced to work on raising Fleet MPG averages. But the MPG mandates that the government set for Auto Makers to establish for their fleets is still not high enough. Maybe it needs to revised each and every year and not on the Washington average for change—Ten Years.

On a personal level, I cannot run out and buy a new vehicle that gets 10 percent better MPG. That would cost me 20K in order to save $500 per year in gas. Maybe if all vehicles had a Green rating (scale of 1–10, one being a ¾ ton PU and 10 being a 40 MPG car) and you got a tax rebate of $100 times the Green rating of your primary family vehicle.

Example: $100 times a Green rating of 8 lets you deduct $800 from your taxes.

Nuclear Power—There is a reason why France generates 80 percent of their electricity from Nuclear Power, it is a national initiative. In the US, it's left up to large electrical companies to decide whether they can make it work economically before they decide to build the next generation power plants. Remember, what killed the US nuclear industry is not safety, fuel recycling, waste disposal but economics. Look at Seabrook Nuclear Power Plant, its construction was stalled to the point with legal red tape until it would never make a profit for its owners and it never will. What you and other politicians need to do its step forward and mandate DOE to fund, build and operate the next generation nuclear power plant as a National Strategic Initiative. It is essential to the Nations Security as any Military Base, Port Security Effort or any other effort to keep this country safe in the world. If the government does it ''strong arm method'' and it gets done (on time and with in budget) and it is demonstrated how safe and economically feasible it is, commercial Nuclear Power Plant Building will follow.

Alternative forms of electrical generation either need an increase in their incentives (they almost did not get extended this year) or Carbon Producers (Coal and Oil Power Plant) need higher ''Carbon Taxes''.

Electrical Reduction at Home—I would love to install new windows in my home, but at $6,000 to replace all my windows, I need help in the form of tax credits in order to afford it. If the government reinstituted many of its programs from the 70's to help pay for home improvements, it would help.

JOHN K., *Ammon*.

I have been traveling back and forth from Burly every weekend for the past couple of years. My ex-husband took my kids from me in the divorce because I could not afford to pay for a lawyer. He then moved from Boise to Burly to be closer to his parents who had moved back to Burly a couple of years earlier. The trip used to cost about sixty dollars to get them and then take them back later. I make the trip so my parents and I can spend time with my children. I have been forced to cut that back to every other week because it costs us almost a hundred dollars each time to go and get them. It breaks my heart.

Now solutions to high gas prices:

For one drill our resources in and around the US. Open up everything: Alaska, the coast, outer continental shelf, everywhere. We need to have both Congress and the President lift their moratoriums on this issue. We must start now because the problem will still exist in five and even ten years. It may get better for a time but it will come back again and again if we don't solve it.

Secondly we need to begin to convert coal and shale to oil. Converting coal to oil is more than sixty-five year old technology. My understanding is that shale is a more recent technology, but very reasonable. We need to have Congress back companies to convert these products to oil with a subsidy that in the event that prices drop below profitable levels that these companies will not be out billions of dollars. OPEC dropped prices last time we attempted to become oil independent. They will do it again. We need to be energy independent regardless of what OPEC does with prices this time or this will happen again.

Lastly develop nuclear power. We need to take our expendable resources away from electric production. Nuclear power is a viable alternative especially considering recent technology advances in this field.

We must take control of our own destiny. Take the power away from foreign countries.

ANGELA.

I am disgusted with our legislators in the federal government. They aren't acting in our best interests, nor have they for many years. I do not trust them to do right by the U.S. citizens; collectively, greed and the lust for power have become commonplace and acceptable behavior among many legislators.

I retired last year but am going to have to find a part time job to help make ends meet, as prices in general are escalating faster than my fixed income in retirement. I do not have the answers, but I am sure that our legislators own stock in the major oil companies, and that pretty much says it all. Americans are just a big cash cow for our ravenous government to feed upon.

Additionally, I wanted to add something regarding the transit system in the Treasure Valley. I am from Seattle and have seen the problems the Puget Sound area has experienced as a result of rapid growth. The transit system in the Treasure Valley is way behind in its development. The City and county fathers had better do something soon. But the transit system issue doesn't seem to be holding a place of great importance in the development of this area. That's worrisome. There should be more advertising and incentives for people to use the transit system, and more routes made available. Encouraging ridership is important, but it needs to be (and can be) made more convenient and attractive.

Thanks for your time.

GRETCHEN, *Nampa*.

Thank you for your concern about our high energy costs. We are very concerned about this issue because it is hitting our household in two ways. We own a small trucking company and to be truthful, we don't know how much longer we will be able to run. The rising price of diesel is making our profit margin shrink and our own household budget is struggling to make ends meet. It is difficult to expand our budget for the rising energy costs, because the money just isn't there. We are doing the best we can, but it is so frustrating when we feel that our own country is not utilizing its own energy sources. It is time to allow drilling offshore and in our own country for oil and natural gas. We also can further knowledge in alternative energy sources at the same time. Those two ideas should not oppose each other, they can and should both be explored.

Please vote for those measures that would allow both pursuits

Thank you,

RALPH and JULIE MILLER.

I feel very depressed that our country is going down the tubes all being done by the left wing special interests. I would like to see a full blown debate on global warming. Just because the father of the Internet, Al Gore, says it so and the UN agrees does not mean that it is true. We are told all kinds of things that are happening and are suppose to agree when one simple question should be asked: Has it happened before? Why not ask this simple question ask when pictures showing glaciers melting, hurricanes, cyclones, etc.? We need to put all these doomsday projections into perspective. In college I took geology 101 and one of the things that I remember is the world is always changing.

I was also an economics major and was taught about supply and demand. I was taught that if the demand went up and the supply stayed the same, the price went up. I guess that I should have been taught you demagogues it. Do the liberals have one idea on how to increase the supply. I would like to see Republicans stand up and take a strong position that we need to secure our future by drilling. We need to get back to what made the country great. The one thing that makes a country great verses a socialist country is a free market that will sort out

the problem if left free. Republican Party used to stand for something and it needs to again. What happened to small government, sound economic policies, stay out of our way? We have a drug benefit plan but would it be better if they allowed a free market to bring prices down. I used to get my US manufactured meds from Canada but now pay a little less under a Medicare plan. If they can sell in Canada and make money, why not in the US? Why not free trade and competition?

By the way, because of the lack of sun spots we might be going into a little ice age, then what will the politicians do?

Thank you for reading this.

BOB.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–498. A communication from the Assistant Inspector General, Communications and Congressional Liaison, Department of Defense, transmitting, pursuant to law, a report entitled ''DoD IG Report to Congress on Section 357 of the National Defense Authorization Act for Fiscal Year 2008; Review of Physical Security of DoD Installations''; to the Committee on Armed Services.

EC–499. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13441 with respect to Lebanon; to the Committee on Banking, Housing, and Urban Affairs.

EC–500. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Temporary Exemptions for Eligible Credit Default Swaps to Facilitate Operation of Central Counterparties to Clear and Settle Default Swaps'' (RIN3235–AK26) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–501. A communication from the Executive Director of the Board of Directors, HOPE for Homeowners Program, transmitting, pursuant to law, the report of a rule entitled ''HOPE for Homeowners Program: Program Regulations: Upfront Payment Incentive for Subordinate Mortgage Lien Holders and Other Program Changes'' (RIN2580–AA01) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–502. A communication from the Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Railroad Safety Enforcement Procedures; Enforcement, Appeal and Hearing Procedures for Rail Routing Decisions'' (RIN2130–AB87) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC–503. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to an annual plan for the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources Research and Development Program; to the Committee on Energy and Natural Resources.

EC–504. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Spiromesifen; Pesticide Tolerances'' (FRL–8398–8) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–505. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Quality: Revision to Definition of Volatile Organic Compounds—Exclusion of Propylene Carbonate and Dimethyl Carbonate'' (RIN2060–AN75) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Environment and Public Works.

EC–506. 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 Implementation Plans; Nevada; Vehicle Inspection and Maintenance Program'' (FRL–8748–7) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Environment and Public Works.

EC–507. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Finding of Failure to Submit a Required State Implementation Plan Revision for 1-Hour Ozone Standard, California—San Joaquin Valley—Reasonably Available Control Technology'' (FRL–8763–5) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Environment and Public Works.

EC–508. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Finding of Failure to Submit State Implementation Plans Required for the 1997 8-Hour Ozone National Ambient Air Quality Standard; North Carolina and South Carolina'' (FRL–8764–8) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Environment and Public Works.

EC–509. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Oil Pollution Prevention; Non-Transportation Related Onshore Facilities'' (RIN2050–AG49) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Environment and Public Works.

EC–510. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Operating Permit Programs; Flexible Air Permitting Rule'' (RIN2060–AM45) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Environment and Public Works.

EC–511. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report on the Child Support Enforcement Program for fiscal year 2006; to the Committee on Finance.

EC–512. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Evaluation of Phase I of Medicare Health Support Pilot Program Under Traditional Fee-for-Service Medicare: 18-Month Interim Analysis''; to the Committee on Finance.

EC–513. 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 ''Interim Guidance under Section 457A'' (Notice 2009–8) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Finance.

EC–514. 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 of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice 2009–2) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Finance.

EC–515. 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 ''Revenue Ruling: 2009 Prevailing State Assumed Interest Rates'' (Rev. Rul. 2009–3) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Finance.

EC–516. A communication from the Staff Attorney, Office of Chief Counsel for Import Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Withdrawal of the Regulatory Provisions Governing Targeted Dumping in Antidumping Duty Investigations'' (RIN0625–AA79) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Finance.

EC–517. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Prohibitions and Conditions for Importation of Burmese and Non-Burmese Covered Articles of Jadeite, Rubies, and Articles of Jewelry Containing Jadeite or Rubies'' (RIN1505–AC06) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Finance.

EC–518. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Import Restrictions Imposed on Certain Archaeological Material from China'' (RIN1505–AC08) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Finance.

EC–519. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the Agency's financial report for fiscal year 2008; to the Committee on Foreign Relations.

EC–520. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Health Insurance Reform; Modifications to the Health Insurance Portability and Accountability Act (HIPAA) Electronic Transaction Standards'' (RIN0938–AM50) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–521. A communication from the Deputy Director for Management, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to competitive sourcing activities for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–522. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled ''2008 Report to Congress on the Benefits and Costs of Federal Regulations and Unfunded Mandates on State, Local, and Tribal Entities''; to the Committee on Homeland Security and Governmental Affairs.

EC–523. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to competitive sourcing activities for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–524. A communication from the Acting Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''National Security Personnel System'' (RIN3206–AL75) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–525. A communication from the Program Manager, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Commerce in Explosives—Amended Definition of Propellant Actuated Device'' (RIN1140–AA24) received in the Office of the President of the Senate on January 16, 2009; to the Committee on the Judiciary.

EC–526. A communication from the Program Manager, Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Decision-Making Authority Regarding the Denial, Suspension, or Revocation of a Federal Firearms License, or Imposition of a Civil Fine'' (Docket No. ATF 27P) received in the Office of the President of the Senate on January 16, 2009; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

*Susan E. Rice, of the District of Columbia, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of Americain the Security Council of the United Nations.

*Susan E. Rice, of the District of Columbia, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Representative of the United States of America to the United Nations.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR:

S. 282. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Kazakhstan; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. DODD, and Mr. KERRY):

S. 283. A bill to amend the Energy Policy and Conservation Act to modify the conditions for the release of products from the Northeast Home Heating Oil Reserve Account, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ:

S. 284. A bill to amend the Internal Revenue Code of 1986 to allow a new refundable credit for equipment used to manufacture solar energy property, to waive the application of the subsidized financing rules to such property, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD:

S. 285. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income, and for other purposes; to the Committee on Finance.

By Mr. INHOFE:

S. 286. A bill to provide for marginal well production preservation and enhancement; to the Committee on Finance.

By Mr. INHOFE:

S. 287. A bill to amend the Internal Revenue Code of 1986 to provide for the full deduction allowable with respect to income attributable to domestic production activities, and for other purposes; to the Committee on Finance.

By Mr. INHOFE (for himself and Mr. COBURN):

S. 288. A bill to amend the Internal Revenue Code of 1986 to permanently extend the depreciation rules for property used predominantly within an Indian reservation; to the Committee on Finance.

By Mr. INHOFE (for himself and Mr. COBURN):

S. 289. A bill to amend the Internal Revenue Code of 1986 to eliminate the taxable income limit on percentage depletion for oil and natural gas produced from marginal properties; to the Committee on Finance .

By Mr. INHOFE (for himself and Mr. COBURN):

S. 290. A bill to repeal a requirement with respect to the procurement and acquisition of alternative fuels; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself, Mr. ROBERTS, and Mr. BOND):

S. 291. A bill to provide for certain requirements related to the closing of the Guantanamo Bay detention facility; to the Committee on Armed Services.

By Mr. SPECTER (for himself, Mr. VITTER, Mr. INHOFE, Mr. ISAKSON, Mr. VOINOVICH, Mr. ROBERTS, and Mr. CHAMBLISS):

S. 292. A bill to repeal the imposition of withholding on certain payments made to vendors by government entities; to the Committee on Finance.

By Mr. SPECTER:

S. 293. A bill to provide for a 5-year carryback of certain net operating losses and to suspend the 90 percent alternative minimum tax limit on certain net operating losses; to the Committee on Finance.

By Mr. SPECTER:

S. 294. A bill to amend the Internal Revenue Code of 1986 to extend and modify the special allowance for property acquired during 2009 and to temporarily increase the limitation for expensing certain business assets; to the Committee on Finance.

By Mr. BINGAMAN:

S. 295. A bill to amend title XVIII of the Social Security Act to improve the quality and efficiency of the Medicare program through measurement of readmission rates and resource use and to develop a pilot program to provide episodic payments to organized groups of multispecialty and multilevel providers of services and suppliers for hospitalization episodes associated with select, high cost diagnoses; to the Committee on Finance.

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:

S. Res. 18. A resolution making majority party appointments to certain Senate committees for the 111th Congress; considered and agreed to .

By Mr. McCONNELL:

S. Res. 19. A resolution making minority party appointments for the 111th Congress; considered and agreed to.

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. REID, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 4, a bill to guarantee affordable, quality health coverage for all Americans, and for other purposes.

S. 162

At the request of Mr. FEINGOLD, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 162, a bill to provide greater accountability of taxpayers' dollars by curtailing congressional earmarking, and for other purposes.

S. 225

At the request of Mr. BAYH, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 225, a bill to amend title XIX of the Social Security Act to establish programs to improve the quality, performance, and delivery of pediatric care.

S. 243

At the request of Mr. CARDIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 243, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to establish the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction and to exclude charitable mileage reimbursements for gross income.

S. 256

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. NELSON) was withdrawn as a cosponsor of S. 256, a bill to enhance the ability to combat methamphetamine.

At the request of Mrs. FEINSTEIN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 256, supra.

S. 274

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 274, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to hire unemployed veterans.

S. 281

At the request of Mr. KOHL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 281, a bill to promote labor force participation of older Americans, with the goals of increasing retirement security, reducing the projected shortage of experienced workers, maintaining future

economic growth, and improving the Nation's fiscal outlook.

AMENDMENT NO. 26

At the request of Mr. GRASSLEY, his name was added as a cosponsor of amendment No. 26 proposed to S. 181, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

AMENDMENT NO. 27

At the request of Mr. GRASSLEY, his name was added as a cosponsor of amendment No. 27 proposed to S. 181, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself, Mr. DODD, and Mr. KERRY):

S. 283. A bill to amend the Energy Policy and Conservation Act to modify the conditions for the release of products from the Northeast Home Heating Oil Reserve Account, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. SNOWE. I rise today to speak on a bill I am introducing with my colleagues, Senators DODD and KERRY, to improve the Northeast Home Heating Oil Reserve program to ensure that when our country experiences the next energy crisis we are better prepared. Specifically, I believe that this legislation will provide flexibility as well as certainty that heating oil currently sitting in New England will be used when it is most essential to the region's population.

Through Senator DODD's leadership in 2000, Congress created the Northeast Home Heating Oil Reserve, which put in place a critical tool to reduce supply disruptions. At that point, heating oil prices were $1.49 per gallon, and while the situation has improved since the price spikes this past summer, it is clear that the Northeast remains dangerously reliant on a commodity that has shown extreme volatility in recent years. The need for of the Heating Oil Reserve was clearly demonstrated this past summer when a catastrophe was emerging for our region with heating oil reaching the unprecedented level of $5 per gallon. Thankfully, the Northeast Home Heating Oil Reserve provided a basic level of assurance that heating oil could be provided if supplies were dramatically interrupted.

However, the trigger mechanism for the release of the funds is convoluted to the point that the program's functionality is in question. Indeed, under the law, the President does not have the ability to release heating oil from the reserve even if the health and safety of the population is at risk. Rather, the current threshold for release is when the differential between crude oil and heating oil is 60 percent higher than the 5 year average. As a result, neither the overall price of heating oil nor the plight of our constituents has any factor on the release of the reserve. The formula trigger in statute is flawed to the point that the actual trigger has come close to being met not when crude oil prices are rising, but actually falling. This is clearly not the intent of the reserve.

The legislation that I am introducing with Senators DODD and KERRY today streamlines the federal law to provide the President the discretion to release the reserve if the health and safety of the population is at risk. Furthermore, if heating oil prices are above $4 per gallon during the critical winter months, the heating oil automatically will be distributed for sale. I believe this will dramatically improve the functionality of the reserve program and I look forward to working with Chairman BINGAMAN and Ranking Member MURKOWSKI of the Energy Committee to enact this legislation.

By Mr. FEINGOLD:

S. 285. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, I am pleased to reintroduce legislation today that would increase the mileage reimbursement rate for volunteers.

Under current law, when volunteers use their cars for charitable purposes, the volunteers may be reimbursed up to 14 cents per mile for their donated services without triggering a tax consequence for either the organization or the volunteers. If the charitable organization reimburses any more than that, they are required to file an information return indicating the amount, and the volunteers must include the amount over 14 cents per mile in their taxable income. By contrast, for 2009, the mileage reimbursement level permitted for businesses is 55 cents per mile, nearly four times the volunteer rate.

During this economic downturn we are asking volunteers and volunteer organizations to bear a greater burden of delivering essential services, but the 14 cents per mile limit is imposing a very real hardship for charitable organizations and other nonprofit groups. This was an even harsher constraint on volunteer activity when gasoline prices spiked last summer.

I have heard from a number of people in Wisconsin on the need to increase this reimbursement limit. One of the first organizations that brought this issue to my attention was the Portage County Department on Aging. Volunteer drivers are critical to their ability to provide services to seniors in Portage County, and the Department on Aging depends on dozens of volunteer drivers to deliver meals to homes and transport people to their medical appointments, meal sites, and other essential services.

As many of my colleagues know, nutrition is one of the most vital services provided under the Older Americans Act and ensuring that meals can be delivered to seniors or that seniors can be taken to meal sites is an essential part of that program. As I discovered during my ten years as Chair of the Wisconsin State Senate Committee on Aging, the senior nutrition programs not only provide needed nutrition services, but in many cases, the congregate meals program provides an important community contact point for seniors who may live alone, and the meals program may be the point at which many frail elderly first come into contact with the network of services that can help them. For that reason, the senior nutrition programs are often at the heart of the aging services network, and as such are essential for many critical services that frail elderly may need.

Unfortunately, Federal support for the senior nutrition programs has stagnated in recent years, increasing pressure on local programs to leverage more volunteer services to make up for that lagging Federal support. The 14 cents per mile reimbursement limit has made it far more difficult to obtain those volunteer services. Portage County reported that at 14 cents per mile, many of their volunteers cannot afford to offer their services.

If volunteer drivers cannot be found, either those services will be lost, and those most vulnerable in our society will go wanting, or the services will have to be replaced by contracting with a provider, greatly increasing costs to the Department, costs that come directly out of the pot of funds available to pay for meals and other services. The same is true for thousands of other nonprofit and charitable organizations that provide essential services to communities across our Nation.

By contrast, businesses do not face this restrictive mileage reimbursement limit. As I noted earlier, for 2009 the comparable mileage rate for someone who works for a business is 55 cents per mile. This disparity means that a business hired to deliver the same meals delivered by volunteers for Portage County may reimburse their employees

nearly four times the amount permitted the volunteer without a tax consequence.

This doesn't make sense. The 14 cents per mile volunteer reimbursement limit is badly outdated. According to the Congressional Research Service, Congress first set a reimbursement rate of 12 cents per mile as part of the Deficit Reduction Act of 1984, and did not increase it until 1997, when the level was raised slightly, to 14 cents per mile, as part of the Taxpayer Relief Act of 1997.

The bill I am introducing today is identical to a measure I introduced in the 109th Congress and the 110th Congress, and largely the same as the version I introduced in the 107th and 108th Congresses. It raises the limit on volunteer mileage reimbursement to the level permitted to businesses, and provides an offset to ensure that the measure does not aggravate the budget deficit. The most recent estimate of the cost to increase the reimbursement for volunteer drivers is about $1 million over 5 years. Though the revenue loss is small, it is vital that we do everything we can to move toward a balanced budget, and to that end I have included a provision to fully offset the cost of the measure and make it deficit neutral. That provision increases the criminal monetary penalties for individuals and corporations convicted of tax fraud. The provision passed the Senate in the 108th Congress as part of the JOBS bill, but was later dropped in conference and was not included in the final version of that bill.

I also extend my thanks to the senior Senator from New York, Mr. SCHUMER, for including my bill in his larger omnibus volunteer driver relief measure, the GIVE Act, last year, and the junior Senator from Maryland, Mr. CARDIN, for including my bill in this year's version of the GIVE Act. Both Senators are keenly aware of the need for the change provided by this bill, and I thank them for their leadership on this issue.

I urge my colleagues to support this measure. It will help ensure charitable organizations can continue to attract the volunteers that play such a critical role in helping to deliver services and it will simplify the tax code both for nonprofit groups and the volunteers themselves.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks.

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

S. 285

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

SECTION 1. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139B the following new section:

''SEC. 139C. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS.

''(a) IN GENERAL.—Gross income of an individual does not include amounts received, from an organization described in section 170(c), as reimbursement of operating expenses with respect to use of a passenger automobile for the benefit of such organization. The preceding sentence shall apply only to the extent that such reimbursement would be deductible under this chapter if section 274(d) were applied—

''(1) by using the standard business mileage rate established under such section, and

''(2) as if the individual were an employee of an organization not described in section 170(c).

''(b) NO DOUBLE BENEFIT.—Subsection (a) shall not apply with respect to any expenses if the individual claims a deduction or credit for such expenses under any other provision of this title.

''(c) EXEMPTION FROM REPORTING REQUIREMENTS.—Section 6041 shall not apply with respect to reimbursements excluded from income under subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 139B and inserting the following new item:

''Sec. 139C. Reimbursement for use of passenger automobile for charity.''.

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

SEC. 2. INCREASE IN CRIMINAL MONETARY PENALTY LIMITATION FOR THE UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.

(a) IN GENERAL.—Section 7206 of the Internal Revenue Code of 1986 (relating to fraud and false statements) is amended—

(1) by striking ''Any person who—'' and inserting ''(a) IN GENERAL.—Any person who—'', and

(2) by adding at the end the following new subsection:

''(b) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.''.

(b) INCREASE IN PENALTIES.—

(1) ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 of the Internal Revenue Code of 1986 is amended—

(A) by striking ''$100,000'' and inserting ''$250,000'',

(B) by striking ''$500,000'' and inserting ''$1,000,000'', and

(C) by striking ''5 years'' and inserting ''10 years''.

(2) WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—Section 7203 of such Code is amended—

(A) in the first sentence—

(i) by striking ''misdemeanor'' and inserting ''felony'', and

(ii) by striking ''1 year'' and inserting ''10 years'', and

(B) by striking the third sentence.

(3) FRAUD AND FALSE STATEMENTS.—Section 7206(a) of such Code (as redesignated by subsection (a)) is amended—

(A) by striking ''$100,000'' and inserting ''$250,000'',

(B) by striking ''$500,000'' and inserting ''$1,000,000'', and

(C) by striking ''3 years'' and inserting ''5 years''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to underpayments and overpayments attributable to actions occurring after the date of the enactment of this Act.

By Mr. SPECTER (for himself, Mr. VITTER, Mr. INHOFE, Mr. ISAKSON, Mr. VOINOVICH, Mr. ROBERTS, and Mr. CHAMBLISS):

S. 292. A bill to repeal the imposition of withholding on certain payments made to vendors by government entities; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition to introduce the Withholding Tax Relief Act of 2009, which would repeal Section 511 of the Tax Increase Prevention and Reconciliation Act of 2005. Section 511 will require a 3 percent withholding on all Government contracts beginning on January 1, 2011.

This legislation was sponsored in the 110th Congress by Senator Larry Craig, S. 777, and with his retirement, I have decided to continue to press for its passage to protect small businesses, contractors, and State and local governments who will be unfairly burdened by this onerous provision.

In 2006 Congress enacted tax relief on capital gains, dividends, and the Alternative Minimum Tax, AMT, as part of the Tax Increase Prevention and Reconciliation Act of 2005. These provisions provide important incentives for small businesses by encouraging investment that can lead to job creation and economic growth. At the same time, the Section 511 withholding tax provision was inserted at the last minute by conferees as a revenue raiser. As a result, the legislation which was intended to provide tax relief ended up containing a $7 billion tax penalty on Government contractors.

If no action is taken to repeal this provision, Section 511 will institute a 3 percent tax withholding on all local, State, and Federal Government payments, effective on January 1, 2011. This will apply to Governments with expenditures of $100 million or more, and will affect payments on Government contracts as well as other payments, such as Medicare, grants, and farm payments. Impacted firms will ultimately get a refund when they file their tax return if the amount withheld is in excess of what is actually owed.

The proponents of Section 511 argue that it will be an effective tool to close the tax gap—the difference between what American taxpayers owe and what they actually pay. However, an examination of the mechanics of the provision support a different conclusion. At the time of passage, Section 511 was estimated to increase revenue by $7 billion from 2011 to 2015. However, $6 billion of that amount is attained solely because of the initial collection on contracts in 2011, not because of an actual revenue increase from increased

tax compliance. Estimates show that Section 511 will only generate $215 million in 2012 and increases slightly in each of the 3 years thereafter.

While I support efforts to close the tax gap, those efforts must be weighed on a case-by-case basis against the unintended harm that is done to those impacted. For example, the 3 percent figure is an arbitrary amount and does not take into account the company's taxable income or tax liability. As a result, an honest taxpaying contractor in a loss year could be without access to the withheld capital for a significant period of time, only to see it returned when it files its taxes. Many of these firms do not have extra capital on hand to get by and, because some file yearly returns as opposed to quarterly returns, will not receive a refund on the amount withheld for 12 to 18 months. In many cases, businesses operate with a profit margin that is smaller than 3 percent of the contract; and in some cases, there is no profit at all. In these cases, Section 511 will effectively withhold entire paychecks—interest free—thereby impeding the cash flow of small businesses, eliminating funds that can be used for reinvestment in the business, and forcing companies to pass on the added costs to customers or finance the additional amount.

Section 511 will also impose significant administrative costs on the Federal, State, and local governments who are required to create, or expand, collections staffing to comply. The Congressional Budget Office, CBO, said the provision constitutes an unfunded mandate on the State and local governments. According to CBO, the projected costs of Section 511 will exceed the $50 million unfunded mandate annual threshold. On a Federal level, there is evidence that the high cost of preparation is unnecessary. For example, the Department of Defense estimated that the costs to comply with the 3 percent withholding requirement could be in excess of $17 billion over the first 5 years, which is more than any estimated revenue gains.

There is strong support from a number of stakeholders for repeal of the Withholding Tax requirement, including the Associated Builders and Contractors, U.S. Chamber of Commerce, National Association of Manufacturers, National Federation of Independent Business, and American Farm Bureau Federation.

I am pleased that this legislation garnered the support of 260 cosponsors in the House of Representatives, H.R. 1023, in the 110th Congress, with a broad mix of support from both parties. For example, cosponsors from the Pennsylvania delegation included Representatives ALTMIRE, BRADY, CARNEY, DOYLE, ENGLISH, GERLACH, HOLDEN, MURPHY, PITTS, PLATTS, SESTAK, and SHUSTER. In the Senate, I will seek to build on the efforts of Senator CRAIG and the 15 other cosponsors, including myself.

At the time of passage of the Tax Increase Prevention and Reconciliation Act of 2005, Congress had not adequately debated the merits of the withholding requirement in a committee hearing or with debate in either body. An issue of this magnitude deserves proper debate, and had that occurred, it is difficult to believe that Congress would have included Section 511. For these reasons, I urge my colleagues to support repeal of this unfair tax penalty.

Mr. President, I ask unanimous consent that a list of supporters to this bill be provided in the RECORD.

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

GOVERNMENT WITHHOLDING RELIEF COALITION

Aeronautical Repair Station Association; Aerospace Industries Association; Air Conditioning Contractors of America; Air Transport Association; America's Health Insurance Plans; American Bankers Association; American Concrete Pressure Pipe Association; American Congress on Surveying and Mapping; American Council of Engineering Companies; American Farm Bureau Federation; American Heath Care Association; American Institute of Architects; American Moving and Storage Association; American Nursery and Landscape Association; American Road & Transportation Builders Association; American Shipbuilding Association; American Society of Civil Engineers; American Subcontractors Association; American Supply Association; American Trucking Associations.

Associated Builders and Contractors; Associated Equipment Distributors; Association of National Account Executives; Business and Institutional Furniture Manufacturers Association; Coalition for Government Procurement; Colorado Motor Carriers Association; Computing Technology Industry Association; Construction Contractors Association; Construction Industry Round Table; Construction Management Association of America; Contract Services Association; Design Professionals Coalition; Edison Electric Institute; Engineering & Utility Contractors Association; Federation of American Hospitals; Financial Executives International's Committee on Government Business; Financial Executives International's Committee on Taxation; Finishing Contractors Association; Gold Coast Hispanic Chamber of Commerce; Independent Electrical Contractors, Inc.

Information Technology Association of America; International Council of Employers of Bricklayers and Allied Craftworkers; International Foodservice Distributors Association; Management Association for Private Photogrammetric Surveyors; Mason Contractors Association of America; Mechanical Contractors Association of America; Messenger Courier Association of the Americas; Modular Building Institute; National Association for Self-Employed; National Association of Credit Management; National Association of Manufacturers; National Association of Minority Contractors; National Beer Wholesalers Association; National Burglar and Fire Alarm Association; National Defense Industrial Association; National Electrical Contractors Association; National Federation of Independent Business; National Italian-American Business Association; National Precast Concrete Association; National Office Products Alliance.

National Roofing Contractors Association; National Small Business Association; National Society of Professional Engineers; National Society of Professional Surveyors; National Utility Contractors Association; National Wooden Pallet and Container Association; North Coast Builders Exchange; Office Furniture Dealers Alliance; Oregon Trucking Association; Plumbing-Heating-Cooling Contractors—National Association; Printing Industries of America; Professional Services Council; Regional Legislative Alliance of Ventura and Santa Barbara Counties; Santa Rosa Chamber of Commerce; Security Industry Association; Sheet Metal and Air Conditioning Contractors National Association, Inc.; Small Business & Entrepreneurship Council; Small Business Legislative Council; Textile Rental Services Association of America; The Associated General Contractors of America.

The Association of Union Constructors; The Distilled Spirits Council of the U.S.; The Financial Services Roundtable; U.S. Chamber of Commerce; United States Telecom Association; Women Impacting Public Policy.

By Mr. SPECTER:

S. 293. A bill to provide for a 5-year carryback of certain net operating losses and to suspend the 90 percent alternative minimum tax limit on certain net operating losses; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation to expand a widely-used business tax benefit whereby business owners balance-out net losses over prior years when the firm has a net operating gain. Spreading out this tax liability helps a business to decrease the adverse impact of a difficult year. At the current time, there is a critical need for pro-growth policy initiatives to ensure an economic recovery.

Specifically, this legislation increases the general net operating loss, NOL, carryback period from 2 years to 5 years in the case of an NOL for any taxable year ending during 2007, 2008, or 2009. As an example, a company could offset NOLs in 2008 against positive income it earned in 2003–2007; resulting in a refund paid in 2009. NOLs represent the losses reported by a company within a taxable year and, under current law, generally may be carried back 2 years and forward 20 years for tax purposes.

Under current law, NOLs are not allowed to reduce Alternative Minimum Tax, AMT, liability by more than 90 percent. My legislation would eliminate this limit. This second provision is necessary for this bill to achieve its goal of allowing firms dollar-for-dollar access to their NOLs. This is because firms with temporarily low income are more likely both to create NOLs and to find themselves subject to the AMT.

From an economic standpoint, the key impact of the bill will be to lower the user cost of capital for firms and to encourage business fixed investment for those firms that were profitable in the past 5 years but are not profitable at the current time. Such firms will receive an immediate refund for their current costs.

The U.S. Chamber of Commerce, National Association of Manufacturers, and National Federation of Independent Business, NFIB, have all been supportive of this proposal in previous years.

Similar legislation was considered in the 110th Congress, but was not enacted. During consideration of the Recovery Rebates and Economic Stimulus for the American People Act of 2008, an amendment drafted by the Senate Finance Committee leadership included this important provision, as well as other items. On February 6, 2008, the Senate rejected this broader package on a procedural vote, leaving it just 1 vote short of the 60 that were required. Ultimately, that bill included tax rebates for individuals and capital investment incentives for businesses. Following that debate, I introduced the NOL carryback provision as a standalone bill, S. 2650, with 7 cosponsors.

Over the long-term, this is a low cost proposal for the taxpayer that can stimulate economic growth. According to a February 2004 report entitled ''Stimulating Job Creation and Investment: Economic Impact of NOL Carryback Legislation,'' by Kevin A. Hassett, Ph.D, and Brian C. Becker, Ph.D, ''If enacted, this expansion of the carryback period would result in current-year refunds for many companies that otherwise would have to wait until future years to apply NOLs. Having done so, however, would reduce the quantity of losses that are carried forward, and hence increase, relative to baseline, tax revenue in the future. As such, the tax revenue implications are negative initially, but positive in the future.'' The Joint Committee on Taxation estimated that passage of a similar provision as part of the Senate Finance Committee Stimulus package, which I referenced earlier in my statement, would have cost $15 billion in 2008 and $5.1 billion over 10 years.

I urge my colleagues to support this important legislation that will help numerous industries that are currently struggling to survive in a harsh economic downturn.

Mr. SPECTER:

S. 294. A bill to amend the Internal Revenue Code of 1986 to extend and modify the special allowance for property acquired during 2009 and to temporarily increase the limitation for expensing certain business assets; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation to extend two important provisions that were enacted as part of the Economic Stimulus Act of 2008: 50 percent Bonus Depreciation; and Increased $250,000 limit for the Small Business Expensing Allowance.

I introduced S. 2539 and cosponsored S. 269 similar legislation in the 110th Congress.

I support tax policies to spur new business investments through the use of partial and full expensing. When a company buys an asset that will last longer than one year, the company cannot, under most circumstances, deduct the entire cost and enjoy an immediate tax benefit. Instead, the company must depreciate the cost over the useful life of the asset, taking a tax deduction for a part of the cost each year. By allowing firms to deduct the cost of a new asset in year one, expensing spurs new investments quickly and drives immediate job creation.

As part of the Economic Stimulus Act of 2008—passed by Congress and signed by the President on February, 13, 2008—I successfully included my legislation, S. 2539, to allow for an immediate 50 percent ''bonus depreciation'' on new equipment purchases. This provision only applied to purchases made in 2008 and my legislation would extend the benefit for an additional year.

The Economic Stimulus Act of 2008 also provided a 1-year boost in the Section 179 Small Business Expensing Allowance. This provision, which also applies to equipment, was increased to a $250,000 limit for 2008. Absent further action, the benefit reverts to $125,000 in 2009 and will expire at the end of 2010 and revert to $25,000. On January 25, 2008, I cosponsored legislation, S. 269, to increase the Small Business Expensing Allowance and to make it permanent. This legislation I am introducing today would extend the $250,000 limit for an additional year.

Both of these provisions merely accelerate a benefit that will be given to firms over a longer span. To that end, the cost will be higher in year one, but tax revenue will be higher in the years thereafter. According to the Joint Committee on Taxation, the cost of the ''bonus depreciation'' provision as part of the Economic Stimulus Act of 2008 was $43.9 billion in 2008, but just $7.4 billion over 10 years. The Small Business Expensing Allowance provision was scored at $900 million in 2008, and only $100 million over 10 years.

These provisions were included in a broader package drafted by Senators BAUCUS, GRASSLEY, KENNEDY, and ENZI at the end of the 110th Congress. I look forward to working with these Members to seek extension of these expiring provisions in the 111th Congress.

Enactment of these provisions was an important step in the direction of allowing full expensing of new equipment. I urge my colleagues to support these pro-growth policies that create incentives for business expansion and long-term economic growth.

By Mr. BINGAMAN:

S. 295. A bill to amend title XVIII of the Social Security Act to improve the quality and efficiency of the Medicare program through measurement of readmission rates and resource use and to develop a pilot program to provide episodic payments to organized groups of multispecialty and multilevel providers of services and suppliers for hospitalization episodes associated with select, high cost diagnoses; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Medicare Quality and Payment Reform Act of 2009. This legislation will help improve the quality and efficiency of the Medicare program by analyzing readmission and resource use and adjusting Medicare payments accordingly. In addition, the legislation develops a large scale pilot project to allow for episodic payments to organized groups of multispecialty and multilevel providers for select, high cost diagnosis. Reforms such as these have been recommended by the non-partisan Medicare Payment Advisory Commission or ''MedPAC,'' the Commonwealth Fund and many other experts. In their December 2008 Budget Options report, the Congressional Budget Office, CBO, estimates reforms such as these could result in more than 28 billion dollars in savings to the Federal Government over 10 years.

For several years, growth in healthcare spending, including in the Medicare program, has far exceeded the rate of inflation for all other goods and services without a concomitant rise in health care quality. According to the 2007 report of the McKinsey Global Institute, ''Accounting for the Costs of Healthcare in The United States,'' the U.S. spends almost half a trillion dollars more on healthcare than other similarly situated countries, when adjusted for population and income. Moreover, according to a 2008 Dartmouth report, total waste in the U.S. healthcare system accounts for approximately $700 billion. These data are startling and deeply troubling to me and many of my colleagues in the Congress. As we move to consider comprehensive healthcare reform legislation in the 111th Congress, it is critical that we consider bold and decisive reforms to incentivize quality and efficiency in the U.S. healthcare system.

Many experts tell us that the present fee-for-service payment system does little to encourage the prevention of readmissions or control the volume of care and cost of services delivered. MedPAC, CBO, and others believe this fee-for-service distortion is a major driver of excess spending in the healthcare system. Consequently, per-beneficiary spending varies between regions by as much as one-third without any measurable difference in patient outcomes. In addition, à la carte health care delivery focuses on individual procedures and patient interactions without much regard for the integration of care and appropriate mix of services necessary.

For example, MedPAC reports that within 30 days of discharge, 17.6 percent of Medicare admissions are readmitted for which Medicare spent $15 billion in 2005. The Commonwealth Fund Commission on a High Performance Health System found that Medicare 30-day readmission rates varied from 14 percent to 22 percent with respect to the lowest and highest decile of states.

MedPAC and other expert groups report that the bundling of Medicare payments around episodes of care will align financial incentives within the program to maximize quality and efficiency for Medicare beneficiaries. It is

critical to note that such reforms not only lower overall healthcare costs but also have the potential to lower Medicare beneficiaries out of pocket expenses while improving their health. For example, the Medicare Participating Heart Bypass Center Demonstration conducted from 1990 to 1996 explored the utility of payment bundling. In this demonstration, participating centers were reimbursed with a bundled payment for episodes of care related to heart bypass cases. The demonstration resulted in reduced spending on laboratory diagnostics, pharmacy services, intensive care, and unnecessary physician consults while still maintaining a high quality of care. In the end, the demonstration saved the Medicare program approximately 10 percent on cost of bypass treatments.

There is considerable agreement in the health policy community about a move toward ''episodic'' or bundled payments. The 16th Commonwealth Fund/Modern Health Care Opinion Leaders Survey, released November 3, 2008, found that more than ⅔ respondents reported that the fee-for-service system is not effective at encouraging high quality and efficient care. More than ¾ of respondents prefer a move toward bundled per patient payments. Shared accountability for resource use also was favored as a means for improving efficiency, and ⅔ of the experts surveyed supported realigning provider payment incentives to improve efficiency and effectiveness.

This legislation makes three broad reforms to the Medicare program leading to higher quality and more efficient care. First, the legislation requires the U.S. Department of Health and Human Services, HHS, to report on risk adjusted readmission rates and resource use to Medicare providers, and over time, to the public. Second, the legislation establishes risk-adjusted benchmarks based upon these data that, over time, will be utilized to adjust Medicare payments. Finally, the legislation institutes a voluntary ''episodic payment'' pilot program.

Readmission will be defined by the Secretary of HHS and will include a time frame of at least 30 days between the initial diagnosis and readmission, insure that the readmission rate captures readmissions to any hospital and not be limited to the initial health care provider entity, and verify that the diagnosis for both initial and readmission are related. Within 1 year from enactment, HHS will be tasked with confidentially reporting to provider entities risk adjusted for readmission rates and risk adjusted resource use for select high-volume diagnosis-related groups, DRG, associated with high-rates of readmission. After 3 years, HHS will publically release these reports with an annual review of the list of DRGs reported. The data reported will be risk adjusted taking into account variations in health status and other patient characteristics. Physician's not reporting these data to HHS for analysis will be penalized; although physicians do have the ability to apply for hardship exceptions.

The legislation requires HHS to establish benchmarks for risk adjusted readmission rates and resource utilization for a given DRG and within 2 years of enactment, report to Congress on methodologies used to develop such benchmarks. Three years from the date of enactment, the base operating DRG payment to hospitals not meeting the established benchmarks will be reduced by 1 percent or an amount that is proportionate to the number of readmissions exceeding the benchmark. The Secretary of HHS will devise a mechanism to allocate accountability among providers associated with the episode of care with regard to penalty distribution. The benchmark and penalty will be evaluated and updated annually.

The legislation goes further and establishes a voluntary pilot program to allow for bundled episodic payments to organized groups of multispecialty and multilevel providers for select high cost interventions. Payments would be risk adjusted and would cover all Medicare Part A and B costs associated with a hospitalization episode including care delivered 30 days after discharge. Payments would be issued to the participating provider group which, in turn, would reimburse negotiated payments to all individual providers associated with episode of treatment. The pilot would include testing models in a variety of settings including rural and underserved areas. The initial pilot will begin 2 years from date of enactment and continue for a period of 5 years. If the pilot proves successful, the Secretary of HHS will have the authority to expand the payment mechanism to a larger set of providers.

I urge my colleagues to join me in supporting this important piece of 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. 295

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 ''Medicare Quality and Payment Reform Act of 2009''.

SEC. 2. FINDINGS.

(a) FINDINGS RELATING TO MEDICARE REPORTING OF READMISSION RATES AND RESOURCE USE AND THE MEDICARE FEE-FOR-SERVICE PAYMENT SYSTEM.—Congress makes the following findings:

(1) The Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) does not publically or privately report to health care providers on resource use and, as a result, many health care providers are unaware of their practices with respect to resource use.

(2) In 2008, the Congressional Budget Office reported that areas with higher Medicare spending scored lower, on average, on a composite indicator of quality of care furnished to Medicare beneficiaries.

(3) Feedback on resource use has been shown to increase awareness among health care providers and encourage positive behavioral changes.

(4) The Medicare program pays for all patient hospitalizations based on the diagnosis, regardless of whether the hospitalization is a readmission or the initial episode of care.

(5) The Medicare Payment Advisory Commission reports that within 30 days of discharge from a hospital, 17.6 percent of admissions are readmitted to the hospital. In 2005, the Medicare program spent $15,000,000,000 on such readmissions.

(6) The Commonwealth Fund Commission on a High Performance Health System found that Medicare 30-day readmission rates varied from 14 percent to 22 percent with respect to the lowest and highest decile of States.

(b) FINDINGS RELATING TO THE BUNDLING OF MEDICARE PAYMENTS TO HEALTH CARE PROVIDERS.—Congress makes the following findings:

(1) Bundled payments incentivize health care providers to determine and provide the most efficient mix of services to Medicare beneficiaries with regard to cost and quality.

(2) The Medicare Payment Advisory Commission reports that bundled payments around a given episode of care under the Medicare program would encourage collaboration among providers of services and suppliers, reduce fragmentation in health care delivery, and improve the accountability for cost and the quality of care.

(3) The Medicare Participating Heart Bypass Center Demonstration which was conducted during the period of 1990 to 1996 found that bundled payments for cardiac bypass cases were successful in reducing spending on laboratory diagnostics, pharmacy services, intensive care, physician consults, and post-discharge care while maintaining a high quality of care. The Medicare program saved approximately 10 percent on bypass patients treated under the demonstration.

(4) The 16th Commonwealth Fund/Modern Healthcare Health Care Opinion Leaders Survey, released November 3, 2008, found that more than ⅔ of respondents reported that the fee-for-service payment system under the Medicare program is not effective at encouraging high quality and efficient care and more than ¾ of respondents reported preferring a move toward bundled per patient payments under the Medicare program. Respondents favored shared accountability for resource use as a means for improving efficiency, and at least ⅔ of respondents supported realigning payment incentives for providers of services and suppliers under the Medicare program in order to improve efficiency and effectiveness.

SEC. 3. PAYMENT ADJUSTMENT FOR READMISSION RATES AND RESOURCE USE.

(a) PAYMENT ADJUSTMENT.—

(1) IN GENERAL.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

''PAYMENT ADJUSTMENT FOR READMISSION RATES AND RESOURCE USE

''SEC. 1899. (a) REPORTING OF READMISSION RATES AND RESOURCE USE.—

''(1) ANNUAL REVIEW.—Beginning not later than 1 year after the date of enactment of this section, the Secretary shall conduct an annual review of readmission rates and resource use for conditions selected by the Secretary under paragraph (5)—

''(A) with respect to subsection (d) hospitals and affiliated physicians (or similarly licensed providers of services and suppliers); and

''(B) with respect to the program under this title.

''(2) REPORTING.—

''(A) TO HOSPITALS AND AFFILIATED PHYSICIANS.—Beginning not later than 1 year after the date of enactment of this section, taking into consideration the results of the annual review under paragraph (1), the Secretary shall provide confidential reports to subsection (d) hospitals and to affiliated physicians (or similarly licensed providers of services and suppliers) that measure the readmission rates and resource use for conditions selected by the Secretary under paragraph (5).

''(B) TO THE PUBLIC.—Beginning not later than 3 years after such date of enactment, taking into consideration the results of such annual review, the Secretary shall make available to the public an annual report that measures the readmission rates and resource use under this title for conditions selected by the Secretary under paragraph (5). Such annual reports shall, to the extent practicable, be integrated into public reporting of data submitted under section 1886(b)(3)(B)(viii) with respect to subsection (d) hospitals and data submitted under section 1848(m) with respect to eligible professionals.

''(3) DEFINITION OF READMISSION.—The Secretary shall define readmission for purposes of this section. Such definition shall—

''(A) include a time frame of at least 30 days between the initial admission and the applicable readmission;

''(B) capture readmissions to any hospital (as defined in section 1861(e)) or any critical access hospital (as defined in section 1861(mm)(1)) and not be limited to readmissions to the subsection (d) hospital of the initial admission; and

''(C) ensure that the diagnosis for both the initial admission and the applicable readmission are related.

''(4) PENALTIES FOR NON-REPORTING.—The Secretary shall establish procedures for the collection of data necessary to carry out this subsection. Such procedures shall—

''(A) subject to subparagraph (B), provide for the imposition of penalties for subsection (d) hospitals and affiliated physicians (or similarly licensed providers of services and suppliers) that do not submit such data; and

''(B) include a hardship exceptions process for affiliated physicians (and similarly licensed providers of services and suppliers) who do not have the resources to participate (except that such process may not apply to more than 20 percent of affiliated physicians (or similarly licensed providers of services and suppliers)).

''(5) SELECTION OF CONDITIONS.—

''(A) INITIAL SELECTION.—The Secretary shall select conditions for the reporting of readmission rates and resource use under this subsection—

''(i) that have a high volume under this title; or

''(ii) that have high readmission rates under this title.

''(B) UPDATING CONDITIONS SELECTED.—Not less frequently than every 3 years, the Secretary shall review and update as appropriate the conditions selected under subparagraph (A).

''(6) TIME PERIOD OF MEASUREMENT.—The Secretary shall, as appropriate and subject to the requirements of this subsection, determine an appropriate time period for the measurement of readmission rates and resource use for purposes of this section.

''(7) RISK ADJUSTMENT OF DATA.—The Secretary shall make appropriate adjustments to any data used in analyzing or reporting readmission rates and resource use under this section, including any data used to conduct the annual review under paragraph (1), in the preparation of reports under subparagraph (A) or (B) of paragraph (2), or in the determination of whether a subsection (d) hospital or an affiliated physician (or a similarly licensed provider of services or supplier) has met the benchmarks established under subsection (b)(1)(A)(i) to take into account variations in health status and other patient characteristics.

''(8) INCORPORATION INTO QUALITY REPORTING INITIATIVES.—The Secretary shall, to the extent practicable, incorporate readmission rates and resource use measurements into quality reporting initiatives for other Medicare payment systems, including such initiatives with respect to skilled nursing facilities and home health agencies.

''(b) PAYMENT ADJUSTMENT FOR READMISSION RATES AND RESOURCE USE.—

''(1) IN GENERAL.—

''(A) BENCHMARKS.—

''(i) IN GENERAL.—The Secretary shall establish benchmarks for measuring the readmission rates and resource use of subsection (d) hospitals and affiliated physicians (or similarly licensed providers of services and suppliers) under this section.

''(ii) REPORT TO CONGRESS ON METHODOLOGIES USED TO ESTABLISH BENCHMARKS.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to Congress a report on the methodologies used to establish the benchmarks under clause (i).

''(iii) RISK ADJUSTMENT OF DATA.—In determining whether a subsection (d) hospital has met the benchmarks established under clause (i) for purposes of the payment adjustment under this subsection, the Secretary shall provide for risk adjustment of data in accordance with subsection (a)(7).

''(B) PAYMENT ADJUSTMENT.—Not later than 3 years after the date of enactment of this section, in the case of a subsection (d) hospital that the Secretary determines does not meet 1 or more of the benchmarks established under subparagraph (A)(i) during the time period of measurement, the Secretary shall reduce the base operating DRG payment amount (as defined in subparagraph (C)) for the subsection (d) hospital for each discharge occurring in the succeeding fiscal year by—

''(i) 1 percent or an amount that the Secretary determines is proportionate to the number of readmissions of the subsection (d) hospital which exceed the applicable benchmark established under subparagraph (A)(i), whichever is greater; or

''(ii) in the case where the Secretary updates the amount of the payment adjustment under paragraph (3), such updated amount.

''(C) BASE OPERATING DRG PAYMENT AMOUNT DEFINED.—

''(i) IN GENERAL.—Except as provided in clause (ii), in this subsection, the term 'base operating DRG payment amount' means, with respect to a subsection (d) hospital for a fiscal year—

''(I) the payment amount that would otherwise be made under section 1886(d) for a discharge if this subsection did not apply; reduced by

''(II) any portion of such payment amount that is attributable to payments under paragraphs (5)(A), (5)(B), (5)(F), and (12) of such section 1886(d).

''(ii) SPECIAL RULES FOR CERTAIN HOSPITALS.—

''(I) SOLE COMMUNITY HOSPITALS.—In the case of a sole community hospital, in applying clause (i)(I), the payment amount that would otherwise be made under subsection (d) for a discharge if this subsection did not apply shall be determined without regard to subparagraphs (I) and (L) of subsection (b)(3) of section 1886 and subparagraph (D) of subsection (d)(5) of such section.

''(II) HOSPITALS PAID UNDER SECTION 1814.—In the case of a hospital that is paid under section 1814(b)(3), the term 'base operating DRG payment amount' means the payment amount under such section.

''(2) SHARED ACCOUNTABILITY.—The Secretary shall examine ways to create shared accountability with providers of services and suppliers associated with episodes of care, including how any penalty could be distributed among such providers of services and suppliers as appropriate and how to avoid inappropriate gainsharing by such providers of services and suppliers.

''(3) ANNUAL UPDATE.—The Secretary shall annually update the benchmarks established under paragraph (1)(A)(i) and the payment adjustment under paragraph (1)(B) to further incentivize improvements in readmission rates and resource use.

''(4) INCORPORATION OF NEW MEASURES.—In the case where the Secretary updates the conditions selected under subsection (a)(5)(B), any new condition selected shall not be considered in determining whether a subsection (d) hospital has met the benchmarks established under paragraph (1)(A)(i) for purposes of the payment adjustment under paragraph (1)(B) during the period beginning on the date of the selection and ending 1 year after such date.''.

(2) CONFORMING AMENDMENT.—Section 1886(d)(1)(A) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(A)), in the matter preceding clause (i), is amended by striking ''section 1813'' and inserting ''sections 1813 and 1899''.

(b) VOLUNTARY PILOT PROGRAM FOR BUNDLED PAYMENTS FOR EPISODES OF TREATMENT.—

(1) INITIAL IMPLEMENTATION.—

(A) IN GENERAL.—The Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') shall establish a pilot program to provide episodic payments to hospitals and other organizing entities for items and services associated with hospitalization episodes of Medicare beneficiaries with respect to 1 or more conditions selected under subparagraph (B).

(B) SELECTION.—The Secretary shall initially implement the pilot program for hospitalization episodes with respect to conditions that have a high volume, high readmission rate, or high rate of post-acute care under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) (as determined by the Secretary).

(C) PAYMENTS.—

(i) IN GENERAL.—Under the pilot program, episodic payments shall—

(I) be risk adjusted; and

(II) cover all costs under parts A and B of the Medicare program associated with a hospitalization episode with respect to the selected condition, which includes the period beginning on the date of hospitalization and ending 30 days after the date of discharge.

(ii) COMPATIBILITY OF PAYMENT MECHANISMS.—The Secretary shall, to the extent feasible, ensure that the payment mechanism under the pilot program functions with payment mechanisms under the original Medicare fee for service program under parts A and B of title XVIII of the Social Security Act and under the Medicare Advantage program under part C of such title.

(iii) PROCESS.—Under the pilot program, episodic payments shall be made to a hospital or other organizing entity participating in the pilot program. The participating hospitals and other organizing entities shall make payments to other providers of services and suppliers who furnished items or services associated with the hospitalization episode (in an amount negotiated between the participating hospital and the provider of services or supplier).

(iv) SAVINGS.—The Secretary shall establish procedures to ensure that the Secretary,

participating hospitals or other organizing entities, providers of services, and suppliers share any savings associated with higher efficiency care furnished under the pilot program.

(D) INCLUSION OF VARIETY OF PROVIDERS OF SERVICES AND SUPPLIERS.—In selecting providers of services and suppliers to participate in the pilot program, the Secretary shall establish criteria to ensure the inclusion of a variety of providers of services and suppliers, including providers of services and suppliers that serve a wide range of Medicare beneficiaries, including Medicare beneficiaries located in rural and urban areas and low-income Medicare beneficiaries.

(E) DURATION.—The Secretary shall conduct the pilot program under this paragraph for a 5-year period.

(F) IMPLEMENTATION.—The Secretary shall implement the pilot program not later than 2 years after the date of enactment of this Act.

(G) DEFINITION OF ORGANIZING ENTITY.—In this subsection, the term ''organizing entity'' means an entity responsible for the organization and administration of the furnishing of items and services associated with a hospitalization episode of a Medicare beneficiary with respect to 1 or more conditions selected under subparagraph (B).

(2) EXPANDED IMPLEMENTATION.—

(A) ESTABLISHMENT OF THRESHOLDS FOR EXPANSION.—The Secretary shall, prior to the implementation of the pilot program under paragraph (1), establish clear thresholds for use in determining whether implementation of the pilot program should be expanded under subparagraph (B).

(B) EXPANDED IMPLEMENTATION.—If the Secretary determines the thresholds established under subparagraph (A) are met, the Secretary may expand implementation of the pilot program to additional providers of services, suppliers, and episodes of treatment not covered under the pilot program as conducted under paragraph (1), which may include the implementation of the pilot program on a national basis.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 18—MAKING MAJORITY PARTY APPOINTMENTS TO CERTAIN SENATE COMMITTEES FOR THE 111TH CONGRESS

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 18

Resolved, That notwithstanding the provisions of rule XXV, the following shall constitute the majority party's membership on the following standing committees for the 111th Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Harkin (Chairman), Mr. Leahy, Mr. Conrad, Mr. Baucus, Mrs. Lincoln, Ms. Stabenow, Mr. Nelson of Nebraska, Mr. Brown, Mr. Casey, Ms. Klobuchar, Majority Leader designee, and Majority Leader designee.

COMMITTEE ON APPROPRIATIONS: Mr. Inouye (Chairman), Mr. Byrd, Mr. Leahy, Mr. Harkin, Ms. Mikulski, Mr. Kohl, Mrs. Murray, Mr. Dorgan, Mrs. Feinstein, Mr. Durbin, Mr. Johnson, Ms. Landrieu, Mr. Reed, Mr. Lautenberg, Mr. Nelson of Nebraska, Mr. Pryor, and Mr. Tester.

COMMITTEE ON ARMED SERVICES: Mr. Levin (Chairman), Mr. Kennedy, Mr. Byrd, Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mr. Bayh, Mr. Webb, Mrs. McCaskill, Mr. Udall of CO, Mrs. Hagan, Mr. Begich, and Mr. Burris.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Dodd (Chairman), Mr. Johnson, Mr. Reed, Mr. Schumer, Mr. Bayh, Mr. Menendez, Mr. Akaka, Mr. Brown, Mr. Tester, Mr. Kohl, Mr. Warner, Mr. Merkley, and Majority Leader designee.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Rockefeller (Chairman), Mr. Inouye, Mr. Kerry, Mr. Dorgan, Mrs. Boxer, Mr. Nelson of Florida, Ms. Cantwell, Mr. Lautenberg, Mr. Pryor, Mrs. McCaskill, Ms. Klobuchar, Mr. Udall of New Mexico, Mr. Warner, and Mr. Begich.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Bingaman (Chairman), Mr. Dorgan, Mr. Wyden, Mr. Johnson, Ms. Landrieu, Ms. Cantwell, Mr. Menendez, Mrs. Lincoln, Mr. Sanders, Mr. Bayh, Ms. Stabenow, Mr. Udall of Colorado, and Mrs. Shaheen.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mrs. Boxer (Chairman), Mr. Baucus, Mr. Carper, Mr. Lautenberg, Mr. Cardin, Mr. Sanders, Ms. Klobuchar, Mr. Whitehouse, Mr. Udall of New Mexico, Mr. Merkley, and Majority Leader designee.

COMMITTEE ON FINANCE: Mr. Baucus (Chairman), Mr. Rockefeller, Mr. Conrad, Mr. Bingaman, Mr. Kerry, Mrs. Lincoln, Mr. Wyden, Mr. Schumer, Ms. Stabenow, Ms. Cantwell, Mr. Nelson of Florida, Mr. Menendez, and Mr. Carper.

COMMITTEE ON FOREIGN RELATIONS: Mr. Kerry (Chairman), Mr. Dodd, Mr. Feingold, Mrs. Boxer, Mr. Menendez, Mr. Cardin, Mr. Casey, Mr. Webb, Ms. Shaheen, Mr. Kaufman, and Majority Leader designee.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Kennedy (Chairman), Mr. Dodd, Mr. Harkin, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mr. Sanders, Mr. Brown, Mr. Casey, Mrs. Hagan, Mr. Merkley, and Majority Leader designee.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Lieberman (Chairman), Mr. Levin, Mr. Akaka, Mr. Carper, Mr. Pryor, Ms. Landrieu, Mrs. McCaskill, Mr. Tester, Mr. Burris, and Majority Leader designee.

COMMITTEE ON THE JUDICIARY: Mr. Leahy (Chairman), Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer, Mr. Durbin, Mr. Cardin, Mr. Whitehouse, Mr. Wyden, Ms. Klobuchar, and Mr. Kaufman.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Schumer (Chairman), Mrs. Feinstein, Mr. Dodd, Mr. Byrd, Mr. Inouye, Mr. Durbin, Mr. Nelson of Nebraska, Mrs. Murray, Mr. Pryor, Mr. Warnert, and Mr. Udall of New Mexico.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Landrieu (Chairperson), Mr. Kerry, Mr. Levin, Mr. Harkin, Mr. Lieberman, Ms. Cantwell, Mr. Bayh, Mr. Pryor, Mr. Cardin, Mrs. Hagan, and Mrs. Shaheen.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Akaka (Chairman), Mr. Rockefeller, Mrs. Murray, Mr. Sanders, Mr. Brown, Mr. Webb, Mr. Tester, Mr. Begich, and Mr. Burris.

SPECIAL COMMITTEE ON AGING: Mr. Kohl (Chairman), Mr. Wyden, Mrs. Lincoln, Mr. Bayh, Mr. Nelson of Florida, Mr. Casey, Mrs. McCaskill, Mr. Whitehouse, Mr. Udall of Colorado, Majority Leader designee, Majority Leader designee, and Majority Leader designee.

COMMITTEE ON THE BUDGET: Mr. Conrad (Chairman), Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr. Byrd, Mr. Nelson of Florida, Ms. Stabenow, Mr. Menendez, Mr. Cardin, Mr. Sanders, Mr. Whitehouse, Mr. Warner, and Mr. Merkley.

SELECT COMMITTEE ON ETHICS: Mrs. Boxer (Chairman), Mr. Pryor, and Mr. Brown.

COMMITTEE ON INDIAN AFFAIRS: Mr. Dorgan (Chairman), Mr. Inouye, Mr. Conrad, Mr. Akaka, Mr. Johnson, Ms. Cantwell, Mr. Tester, Mr. Udall of New Mexico, and Majority Leader designee.

SELECT COMMITTEE ON INTELLIGENCE: Mrs. Feinstein (Chairman), Mr. Rockefeller, Mr. Wyden, Mr. Bayh, Ms. Mikulski, Mr. Feingold, Mr. Nelson of Florida, and Mr. Whitehouse.

JOINT ECONOMIC COMMITTEE: Mr. Schumer (Vice Chairman), Mr. Kennedy, Mr. Bingaman, Ms. Klobuchar, Mr. Casey, and Mr. Webb.

SENATE RESOLUTION 19—MAKING MINORITY PARTY APPOINTMENTS FOR THE 111TH CONGRESS

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 19

Resolved, That the following be the minority membership on the following committee for the remainder of the 111th Congress, or until their successors are appointed:

COMMITTEE ON AGRICULTURE NUTRITION AND FORESTRY: Mr. Chambliss, Mr. Lugar, Mr. Cochran, Mr. McConnell, Mr. Roberts, Mr. Johanns, Mr. Grassley, Mr. Thune, and Republican Leader designee.

COMMITTEE ON APPROPRIATIONS: Mr. Cochran, Mr. Specter, Mr. Bond, Mr. McConnell, Mr. Shelby, Mr. Gregg, Mr. Bennett, Mrs. Hutchison, Mr. Brownback, Mr. Alexander, Ms. Collins, Mr. Voinovich, and Ms. Murkowski.

COMMITTEE ON ARMED SERVICES: Mr. McCain, Mr. Inhofe, Mr. Sessions, Mr. Chambliss, Mr. Graham, Mr. Thune, Mr. Martinez, Mr. Wicker, Mr. Burr, Mr. Vitter, and Ms. Collins.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS: Mr. Shelby, Mr. Bennett, Mr. Bunning, Mr. Crapo, Mr. Martinez, Mr. Corker, Mr. DeMint, Mr. Vitter, Mr. Johanns, and Mrs. Hutchison.

COMMITTEE ON THE BUDGET: Mr. Gregg, Mr. Grassley, Mr. Enzi, Mr. Sessions, Mr. Bunning, Mr. Crapo, Mr. Ensign, Mr. Cornyn, Mr. Graham, and Mr. Alexander.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION: Mrs. Hutchison, Ms. Snowe, Mr. Ensign, Mr. DeMint, Mr. Thune, Mr. Wicker, Mr. Isakson, Mr. Vitter, Mr. Brownback, Mr. Martinez, and Mr. Johanns.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Ms. Murkowski, Mr. Burr, Mr. Barrasso, Mr. Brownback, Mr. Risch, Mr. McCain, Mr. Bennett, Mr. Bunning, Mr. Sessions, and Mr. Corker.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mr. Inhofe, Mr. Voinovich, Mr. Vitter, Mr. Barrasso, Mr. Specter, Mr. Crapo, Mr. Bond, and Mr. Alexander.

COMMITTEE ON FINANCE: Mr. Grassley, Mr. Hatch, Ms. Snowe, Mr. Kyl, Mr. Bunning, Mr. Crapo, Mr. Roberts, Mr. Ensign, Mr. Enzi, and Mr. Cornyn.

COMMITTEE ON FOREIGN RELATIONS: Mr. Lugar, Republican Leader designee, Mr. Corker, Mr. Isakson, Mr. Risch, Mr. DeMint, Mr. Barrasso, and Mr. Wicker.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS: Mr. Enzi, Mr. Gregg, Mr. Alexander, Mr. Burr, Mr. Isakson,

Mr. McCain, Mr. Hatch, Ms. Murkowski, Mr. Coburn, and Mr. Roberts.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins, Republican Leader designee, Mr. Coburn, Mr. McCain, Mr. Voinovich, Mr. Ensign, and Mr. Graham.

COMMITTEE ON THE JUDICIARY: Mr. Specter, Mr. Hatch, Mr. Grassley, Mr. Kyl, Mr. Sessions, Mr. Graham, and Mr. Coburn.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Bennett, Mr. McConnell, Mr. Cochran, Mr. Chambliss, Mrs. Hutchison, Mr. Alexander, Mr. Roberts, and Mr. Ensign.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Snowe, Mr. Bond, Republican Leader designee, Mr. Vitter, Mr. Thune, Mr. Enzi, Mr. Isakson, and Wicker.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Burr, Mr. Specter, Mr. Isakson, Mr. Wicker, and Mr. Johanns, and Mr. Graham.

COMMITTEE ON INDIAN AFFAIRS: Mr. Barrasso, Mr. McCain, Ms. Murkowski, Mr. Coburn, Mr. Crapo, and Mr. Johanns.

SELECT COMMITTEE ON ETHICS: Mr. Isakson, Mr. Roberts, and Mr. Risch.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Bond, Mr. Hatch, Ms. Snowe, Mr. Chambliss, Mr. Burr, Mr. Coburn, and Mr. Risch.

SPECIAL COMMITTEE ON AGING: Mr. Martinez, Mr. Shelby, Ms. Collins, Mr. Specter, Republican Leader designee, Mr. Corker, Mr. Hatch, Mr. Brownback, and Mr. Graham.

ECONOMIC COMMITTEE: Mr. Brownback, Mr. DeMint, Mr. Risch, and Mr. Bennett.

AMENDMENTS SUBMITTED AND PROPOSED

SA 30. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; which was ordered to lie on the table.

SA 31. Mr. DEMINT (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 181, supra; which was ordered to lie on the table.

SA 32. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 181, supra; which was ordered to lie on the table.

SA 33. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 181, supra; which was ordered to lie on the table.

SA 34. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 181, supra; which was ordered to lie on the table.

SA 35. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 181, supra; which was ordered to lie on the table.

SA 36. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 181, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 30. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, lines 21 and 22, strike ''a discriminatory compensation decision'' and insert ''an intentional discriminatory compensation decision''.

On page 3, lines 23 and 24, strike ''a discriminatory compensation decision'' and insert ''an intentional discriminatory compensation decision''.

On page 3, line 25, through page 4, line 1, strike ''a discriminatory compensation decision'' and insert ''an intentional discriminatory compensation decision''.

On page 5, lines 5 and 6, strike ''a discriminatory compensation decision'' and insert ''an intentional discriminatory compensation decision''.

On page 5, line 7, strike ''a discriminatory compensation decision'' and insert ''an intentional discriminatory compensation decision''.

On page 5, line 9, strike ''a discriminatory compensation decision'' and insert ''an intentional discriminatory compensation decision''.

SA 31. Mr. DEMINT (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RIGHT TO WORK.

(a) NATIONAL LABOR RELATIONS ACT.—

(1) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking ''except to'' and all that follows through ''authorized in section 8(a)(3)''.

(2) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(A) in subsection (a)(3), by striking '': *Provided*, That'' and all that follows through ''retaining membership'';

(B) in subsection (b)—

(i) in paragraph (2), by striking ''or to discriminate'' and all that follows through ''retaining membership''; and

(ii) in paragraph (5), by striking ''covered by an agreement authorized under subsection (a)(3) of this section''; and

(C) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(b) AMENDMENT TO THE RAILWAY LABOR ACT.—Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

SA 32. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF WORKERS' POLITICAL RIGHTS.

Title III of the Labor Management Relations Act, 1947 (29 U.S.C. 185 et seq.) is amended by adding at the end the following:

''SEC. 304. PROTECTION OF WORKER'S POLITICAL RIGHTS.

''(a) PROHIBITION.—Except with the separate, prior, written, voluntary authorization of an individual, it shall be unlawful for any labor organization to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used to lobby members of Congress or Congressional staff for the purpose of influencing legislation.

''(b) AUTHORIZATION.—An authorization described in subsection (a) shall remain in effect until revoked and may be revoked at any time.''.

SA 33. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 7. STATUTES OF LIMITATIONS FOR SUITS AGAINST LABOR ORGANIZATIONS.

(a) CIVIL RIGHTS ACT OF 1964.—Section 706(e) of the Civil Rights Act of 1965 (as amended by section 3 of this Act) (42 U.S.C. 2000e–5(e)) is further amended by adding at the end the following:

''(4) Notwithstanding paragraph (1), a charge filed by or on behalf of an individual claiming to be aggrieved against a labor organization shall not be subject to the timing requirements of such paragraph, and the individual may file a charge at any time after the alleged unlawful employment practice has occurred.''.

(b) AGE DISCRIMINATION IN EMPLOYMENT ACT.—Section 7 of the Age Discrimination in Employment Act of 1967 (as amended by section 4 of this Act) (29 U.S.C. 626) is further amended by adding at the end the following:

''(g) STATUTES OF LIMITATIONS FOR SUITS AGAINST LABOR ORGANIZATIONS.—Notwithstanding subsection (d), a charge filed by or on behalf of an individual alleging that a labor organization committed unlawful discrimination against the individual shall not

be subject to the timing requirements of such subsection, and the individual may file a charge at any time after the alleged unlawful employment practice has occurred.''.

(c) APPLICATION TO OTHER LAWS.—Section 5 of this Act shall be applied by substituting ''sections 3 and 7'' for ''section 3'' each place the term occurs.

SA 34. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GOVERNMENT NEUTRALITY IN CONTRACTING.

(a) PURPOSES.—It is the purpose of this section to—

(1) promote and ensure open competition on Federal and federally funded or assisted construction projects;

(2) maintain Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded or assisted construction projects;

(3) reduce construction costs to the Federal Government and to the taxpayers;

(4) expand job opportunities, especially for small and disadvantaged businesses; and

(5) prevent discrimination against Federal Government contractors or their employees based upon labor affiliation or the lack thereof, thereby promoting the economical, nondiscriminatory, and efficient administration and completion of Federal and federally funded or assisted construction projects.

(b) PRESERVATION OF OPEN COMPETITION AND FEDERAL GOVERNMENT NEUTRALITY.—

(1) PROHIBITION.—

(A) GENERAL RULE.—The head of each executive agency that awards any construction contract after the date of enactment of this Act, or that obligates funds pursuant to such a contract, shall ensure that the agency, and any construction manager acting on behalf of the Federal Government with respect to such contract, in its bid specifications, project agreements, or other controlling documents does not—

(i) require or prohibit a bidder, offeror, contractor, or subcontractor from entering into, or adhering to, agreements with 1 or more labor organization, with respect to that construction project or another related construction project; or

(ii) otherwise discriminate against a bidder, offeror, contractor, or subcontractor because such bidder, offeror, contractor, or subcontractor—

(I) became a signatory, or otherwise adhered to, an agreement with 1 or more labor organization with respect to that construction project or another related construction project; or

(II) refused to become a signatory, or otherwise adhere to, an agreement with 1 or more labor organization with respect to that construction project or another related construction project.

(B) APPLICATION OF PROHIBITION.—The provisions of this subsection shall not apply to contracts awarded prior to the date of enactment of this Act, and subcontracts awarded pursuant to such contracts regardless of the date of such subcontracts.

(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to prohibit a contractor or subcontractor from voluntarily entering into an agreement described in such subparagraph.

(2) RECIPIENTS OF GRANTS AND OTHER ASSISTANCE.—The head of each executive agency that awards grants, provides financial assistance, or enters into cooperative agreements for construction projects after the date of enactment of this Act, shall ensure that—

(A) the bid specifications, project agreements, or other controlling documents for such construction projects of a recipient of a grant or financial assistance, or by the parties to a cooperative agreement, do not contain any of the requirements or prohibitions described in clause (i) or (ii) of paragraph (1)(A); or

(B) the bid specifications, project agreements, or other controlling documents for such construction projects of a construction manager acting on behalf of a recipient or party described in subparagraph (A) do not contain any of the requirements or prohibitions described in clause (i) or (ii) of paragraph (1)(A).

(3) FAILURE TO COMPLY.—If an executive agency, a recipient of a grant or financial assistance from an executive agency, a party to a cooperative agreement with an executive agency, or a construction manager acting on behalf of such an agency, recipient, or party, fails to comply with paragraph (1) or (2), the head of the executive agency awarding the contract, grant, or assistance, or entering into the agreement, involved shall take such action, consistent with law, as the head of the agency determines to be appropriate.

(4) EXEMPTIONS.—

(A) IN GENERAL.—The head of an executive agency may exempt a particular project, contract, subcontract, grant, or cooperative agreement from the requirements of 1 or more of the provisions of paragraphs (1) and (2) if the head of such agency determines that special circumstances exist that require an exemption in order to avert an imminent threat to public health or safety or to serve the national security.

(B) SPECIAL CIRCUMSTANCES.—For purposes of subparagraph (A), a finding of ''special circumstances'' may not be based on the possibility or existence of a labor dispute concerning contractors or subcontractors that are nonsignatories to, or that otherwise do not adhere to, agreements with 1 or more labor organization, or labor disputes concerning employees on the project who are not members of, or affiliated with, a labor organization.

(C) ADDITIONAL EXEMPTION FOR CERTAIN PROJECTS.—The head of an executive agency, upon application of an awarding authority, a recipient of grants or financial assistance, a party to a cooperative agreement, or a construction manager acting on behalf of any of such entities, may exempt a particular project from the requirements of any or all of the provisions of paragraphs (1) or (2) if the agency head finds—

(i) that the awarding authority, recipient of grants or financial assistance, party to a cooperative agreement, or construction manager acting on behalf of any of such entities had issued or was a party to, as of the date of the enactment of this Act, bid specifications, project agreements, agreements with one or more labor organizations, or other controlling documents with respect to that particular project, which contained any of the requirements or prohibitions set forth in paragraph (1)(A); and

(ii) that one or more construction contracts subject to such requirements or prohibitions had been awarded as of the date of the enactment of this Act.

(5) FEDERAL ACQUISITION REGULATORY COUNCIL.—With respect to Federal contracts to which this subsection applies, not later than 60 days after the date of enactment of this Act, the Federal Acquisition Regulatory Council shall take appropriate action to amend the Federal Acquisition Regulation to implement the provisions of this subsection.

(6) DEFINITIONS.—In this subsection:

(A) CONSTRUCTION CONTRACT.—The term ''construction contract'' means any contract for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

(B) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given such term in section 105 of title 5, United States Code, except that such term shall not include the Government Accountability Office.

(C) LABOR ORGANIZATION.—The term ''labor organization'' has the meaning given such term in section 701(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d)).

SA 35. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, strike lines 11 through 20 and insert the following:

SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—This Act, and the amendments made by this Act, take effect on the date of enactment of this Act, except as provided in subsection (b).

(b) CLAIMS.—This Act, and the amendments made by this Act, shall apply to each claim of discrimination in compensation under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), title I and section 503 of the Americans with Disabilities Act of 1990, and sections 501 and 504 of the Rehabilitation Act of 1973, if—

(1) the claim results from a discriminatory compensation decision or other practice; and

(2) the discriminatory compensation decision or other practice is adopted on or after that date of enactment.

SA 36. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory

compensation decision or other practice, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 3, strike line 21 and all that follows through page 5, line 9 and insert the following:

in compensation in violation of this title, when an intentional discriminatory compensation decision or other practice is adopted, when an individual becomes subject to an intentional discriminatory compensation decision or other practice, or when an individual is affected by application of an intentional discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

''(B) In addition to any relief authorized by section 1977A of the Revised Statutes (42 U.S.C. 1981a), liability may accrue and an aggrieved person may obtain relief as provided in subsection (g)(1), including recovery of back pay for up to two years preceding the filing of the charge, where the unlawful employment practices that have occurred during the charge filing period are similar or related to unlawful employment practices with regard to discrimination in compensation that occurred outside the time for filing a charge.''.

SEC. 4. DISCRIMINATION IN COMPENSATION BECAUSE OF AGE.

Section 7(d) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(d)) is amended—

(1) in the first sentence—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

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

(2) in the third sentence, by striking ''Upon'' and inserting the following:

''(2) Upon''; and

(3) by adding at the end the following:

''(3) For purposes of this section, an unlawful practice occurs, with respect to discrimination in compensation in violation of this Act, when an intentional discriminatory compensation decision or other practice is adopted, when a person becomes subject to an intentional discriminatory compensation decision or other practice, or when a person is affected by application of an intentional discriminatory compensation decision or other

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, January 21, 2009, at 2 p.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, January 21, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, January 21, 2009, at 3:15 p.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, January 21, 2009, at 2 p.m. to conduct a hearing entitled ''Where Were the Watchdogs? The Financial Crisis and the Breakdown of Financial Governance.''

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

COMMITTEE ON THE JUDICIARY

Mr. KERRY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Wednesday, January 21, 2009, at 2:30 p.m., in room SH–216 of the Hart Senate Office Building.

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

S. RES. 18 AND S. RES. 19

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of S. Res. 18 and S. Res. 19, submitted earlier today; that the resolutions be agreed to, and the motions to reconsider be laid upon the table en bloc. They have been approved by the Republican leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolutions (S. Res. 18 and S. Res. 19) were agreed to, as follows:

S. RES. 18

Resolved, That notwithstanding the provisions of rule XXV, the following shall constitute the majority party's membership on the following standing committees for the 111th Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Harkin (Chairman), Mr. Leahy, Mr. Conrad, Mr. Baucus, Mrs. Lincoln, Ms. Stabenow, Mr. Nelson of Nebraska, Mr. Brown, Mr. Casey, Ms. Klobuchar, Majority Leader designee, and Majority Leader designee.

COMMITTEE ON APPROPRIATIONS: Mr. Inouye (Chairman), Mr. Byrd, Mr. Leahy, Mr. Harkin, Ms. Mikulski, Mr. Kohl, Mrs. Murray, Mr. Dorgan, Mrs. Feinstein, Mr. Durbin, Mr. Johnson, Ms. Landrieu, Mr. Reed, Mr. Lautenberg, Mr. Nelson of Nebraska, Mr. Pryor, and Mr. Tester.

COMMITTEE ON ARMED SERVICES: Mr. Levin (Chairman), Mr. Kennedy, Mr. Byrd, Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mr. Bayh, Mr. Webb, Mrs. McCaskill, Mr. Udall of CO, Mrs. Hagan, Mr. Begich, and Mr. Burris.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Dodd (Chairman), Mr. Johnson, Mr. Reed, Mr. Schumer, Mr. Bayh, Mr. Menendez, Mr. Akaka, Mr. Brown, Mr. Tester, Mr. Kohl, Mr. Warner, Mr. Merkley, and Majority Leader designee.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Rockefeller (Chairman), Mr. Inouye, Mr. Kerry, Mr. Dorgan, Mrs. Boxer, Mr. Nelson of Florida, Ms. Cantwell, Mr. Lautenberg, Mr. Pryor, Mrs. McCaskill, Ms. Klobuchar, Mr. Udall of New Mexico, Mr. Warner, and Mr. Begich.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Bingaman (Chairman), Mr. Dorgan, Mr. Wyden, Mr. Johnson, Ms. Landrieu, Ms. Cantwell, Mr. Menendez, Mrs. Lincoln, Mr. Sanders, Mr. Bayh, Ms. Stabenow, Mr. Udall of Colorado, and Mrs. Shaheen.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mrs. Boxer (Chairman), Mr. Baucus, Mr. Carper, Mr. Lautenberg, Mr. Cardin, Mr. Sanders, Ms. Klobuchar, Mr. Whitehouse, Mr. Udall of New Mexico, Mr. Merkley, and Majority Leader designee.

COMMITTEE ON FINANCE: Mr. Baucus (Chairman), Mr. Rockefeller, Mr. Conrad, Mr. Bingaman, Mr. Kerry, Mrs. Lincoln, Mr. Wyden, Mr. Schumer, Ms. Stabenow, Ms. Cantwell, Mr. Nelson of Florida, Mr. Menendez, and Mr. Carper.

COMMITTEE ON FOREIGN RELATIONS: Mr. Kerry (Chairman), Mr. Dodd, Mr. Feingold, Mrs. Boxer, Mr. Menendez, Mr Cardin, Mr. Casey, Mr. Webb, Ms. Shaheen, Mr. Kaufman, and Majority Leader designee.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Kennedy (Chairman), Mr. Dodd, Mr. Harkin, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mr. Sanders, Mr. Brown, Mr. Casey, Mrs. Hagan, Mr. Merkley, and Majority Leader designee.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Lieberman (Chairman), Mr. Levin, Mr. Akaka, Mr. Carper, Mr. Pryor, Ms. Landrieu, Mrs. McCaskill, Mr. Tester, Mr. Burris, and Majority Leader designee.

COMMITTEE ON THE JUDICIARY: Mr. Leahy (Chairman), Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer Mr. Durbin, Mr. Cardin, Mr. Whitehouse, Mr. Wyden, Ms. Klobuchar, and Mr. Kaufman.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Schumer (Chairman), Mrs. Feinstein, Mr. Dodd, Mr. Byrd, Mr. Inouye, Mr. Durbin, Mr. Nelson of Nebraska, Mrs. Murray, Mr. Pryor, Mr. Warner, and Mr. Udall of New Mexico.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Landrieu (Chairperson), Mr. Kerry, Mr. Levin, Mr. Harkin, Mr. Lieberman, Ms. Cantwell, Mr. Bayh, Mr. Pryor, Mr. Cardin, Mrs. Hagan, and Mrs. Shaheen.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Akaka (Chairman), Mr. Rockefeller, Mrs. Murray, Mr. Sanders, Mr. Brown, Mr. Webb, Mr. Tester, Mr. Begich, and Mr. Burris.

SPECIAL COMMITTEE ON AGING: Mr. Kohl (Chairman), Mr. Wyden, Mrs. Lincoln, Mr. Bayh, Mr. Nelson of Florida, Mr Casey, Mrs. McCaskill, Mr. Whitehouse, Mr. Udall of Colorado, Majority Leader designee, Majority Leader designee, and Majority Leader designee.

COMMITTEE ON THE BUDGET: Mr. Conrad (Chairman), Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr. Byrd, Mr. Nelson of Florida, Ms. Stabenow, Mr. Menendez, Mr. Cardin, Mr. Sanders, Mr. Whitehouse, Mr. Warner, and Mr. Merkley.

SELECT COMMITTEE ON ETHICS: Mrs. Boxer (Chairman), Mr. Pryor, and Mr. Brown.

COMMITTEE ON INDIAN AFFAIRS: Mr. Dorgan (Chairman), Mr. Inouye, Mr. Conrad, Mr. Akaka, Mr. Johnson, Ms. Cantwell, Mr. Tester, Mr. Udall of New Mexico, and Majority Leader designee.

SELECT COMMITTEE ON INTELLIGENCE: Mrs. Feinstein (Chairman), Mr.

Rockefeller, Mr. Wyden, Mr. Bayh, Ms. Mikulski, Mr. Feingold, Mr. Nelson of Florida, and Mr. Whitehouse.

JOINT ECONOMIC COMMITTEE: Mr. Schumer (Vice Chairman), Mr. Kennedy, Mr. Bingaman, Ms. Klobuchar, Mr. Casey, and Mr. Webb.

S. RES. 19

Resolved, That the following be the minority membership on the following committee for the remainder of the 111th Congress, or until their successors are appointed:

COMMITTEE ON AGRICULTURE NUTRITION AND FORESTRY: Mr. Chambliss, Mr. Lugar, Mr. Cochran, Mr. McConnell, Mr. Roberts, Mr. Johanns, Mr. Grassley, Mr. Thune, and Republican Leader designee.

COMMITTEE ON APPROPRIATIONS: Mr. Cochran, Mr. Specter, Mr. Bond, Mr. McConnell, Mr. Shelby, Mr. Gregg, Mr. Bennett, Mrs. Hutchison, Mr. Brownback, Mr. Alexander, Ms. Collins, Mr. Voinovich, and Ms. Murkowski.

COMMITTEE ON ARMED SERVICES: Mr. McCain, Mr. Inhofe, Mr. Sessions, Mr. Chambliss, Mr. Graham, Mr. Thune, Mr. Martinez, Mr. Wicker, Mr. Burr, Mr. Vitter, and Ms. Collins.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS: Mr. Shelby, Mr. Bennett, Mr. Bunning, Mr. Crapo, Mr. Martinez, Mr. Corker, Mr. DeMint, Mr. Vitter, Mr. Johanns, and Mrs. Hutchison.

COMMITTEE ON THE BUDGET: Mr. Gregg, Mr. Grassley, Mr. Enzi, Mr. Sessions, Mr. Bunning, Mr. Crapo, Mr. Ensign, Mr. Cornyn, Mr. Graham, and Mr. Alexander.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION: Mrs. Hutchison, Ms. Snowe, Mr. Ensign, Mr. DeMint, Mr. Thune, Mr. Wicker, Mr. Isakson, Mr. Vitter, Mr. Brownback, Mr. Martinez, and Mr. Johanns.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Ms. Murkowski, Mr. Burr, Mr. Barrasso, Mr. Brownback, Mr. Risch, Mr. McCain, Mr. Bennett, Mr. Bunning, Mr. Sessions, and Mr. Corker.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mr. Inhofe, Mr. Voinovich, Mr. Vitter, Mr. Barrasso, Mr. Specter, Mr. Crapo, Mr. Bond, and Mr. Alexander.

COMMITTEE ON FINANCE: Mr. Grassley, Mr. Hatch, Ms. Snowe, Mr. Kyl, Mr. Bunning, Mr. Crapo, Mr. Roberts, Mr. Ensign, Mr. Enzi, and Mr. Cornyn.

COMMITTEE ON FOREIGN RELATIONS: Mr. Lugar, Republican Leader designee, Mr. Corker, Mr. Isakson, Mr. Risch, Mr. DeMint, Mr. Barrasso, and Mr. Wicker.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS: Mr. Enzi, Mr. Gregg, Mr. Alexander, Mr. Burr, Mr. Isakson, Mr. McCain, Mr. Hatch, Ms. Murkowski, Mr. Coburn, and Mr. Roberts.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins, Republican Leader designee, Mr. Coburn, Mr. McCain, Mr. Voinovich, Mr. Ensign, and Mr. Graham.

COMMITTEE ON THE JUDICIARY: Mr. Specter, Mr. Hatch, Mr. Grassley, Mr. Kyl, Mr. Sessions, Mr. Graham, Mr. Cornyn, and Mr. Coburn.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Bennett, Mr. McConnell, Mr. Cochran, Mr. Chambliss, Mrs. Hutchison, Mr. Alexander, Mr. Roberts, and Mr. Ensign.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Snowe, Mr. Bond, Republican Leader designee, Mr. Vitter, Mr. Thune, Mr. Enzi, Mr. Isakson, and Mr. Wicker.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Burr, Mr. Specter, Mr. Isakson, Mr. Wicker, Mr. Johanns, and Mr. Graham.

COMMITTEE ON INDIAN AFFAIRS: Mr. Barrasso, Mr. McCain, Ms. Murkowski, Mr. Coburn, Mr. Crapo, and Mr. Johanns.

SELECT COMMITTEE ON ETHICS: Mr. Isakson, Mr. Roberts, and Mr. Risch.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Bond, Mr. Hatch, Ms. Snowe, Mr. Chambliss, Mr. Burr, Mr. Coburn, and Mr. Risch.

SPECIAL COMMITTEE ON AGING: Mr. Martinez, Mr. Shelby, Ms. Collins, Mr. Specter, Republican Leader designee, Mr. Corker, Mr. Hatch, Mr. Brownback, and Mr. Graham.

JOINT ECONOMIC COMMITTEE: Mr. Brownback, Mr. DeMint, Mr. Risch, and Mr. Bennett.

MAINTAINING THE SCHEDULE

Mr. REID. Mr. President, we have made good progress on this legislation today, the Ledbetter legislation. I am not filing cloture tonight. I am very confident we will be able to finish this bill tomorrow. If we do not, I will file cloture on it for a weekend cloture vote because we have to finish this bill this week. If people need more time, they want to have some more debate and amendments on Friday, that is fine with me too.

I think this legislation sets a good tone that we can legislate here, people can offer amendments, with no restrictions on the amendments. I think this is the way we need to move forward.

The simple fact that we have 58, 59 Senators should not in any way give us any idea that we can move through here without bipartisan support. So I hope we can do that. But we still have a schedule to maintain. If that cannot be done, we will do some things over the weekend.

Progress is being made with the nominations. I hope once we get some more reported out of the committees, we can move some of them out of here quickly.

We have so much work to do in just a short period of time. Four weeks, basically, is all we have left of this work period, and we are going to finish a number of items. I have announced what they would be. We are going to do that or we are not going to have our Presidents Day recess.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I ask unanimous consent to speak as in morning business.

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

THE WAY FORWARD

Mr. SANDERS. Mr. President, I wish to begin by congratulating Senator MIKULSKI on her continued efforts in fighting for pay equality for women workers. This is a struggle that has gone on for decades. We are making some progress, but we have a long way to go and it is imperative that we pass the Ledbetter legislation.

Yesterday, as everybody in the world knows, Barack Obama was sworn in as the President of the United States. I can tell my colleagues that in my State of Vermont, and I expect all over this country and, in fact, in virtually every country in the world, there was great anticipation and great joy, not only because we have made history in our country by electing the first African American ever elected President, but also because the people of this country demand that we begin moving America in a very different direction than where we have been going for the last 8 years. Unfortunately, as President Obama assumes office, the Congress, the American people, and he are looking out at a set of the most serious problems that our country has faced since the Great Depression. Let me take a very few minutes to give a broad outline of some of those problems and some of the efforts I personally will be making in order to address these crises.

As a result of the outrageous greed and recklessness and dishonesty on the part of a few hundred or a few thousand speculators on Wall Street, our entire financial system is in danger of collapsing. That impacts not only the United States but, in fact, the financial markets all over the world. At this point, the American taxpayer—primarily the middle class—has already put into the TARP bailout some $700 billion, but in addition to that, the Fed has lent out trillions of dollars with virtually no transparency and certainly no accountability. This is a crisis we have to deal with in a number of ways. I will tell my colleagues as somebody who voted against the original bailout and who voted against the second bailout, we have to develop a mechanism that does more than pump hundreds and hundreds of billions of dollars to bail out Wall Street. This is a difficult issue, it is a complicated issue, but it is an issue that we have to address.

Furthermore, in my view, we need an investigation to get at the root of the problem. I reject the idea, as some suggest, that this was a problem caused by everybody; all of us are guilty in causing this financial crisis. That is wrong. The fact is there are a relatively small number of people—by and large people who in the last 5 to 10 years have made hundreds of millions of dollars; in fact, in some cases have accrued billions of dollars of wealth for themselves, who have operated in utter recklessness and, in my suspicion, in illegal mannerisms in order to make these incredible profits and to bring our financial system to the edge of collapse. We need to know who these people are, how they did it, hold them accountable, and create legislation which makes sure that we never, ever again are placed in the position we are in today.

The truth of the matter is that while the financial crisis of the last few months has exacerbated the economic problems that we are facing as a Nation today, for many years, despite the assertions of the Bush administration, the middle class has been in a significant state of decline, poverty has been increasing, and millions of people have lost their health insurance and their

pensions. What is happening today as a result of the financial crisis and the huge increase in unemployment is a situation where when people lose their jobs, they are losing their health insurance; when they are losing their income, they are losing their ability to maintain their homes and they are losing their homes; when they are losing their income, they are unable to take care of their parents, they are unable to send their kids to college, and the dreams many people have fought for their entire working lives are now disappearing. I can tell my colleagues that in the State of Vermont we have received many e-mails and communications from elderly people, elderly workers who have told me that they have spent their whole lives working so they would have a secure retirement, and now that retirement is disappearing with the decline of the stock market. We are in the midst of a grave crisis and we are going to need some bold thinking in order to get out of it.

Not only are we seeing a huge increase in unemployment, people losing their health insurance, poverty increasing, the reality is we continue to have—and we do not talk about this enough—by far the highest rate of childhood poverty of any major Nation on Earth. During my years in the House and my time in the Senate, I have heard some of my colleagues talk about family values. Well, let me say very clearly that having the highest rate of childhood poverty in the industrialized world is not a family value, it is a national disgrace. Every psychologist in the world will tell us that when kids grow up in poverty, when kids do not have early childhood education, when kids go to poor schools, there is a direct correlation between that reality and the fact that we have more people behind bars today, more people in jail than any country in the world, including China. How does that happen, that millions of Americans end up in jail more so than in an authoritarian country such as China? If one thinks it does not have a relationship to the high rate of childhood poverty in this country and the fact that we are not investing in our kids, I think you would be wrong.

Last year, we continued the process of seeing a growing gap between the very rich and everybody else. I know this is not an issue that many people in the Congress choose to talk about, but it is an issue that must be talked about, not only from a sense of morality but from a sense of basic economic well-being. In my view, it is not acceptable that the top one-tenth of 1 percent earn more income than the bottom 50 percent. It is not acceptable that the top 1 percent own more wealth than the bottom 90 percent. The whole issue of greed is something that we as a Congress and as a Nation have to be talking about. Do people need billions and billions and billions of dollars in personal wealth when we have children in this city and all over this country who are living out in the streets and who are denied basic, decent quality childcare? Is that the kind of Nation that we are about?

Since 2000, since the year 2000, nearly 6 million Americans have slipped out of the middle class and into poverty, the median income for working age families has gone down by over $2,300, over 7 million Americans have lost their health insurance, more than 4 million decent paying manufacturing jobs have been lost, and over 4 million workers have lost their pensions. All of those figures will get worse because of the statistics we have seen in recent months because of the financial crisis. The dream of a college education is fading away for many working families in my State and all over this country as college costs go up while incomes go down. We are seeing a situation where hundreds of thousands of qualified students are unable to go to college because they simply don't have the money to do that, and many others are coming out deeply in debt and have to take jobs which they would rather not take in order to pay back their student loans. Meanwhile, in the last 8 years, despite the bailout of Wall Street, with ongoing tax breaks for the very wealthy, and with the war in Iraq, we now have a national debt of over $10.5 trillion.

Another issue this Congress has to deal with is to address the reality that the United States of America remains the only major country on Earth that does not provide health care to all of its people. Yet we end up spending substantially more per capita on health care than any other Nation. But 47 million Americans have no health insurance. Almost 20,000 Americans die every single year because they don't have access to decent primary health care—they can't find a doctor when they need it—and we pay the highest prices in the world for prescription drugs.

With a new President, with a new Congress, the American people are asking whether finally we will have the courage to stand up to the lobbyists who are outside of this building every single day, who are walking the corridors; can we stand up to the insurance companies, can we stand up to the drug companies so that we finally—finally—will provide quality health care, low-cost prescription drugs to every man, woman, and child as a right of citizenship? Will we have the courage to do that? I certainly hope we will.

As we speak, we are currently involved in wars in Iraq and Afghanistan which have cost us not only the lives of thousands and thousands of wonderful young men and women, but they cost us over $10 billion every single month. These wars are also stretching the Army and our National Guard to the breaking point. My hope is that in the next several months we will be developing policy to bring our troops home from Iraq as soon as we possibly can. I hope very much that we will have not only a debate right here in Congress but a national conversation about how we deal with the very difficult issues of Afghanistan.

Despite the reality of global warming, our Nation still, despite decades of talk, has not yet broken our dependency on fossil fuel and foreign oil. In fact, every single year we are spending more than $500 billion bringing in oil from abroad. We have only begun—just begun—to make the advances we need to make in terms of energy efficiency and sustainable energy. As a member of both the Environmental Committee and the Energy Committee, it is my view that we have the potential to create millions of good-paying jobs as we transform our energy system away from fossil fuel to energy efficiency and sustainable energy. We can do that. We must do that.

As my colleagues well know, the major issue that this Congress is going to be dealing with in the next several weeks is an economic recovery program. I strongly support the basic outlines of that program. Obviously, there is going to be a lot of debate about the details within it and the hope that we can target that money in such a way as to create good-paying jobs as quickly as possible in the most cost-effective way imaginable. What I can tell my colleagues is that in my State—and I expect in the other 49 States in this country—our infrastructure is collapsing. We have roads in the State of Vermont which have huge problems. We have all kinds of bridges that are in need of repair in our small towns. We have water systems that are simply inadequate. We have wastewater plants that need to be rebuilt. All of these are very expensive propositions. So in the stimulus package, my hope is that we are going to put substantial sums of money into rebuilding our roads, our bridges, our water systems. I hope we begin to make the investment we need in public transportation—certainly rural public transportation in the State of Vermont—as one of many needs. If you are a worker in one part of the State and you want to go 50 miles to your job, in almost every case there is no public transportation to get you there. If you are a senior citizen and wish to go to the hospital or the grocery store, it is very hard to get there if you do not have a car. I suspect that is true all over rural America. In addition, our rail system is far behind, where Europe, Japan, and even China are now advancing forward. So I hope for and will support a major increase in funding to create a substantial number of new jobs as we rebuild our infrastructure.

In addition—I know President Obama has been very strong on this issue, and I agree with him—we need to invest heavily in energy efficiency. I can tell you that in the State of Vermont and, again, all over this country but especially in cold-weather States, you have older homes where energy is just going through the roof—literally going

through the roof and the windows—because of poor insulation. We can create jobs making our homes, our offices, our schools more energy efficient.

We need to be extremely aggressive, as I mentioned a moment ago, in terms of public transportation.

Also, right now we are on the cusp of major breakthroughs in such renewable technologies as wind, solar, geothermal, and biomass. I suspect that in 20 years, people will see a very different energy system than we have right now. It will be a cleaner system. It will be a system not emitting greenhouse gases.

There is a lot of work that stands in front of us. There was an election in November where the people said: We want change. That is what that election was all about. Unless we are bold, unless we are prepared to take on the big money interests that have dominated legislation for the last many years, there will be a great deal of disappointment all over this country.

Now is the time. There is a lot of enthusiasm in the work President Obama has been doing since he has been elected. There is an enormous amount of hope and confidence in the air that we can move America in a new direction. I hope that with new national leadership, with strong grassroots participation, with a Congress prepared to stand up and take on the powerful special interests that have dominated us for so many years, we can fulfill the faith the American people have expressed in us in recent years and that, in fact, we can move America in a very different direction and become the country all of us know we can become.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—S. 181

Mr. SANDERS. Mr. President, I ask unanimous consent that when the Senate resumes consideration of S. 181, the Lilly Ledbetter Fair Pay Act, on Thursday, January 22, there be up to 60 minutes of debate equally divided between Senator HUTCHISON and Senator MIKULSKI or their designees on the Hutchison amendment No. 25 prior to a vote in relation to the amendment; further, that no amendment be in order to the Hutchison amendment prior to the vote.

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

ORDERS FOR THURSDAY, JANUARY 22, 2009

Mr. SANDERS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Thursday, January 22; 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 for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes; that following morning business, the Senate resume consideration of S. 181, the Lilly Ledbetter Fair Pay Act, as under the previous order.

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

PROGRAM

Mr. SANDERS. Mr. President, the first vote of the day will begin around 11:30 a.m. That vote will be in relation to the Hutchison amendment.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SANDERS. 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.

There being no objection, the Senate, at 7:49 p.m., adjourned until Thursday, January 22, 2009, at 9:30 a.m.

DISCHARGED NOMINATION

The Senate Committee on Foreign Relations was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

HILLARY RODHAM CLINTON, OF NEW YORK, TO BE SECRETARY OF STATE.

CONFIRMATION

Executive nomination confirmed by the Senate Wednesday, January 21, 2009:

DEPARTMENT OF STATE

HILLARY RODHAM CLINTON, OF NEW YORK, TO BE SECRETARY OF STATE.

EXTENSIONS OF REMARKS

RECOGNIZING THE GREECE ROTARY CLUB FOR 50 YEARS OF TREMENDOUS SERVICE TO THE TOWN OF GREECE

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. LEE of New York. Madam Speaker, it is with great pride that I rise today to commemorate the Greece Rotary Club for working for the betterment of the Greece community for 50 years.

The Greece Rotary is made up of more than 100 leaders from the community who volunteer their time and resources to help others and advance goodwill.

The Greece Rotary Club has undertaken many important volunteer projects, including giving out more than 1,600 dictionaries to help bolster children's interest in reading.

The impact of the Greece Rotary has been felt throughout the world as well. Last year, the Rotary worked in conjunction with Rotarians in Africa to complete two community service projects: donating books to Ethiopia and installing clean water systems for elementary schools in Nigeria.

Through its numerous good deeds and unselfish acts, the Greece Rotary has made good on Rotary International's mottos of "Service above self" and "They profit most who serve best." Rotary International works to bring business leaders together for humanitarian service projects and to build trust, goodwill and peace around the world.

Thus Madam Speaker, in recognition of 50 years of tremendous service to the Town of Greece, I ask that this Honorable Body join me in honoring the Greece Rotary Club.

PINELLAS COUNTY, FLORIDA VOLUNTEERS HONORED FOR THEIR WORK TO PROTECT ENVIRONMENTAL LANDS

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. YOUNG of Florida. Madam Speaker, I rise today to honor the more than 500 volunteers with the Pinellas County, Florida, Environmental Lands Division, which help manage and preserve Pinellas County's natural resources. These volunteers, whom I have the privilege to represent, are a diverse group that range from the age of 12 on up.

These volunteers make a vital contribution to the county's environmental protection efforts, ensuring that all citizens and visitors are able to enjoy Florida's native environment. They supplement the efforts of the Environmental Land Division's staff, helping to oversee the nearly 16,000 acres managed by the division. In the first half of 2008 alone, these volunteers provided over 13,605 man hours in a wide range of activities.

The division's conservation efforts were recently honored both regionally and nationally. In April 2008, the National Association of Counties awarded the program with an Act of Caring Award for community improvement. Additionally, in March 2008, the Tampa Bay Regional Planning Council recognized the division for its community service, as well as environmental and public education efforts. Following my remarks, I will include for my colleagues the full story of the volunteer effort as reported by Mariana Minaya of The St. Petersburg Times as well as an editorial from the same paper.

Madam Speaker, the spirit of volunteerism and giving back to the community is alive and well in Pinellas County, Florida and I am honored to represent those who make such an invaluable contribution to the protection of Florida's natural resources. Their hard work and dedication allows the natural beauty of the land to be accessible to all visitors and I would ask my colleagues to join with me today in recognizing their outstanding achievements and to thank them for a job well done.

[From The St. Petersburg Times, July 30, 2008]

500 ENVIRONMENTAL GEMS

(By Mariana Minaya)

Thirty years ago, before development swallowed up swaths of Florida, Pinellas County had the foresight to begin setting aside thousands of acres of land for environmental protection.

Now, a robust corps of volunteers is striving to protect the county's natural resources. The Environmental Lands Division, which manages the county's preserves and other protected areas, has seen its ranks swell to more than 500 people. It is the fastest–growing sector of volunteerism in Pinellas County government.

The division's conservation efforts were recently honored both regionally and nationally. The volunteers are an "invaluable resource" to managing the nearly 16,000 acres under the department's care, said division director Dr. H. Bruce Rinker. Without the volunteers, the division's staff of 34 people would be seriously disadvantaged.

So far this year, volunteers have provided more than 13,605 man hours, equaling more than $263,433. These numbers are up from the 1,387 hours of volunteer service in 1998, the year the division was founded within the department of Environmental Management.

The volunteers care for 30 different ecosystems. They staff educational centers at the Brooker Creek and Weedon Island preserves, maintain trails and grounds, survey flora and fauna, perform clerical work, lead hikes and help with research.

The sheer number of volunteers, the hours of labor they've donated, and the variety of duties they performed impressed judges of two awards programs this year. In April, the National Association of Counties recognized four counties from about two dozen entrants with an Acts of Caring Award for community improvement, said spokesman Bill Cramer.

In March, the Tampa Bay Regional Planning Council recognized the division for its community service, as well as environmental and public education efforts. The division received a $2,500 grant for its volunteer program from the Community Foundation of Tampa Bay.

Judges "were amazed . . . to have a program that has that many volunteers," said Wren Krahl, spokeswoman for the Tampa Bay Regional Planning Council. "The other thing they were impressed with is how much they've accomplished with the stringent budget that they've had."

Over two years, as the division's staff has shrank by 14 positions, the volunteers recognize that the need for them "is real, not feigned," Rinker said. The division wants to grow by 10 percent more volunteer hours each year to offset the effects of staff and budget cuts.

To keep the ranks full, the division keeps the red tape to a minimum, said Kristin O'Meara, the land division's volunteer site coordinator. Once a background check clears, volunteers are open to the wide range of activities. They accept anyone age 12 and up.

Interest appears to be as strong as ever from both young and old. About half the volunteers are retired. About 15 percent are under age 18. Some do it for school requirements; others have a passion for wildlife and nature.

"How can you resist being able to work in the great outdoors?" Rinker said. "Driving down our driveway is like going back in time is what I've heard from people."

That is the appeal for Bill Brown, 62, of East Lake, who lived in Groveland as a child, spending time at his grandmother's boarding house for orange grove workers, living off the land.

"I can remember eating things on the endangered species list," Brown said.

Volunteering gives Brown the freedom that 30 years of office work as an Army Corps of Engineers spokesman never afforded him.

"You don't have a timetable," he said. "They give us a job to do and then turn us loose, which I kind of like."

On Tuesday mornings, he spends about four hours with his buddy, Ty Miramonti, 65, of Tarpon Springs. As a former Navy man and firefighter, Miramonti is the more adventurous and the more experienced, having started in 1993. But once in a while, his wild streak has gotten him literally stuck in the mud, and his partner's caution adds some balance to the team, which has worked together for seven years.

Together, the pair cruises through the Brooker Creek Preserve on a four–wheel drive Ranger, clearing trails with machetes in hand. It's hard work for old men, Brown said, but it lets them stop to soak in the scenery or debate the identities of the critters crawling on them when they need a break.

"It's the type of thing you think an old man wouldn't be interested in doing, but it really is invigorating because you are totally immersed in the environment," Brown said. "It really is cathartic to get out there."

[From The St. Petersburg Times, Aug. 10, 2008]

PRESERVATION REQUIRES VOLUNTEERS

Without an army of volunteers, Pinellas County's environmental lands would become impenetrable jungles dominated by exotic, invasive species.

In no time, these lands that were preserved so residents could always observe native Florida would look nothing like native Florida.

Just how large an army is working at the task was revealed in a recent story in the St. Petersburg Times. Several hundred volunteers have been helping the county's Environmental Lands Division maintain the almost 16,000 acres for which it is responsible.

The sad fact is, even that number of people can scarcely scratch the surface of the work that needs to be done in the county's preserved lands. If more don't help, the battle eventually will be lost.

It is clear that government will not be able to take up the slack, at least not as it is currently configured. Because of budget cuts, the staff of the county's Environmental Lands Division has been reduced by 14 positions and now numbers only 34. And only a handful of those are assigned to full–time maintenance duties in the preserves.

The lands division now is hoping to grow its volunteer ranks by 10 percent each year to offset its staff cuts. All ages are welcomed—even youths from 12 to 18 can volunteer with parental involvement.

A variety of tasks is available to volunteers, from the hard but essential job of removing invasives such as air potato and Brazilian pepper, to leading hikes, doing research and staffing educational centers.

The problem, of course, with relying so heavily on volunteers is that they don't generally spend as many hours at the tasks as paid employees, and they usually insist on flexibility. Some, like Bill Brown of East Lake, can offer a half–day every week to the effort. Few spend as many hours as Reggie Hall, a volunteer who devotes much of his life to maintaining the Ozona Preserve in North Pinellas.

The combined effort of all those environmental volunteers led to recent recognition for the program from the National Association of Counties and the Tampa Bay Regional Planning Council.

The role of volunteers will be even more important in the next few years, as budgets continue to tighten and the pressure on Pinellas environmental lands grows. If you are over 12, and you have a few hours to spare helping to preserve these precious open spaces, consider signing up as an environmental lands volunteer.

HONORING THE WINDSOR HIGH SCHOOL MARCHING BAND FOR THEIR PERFORMANCE IN THE 56TH INAUGURAL PARADE

HON. BETSY MARKEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Ms. MARKEY of Colorado. Madam Speaker, I rise today to honor and congratulate the Windsor High School Marching Band for being selected to march in President Barack Obama's inauguration parade.

In May of 2008, a mile wide tornado cut a 35 mile path through northern Colorado. The tornado resulted in one death and displaced hundreds of residents in the Windsor community. It would be easy to focus on the tragedy of the Windsor tornado when acknowledging the successes of the Windsor High School Marching Band, but to do so would overlook the extraordinary achievements of the band under any circumstance. In 2008, the WHS Marching Band won division first place in three different regional competitions, as well as "High Musical Performance," "High General Effect," and the 2008 Colorado Bandmasters Association Class 3A "State Marching Band Championship."

For President Barack Obama's inaugural parade, the WHS Marching Band performed an original composition by Frank Sullivan entitled "The Four Freedoms." This piece is a musical interpretation of President Franklin Roosevelt's 1941 State of the Union Address to the United States Congress. In the "Four Freedoms" address, FDR made the case for American assistance in World War II by enumerating the four universal freedoms worth fighting for: Freedom of Speech, Freedom of Want, Freedom of Worship, and Freedom of Fear. The state of Colorado and I were privileged to be represented by the Windsor High School Marching Band at the historic inauguration of our 44th president, and I congratulate them on their much deserved success.

A TRIBUTE TO THE MOHONK MOUNTAIN HOUSE, A NATIONAL HISTORIC LANDMARK

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. HINCHEY. Madam Speaker, I rise today to pay tribute to the Mohonk Mountain House, a National Historic Landmark located in Ulster County, New York, which is part of the 22nd Congressional District that I proudly serve. This year marks the 140th anniversary of the founding of the Mohonk Mountain House, and I am delighted to have the opportunity to recognize the resort's rich historical heritage, continued vitality, and its many important contributions to our local community.

Founded as a modest retreat in 1869 by Albert Smiley with his purchase of 280 acres of land and a 10–room tavern, the Mohonk Mountain House has grown into a world renowned resort with over 2,200 acres and 265 guest rooms. Adding to the splendor of this mountaintop resort are an array of award–winning amenities including a state-of-the-art, eco-friendly spa, an outdoor ice-skating pavilion, and a warm and welcoming professional staff. The Mohonk Mountain House is also acclaimed for its many charming attributes such as the numerous and stately wood-burning fireplaces, balconies with glorious views and the 19th Century tradition of afternoon tea. Also, during a stay at the Mountain House, guests can get a glimpse of the resort's historic past in the enhanced museum located in the National Historic Landmark Barn.

Not surprisingly, some of the most remarkable attributes of this Victorian castle retreat are not inside the resort but surrounding it. The Mountain House is situated at the heart of a 26,000-acre natural area which is comprised of private preserves, a state park preserve and the resort property, all within the majestic Shawangunk Mountain range. Equally beautiful during all four seasons, this extraordinary landscape affords resort guests the opportunity to swim in a glacial lake, horseback ride on miles of natural trails, enjoy the bountiful gardens and hike the many and varied trails, both on the resort property and throughout the surrounding preserves. In addition, guests and local residents alike can enjoy opportunities to participate in rock climbing, caving, golfing, cross-county skiing and snowshoeing.

Since its inception, Mohonk Mountain House and its owners, the Smiley family, have been active stewards of the land. In 1963 the Smileys, working with Mohonk Mountain House guests, established the non-profit Mohonk Trust. The goal of this trust was to protect and manage the land for public use. Renamed in 1978 as the Mohonk Preserve, the mission of the Smiley family has continued, and, in fact, sets the standard for mountain stewardship by using science to guide land management. These efforts have helped to ensure that this remarkable landscape is preserved for generations to come.

Madam Speaker, it gives me great pleasure to recognize the Mohonk Mountain House as it enters its 140th year as a family owned and operated resort. I am confident that the Smiley family will not only continue to be outstanding stewards of the land, but also leaders in the hospitably industry and in the management of this National Historic Landmark.

TARP REFORM AND ACCOUNTABILITY ACT OF 2009

SPEECH OF

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, and for other purposes:

Ms. HIRONO. Mr. Chair, I rise in support of H.R. 384, the Troubled Assets Relief Program, TARP, Reform and Accountability Act.

Since this capital purchase program, TARP, was implemented, billions of dollars in taxpayer money have been disbursed to institutions with little to no accountability or oversight over these funds. A congressional oversight panel for TARP funding recently concluded that the Treasury Department essentially does not know how TARP fund recipients are utilizing these funds, and a report released last month by the U.S. Government Accountability Office urged TARP administrators to improve the program's internal controls to better monitor how the funds are being spent.

H.R. 384 amends the TARP provisions of the Emergency Economic Stabilization Act of 2008 to strengthen accountability, close loopholes, and increase transparency of the administration of this program. This bill requires any existing or future institution that receives TARP funding to provide quarterly public reporting on its use of the funding and stipulates that the Treasury Department administer a public database that includes the reporting, data collection, and analysis of use of TARP funds.

Last week the House voted unanimously to require our committees to hold periodic hearings on waste, fraud, and abuse in Government programs. As a cosponsor of this bill, H. Res. 40, I believe that Congress has an obligation to restore accountability and oversight

to government. H.R. 384, the TARP Reform and Accountability Act, is also critical to restoring the American people's faith in our Government and takes us one step closer to getting our country back on track.

Importantly, H.R. 384 requires that a certain amount of TARP funding be committed to foreclosure mitigation and stipulates that the Treasury Secretary develop a comprehensive plan to prevent and mitigate foreclosures on residential mortgages. This legislation also establishes a program to stimulate demand for home purchases and clear inventory of properties so that qualified home buyers can purchase homes at affordable mortgage rates. We cannot move quickly enough to provide assistance to homeowners across the country.

I urge my colleagues to vote for H.R. 384.

RECOGNIZING DR. JOHN B. WEBB'S 90TH BIRTHDAY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. MILLER of Florida. Madam Speaker, I rise today in recognition of a lifetime of service and community involvement from Dr. John B. Webb, who, on January 24, 2009, celebrates his 90th birthday.

The past 90 years have seen many changes in Dr. Webb's life, most of which was spent practicing veterinary medicine. After graduating from Auburn University in 1957, Dr. Webb returned to his hometown in Pensacola, Florida, to begin his own practice. When he opened his first clinic, Dr. Webb was the fifth veterinarian to begin practicing in Escambia County, Florida, and the 575th to begin practicing in the state of Florida. Today, Dr. Webb serves as one of the oldest licensed veterinarians in Escambia County.

Over the years Dr. Webb has received numerous awards for his ongoing role in the northwest Florida community. He served 15 years on the Escambia County Board of Directors for the Florida Farm Bureau as well as 25 years on the board of trustees for the Langley Bell 4–H Center. He is also a past president of the Escambia County Extension Council as well as the Pensacola Interstate Fair.

I have had the pleasure of knowing Dr. Webb for many years now and I am honored to call him a friend. A strong supporter of conservative principles and values, Dr. Webb has always offered his support and friendship to Vicki and me. As he celebrates his 90th birthday, I have much to thank him for from our years of friendship.

For many years to come, the northwest Florida community will continue to benefit from the lasting impression made by Dr. Webb, whose involvement in the community has expanded opportunities to the surrounding area. Madam Speaker, on behalf of the United States Congress, I am proud to recognize Dr. John B. Webb upon his 90th birthday and for his exemplary service in the First District of Florida.

A TRIBUTE TO BISHOP JOHN J. McRAITH

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. GUTHRIE. Madam Speaker, I rise today to honor Bishop John J. McRaith for his faithful service to the Catholic Diocese of Owensboro, Kentucky. He has served the church and his community with distinction for over 26 years. Bishop McRaith, the third bishop of Owensboro, resigned from his position on January 5, 2009.

Bishop McRaith graduated from St. John's Prep School in Collegeville, Minnesota, and Loras College in Dubuque, Iowa. Then, he graduated from the School of Theology, St. Bernard Seminary, Dubuque, Iowa, in 1960 and was subsequently ordained a priest of the Diocese of New Ulm, Minnesota, on February 21, 1960.

Bishop McRaith began serving the Diocese of Owensboro on December 15, 1982. The diocese encompasses 32 counties and covers approximately 12,500 square miles. It includes 79 parishes, three high schools, two middle schools, and 13 elementary schools. In a testament to Bishop McRaith's dedication, he would typically log more than 25,000 miles a year traveling across the diocese.

Known for his humble spirit, Bishop McRaith is quick to credit others with the successes over the last 27 years, including one of the highest church attendance rates in the Nation. Last week he said, "The good things that have happened while I was here, many, many people made them happen."

Beyond his service to the Catholic Church of Western Kentucky, Bishop McRaith serves the community as a board member for Brescia University, the Daniel Pitino Center, the McAuley Free Clinic in Owensboro, and Lourdes Hospital Foundation in Paducah.

Bishop McRaith's devotion is an example for all Kentuckians to follow. I thank Bishop McRaith for his many years of service and commitment to western Kentucky.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009

SPEECH OF

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. YARMUTH. Madam Speaker, Modern medicine can prevent an inconvenient infection from ballooning into a debilitating illness with a relatively simple physician's visit and subsequent treatment. And here in America, with the best medical practices and practitioners in the history of the world, we have the capabilities to keep our Nation's children healthy and their futures bright.

But we aren't doing it.

Up to now, we've chosen not to guarantee the health of our children, instead forcing upon millions of parents the difficult choice of seeking treatment for an ailing child or buying food. Making that potentially life-saving doctor's visit or keeping the lights on.

Today, we have the opportunity to erase that awful dilemma for the working mothers and fathers of more than 4 million children, including tens of thousands in my home State of Kentucky, by extending the State Children's Health Insurance Program. By supporting the SCHIP expansion we help guarantee the inalienable rights of America's children to survive, thrive, and grow up to become healthy adults.

By expanding SCHIP we can prevent the future health problems of our youngest generation so that they never grow up to be burdens on the system. It makes economic sense, but more importantly, it is our moral obligation. I urge my colleagues to join me in supporting this important legislation, as we fight to ensure that a sick child in this great Nation never has to go without care.

HONORING MICHAEL TOLLEFSON

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Michael Tollefson upon his retirement as the Superintendent of Yosemite National Park. After thirty-six years with the National Park Service, Superintendent Tollefson will be honored on Saturday, January 17, 2009 at a party to be held at Curry Village Pavilion, in Yosemite National Park.

Michael Tollefson was raised in Seattle, Washington and graduated from the University of Washington in 1970 with a Bachelor of Arts degree in marketing and finance. He later returned to graduate school to study park management. As a young adult he served in the United States Army Reserves for eight years, attaining the rank of Captain. His introduction into the National Park Service began early in his career. Mr. Tollefson served as the Chief of Interpretation at Virgin Islands National Park. He also spent time as the Chief of Operations at Lake Clark National Park and Preserve, as a District Ranger at Denali National Park and Park Ranger at Katmai National Park all in Alaska. His time in Alaska provided unique challenges in dealing with Alaskan brown bears, fragile coral reefs and endangered humpback whales. He officially began his National Park Service career as a seasonal ranger at North Cascades National Park in 1972.

In 1983, Mr. Tollefson attained his first superintendency position at Glacier Bay National Park and Preserve in Alaska. He managed the 3.3 million acre park for four years. While there, he implemented regulations guiding cruise ship operations in the park for the protection of the Humpback Whales. After four years, he became the Associate Regional Director for Operations in the National Park Service's former Pacific Northwest Region. He was stationed in Seattle and provided support for all aspects of operations to the twenty national park units in Washington, Oregon and Idaho.

In 1995, Superintendent Tollefson moved to Sequoia and Kings Canyon National Parks in California's Southern Sierra Nevada. During his tenure, he was responsible for guiding the restoration of over two hundred acres in the Giant Forest Sequoia Grove to protect the

world's largest organism, the Giant Sequoia Tree. The project involved the removal of over two hundred buildings, and the development of a new hotel complex built outside the grove to replace the visitor facilities. After completing the project, he then served as superintendent of Great Smoky Mountains National Park, the largest federally protected mountain ecosystem in the Eastern United States, spanning between Tennessee and North Carolina. The primary issues emphasized during his tenure included air quality, traffic congestion, educational programs and scientific studies.

In January 2003, Superintendent Tollefson made his way to Yosemite National Park as Superintendent. Over the past six years he has worked tirelessly to guide a major construction program to repair the old infrastructure, improve visitor services, provide increased resource protection and expand gateway partnerships and outreach educational programs. Some of the projects that have been completed under Supervisor Tollefson include new viewing facilities at the foot of Yosemite Falls, improvements to landmark areas such as the famous view spots near the Wawona Tunnel and at Olmsted Point on the Tioga Road, overhauling the valley visitor center, and replacing a fleet of diesel buses with hybrid busses. With the assistance of the Yosemite Fund, the Superintendent has been able to complete a $13.5 million restoration of the approach to Yosemite Falls, a $1.5 million restoration of Olmsted Point and a $13.5 million campaign to improve trails in Yosemite Valley, Mariposa Grove of Redwoods and in the backcountry. Most recently the $3.2 million Tunnel View Restoration Project was completed.

Madam Speaker, I rise today to commend and congratulate Superintendent Michael Tollefson upon his retirement from Yosemite National Park. I invite my colleagues to join me in wishing Superintendent Tollefson many years of continued success.

REMARKS HONORING THE 100TH ANNIVERSARY OF THE HERALD-DISPATCH

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. RAHALL. Madam Speaker, Thomas Jefferson famously observed that were it left up to him "to decide whether we should have a government without newspapers or newspapers without a government," he would "not hesitate a moment to prefer the latter."

Fortunately, Americans have never been forced to make that choice. Jefferson and his fellow Founding Fathers bequeathed us a democratic government that has made us the envy of the world. And, at the same time, the Nation's free press has shown itself fully worthy of the confidence Jefferson voiced in it.

This year, a great newspaper in my native West Virginia, The Herald-Dispatch, marks a major milestone in its long and distinguished history—its 100th anniversary—and I am proud to offer this salute to it.

The Herald-Dispatch published its first issue in Huntington on January 17, 1909.

The newspaper's roots actually stretch back to 1871, the very year of Huntington's birth, when printer O.G. Chase arrived by riverboat and soon was publishing the young city's first newspaper. Known as The Independent, Chase's publication merged in 1875 with the Cabell Press to form a new publication called the Weekly Advertiser. When it later became a daily paper, the name was shortened to The Advertiser.

A rival daily, The Huntington Herald, was launched in 1890. Three years later, in 1893, printer Joseph Harvey Long, arrived in Huntington determined to purchase The Huntington Herald, which he did—paying $100 down and pledging to pay a balance of $1,700. Long published The Herald for only 18 months before selling it and purchasing The Advertiser.

Floyd S. Chapman, a future several-term mayor of Huntington, was first the city editor of The Advertiser, then editor of The Herald. In 1904, he left to begin his own newspaper, The Huntington Dispatch. In 1909, The Herald and The Dispatch merged to become The Herald-Dispatch.

Flash forward two decades and another historic merger occurred in 1927 when The Advertiser and The Herald-Dispatch merged to form the Huntington Publishing Co., with J.H. Long as president. Known to one and all by his honorary title of "Colonel," Long would go on to become the undisputed dean of West Virginia newspapermen.

The staff of The Herald-Dispatch moved into The Advertiser's handsome new building on the corner of Fifth Avenue and Tenth Street, but the two staffs remained separate and highly competitive. The building's presses published The Advertiser each afternoon, The Herald-Dispatch each morning and a combined edition, The Herald-Advertiser, on Sundays.

Over the years, Colonel Long not only made The Advertiser and The Herald-Dispatch the region's leading newspapers, he and his sons also branched out into broadcasting. In 1923, the company purchased WSAZ Radio and in 1949 founded WSAZ–TV, one of the Nation's first television stations.

Colonel Long died in 1958 at age 95.

In 1971, the Gannett Co., one of the Nation's largest newspaper chains, purchased the Huntington Publishing Co. newspapers.

Under Gannett, the newsroom's typewriters gave way to computer terminals, and the noisy Linotype machines that once spit out lines of hot metal type were consigned to the junkyard.

In 1979, The Advertiser became one of many afternoon newspapers to cease publication, a victim of changing tastes on the part of readers who now prefer morning newspapers. At the same time, the Sunday Herald-Advertiser nameplate was retired and The Herald-Dispatch became a seven-day-a-week publication. Many long-time staffers on The Advertiser moved over to The Herald-Dispatch.

Gannett published The Herald-Dispatch for 36 years, until May of 2007 when the company sold it to another national chain, Gatehouse Media. A month later, Gatehouse in turn sold the newspaper to a Huntington company, Champion Printing, thus returning it to local ownership.

And indeed, the heart and spirit of America's free press, from the beginning, have been individuals dedicated to keeping the public informed, communities educated, and discourse alive and well. Throughout its century of living, the Herald Dispatch's corps of employees has kept the interest and needs of its neighbors foremost in their writing, coverage and opining.

On this, its 100th anniversary, I extend my hearty congratulations to The Herald-Dispatch. May it continue to inform and entertain its thousands of readers for many, many years to come.

TARP REFORM AND ACCOUNTABILITY ACT OF 2009

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, and for other purposes:

Mr. ETHERIDGE. Mr. Chair, I rise in support of H.R. 384, TARP Reform and Accountability Act of 2009. This bill makes critical adjustments to the Troubled Assets Relief Program, TARP.

On October 3rd of last year, I voted in favor of the Emergency Economic Stabilization Act in response to the continued economic turmoil across the country. This bill created the TARP initiative to address many of the ills plaguing our economy. However, like many Americans, I have been disappointed in how the administration has managed this initiative. H.R. 384 addresses these concerns by closing loopholes, increasing transparency, and strengthening accountability in the TARP. H.R. 384 strengthens executive compensation restrictions against "golden parachutes" for retiring executives and prohibits bonuses for the 25 highest paid employees of a company receiving TARP funds. This bill also adds new strengthened reporting requirements for companies to detail their planning and use of TARP funds.

While we must continue to work to revive the credit market for consumers, TARP funds also need to be targeted to the thousands of American families facing the prospect of home foreclosure. I am pleased that H.R. 384 mandates that the Treasury Department use up to $100 billion of the TARP funding to develop a foreclosure mitigation plan. In addition, H.R. 384 includes provisions that lower premiums for consumers that are taking part in the Hope for Homeowners initiative, as well as provisions that will direct the Treasury Department to ensure the availability of affordable mortgage rates for qualified home buyers. These changes benefit the hundreds of thousands of Americans who are facing foreclosure, as well as stimulating the home buying industry and benefiting our struggling economy. Finally, this bill increases confidence in the financial industry by permanently providing Federal deposit insurance for deposits up to $250,000.

The provisions of H.R. 384 help ensure that the TARP will be better used to address the needs of millions of Americans who are struggling to get credit from lenders, hold on to their savings, and avoid home foreclosures. I support H.R. 384, TARP Reform and Accountability Act of 2009, and I urge my colleagues to join me in voting for its passage.

HONORING VENTURA COUNTY ECONOMIC DEVELOPMENT ASSOCIATION 60TH ANNIVERSARY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mrs. CAPPS. Madam Speaker, today I rise to honor the 60th anniversary of the Ventura County Economic Development Association, VCEDA.

In the past two decades, VCEDA has been actively involved in a myriad of projects aimed at maintaining the economic vitality of the county, including BRAC '95 and '05 to protect our military bases; mediating air quality issues to resolve differences and prevent costly court battles; working with schools, businesses and corporate executives to determine needs for a skilled trained workforce; and working with local governments to remove unwarranted obstacles to the growth of business and industry.

VCEDA has played an important role in bringing and continuing to support Channel Islands State University in Ventura County. And it has set a goal of working with all educators at all levels to ensure that the upcoming workforce is ready to meet the needs of business in the 21st century.

Most recently, VCEDA has been recognized as ''The Champion of Job Growth'' by the Workforce Investment Board of Ventura County, ''The Small Business Advocate'' by the Pacific Coast Business Times and received ''The Distinguished Business Leader Award'' by the Ventura County Leadership Academy.

I commend VCEDA for its outstanding leadership and commitment in serving the needs of its members and the surrounding community.

HONORING THE LIFE OF T.D. STEINKE

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. EDWARDS of Texas. Madam Speaker, I rise today to honor the memory of T.D. Steinke.

I will deeply miss our friend. T.D. Steinke. It has been a blessing in my life to have had T.D. as a friend for 26 years.

T.D. always stood up for the dignity of average working families. In doing so, he inspired me and so many others to remember the people who are the heart and soul of our Nation's economy and our values.

I guess it's a surprise to no one that T.D. was a Democrat's Democrat.

That is why my prayer today is that St. Peter is not a Republican. However, if I am wrong, I have no doubt that T.D. is working to convert him.

As I listened to President Obama's inaugural address yesterday, I couldn't help but think about T.D. and how much he would have savored a Democrat being sworn in as our new president.

Then, as I looked out at the crowds of over 2 million people, I realized that T.D. had just decided he would rather watch the inauguration from a better place.

Ruth, I want to thank you and your family for sharing T.D. with all of us, who will always be part of our family.

I thank God for giving us the blessing of T.D. and pray that He will give you strength and comfort in the years and days ahead.

TARP REFORM AND ACCOUNTABILITY ACT OF 2009

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H.R. 384, the Troubled Assets Relief Program (TARP) Reform and Accountability Act of 2009. This bill will amend the TARP provisions of the Emergency Economic Stabilization Act of 2008, EESA, to strengthen accountability, close loopholes, increase transparency, and most importantly, require the Treasury Department to take significant steps on foreclosure mitigation.

Madam Speaker, I was particularly pleased to work with Chairman FRANK and his staff on significant portions of the Manager's amendment to this legislation which ensures that small and minority businesses along with local, community, and private banks gain fair and equitable access to the TARP funds.

It's been 3 months since the Treasury started disbursing TARP funds. Just in time perhaps for a lot of big banks, however smaller banks have been locked out so far. A lot of small banks certainly are in need of relief as the real estate crisis continues to unfold and hundreds have already applied.

According to recent reports, the Treasury Department has yet to issue ''the necessary guidelines for about 3,000 additional private banks. Most of them are set up as partnerships, with no more than 100 shareholders. They are not able to issue preferred shares to the government in exchange for capital injections, as other banks can.'' While Treasury officials state they are ''working on a solution,'' for these private banks time is of the essence.

The Treasury Department has handed out more than $155 billion to 77 banks. Of that sum, $115 billion has gone to the eight largest banks. Community banks hold 11 percent of the industry's total assets and play a vital role in small business and agriculture lending. Community banks provide 29 percent of small commercial and industrial loans, 40 percent of small commercial real estate loans and 77 percent of small agricultural production loans.

This Manager's amendment requires that the Treasury Department act promptly to permit smaller community financial institutions and specifically private banks that have been shut out so far in participating on the same terms as the large financial institutions that have already received funds.

This is a major change for millions of Americans who bank in private banks and who deserve the same access to needed capital. Small businesses are the backbone of our Nation, and unfortunately, they have not been afforded the opportunity that large financial institutions have received to TARP funds and loans. Small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country. Small business growth means economic growth for the Nation. We cannot stabilize and revitalize our economy without ensuring the inclusion and participation of the small business segment of our economy. With the ever worsening economic crisis, we must ensure in this legislation that small and minority businesses and community banks are afforded an opportunity to benefit from this important legislation. I am very pleased that the Manager's amendment will affect this change.

In Section 107, the Manager's amendment creates an Office of Minority and Women Inclusion, which will be responsible for developing and implementing standards and procedures to ensure the inclusion and utilization of minority and women-owned businesses. These businesses will include financial institutions, investment banking firms, mortgage banking firms, broker-dealers, accountants, and consultants.

Furthermore, the inclusion of these businesses should be at all levels, including procurement, insurance, and all types of contracts such as the issuance or guarantee of debt, equity, or mortgage-related securities. This office will also be responsible for diversity in the management, employment, and business activities of the TARP, including the management of mortgage and securities portfolios, making of equity investments, the sale and servicing of mortgage loans, and the implementation its affordable housing programs and initiatives.

Section 107 also calls for the Secretary of the Treasury to report to Congress in 180 days detailed information describing the actions taken by the Office of Minority and Women Inclusion, which will include a statement of the total amounts provided under TARP to small, minority, and women-owned businesses. The Manager's amendment in Section 404 also has clarifying language ensuring that the Secretary has authority to support the availability of small business loans and loans to minority and disadvantaged businesses.

This will be critical to ensuring that small and minority businesses have access to loans, financing, and purchase of asset-backed securities directly through the Treasury Department or the Federal Reserve.

H.R. 384 reforms TARP by increasing oversight, reporting, monitoring and accountability. It requires any existing or future institution that receives funding under TARP to provide no less than quarterly public reporting on its use of TARP funding. Any insured depository institution that receives funding under TARP is required to report quarterly on the amount of any increased lending (or reduction in decrease of lending) and related activity attributable to such financial assistance.

In connection with any new receipt of TARP funds, Treasury is also required to reach an agreement with the institution, and its primary Federal regulator on how the funds are to be used and benchmarks the institution is required to meet so as to advance the purposes of the Act to strengthen the soundness of the financial system and the availability of credit to the economy. In addition, a recipient institution's primary Federal regulator must specifically examine use of funds and compliance

with any program requirements, including executive compensation and any specific agreement terms.

Madam Speaker, I am pleased that this legislation has strong requirements regarding executive compensation. For any new receipt of TARP funds (except those by small financial institutions), this legislation applies the most stringent non-tax executive compensation restrictions from EESA across the board including:

1. Requiring Treasury to prohibit incentives that encourage excessive risks,
2. Providing for claw-back of compensation received based on materially inaccurate statements; and
3. Prohibits all golden parachute payment for the duration of the investment.

Included in this legislation is a requirement of government board representation by authorizing Treasury to have an observer at board or board committee meetings of recipient institutions. This legislation changes to structure and authority of TARP board—the Financial Stability Oversight Board is expanded to include the chairman of the FDIC and two additional members who are not currently Federal employees, who shall be appointed by the President and subject to Senate confirmation. The board will have the authority to overturn policy decisions of the Treasury Secretary by a ⅔ vote.

Madam Speaker, the Act provides that the second $350 billion is conditioned on the use of up to $100 billion, but no less than $40 billion, for foreclosure mitigation, with plan required by March 15, 2009. By that date, the Secretary shall develop, subject to TARP Board approval, a comprehensive plan to prevent and mitigate foreclosures on residential mortgages. The Secretary shall begin committing TARP funds to implement the plan no later than April 1, 2009. The Secretary must certify to Congress by May 15, 2009, if he has not committed more than the required minimum $40 billion.

The foreclosure mitigation plans must apply only to owner-occupied residences and shall leverage private capital to the maximum extent possible consistent with maximizing prevention of foreclosures. Treasury must use some combination of the following program alternatives:

1. Guarantee program for qualifying loan modifications under a systematic plan, which may be delegated to the FDIC or other contractor
2. Bringing costs of Hope for Homeowner loans down (beyond mandatory changes in Title V below), either through coverage of fees, purchasing H4H mortgages to ensure affordable rates, or both
3. Program for loans to pay down second lien mortgages that are impeding a loan modification subject to any writedown by existing lender Treasury may require
4. Servicer incentives/assistance—payments to servicers in connection with implementation of qualifying loan modifications
5. Purchase of whole loans for the purpose of modifying or refinancing the loans (with authorization to delegate to FDIC)

In consultation with the FDIC and HUD and with the approval of the board, Treasury may determine that modifications to an initial plan are necessary to achieve the purposes of this act or that modifications to component programs of the plan are necessary to maximize prevention of foreclosure and minimize costs to the taxpayers.

A safe harbor from liability is provided to servicers who engage in loan modifications, regardless of any provisions in a servicing agreement, so long as the servicer acts in a manner consistent with the duty established in the Homeowner Emergency Relief Act, maximize the net present value, NPV, of pooled mortgages to all investors as a whole; engage in loan modifications for mortgages that are in default or for which default is reasonably foreseeable; the property is owner-occupied; the anticipated recovery on the mod would exceed, on an NPV basis, the anticipated recovery through foreclosure.

This bill requires persons who bring suit unsuccessfully against servicers for engaging in loan modifications under the Act to pay the servicers' court costs and legal fees. It also requires Servicers who modify loans under the safe harbor to regularly report to the Treasury on the extent, scope and results of the servicer's modification activities.

In addition to the above requirements, an Oversight Panel is required to report to Congress by July 1 on the actions taken by Treasury on foreclosure mitigation and the impact and effectiveness of the actions in minimizing foreclosures and minimizing costs to the taxpayers.

H.R. 384 clarifies and confirms Treasury authorization to provide assistance to automobile manufacturers under the TARP. With respect to the assistance already provided to the domestic automobile industry, includes conditions of the House auto bill, including long-term restructuring requirements.

There is further clarification on:

Treasury's authority to provide support to the financing arms of automakers for financing activities is clarified to ensure that they can continue to provide needed credit, including through dealer and other financing of consumer and business auto and other vehicle loans and dealer floor loans.

Treasury's authority to establish facilities to support the availability of consumer loans, such as student loans, and auto and other vehicle loans. Such support may include the purchase of asset-backed securities, directly or through the Federal Reserve.

Treasury's authority to provide support for commercial real estate loans and mortgage-backed securities.

Treasury's authority to provide support to issuers of municipal securities, including through the direct purchase of municipal securities or the provision of credit enhancements in connection with any Federal Reserve facility to finance the purchase of municipal securities.

In addition, more reforms are enunciated for Homeowners in Title V. The Home Buyer Stimulus provisions require Treasury to develop a program, outside of the TARP, to stimulate demand for home purchases and clear inventory of properties, including through ensuring the availability of affordable mortgage rates for qualified home buyers.

In developing such a program Treasury may take into consideration impact on areas with the highest inventories of foreclosed properties. The programs will be executed through the purchase of mortgages and MBS using funding under HERA. Treasury will provide mechanisms to ensure availability of such reduced rate loans through financial institutions that act as either originators or as portfolio lenders.

Under this provision, Treasury has to make affordable rates available under this program available in connection with Hope for Homeowner refinancing program.

This legislation will give a permanent increase in FDIC and NCUA Deposit Insurance Limits, it makes permanent the increase in deposit insurance coverage for banks and credit unions to $250,000, which was enacted temporarily as part of the Emergency Economic Stabilization Act and is scheduled to sunset on December 31, 2009, and includes an inflation adjustment provision for future coverage.

Finally, I applaud Chairman FRANK and the Committee on Financial Services for their hard work on this important piece of legislation. In this economic climate it is critical for us to remember that while we need to assist our financial institutions, we cannot do this without implementing reforms to protect Americans' hard-earned money.

Madam Speaker, I strongly urge my colleagues to join me in support of this important legislation.

HONORING DR. LUIS CONTE-AGUERO

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Ms. ROS-LEHTINEN. Madam Speaker, I would like to take this opportunity to recognize the life and work of Dr. Luis Conte-Aguero who has devoted himself to fighting communism in Cuba and spreading democracy throughout the entirety of Latin America.

While Dr. Luis Conte-Aguero is not a native-born American, he has served as a shining example of patriotism for all in our community. Since his arrival to the U.S. in 1960, he has worked tirelessly for freedom and democracy around the globe.

As a young philosophy student at the University of Havana, Dr. Conte-Aguero befriended another student named Fidel Castro. However, after the fall of President Fulgencio Batista, Castro revealed his true intentions for Cuba. Dr. Conte-Aguero vehemently fought Castro in hopes of preventing Cuba from becoming a communist state.

In 1960, Dr. Conte-Aguero was forced to flee Cuba, leaving his home and everything that he knew and loved. He took with him nine handwritten notes in his pocket which Fidel Castro wrote him while in prison in the 1950's. The Prison Letters of Fidel Castro has since served as a platform from which Dr. Conte-Aguero could expose the atrocities committed by Castro to the world.

The Prison Letters of Fidel Castro was only the beginning for this storied and well celebrated poet whose honors are numerous, meritorious, and well-deserved. The Dominican Republic has honored him as ''The Highest Voice in America''; in Uruguay, he was selected by delegates from 14 nations to be the President of Alliance for Freedom; and his contributions to the Dominican Republic and its quest for freedom were recognized by the country's armed forces in 1965 when he was awarded the title of ''Continental Leader and Standard Bearer of Democracy in America.''

I pray that many more in America and around the world will choose to follow the example of Dr. Luis Conte-Aguero. It is a blessing that the elegance of his pen will preserve

his legacy for future generations so that they may also choose to expose the crimes of tyrants and fight for the freedom of all people.

Thank you, Dr. Conte-Aguero.

TARP REFORM AND ACCOUNTABILITY ACT OF 2009

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, and for other purposes:

Mr. STARK. Mr. Chair, I rise today in support of H.R. 384, the TARP Reform and Accountability Act.

I am one of the few members on my side of the aisle to vote against the TARP bill both times it came before this House. I did so because I believed that it rewarded the very entities that built the financial house of cards that has come crashing down. The Bush Administration pressed this body to act with all haste based on faulty information about the problems we faced and with scant explanation for how the resources requested would be used. The bill left too much discretion to the Secretary, and provided too little oversight of the historic outlay of taxpayer funds. I compared the Bush Administration's rush to bail out Wall Street to their rush to invade Iraq. I take no pleasure in being right on this score—but the management of the first outlay of TARP funds has been erratic and inefficient. In fact, the execution of this bailout provides the perfect thumbnail of the eight years of the Bush Administration: they didn't have a plan, they didn't do what they said they were going to do, they didn't take care of struggling homeowners, but made sure to look after the interests of big business. The mission was not accomplished.

I do not support the release of additional TARP funds and will vote to withhold those funds if such a bill comes before the House. Today, however, we have a chance to make a bad law better and that deserves our support. The reforms in this bill are the conditions that should have been included in the original package. This bill requires reporting by institutions that receive taxpayer money and requires Treasury to reach an agreement with institutions that take taxpayer funds on exactly how those funds will be used. This bill also limits the ability for those institutions to use taxpayer funds to pay their executives big bonuses that encourage short-term risk taking.

Most importantly, this bill mandates that the Treasury Department commit significant funds—up to $100 billion—to foreclosure mitigation and keeping people in the homes they own or rent.

Our Nation is in a deep recession and people at all economic levels are feeling the pain. People struggling to make ends meet are having a tough time understanding why our government is using tax money to bail out the bank that is foreclosing on their home. The first $350 billion is gone with very little to show for it. I would prefer that Congress go back to the drawing board and develop a comprehensive program to save people's houses without rewarding the institutions that made bad loans. In the absence of such action, I support H.R. 384, because we must ensure that at least some of the second $350 billion of taxpayer dollars goes to help people stay in their homes and weather this recession.

AMERICA MUST STAND WITH HUMAN RIGHTS DEFENDERS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. WOLF. Madam Speaker, I would like to share with our colleagues an editorial in the New York Times highlighting the case of Iranian human rights activist, and Nobel Prize laureate, Shirin Ebadi, who faces harassment and intimidation at the hands of the Iranian government.

She is not alone.

According to the most recent State Department Human Rights Report, "[Iran's] poor human rights record worsened, and it continued to commit numerous, serious abuses . . . Security forces arbitrarily arrested and detained individuals and held political prisoners and women's rights activists. There was a lack of judicial independence and of fair public trials. The government severely restricted civil liberties, including freedoms of speech, press, assembly, association, movement, and privacy. The government placed severe restrictions on freedom of religion. Official corruption and a lack of government transparency persisted."

We must continue to stand with human rights defenders like Shirin Ebadi, who is bravely confronting her own government's injustices.

[From the New York Times, January 2, 2009]

THE WOMAN THE MULLAHS FEAR

(Editorial)

Men hold all of the meaningful levers of political power in Iran, but it is a woman they fear. If not, why is the mullah-led government trying to shut down the operations of Shirin Ebadi?

Ms. Ebadi, a lawyer and her country's leading human rights activist, is the first Muslim woman to win a Nobel Peace Prize. On Monday, the authorities stormed her private office, seizing her computers and her clients' documents. A week earlier, they closed her Center for Defenders of Human Rights, a coalition of human rights groups and other activists whose members had planned to celebrate the 60th anniversary of the United Nations' Universal Declaration of Human Rights.

When she was awarded the peace prize in 2003, the Nobel committee called Ms. Ebadi "a courageous person" for standing up against Iran's bullying government. In the years since, she has endured repeated death threats from radical groups and regular government intimidation. That courage has never faltered.

With presidential elections scheduled for June, President Mahmoud Ahmadinejad and his allies apparently decided they could not risk letting Ms. Ebadi continue the work she has done with distinction (and without pay) for the past 15 years—exposing government violations of human rights and defending human rights and democracy activists.

No doubt the authorities were unhappy with a report produced by her center that was cited recently by the United Nations' secretary general, Ban Ki-moon, when the General Assembly approved a nonbinding resolution condemning Iran's human rights record. But we suspect their ambitions go far beyond trying to suppress one report. They are clearly hoping to intimidate Ms. Ebadi and all other independent voices in Iran. That must not be allowed to happen.

We condemn Tehran's mistreatment of this woman of extraordinary honor and courage. We urge the United States, Europe and other major powers to keep pressure on Iran to ensure that no further harm comes to Ms. Ebadi and that she remains free to do her essential work.

If Tehran wants relief from international criticism about its human rights record, it must start by adhering to the Universal Declaration of Human Rights and respecting the rights of all of its citizens.

JACK HAMILTON AND THE COMMUNITY ACTION AGENCY OF SOMERVILLE

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. CAPUANO. Madam Speaker, I rise to pay tribute to my friend and constituent, Jack Hamilton, who is retiring after almost three decades as Executive Director of CAAS, the Community Action Agency of Somerville. Jack is the man who made both "community" and "action" a reality in the day to day work of the agency. He fought poverty and discrimination every day of his adult life. He communicated a sense of urgency to his staff and inspired both colleagues and clients with his deep commitment to the dignity and well-being of every person.

Under his leadership an anti-poverty agency grew to offer services ranging from early childhood education and parenting support, to help for tenants, access to health care, and advocacy for the disabled. He was an active citizen, far beyond what would have been expected of him as CAAS Executive Director, and he encouraged others to become involved. He never shied away from personal involvement in electoral politics, for and against those candidates whom he saw as worthy, or unworthy, of support, but he never let petty political differences limit his effectiveness.

Jack worked with elected officials and with me when I served as Mayor, collegially and constructively, but he never withheld his criticism when he felt a rebuke was necessary. Above all, he was determined to work with anyone and everyone engaged in an important issue, to cooperate and to understand such honest differences as might arise. He is a man of compassion and integrity, capable of righteous indignation and generous anger. I am proud to be his friend and I am grateful for his service to the city we both love.

ISRAEL'S RIGHT TO DEFEND HERSELF FROM ATTACK

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. HENSARLING. Madam Speaker, as a Member of Congress it is a high honor to cast my vote in the people's House. In my career, I have exercised that privilege over 4,200 times. While my record is not perfect, I am proud that last year I participated in 99 percent of all votes.

That is all the more reason why I am filled with regret that I unintentionally missed my opportunity to cast a vote last Friday on Rollcall No. 10, the resolution recognizing Israel's right to defend herself against attacks from Gaza. As a longtime supporter of Israel and her right to exist, I want to inform the House that were I present for the vote, I would have voted in favor of this important resolution.

Madam Speaker, I offer my strong support of Israel and H. Res. 34. Since the withdrawal of Israeli troops from Gaza in 2005, Hamas has continually launched thousands of rockets into southern Israel, killing innocent civilians, destroying vital infrastructure and private property, and holding hostage virtually all southern Israel's residents.

Though the Egyptian-brokered ceasefire of June 2008 reduced the number of rocket attacks from Gaza, the attacks never fully ended. Instead, Hamas and its foreign allies used this opportunity to smuggle more weapons into the region. Once the ceasefire expired on December 19, 2008, Hamas resumed its daily attacks on Israel with increased ferocity using its new and improved longer range Iranian-made rockets smuggled in during the ceasefire. Israel was left with little choice but to retaliate against these attacks by targeting Hamas' military forces and weapons stockpiles.

While any loss of life is deplorable, the fact remains that it was Hamas who forced Israel to resort to a military solution. Thus, I offer Israel my full support in the efforts to protect her citizens. If America fell under the same daily barrage of rocket attacks, we would not hesitate to strike back with military force, nor would we seek permission to take the necessary steps to protect our citizens.

Madam Speaker, Israel has a legal, moral, and historical right to exist in peace with secure and defensible borders. While it is my earnest prayer that this current conflict may be resolved shortly through a durable and sustainable ceasefire, Israel cannot put at risk the security of her people by allowing Hamas to continue to export violence from Gaza.

The loss of innocent civilian life is tragic and it is deplorable that Hamas complicates Israel's attempts to avoid civilian casualties by stockpiling weapons in homes and in mosques and using public places like schools to launch their sinister attacks on Israel. The Palestinian people deserve better.

Peace can never be achieved so long as terrorist groups like Hamas continue to operate. Israel has been our staunchest ally in the Middle East and a full partner in the global war against radical jihadists—individuals who would destroy our Nation, our children, our values, and the very existence of Western civilization. We must continue to support Israel's right to defend herself against those who seek to destroy her and continue to support efforts to bring a lasting peace between Israel and her neighbors.

Madam Speaker, I support H. Res. 34 and Israel's right to defend herself from attack.

AFFIRMATION OF SUPPORT TOWARDS THE STATE OF ISRAEL

HON. TRAVIS W. CHILDERS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. CHILDERS. Madam Speaker, I rise today to affirm that Hamas's continued and violent attacks against Israel have again undermined the potential for peace under already tenuous conditions, harming both Palestinians and Israeli civilians in an unprovoked assault. I join many of my fellow Americans in calling for Hamas to end its attacks, recognize Israel's right to exist, dismantle its terrorist infrastructure, and accept previous agreements between Israel and the Palestinians. I was proud to vote last week with a bipartisan majority of my colleagues in support of H. Res. 34, expressing our continued commitment to the welfare and survival of Israel, and recognizing its right to act in self-defense.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009

SPEECH OF

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Ms. ROYBAL-ALLARD. Madam Speaker, I rise in support of H.R. 2, the Children's Health Insurance Program Reauthorization Act of 2009. This bill represents a strong bipartisan first step to reform our broken health care system by guaranteeing that millions of uninsured children will have the health care that they need. Its passage will bring a symbolic end to the broken promises of the Bush Administration, which twice chose to deny coverage to 4 million children in desperate need of health care.

Over the past decade the State Children's Health Insurance Program (SCHIP) has helped reduce the number of uninsured children by one-third and has made significant progress in improving the health of low-income children. H.R. 2 will reauthorize this critical program until 2013, ensuring that 7 million children currently covered by SCHIP continue to receive health coverage. Equally as important, this bill will extend health coverage to an additional 4 million low-income children who are currently uninsured.

The Children's Health Insurance Program Reauthorization Act of 2009 strengthens SCHIP by including incentives for states to develop effective outreach and enroll more eligible children. In addition, the bill improves access to both mental health services and dental health care, and offers states the option to cover targeted low-income pregnant women as a way to provide the essential prenatal care that can help reduce birth defects.

I am particularly grateful that our leadership has chosen to include the provisions of the Immigrant Children's Health Improvement Act in this SCHIP reauthorization. This provision will restore the states' option to provide coverage to legal immigrant children who meet all other eligibility criteria, thereby seizing the opportunity to address health disparities in communities of color that historically have had very poor access to health care.

Madam Speaker, I believe this bill takes a giant step forward in honoring our moral imperative to ensure that age, race and income do not determine the health status of our children. I am proud to vote for its passage today, to protect our commitment to our children, and to offer them the promise of a healthier tomorrow.

HONORING MARY ANN RIOJAS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2009

Mr. RADANOVICH. Madam Speaker, I rise today, along with my colleagues, Representative JIM COSTA and Representative DEVIN NUNES, to commend and congratulate Mary Ann Riojas upon being selected by ABC's reality television show, "Extreme Makeover: Home Edition." Ms. Riojas and her family were surprised by Ty Pennington and his crew on January 8, 2009 at their home in Fresno, CA.

Mary Ann Riojas was born without legs and with only one fully developed arm. As a child, Ms. Riojas was placed into the foster care system, and was faced with an unstable home life. She began to gain her independence when she was introduced into the Easter Seals program and they provided her with her first wheelchair. With this wheelchair she was able to attend Easter Seals Camp Harmon in the Santa Cruz Mountains. At Camp Harmon she learned how to swim and was able to participate in camp activities. The summer camp program provided her an opportunity to meet new people, try new things and continue to gain her independence.

As a young adult, Ms. Riojas decided to stay at home and raise her four children. For a short time she was receiving public assistance to keep her family afloat. In spite of her disabilities, and financial struggle, she was determined to become the first in her family to earn a college degree; she graduated in 2002 from San Joaquin Valley College with an Associate of Arts degree in business administration. To further her independence, she obtained her drivers license, and with the assistance of Easter Seals, she purchased her first fully-equipped, hand-controlled vehicle.

When she was unable to find a job because of her disabilities, Ms. Riojas became an employee of Easter Seals. Her first job was as the office manager at the Child Development Center at Children's Hospital Central California. In 2005, she became the National Ambassador for Easter Seals and travelled all over the country spreading her joy and enthusiasm for life. Ms. Riojas eventually changed jobs, and in 2006, she began working for the Fresno Housing Authority as a counselor. This position has allowed her to assist families in her community that are facing housing and financial problems.

Ms. Riojas does not see herself as disabled, but rather as a mother and an advocate for those with special needs. She is a strong woman who has raised four children; Nichole, Victoria, Angel and Jessie. She continues to inspire others on a daily basis. Being selected for the show is a tribute to Ms. Riojas' dedication to her community and personal commitment to overcome all of life's adversities.

Madam Speaker, we rise today to commend and congratulate Mary Ann Riojas upon being selected for the ABC reality show ''Extreme Makeover: Home Edition.'' I invite my colleagues to join me in wishing Ms. Riojas and her family many years of happiness and success.

TARP REFORM AND ACCOUNTABILITY ACT OF 2009

SPEECH OF

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, and for other purposes:

Mr. MURPHY of Connecticut. Mr. Chair, I would like to draw attention to section 403 of H.R. 384, the ''TARP Reform and Accountability Act.'' It is clearer every day that there is a crisis in the commercial real estate credit markets. Section 403 of H.R. 384 clarifies Treasury's authority to take action to support liquidity in the commercial real estate market.

Right now the $3.4 trillion commercial mortgage market is frozen. Most lenders have withdrawn from the market and there is no secondary market for commercial mortgages. In 2007, the market provided approximately $240 billion in financing, which represented nearly 50 percent of all commercial lending. In contrast, the market came to a screeching halt and provided less than $13 billion in issuance in 2008, despite borrowers' demand. In 2009, tens of billions of commercial real estate loans will come due without any capacity to refinance these performing loans. The result could very well be widespread loan defaults. With the downturn in the U.S. economy now having dramatic effects on the commercial real estate market, Section 403 affirms the Treasury Department's ability to take action to help preserve this important sector of our economy.

With the clarification included in Section 403, the Treasury can move forward in determining how best to address this situation—either through the Term Asset-backed Securities Lending Facility; or by setting aside TARP funds for the creation of a commercial lending facility that would provide the private market with liquidity and allow for the extension of new credit, as well as assist in refinancing existing performing loans.

It is important that we continue to act to address this crisis in a responsible manner that protects the American taxpayer and preserves vital sectors of the United States economy and I urge my colleagues to do so through their support of H.R. 384.

TARP REFORM AND ACCOUNTABILITY ACT OF 2009

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, and for other purposes:

Mr. BLUMENAUER. Mr. Chair, last fall, I opposed the initial round of financial recovery spending on the grounds that there were too many unknowns about what, and who, our federal dollars were financing. Subsequent events, which revealed that many recipients continued to hold back from making the loans necessary for economic recovery, justified my initial position.

With H.R. 384, Congress is beginning this process to recover and renew America's economic strength with a new administration. Further congressional action is necessary because the efforts to date have been off the mark. This bill is the first step to providing guidance to the new administration, which has already learned many of the lessons from the past administration's failed effort.

I have come to this juncture today with an even greater sense of urgency than even last fall. Thanks to this legislation we can provide hope to American families. This legislation puts stronger oversight mechanisms in place and requires the Treasury Department to reach enforceable and measurable agreements on the use of TARP funds. The legislation also places strong limitations on executive compensation, provides strong foreclosure relief, and includes significant incentives that will aid homebuyers struggling to refinance their loans. For these reasons, H.R. 384 deserves my support.

RECOGNIZING ISRAEL'S RIGHT TO DEFEND ITSELF AGAINST ATTACKS FROM GAZA

SPEECH OF

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Ms. ROYBAL-ALLARD. Madam Speaker, I rise to support H. Res. 34 recognizing the State of Israel's right to exist in the community of nations and reaffirming America's strong support for Israel.

Paramount among any sovereign state's rights is the right to defend itself. I voted to affirm that right for our good friend, the State of Israel against attacks from Hamas. If the Hamas-led government truly wishes to be a member of the global community, it must acknowledge and abide by all the world's rules including severing all links to terrorism and acknowledging the right of Israel's peaceful existence.

Madam Speaker, the Middle East has been plagued by chronic fighting long enough. I join my colleagues in supporting Israel and in calling on all parties to cease hostilities and focus their efforts on the Israeli-Palestinian peace process.

TARP REFORM AND ACCOUNTABILITY ACT OF 2009

SPEECH OF

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, and for other purposes:

Mr. RYAN of Wisconsin. Mr. Chair, the Emergency Economic Stabilization Act of 2008, passed last October, not only granted the Treasury the authority to use $350 billion in public funds to prevent a collapse of the financial system, but it also greatly expanded the Federal Reserve's policy toolkit in addressing the crisis through a somewhat obscure, but important, provision of the legislation. The bill authorized the Fed to begin paying interest on the reserves that commercial banks hold with the central bank. This ability has essentially allowed the Fed to establish a ''floor'' for the federal funds rate, the main lever of its economy-wide monetary policy stance, even while it greatly expands the provision of liquidity to various segments of the financial markets to address the crisis. To this end, the Fed has been increasing the asset side of its balance sheet through a variety of lending facilities and asset purchases. The scope of its lending has also been amplified by frequently invoking emergency powers under the Federal Reserve Act's ''unusual and exigent circumstances'' clause, which it has used to justify lending to important, non-depository financial institutions.

The Fed has made it clear that it will continue to expand its balance sheet to make sure that credit is available to consumers and small businesses and the integrity of the overall financial system is preserved. In recent months, for instance, the Fed has established new and innovative lending facilities intended to boost the flow of funding to the commercial paper market and key asset-backed security markets, it has committed itself to purchasing billions of mortgage-backed securities in order to keep mortgage rates low for the health of the housing market, and it has continued to play a key role in providing assistance to systemically important financial institutions. These actions on the part of the central bank have, in fact, come very close to replicating the original intent of the TARP program. And these actions, along with the deployment of the initial $350 billion of TARP funding, have shown signs of being effective—the economy is still in a precarious state, but a systemic, and catastrophic, collapse of our financial and credit markets has been avoided.

My fear is that the second $350 billion in TARP funding will go far beyond the original mission of preserving overall financial market stability, and instead will be used to fund a heavy-handed, neo-industrial policy. Various industries have already marshaled their lobbyists for a claim on these public dollars. And

with our Federal budget expected to reach historic levels this year, we cannot risk more public funds to be squandered.

In light of the Fed's vastly expanded policy options for addressing key sources of market turmoil going forward and their relative effectiveness—combined with the very real risk that more TARP funding will be used for an industrial policy—I am voting against the release of the second half of TARP funds. Although I am concerned about the Fed moving into new and expanded policy territory, that concern is temperer by the fact that the Fed is relatively insulated from politics and lobbyists and is more singularly focused on the stability and health of the financial system, which was my foremost reason for approving the original TARP funding last October.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 22, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 27

9:30 a.m.

Armed Services

To hold hearings to examine challenges facing the Department of Defense.

SD–106

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine investment securities fraud, focusing on regulator and oversight concerns.

SD–538

Health, Education, Labor, and Pensions

To hold hearings to examine access to prevention and public health for high risk populations.

TBD

Judiciary

To hold hearings to examine health information technology (IT), focusing on protecting Americans' privacy in the digital age.

SD–226

JANUARY 28

9:30 a.m.

Foreign Relations

Business meeting to consider the nominations of James B. Steinberg, to be Deputy Secretary, and Jacob J. Lew, to be Deputy Secretary for Management and Resources, both of the Department of State.

SD–419

Veterans' Affairs

To hold an oversight hearing to examine veteran's disability compensation, focusing on the appeals process.

SR–418

10 a.m.

Budget

To hold hearings to examine federal response to the housing and financial crisis.

SD–608

Foreign Relations

To hold hearings to examine global climate change.

SD–419

Homeland Security and Governmental Affairs

To hold hearings to examine lessons from the Mumbai, India terrorist attacks.

SD–342

Judiciary

Business meeting to consider the nomination of Eric H. Holder, Jr., to be Attorney General.

SH–216

Daily Digest

HIGHLIGHTS

Senator Ken Salazar, of Colorado, submitted a letter of resignation from the United States Senate.

Senator Hillary Clinton, of New York, submitted a letter of resignation from the United States Senate.

Senate

Chamber Action

Routine Proceedings, pages S673–S732

Measures Introduced: Fourteen bills and two resolutions were introduced, as follows: S. 282–295, and S. Res. 18–19. **Page S719**

Measures Passed:

Majority Party Appointments: Senate agreed to S. Res. 18, making majority party appointments to certain Senate committees for the 111th Congress. **Pages S729–30**

Minority Party Appointments: Senate agreed to S. Res. 19, making minority party appointments for the 111th Congress. **Page S730**

Measures Considered:

Lilly Ledbetter Fair Pay Act: Senate resumed consideration of S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, taking action on the following amendments proposed thereto: **Pages S693–S712**

Pending:

Hutchison Amendment No. 25, in the nature of a substitute. **Pages S693–96, S698–S712**

Specter Amendment No. 26, to provide a rule of construction. **Pages S696–97**

Specter Amendment No. 27, to limit the application of the bill to discriminatory compensation decisions. **Page S697**

Enzi Amendment No. 28, to clarify standing. **Page S710**

Enzi Amendment No. 29, to clarify standing. **Page S711**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Thursday, January 22, 2009, and that there be up to 60 minutes of debate equally divided and controlled between Senators Hutchison and Mikulski, or their designees, relative to Hutchison Amendment No. 25 (listed above), prior to a vote on or in relation to the amendment; provided further, that there be no amendments in order to Hutchison Amendment No. 25 prior to the vote. **Page S732**

Nomination Confirmed: Senate confirmed the following nomination:

By 94 yeas 2 nays (Vote No. EX. 6), Hillary Rodham Clinton, of New York, to be Secretary of State. **Pages S673–93**

Executive Communications: **Pages S718–19**

Executive Reports of Committees: **Page S719**

Additional Cosponsors: **Pages S719–20**

Statements on Introduced Bills/Resolutions: **Pages S720–27**

Amendments Submitted: **Pages S727–29**

Authorities for Committees to Meet: **Page S729**

Record Votes: One record vote was taken today. (Total—6) **Page S693**

Adjournment: Senate convened at 12 p.m. and adjourned at 7:49 p.m., until 9:30 a.m. on Thursday, January 22, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S732.)

Committee Meetings

(Committees not listed did not meet)

FISCAL CHALLENGES

Committee on the Budget: Committee concluded a hearing to examine addressing short-and long-term fiscal challenges, after receiving testimony from Alice M. Rivlin, Brookings Institution, and Robert D. Reischauer, and Rudolph G. Penner, both of the Urban Institute, all of Washington, DC.

NOMINATION

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nomination of Ray LaHood, to be Secretary of Transportation, after the nominee, who was introduced by Senator Durbin and former Representative Michel, testified and answered questions in his own behalf.

NOMINATION

Committee on Finance: Committee concluded a hearing to examine the nomination of Timothy F. Geithner, of New York, to be Secretary of the Treasury, after the nominee, who was introduced by Senator Schumer and Paul Volcker, former Chairman, Board of Governors of the Federal Reserve System, testified and answered questions in his own behalf.

NOMINATION

Committee on Foreign Relations: Committee ordered favorably reported the nomination of Susan E. Rice, to be Permanent Representative to the United Nations, with the rank and status of Ambassador, and to be Representative to the Sessions of the General Assembly of the United Nations during her tenure of service as Representative to the United Nations.

FINANCIAL CRISIS

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing on the financial crisis and financial governance, after receiving testimony from Gene L. Dodaro, Acting Comptroller General, Government Accounting Office; Howell E. Jackson, Harvard Law School, Cambridge, Massachusetts; and Steven M. Davidoff, University of Connecticut School of Law, Hartford.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 15 public bills, H.R. 611–625; and 5 resolutions, H. Con. Res. 24; and H. Res. 74–77 were introduced.

Pages H441–42

Additional Cosponsors: Pages H442–43

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein she appointed Representative DeGette to act as Speaker Pro Tempore for today. Page H391

Committee Elections: The House agreed to H. Res. 74, electing the following Members to certain standing committees of the House of Representatives: Committee on Agriculture: Representatives Holden, McIntyre, Boswell, Baca, Cardoza, Scott (GA), Marshall, Herseth Sandlin, Cuellar, Costa, Ellsworth, Walz, Gillibrand, Kagen, Schrader, Halvorson, Dahlkemper, Massa, Bright, Markey (CO), Kratovil, Schauer, Kissell, Boccieri, Pomeroy, Childers, and Minnick. Committee on the Budget: Representatives Schwartz, Kaptur, Becerra, Doggett, Blumenauer, Berry, Boyd, McGovern, Tsongas, Etheridge, McCollum, Melancon, Yarmuth, Andrews, DeLauro, Edwards (TX), Scott (VA), Langevin, Larsen (WA), Bishop (NY), Moore (WI), Connolly (VA), and Schrader. Committee on Education and Labor: Representatives Kildee, Payne, Andrews, Scott (VA), Woolsey, Hinojosa, McCarthy (NY), Tierney, Kucinich, Wu, Holt, Davis (CA), Grijalva, Bishop (NY), Sestak, Loebsack, Hirono, Altmire, Hare, Clarke, Courtney, Shea-Porter, Fudge, Polis (CO), Tonko, Pierluisi, Sablan, and Titus. Committee on Foreign Affairs: Representatives Ackerman, Faleomavaega, Payne, Sherman, Wexler, Engel, Delahunt, Meeks (NY), Watson, Smith (WA), Carnahan, Sires, Connolly (VA), McMahon, Tanner, Gene Green (TX), Jackson-Lee (TX), Lee (CA), Berkley, Crowley, Ross, Miller (NC), Scott (GA), Costa, Ellison, Giffords, and Klein (FL). Committee on the Judiciary: Representatives Berman, Boucher, Nadler (NY), Scott (VA), Watt, Zoe Lofgren (CA), Jackson-Lee (TX), Waters, Delahunt, Wexler, Cohen, Johnson (GA), Pierluisi, Gutierrez, Sherman, Baldwin, Gonzalez, Weiner, Schiff, Linda T. Sánchez (CA), Wasserman Schultz, and Maffei. Committee on Natural Resources: Representatives Kildee, Faleomavaega, Abercrombie, Pallone, Napolitano, Holt, Grijalva, Bordallo, Costa, Boren, Sablan,

Heinrich, George Miller (CA), Markey (MA), DeFazio, Hinchey, Christensen, DeGette, Kind, Capps, Inslee, Baca, Herseth Sandlin, Sarbanes, Shea-Porter, Tsongas, Kratovil, and Pierluisi. Committee on Science and Technology: Representatives Costello, Eddie Bernice Johnson (TX), Woolsey, Wu, Baird, Miller (NC), Lipinski, Giffords, Edwards (MD), Fudge, Lujan, Tonko, Griffith, Rothman (NJ), Matheson, Davis (TN), Chandler, Carnahan, Hill, Mitchell, Wilson (OH), Dahlkemper, Grayson, Kosmas, and Peters. Committee on Small Business: Representatives Moore (KS), Shuler, Dahlkemper, Schrader, Kirkpatrick (AZ), Nye, Michaud, Bean, Lipinski, Altmire, Clarke, Ellsworth, Sestak, Bright, Griffith, and Halvorson. Committee on Veterans' Affairs: Representatives Corrine Brown (FL), Snyder, Michaud, Herseth Sandlin, Mitchell, Hall (NY), Halvorson, Perriello, Teague, Rodriguez, Donnelly (IN), McNerney, Space, Walz, Adler (NJ), Kirkpatrick (AZ), and Nye. **Pages H391–92**

Suspensions: The House agreed to suspend the rules and agree to the following measures:

Observing the birthday of Martin Luther King, Jr., and encouraging the people of the United States to observe the birthday of Martin Luther King, Jr., and the life and legacy of Dr. Martin Luther King, Jr.: H. Res. 73, to observe the birthday of Martin Luther King, Jr., and to encourage the people of the United States to observe the birthday of Martin Luther King, Jr., and the life and legacy of Dr. Martin Luther King, Jr. and **Pages H394–98**

Honoring the contributions of Catholic schools: H. Res. 39, to honor the contributions of Catholic schools. **Pages H398–H402**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Expressing support for designation of the week of February 2 through February 6, 2009, as "National School Counseling Week": H. Res. 56, to express support for designation of the week of February 2 through February 6, 2009, as "National School Counseling Week" and **Pages H402–05**

Commending the University of Florida Gators for winning the Bowl Championship Series National Championship Game: H. Res. 58, to commend the University of Florida Gators for winning the Bowl Championship Series National Championship Game. **Pages H405–07**

TARP Reform and Accountability Act of 2009: The House passed H.R. 384, to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, by a recorded vote of 260 ayes to 166 noes, Roll No. 26. Consideration of the measure began on Wednesday, January 14th and continued on Thursday, January 15th. **Pages H407–19**

Agreed to table the appeal of the ruling of the chair on a point of order sustained against the Gohmert motion to recommit the bill to the Committee on Financial Services with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 251 ayes to 176 noes, Roll No. 24. **Pages H413–15**

Rejected the Barrett (SC) motion to recommit the bill to the Committee on Financial Services with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 199 yeas to 228 nays, Roll No. 25. **Pages H415–18**

Accepted:

Myrick amendment (No. 8 printed in H. Rept. 111–3) that prohibits TARP fund recipients from outsourcing new customer service or call center jobs to foreign companies; **Pages H407–08**

Frank (MA) amendment (No. 9 printed in H. Rept. 111–3) that requires that any assisted institution publicly report, not less than quarterly, on the institution's use of the assistance, and requires the Treasury to make those reports readily available online; **Pages H408–09**

Flake amendment (No. 10 printed in H. Rept. 111–3) that clarifies that the TARP Special Inspector General has oversight power over any actions taken by Treasury under this legislation that he deems appropriate, with certain exceptions; and **Pages H409–11**

Hinchey amendment (No. 11 printed in H. Rept. 111–3) that requires Treasury to immediately obtain information from recipients of TARP funds and their precise use of funds allocated prior to January 1, 2009, and requires the Treasury to conduct an analysis of the use of those funds within 30 days of enactment (by a recorded vote of 427 ayes to 1 no, Roll No. 23). **Pages H411–13**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H419**

H. Res. 62, the rule providing for further consideration of the bill, was agreed to on Thursday, January 15th.

Recess: The House recessed at 2:35 p.m. and reconvened at 3:05 p.m. **Page H412**

Moment of Silence: The House observed a moment of silence in honor of Horace Kornegay, former Member of Congress. **Page H418**

Committee Resignation: Read a letter from Representative Foxx, wherein she resigned from the Committees on Education and Labor, Oversight and Government Reform, and Agriculture. **Page H419**

Committee Resignation: Read a letter from Representative Alexander, wherein he resigned from the Committee on the Budget. **Page H419**

Quorum Calls—Votes: One yea-and-nay vote and three recorded votes developed during the proceedings of today and appear on pages H412–13, H414–15, H417–18 and H418–19. There were no quorum calls.

Adjournment: The House met at 12 noon and adjourned at 7:23 p.m.

Committee Meetings

ECONOMIC STIMULUS; COMMITTEE ORGANIZATION

Committee on Appropriations: Ordered reported, as amended, the American Recovery and Reinvestment Act of 2009.

Prior to the markup, the Committee met for organizational purposes.

COMMITTEE ORGANIZATION

Committee on Education and Labor: Met for organizational purposes.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, JANUARY 22, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Finance: business meeting to consider the nomination of Timothy F. Geithner, of New York, to be Secretary of the Treasury, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the nominations of James B. Steinberg, to be Deputy Secretary, and Jacob J. Lew, to be Deputy Secretary for Management and Resources, both of the Department of State, 9:30 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine what States are doing to keep citizens healthy, 10 a.m., SD–430.

Select Committee on Intelligence: to hold hearings to examine the nomination of Dennis Blair, to be Director of National Intelligence, 10 a.m., SH–216.

House

Committee on Armed Services, hearing on preventing weapons of mass destruction proliferation and terrorism, 10 a.m., 2118 Rayburn.

Committee on the Budget, to meet for organizational purposes, 10:15 a.m., 210 Cannon.

Committee on Energy and Commerce, to consider the portions of the economic recovery package under the Committee on Energy and Commerce's jurisdiction, 10 a.m., 2123 Rayburn.

Committee on House Administration, to meet for organizational purposes, 1 p.m., 1310 Longworth.

Committee on the Judiciary, to meet for organizational purposes, 10 a.m., and to hold a hearing on the following bills: H.R. 200, Helping Families Save Their Homes in Bankruptcy Act of 2009; and H.R. 225, Emergency Homeownership and Equity Protection Act, 2 p.m., 2141 Rayburn.

Committee on Transportation and Infrastructure, hearing on Infrastructure Investment: Ensuring an Effective Economic Recovery Package, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, to meet for organizational purposes, 10 a.m., 334 Cannon.

Committee on Ways and Means, to mark up H.R. 598, To provide for a portion of the economic recovery package relating to revenue measures, unemployment, and health, 10 a.m., 1100 Longworth.

Next Meeting of the SENATE

9:30 a.m., Thursday, January 22

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will continue consideration of S. 181, Lilly Ledbetter Fair Pay Act, and vote on or in relation to Hutchison Amendment No. 25.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, January 22

House Chamber

Program for Thursday: To be announced.

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