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 God, be with us now and forever. Amen.

America.

worth celebrating.

take our time, and make it a time and as a Nation to make history, to ment given us.

to respond to the demands of every mo-

truly free, we are to act as Your people for lessons yet to be learned. But now confirmation of hope realized.

Its true meaning calls for a new way of

cans, became a memorable day of cele-

Pledge of Allegiance.

It is now upon us as a government

for lessons yet to be learned. But now 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 mo-

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. FOX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOX 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 resolu-

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. Waxman, Mr. Boulder, Mr. Smith of Ohio, Mr. Hanlon, Mr. Pomeroy, Mr. Solis, Mr. Skelley, Mr. Melendez, Mr. DeLauro, Mr. Kildee, Mr. Foster, Mr. Issa, Mr. Lockwood, Ms. Napolitano, Mr. Sestak, Mr. Pascrell, Mr. Scott of Virginia, Ms. Delahunt, Mr. Wexler, Mr. Cohen, Mr. Johnson of Georgia, Mr. Pelosi, Mr. Gutierrez, Mr. Sherman, Ms. Baldwin, Mr. Gonzalez, Mr. Weiner, Mr. Schiffer, Ms. Linda T. Sanchez of California, Ms. Wasserman Schultz, Mr. Maffett.

(2) COMMITTEE ON THE BUDGET.—Ms. Schwartz, Ms. Kaptur, Mr. Becerra, Mr. Delaney, Mr. Blumenauer, 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. Sensenig, Mr. Loebach, 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 California, 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. Schiffer, Ms. Linda T. Sanchez of California, Ms. Wasserman Schultz, Mr. Maffett.

(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. Inouye, 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. Haidt, 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,
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.沃尔克斯, Mr. Adler of New Jersey, Ms. Kihuen of Nevada, 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 for every dollar of 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, 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 people are right. Bikes, transit, fixing-it-first projects make communities more livable, put more people to work faster, and make our families...
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 Knots 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 appropriated dollar.

And the long and short was that my constituents 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 belief that 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 concept of “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 was directed to slow down, he directed the woman to get under a cove area and remain there because they could not pull her up in time.

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. Excessive 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. We need the money and we need it now.

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, in fact, our brothers’ and sisters’ keepers.

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.

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

Mr. ROE of Tennessee. 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.

And never bloated Washington program that overpromises and under-delivers.

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 the moments of utterable fulfillment which cannot be completely explained by those symbols called words. Their meanings can only be articulated by the audible 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 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 there 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 2006 Teacher of the Year, the 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.

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;
CONGRESSIONAL RECORD—HOUSE

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

Whereas, on February 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 on the Mall 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 non-violence, fervently advocated nonviolent resistance as the strategy to end segregation and racial discrimination in America, and in 1964, Dr. King became the youngest man to be awarded the Nobel Peace Prize in recognition for his efforts;

Whereas through his work and reliance on nonviolence, 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 for an American and Civil Society and equality, travel 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 Martin Luther King, Jr., Memorial;

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

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 understanding 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 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 this year 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.

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.

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

Whereas members of the House, last Thursday, January 15, marked the 80th birthday of Martin Luther King, Jr., who was born in 1929. On Monday, January 19, the Dr. King Federal holiday was observed. I commend my colleagues, 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., and to 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 citizenry. 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 Andrew Young and Harry Belafonte, all close colleagues of Dr. King, who were in the United States of liberty and justice for all. Wherein 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 a Divinity School in Pennsylvania, and a Doctor of Philosophy degree in theology in 1955 from Boston University;

Whereas in Boston, Massachusetts, Dr. King married 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 1964, Dr. King accepted the call of Dexter Avenue Baptist Church in Montgomery, Alabama, and was pastor from September 1964 to November 1968, 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 361 days to protest the arrests and the segregation of the bus system of Montgomery, during which time Dr. King was arrested and the home of Dr. and Mrs. 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 April 4, 1968, Dr. King was assassinated while standing on the balcony of his motel room in Memphis, Tennessee, leaving behind his family, his movement, his cause, and his legacy to lead sanitation workers in protest against low wages and intolerable working conditions;

Whereas Dr. King dedicated his life to securing the highest ideals of the United States of liberty and justice for all United States citizens;
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 were and what we were: 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 confronting.

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 bringing an end to those 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. I do not think the course of his life, he fought for equal justice and against 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 raw, relentless heat in 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 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 the war, we crossed 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; or organizing the 1968 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 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 believe in 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. With this, Mr. Chairman, 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 itself.

As a pastor 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 Gandhian philosophy, the tools of nonviolence, to make a difference in a time of struggle.

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 stillled 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.

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 8½ minutes remaining.

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 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 I wish I had 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 me to liken the King like some 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, ‘I have 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 dream realized? 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 at each other and say that we are guided by the better angels of our nature.

And as I have talked to Martin Luther King III and visited with the sister King III and visited with the sister

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 extending 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.

Mr. CONYERS. Madam Speaker, a few days ago, the National Day of Service is a way to transform Dr. Martin Luther King, Jr. and 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 assured 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 holyday 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 28th, 1968 in the Unitarian 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; ca-lamities on Wall Street—Main Street—and in our inner cities, 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 Martin Luther King, Jr. 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 society’s problems, serving others 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 work as a leader, 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.

- Empower Individuals—Dr. King believed each individual possessed the power to lift himself or herself up no matter what his or her circumstances. Helping an old 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 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 yield myself such time as I may consequently. 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 is that he wanted all of the people he went 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 Hill. Not this President. He’s 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 underscored 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. 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; internationally acclaimed for their academic excellence, but provide students more than a superior scholastic education; and other places.

Whereas Catholic schools ensure a broad, values-added education emphasizing the life-long 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
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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 a 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. EHHLERS) 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 congressional 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.

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

Mr. LOEBSACK. Madam Speaker, I am pleased to 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. With a ratio of 1:1 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 not Catholic. 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. EHHLERS. It is with great pleasure that I rise 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 disciples 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.

Mr. LOEBSACK. Madam Speaker, I am pleased to rise today in support of 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 90 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 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 heroism in the 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 made it a priority 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. LIPINSKI. Madam Speaker, I’m very pleased today to recognize a good friend, the gentleman from the Third District of Illinois, Mr. DAN LI-

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 inorking for this resolution.

Since 1974, Catholic Schools Week has celebrated the positive impact that Catholic schools have had on our country and recognize their outstanding contribution to 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 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 99 percent of Catholic school students, as per the National Catholic Schools Service Program, 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 school service programs, 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 with 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 bracing 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 hard 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. Judy had 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 Moshox, demonstrating just how important Catholic schools are to the greater community.

I was born and raised 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 contributions 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 our 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. 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. 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 education and providing service"
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 ardent desire. The educational efforts of the church, therefore, really are 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 to the destinies of the many communities to which he or she belongs.

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

Mr. GINGREY. 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 realize 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 Kernersville, St. Leo's in downtown 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 with 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. EHRLERS. 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. 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 schools. 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 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 seeing something very important when we have schools that, 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 Catholic 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 provided families with a strong alternative to the public school system, offering a vital faith component that enhances a child’s overall education sadly unacknowledged 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.

Catholic school counselors are among the few professionals in a school building that are trained in both education and mental health; school counselors provide 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 challenging stages 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;
I yield back the balance of my time. The SPEAKER pro tempore.
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 from all States; and
Whereas the week of February 2 through February 6, 2009, would be an appropriate week to designate as “National School Counseling Week,” 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.

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 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 critical.

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 gentle man 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 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. Our school counselors, 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.

I urge my colleagues to support school counselors in our Nation's education system.
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 go beyond the call of duty. 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 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. These students need to 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 its 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 his duties, 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’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, that point is still made: Counseling is crucial. What 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. LOEBSCAK. 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. RUBEN 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 my colleague CONGRESSWOMAN LINDA SÁNCHEZ of California and Congressman VERN EHlers of Michigan as well as Congresswoman DAVID LOEBSCAK 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. RIP 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 many schools, 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 recognizes 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 play a critical role 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 and staff 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 vital 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 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 question was taken.

The SPEAKER pro tempore. Pursuant to 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 University of 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 the 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 1999;  
Whereas the Gators are the fourth school in the modern era to win two outright national titles in three years;  
Whereas the Gators have 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 1996 to win two national championships in his first four seasons at a school;  
Whereas Coach Meyer becomes the fifth offensive Division I coach with multiple national titles;  
Whereas Coach Meyer became the 14th youngest head coach to win a pair of national titles since 1960;  
Whereas the Gators' quarterback Tim Tebow was named the game's Most Valuable Player, with 390 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 251 yards and 2 touchdowns and rushing for 199 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 123 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 Sooners quarterback 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 represented 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 long-standing 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.

There was no objection.

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 199 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.  

This was quite a feat after returning from an ankle injury.
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, for the second time in 3 years, is a testament to the hard work of the outstanding defense and coaching staff clearly paid off.

On offense, as mentioned, Florida quarterback Tim Tebow showed why he is the best dual threat quarterback in college football. Tebow finished with 291 passing yards and 106 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 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 the most valuable couple in the game with a 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, 2006 and 2007; and the National Football Championship Game, 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, it’s important to remember that a strong academic foundation and the educational opportunities at UF are also a major factor in making UF a leader in the world’s largest college town. 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 working on plans 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, I am very 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 4.0 GPA and a 1360 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.

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. Florida has much to be proud of. Fellow Gators have much to be proud of. Fellow Gators have much to be proud of. Fellow Gators have much to be proud of. Fellow Gators have much to be proud of. Fellow Gators have much to be proud of. Fellow Gators have much to be proud of. Fellow Gators have much to be proud of.

While we salute this athletic win it is important that we understand that our university, the University of Florida, is in the enviable position of having been able to provide the necessary 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 Historic Norman Hall, 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?

As we reflect 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 for the Gators past the University of Oklahoma by a score of 24 to 14 at Dolphin Stadium in Miami. He was named the 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 the BCS National Championship.

The University of Florida has proven itself on both 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 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, I am delighted to be an original co-sponsor of H. Res. 58, Commending the University of Florida Gators for winning the 2008 Bowl Championship Series National Championship.

The University of Florida Gators football team squad 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 modern era to win two outright national collegiate athletics titles in three years. Additionally, Gators’ quarterback Tim Tebow was named the game’s Most Valuable Player, with 340 yards of total offense, the third-most 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, 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.

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 SEC 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 five 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 Congresswoman 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 alumni 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 was taken.

The SPEAKER pro tempore. Pursuant to the gentleman from Iowa (Mr. LOEBSACK) that the House suspend the proceedings on this motion will be put to a vote on the motion that a quorum is not present and make the point of order that a quorum is not present.

The Acting CHAIR. Pursuant to clause 8 of rule XX and the motion that the House suspend the proceedings on this motion will be put to a vote on the motion that a quorum is not present and make the point of order that a quorum is not present.

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 by TARP funds would be prevented from outsourcing any new customer service or call center jobs to a foreign company.

I urge support of the amendment. Mr. Chairman, I reserve the balance of my time.

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 on the proposal to consider the bill, H.R. 384.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole 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 Treasury and ensure accountability under such Program, with Mr. HOLDEN (Acting Chair) in the Chair.

The Acting CHAIR. The point of order that a quorum is not present is considered a point of order that a quorum is not present.

The Acting CHAIR. Pursuant to 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 any contract to expand any current agreement, with any foreign company for provision of customer service functions, including call-center services, unless any of such assistance is outstanding."
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 derailed as the reincarnation of Smoot and Hawley. Well, I guess Smoot and Hawley would have been with us on this bill 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.

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

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.

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.

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

The Acting CHAIR. The Clerk will designate the amendment.

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

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

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

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 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 is unacceptable to be invading 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 example.

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’s nothing for the jeweler and the 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, the mortgage 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 the sort of 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 think 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 their taxes.

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 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 2 1/2 minutes to my designator, the author of the amendment, the gentleman from Minnesota.

Mr. WATERS of Minnesota. 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 a bit. And I want to put on the record that 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 this behind us. And I think we’ve come to a point 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 straightforward. It simply allows 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 him 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.

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Mr. FRANK of Massachusetts. Mr. Chairman, I rise to claim the 5 minutes of my time.

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.

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 the tools are there to 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 Arizona (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 this IG’s effectiveness, 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 31/2 minutes remaining and the gentleman from Arizona has 2 minutes remaining.

Mr. FRANK of Massachusetts. I yield myself 2 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 the tools are there to make sure that the oversight 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 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 anything 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. 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 talk 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 2 minutes.
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 stimulus plan, 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 we’re doing 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, and they are wrong. 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 or person receiving 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.

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. And, 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—and although my friends on this 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 the borrower certifications. But 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 receives a 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.
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 1 1/2 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 concern remains 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 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 dollar 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 thing.

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 $350 billion is no longer an open question.

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 really focused on 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.

Mr. HENSARLING. Mr. Chairman, I have 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) which on further proceedings were postponed and on which the ayes prevailed by voice vote.

The Acting CHAIR. The Clerk will redesignate the amendment.

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.

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.

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

AYES—427

Bocieri
Bocken
Boder
Bono Mack
Boozman
Bouy
Boyd
Brady (PA)
Brady (TX)
Bralley (IA)
Brown (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butlerfield
Calvert
Camp
Campbell
Canter
Cannon
Carney
Carson (IN)
Cassidy
Castle
Cato (FL)
Chaffetz
Chandler
Childs
Christensen
Clarke
Clay
Cleaver
Clyburn
Clyburn
Clyburn
Conyers
Cooper
Costa
Costello
Courtney
Crescenz
Cuellar
Culerson
Cummins
Dal Supa
Davis (AL)
Davis (CA)
Davis (IL)

Coffman (CO)
Coburn
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crescenz
Cuellar
Culerson
Cummins
Dal Supa
Davis (AL)
Davis (CA)
Davis (IL)

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 really focused on 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.

Mr. HINCHEY. 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 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.

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.

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) which on 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:

AYES—427

Bocieri
Bocken
Boder
Bono Mack
Boozman
Bouy
Boyd
Brady (PA)
Brady (TX)
Bralley (IA)
Brown (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butlerfield
Calvert
Camp
Campbell
Canter
Cannon
Carney
Carson (IN)
Cassidy
Castle
Cato (FL)
Chaffetz
Chandler
Childs
Christensen
Clarke
Clay
Cleaver
Clyburn
Clyburn
Clyburn
Conyers
Cooper
Costa
Costello
Courtney
Crescenz
Cuellar
Culerson
Cummins
Dal Supa
Davis (AL)
Davis (CA)
Davis (IL)
Mr. HOLDEN, Acting Chair of the Committee of the Whole, ordered the motion against the recommittal motion.

Mr. GOHMERT. Yes, I do oppose the motion.

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

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

Mr. FRANK of Massachusetts.

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 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, 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 on the journal.

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. 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.”;

(c) Tax on Self-Employment Income. — Section 1301 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.—The amendments made by subsections (a) and (b) shall apply to remuneration paid or received after the date of the enactment of this Act.

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 139A 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) received for service performed during such period;

“(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 Fund.
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 merry little 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.

Mr. Speaker, I understand the chairmain’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 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 point of order which I 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 Fund.

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 genericness.

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]
HASTINGS of Florida, JACKSON of Illinois, GRAVES, HERSETH SANDLIN, BOUCHER, FORTEENBERRY, FORBES, FLAKE, FALLIN, EMERSON, EHLERS, EMERSON, FALLIN, FLAKE, FLEMING, FORBES, FORTEENBERRY, not voting—6

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Mr. SHERMAN, Mr. SCHIFF, Mr. SHEVACH, Mr. SHULER, and Mr. Sires changed their vote from "aye" to "no.

Mr. HALVORSON, Mr. 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 Reconsider 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. The Clerk will report the motion.

The Clerk reads as follows:

Mr. BARRETT of South Carolina moves to recommit the bill H.R. 846 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 titles, 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) Technicial and Conforming Amendments.—Section 115 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225(a)) is amended by striking subsections (a), (d), (e), and (f).

SEC. 102. TAXPAYER REBATES.

(a) Plan and Timetable Required.—The Secretary of the Treasury shall establish a plan and timetable for the repayment of 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. The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

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 tranche of the TARP, and consider the actions of the Senate last week, this motion to reconsider 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 $350 billion is paid back for the first $350 billion.

I yield the balance of my time.

Mr. BARRETT of South Carolina. Madam Speaker, I rise to speak in opposition to the motion to reconsider 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 in response to a crisis that was not done 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 wasn’t 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’s 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 do it as a slogan.

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 sins of the Bush administration was the TARP. 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 for our 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 President Obama a fair hearing, I am not one 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’s 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.

The Bush administration—and I give the gentleman from South Carolina, it was being a little unfair to him, it was being a little unfair to him, 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 foreclosures.

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 disassociate 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 wake of the Financial Stability 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 areas. Frank hopes that with this legislation, Congress will see it 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, counter to any new ideas of financial institutions that have accepted TARP funds. This is a far step from pledges that any government investments through TARP funds would be another way to the private sector. This step 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 the alignment of these types of loans. 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 600. The bill both tinkers with existing programs and creates new ones, at least $60 billion for a new one to be managed by the FDIC. Unfortunately, both proposals still face the same problems, namely the diversity 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.

U.S. and international credit markets are still undergoing a wrenching restructuring and repricing of financial assets as markets adapt to the ending of excesses 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. Fred’s bill would only make matters worse.
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 aid 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 to 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 revives 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, there’s a new version of the same ad hoc policy and scare-tactics that marked 2008. No clear spoken leader 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—a Presidency.

Consider Fed Chairman Ben Bernanke, who used a London speech on Tuesday to pat the recovery. "With the worsening of the economy’s fundamental weaknesses, TARP has 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 (AL) 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.

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The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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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]
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 respect to our departed colleague.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members please rise to observe a moment of silence in respect to our departed colleague.

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—ays 260, noes 166, not voting 7, as follows:

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<thead>
<tr>
<th>Ayes</th>
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<td>260</td>
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[Roll No. 26] [AYES—260]

[NOES—166]

H418

CONGRESSIONAL RECORD — HOUSE

January 21, 2009
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following resolution:

RESIGNATION AS MEMBER OF COMMITTEE ON EDUCATION AND LABOR, OVERSIGHT AND GOVERNMENT REFORM AND AGRICULTURE

The SPEAKER pro tempore laid before the House the following resolution as a member of the Committees on Education and Labor, Oversight and Government Reform and Agriculture:

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industrial base policy, technology transfer and export controls, joint interoperability, the Cooperative Threat Reduction program, Department of Energy nonproliferation programs, and policy. The military and agency reform as it pertains to the Department of Defense and the nuclear weapons programs of the Department of Energy. While they are provided by the appropriate committees, responsibilities in subparagraph (2), the subcommittee 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 subcommittee shall have no legislative authority to vote, cannot be counted for the purposes of determining the ratio of the subcommittees or establishing a quorum, or to serve equipment. 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 issues, Department of Labor and Human Services issues; training, logistics and maintenance programs. In addition, the subcommittee will be responsible for all military construction, installations and family housing issues, including the base closure process, energy policy and programs of the Department of Defense.

Subcommittee on Seapower and Expeditionary Warfare: Space programs, 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, industrial base policy, 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 chairman. The subcommittee shall have no legislative jurisdiction.

(b) Membership of the Subcommittee
(1) Subcommittees, 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, 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 Majority members of the subcommittee shall be appointed by the Ranking Minority Member of the Committee.

(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, 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 Majority members of the subcommittee shall be appointed by the Ranking Minority Member of the Committee.

(3) The Chairman and Ranking Minority Member thereof may sit as ex officio members of 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 purposes of determining the ratio of the subcommittees or establishing a quorum at subcommittee hearings or meetings.

RULE 5. COMMITTEE PANELS AND TASK FORCES
(a) Committee Panels
(1) The Chairman may designate a panel of the Committee of the subcommittees or to the task force to be open to the public except when the Committee, panel, or task force, to the public except when the Committee, panel, or task force, to the Committee may not be considered by the House of Representatives, pursuant to clause 1 of rule XV of the Rules of the House of Representatives.

(b) Committee and Subcommittee Task Forces
(1) The Chairman of the Committee, or a Chairman of a subcommittee, may designate a task force to inquire into and take testimony on a matter or matters that fall within the jurisdiction of more than one subcommittee, and establish a quorum at subcommittee hearings or meetings.

(3) No task force appointed by the Chairman of the Committee or to the full Committee.

(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, as appropriate, or by a majority of the Committee or subcommittee, as appropriate.

(3) 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 to the Committee.

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 of any hearing before that body at least one week before the commencement of the hearing. Any announcement made under this rule shall be promptly posted in the Daily Digest, promptly entered into the committee scheduling service of the House Information Resources, and promptly posted to the Internet 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 trans-
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,bachamber, may vote to close a hearing or meeting for the sole purpose of discussing whether the evidence or testimony to be received would tend to defame, degrade, or incriminate any person. Whenever it is asserted by a member of the Committee or subcommittee that such evidence or testimony to be received would tend to defame, degrade, or incriminate any person, the Chair, or any member desiring to question the witness from the hearing, shall be 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 question the Chairman or subcommittee on behalf of an amendment to the pending bill or resolution. The five-minute limitation shall not apply to the Chairman and Ranking Minority Member of the Committee or subcommittee. Those members arriving subsequently shall be recognized in order of seniority. Those members arriving subsequently shall be recognized 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 a majority 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.

(4) 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

(a) For the purpose of carrying out any of its functions under the provisions of rule XI 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 adjourned, for purposes of hearing or other proceedings, and (2) to require by subpoena, or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, papers and documents, including, but not limited to, those in electronic form, as it considers necessary.

(b) A subpoena may be authorized and issued by the Committee, or any subcommittee, with the concurrence of the full Committee or subcommittee at any time. The issuance of a subpoena may be authorized by a majority of the Committee or subcommittee being present. Authorized subpoenas may be signed only by the Chairman, or by any member designated by the Chairman. 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.
Chairman or subcommittee chairman, as appropriate, for that purpose according to rule 11 of the Committee.

(b) Members of the Committee or subcommittee shall have not less than five minutes to question each witness or panel of witnesses, the responses of the witness or witnesses being included in the five minutes, or such time as each member has had an opportunity to question each witness or panel of witnesses. Therefore, additional rounds for questioning witnesses shall be 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 15. 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, subcommittee, or panel shall be published officially in verbatim form. Any requests to correct any errors, other than those in transcription, will be appended to the record at the place where the change is requested and 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 such 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 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 in time 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 have ten minutes to present such views. Such views shall be transmitted to the Clerk and inserted in the record as a Committee report in the manner that would be appropriate, for that purpose according to rule 20. A Committee report shall be made available for public use in accordance with rule VII of the Rules of the House of Representatives. The Committee 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 report. The results of each record vote in any meeting of the Committee shall be included in the Committee report record, upon timely notification to the Chairman by that member.

(b) When opposed to such record report, the names of those voting for and against, the names of those members present but not voting, and the disposition of the vote shall be appended to the Committee report record.

(c) For the purpose of amending, revising, or reviewing a decision, pursuant to clause 3(b)(3) or clause 4(b) of rule VII, to withhold a record report, any decision, pursuant to clause 3(b)(3) or clause 4(b) of rule VII, to withhold a record report, the Committee shall be included in the Committee report record, upon timely notification to the Chairman by that member.

RULE 19. PUBLIC INSPECTION OF COMMITTEE REPORTS

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.

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 safeguards. Any information by any member of the Committee or any other Member, Delegate, or Resident Commissioner of the Committee for inspection by the public, such information shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and against each amendment, motion, order, or proposition and the name of those members present but not voting.

(b) No vote by any member of the Committee or a subcommittee with respect to any measure or matter shall be cast by proxy.

(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 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 Committee for inspection by the public, such information shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and against each amendment, motion, order, or proposition and the name of those members present but not voting.

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. Yes, 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 we hope that 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 themselves are 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 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 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 Hidalgo 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 drug dealers. 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 coming into the United States, and then if one of those get 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 their 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 want to come into the United States 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 gentleman 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 national titles in 3 years. Florida finished the 2008 season with a 13-1 record, matching the single-season school record for wins.

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 ensure that Ramos and Compean will be 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 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 with a carrying 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 gentleman 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. As Mr. Burton pointed out, the occupation of Iraq was a foreign policy decision that, in the end, left us with a man-made humanitarian disaster. The fiction that the appreciating 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 has been 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 flat 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 schemes will not make it work. Presenting 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.)

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 of the more than President George W., 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, that 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 do the second half of the $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, 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 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: $800 billion. Our entire Interstate highway system that we drive on every day: $200 billion. That's what it has cost for the roads that we drive in and day out. That puts things in perspective for me.

Education spending since 1965, Federal education spending 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 |
|-----------------------------------------------|----------|----------|----------|
|                                           | 2008     | 2009     | 2009–2013 Total |
|                                           | 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 Children’s 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        | -260     | -260    | -260   |
| Total                                     | 0        | 0        | 10,625   | 2,391    | 49,740  | 32,844 |
| Revised allocation:                      | 89       | 81       | 11,509   | 3,238    | 53,153  | 35,752 |
| Energy and Commerce                      | 1,853    | 1,843    | 5,794    | 5,714    | -6,896  | -5,294 |

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<th>BUDGET AGGREGATES</th>
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1 Current aggregates include spending covered by section 303(b)(3) (reserves 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 303(b)(3)).
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 complicit, enabling or indifferent, 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 plant supportive media market the agenda. The propagandists will try to sell the agenda by repeating ad nauseam that their goal is to reduce abortion.

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, 40 percent 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-destructory 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, badly, 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 courage 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.

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 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 on millions of hearts of the innocent and the defenseless, and we are on the side of equal dignity for every human life.

As we mourn the holocaust of abortion and the grievous toll it has taken on millions of hearts of the innocent and the defenseless, we are on the side of equal dignity for every human 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 we will 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 CHRISS SMITH and to no less extent his wife for their work on behalf of human life.

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 use the term “anniversary” because, in my life, anniversaries are special things. We remember them at fondly remembered occasions, and this is certainly no 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.

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. 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 than I do.
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 our country. We are slowing down, putting 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. I urge everyone to 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-called 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 non-abortion 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 life 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.

I believe that the single greatest threat to the American family is the moral reawakening on this issue. It’s 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, “Now the time 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, butanol, 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 will have nothing but a shadow 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 disheartened 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 woman who lived there, who had lived there in Trentay, a town in my congressional district; I introduced 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 will 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 a very same rights that she was fighting for back then, passages imposed 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 legislation, particularly for 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.

Even worse than that, some Members would like to pass something called the Freedom of Choice Act. C6 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 to stop the wasting of Federal funds 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 children. They do this by adopting children who do not have a parent. They counsel men and women who chose to abort and now experience the very deep depression and regret.
I 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 should be equal 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. LATTA. 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 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 could 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 bill bill up. And when you sit on a committee that hears about all the gruesome things that are committed against these lives, and I'd always take 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 when we had the partial birth abortion bill come before our committee, it was kind of also very unique to be in that committee room and look out a window and see this whole 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 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, which of my members had they had 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 who 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 gentle lady 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 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 them? Has it not been freedom for them? Has it been freedom 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 have 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 talked 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 that lost 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 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.

We are not just on the best perfect children. We are talking special needs children. Children with disabilities of every kind. There are parents that want to adopt those children.

It's also 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 not necessary 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 who are in a pregnancy that maybe they didn’t know 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 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 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. I thank the gentleman for yielding. 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 their centers, and the crises pregnancy centers across the country. They are so positive, when they can help a young lady who is in this position, help her when her unborn child and help her through that 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 hemmed in by 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 cannot even defeat him. But David’s response was: He is against me. 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, unilineal right up until the time of birth is protected.

And I yield to Mr. BROUIN now such time as he might consume.

Mr. BROUIN 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 33 million unborn children since Roe versus Wade. God cannot and will not continue to bless America while we are killing the bowling 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 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 heard before the Federal Government in your tax dollars went to the organization that is killing these children. There is absolutely no question about it. 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 is a living human being. We intuitively as physicians know that.

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 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.

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
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 INAHERENT 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 it. I would like to yield 1 minute to Mr. FORTENBERRY from Nebraska.

Mr. FORTENBERRY. I thank the gentleman from Indiana for yielding as we was watching the situation 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 grasp that at first. We didn't believe that at first if you were a woman, because at the beginning of last century women didn’t have...
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 co-chairman, RAÚL GRIJALVA from the great State of Arizona and ask him, what makes you want 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 democracy 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 a global presence in 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.

Mr. ELLISON. I want to again thank Mr. ELLISON for his leadership. He 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.

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Mr. ELLISON. Is fighting for economic justice and democracy in the U.S. and global economies, is that part of the Progressive message?
Mr. GRIJALVA. Yes. Our caucus has believed that promising 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 inter-

national 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 pos-sible, 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 per-menant bases there, that there is no presence there, that we bring our troops home, thank them, give them the resources and the facilities 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 the American respect, power and influence, and reaffirm our Nation’s constructive engagement in the United Nations and other multilat-eral organizations. Rather than playing the role of reluctant partner in those alliances and organiza-

tions 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 cau-

cus is committed to nonproliferation of nuclear weapons. We are committed to the end of weapons of mass destruc-
tion, and one of the ways to do that, and possibly the most effective way to do that, is with international coopera-
tion, treaties, and agreements. And to increase efforts to combat hunger, to fight the scourge of HIV-AIDS, tuber-
culosi$s$, malaria, and other infectious diseases.

When 1 billion people wake up every morning wondering if there is going to be a war that day, one 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 encour-age debt relief for poor countries and support the efforts of the U.N. to reach the Millennium goals for poor coun-

tries. 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,

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 by 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 fig-

ure 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 be-cause it is part of the picture, as you well know, 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 civil liberties. What does that mean to you, Mr. Chairman?

Mr. GRIJALVA. The lack of health, the lack of education, the lack of food and the lack of opportunity.

Mr. ELLISON. That’s right.

Mr. GRIJALVA. We must ensure that the rights were in place and protected. It is the example that the rest of the world looks to us not only as leaders but as examples of that. I think Presi-
dent Obama said it well, we are to lead by example. And our civil rights and our civil liberties being the funda-
mental 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 dis-
crimination, those are what this country is about. It is what 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 num-

ber two in a big way and in an earnest way. That is why the Progressive Caucus is so important to this Con-
gress because we make that one of the platforms that we are united around.

Mr. ELLISON. Chairman Grijalva, as you know, the Progressive Caucus is established those rights and values, civil liberties. That means we believe in sunsetting expiring provisions of the PATRIOT Act and bring remaining provisions into line with the Constitu-

tion. We believe in protecting the per-

sonal privacy from unchecked govern-

ment intrusion. That means un-

lawful surveillance, things like that, violation of the Foreign Intelligence Surveillance Act. We believe an ex-
tended Voting Rights Act could reform the electoral process.

We believe in fighting corporate con-

solidation of the media because if the people don’t know, how can they do anything about it. And we also believe we need to expand 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 leg-

acy and to protect the sacrifices they made years ago in es-


tablishing those rights in this country, the right to vote, the right to free asso-

ciation, the freedom from discrimina-


tion, the right to know, to lose those, we have to honor that legacy, and that legacy is part and parcel, it is as Amer-

ican 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?
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 of the hearing, that we should 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 CONYERS and provides 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 legal 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.

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Mr. GRIJALVA. Excellent. I think that commission brought to light what 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 as the Congresswomen of 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.

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. I know 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 are asking that there be 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 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. 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. If you knew what, Mr. 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 see the facts and then we say, 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 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. I think that the impeachment 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.

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.

And 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 where they 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 case that this very weighty report—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 CONJECTS, 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 the 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 pre-eminence.” CONJECTS 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 CONJECTS says, “...I am not sure what we could do 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 that speaks about legislative recommendations 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 you—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, and I really want to say to the American people who are 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 have to know what happened, and that we have an 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 an 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 is watching America. This is not just America that 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 see this distinguished members 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 breath 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 and forever have before them 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 come 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 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 unemployed, 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 county, who ended up 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 neighborhoods 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 CONJECTS. 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 are serving you, but also serving 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 also 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.
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 Restorer Act, just to indicate that each 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 it 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 dial a number, they could dial your phone and you would be haring 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 rule would be 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. Forgive my 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 administration 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 the papers 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 ignore it. 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 said we would swear an oath to support and defend. What did we swear to support and defend? Can you tell us?


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 you 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 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 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 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 local, it's 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 PA-Tribune 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.
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, although, 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 to find the full 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 interred 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 wrong-headed 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 important moments 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. GRJIALVA. 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 will 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 of the laws, and the issues 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 to 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 talking body, the entity, and making it come out the 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.

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We are all here for a short period of time. Whether we are here for 20 years or 2 years, we breathe 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 I want to process of discovery, of the process of looking at 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.

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Congressman, thank you so much. 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 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 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.

Let me 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 administration 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 coming to full circle and to removing is 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.

Ms. JACKSON-LEE of Texas. Thank you very 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.
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 of torture.

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 voiced 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 fairly 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, this 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 “Constitutional 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 law; (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; and 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. I am very gratified 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 wage military operations, a fortiori, Congress has the 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 is inconsistent with the law.

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 to prevent amendments 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 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 successful 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 and how 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 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 an issue that is worthy of discussion in light of 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.

Ms. ALLISON. 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 regions, 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 values 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 spent time, Congresswoman SHELLA JACKSON-LEE and Congressman RÄUL 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 our 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 to an am-don’t let’s not 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 by extraordinary rendition, warrantless domestic surveillance, the U.S. Attorney General scandal, a convicted 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 hereafter entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extra-
neous material)

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALONE, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SPRAT, for 5 minutes today.

(The following Members (at the request of Mrs. LUMMIS) to revise and extend their remarks and include extra-
eous 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 re-
marks and include extraneous mate-
rial)

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 to adjourn accord-
ingly (at 7 o’clock and 23 minutes p.m.), the House adjourned until Thurs-
day, 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 Agricul-
ture.

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. 2248c; to the Commit-
tee on Armed Services.


180. A letter from the Regulatory Spe-
cialist, Department of the Treasury, trans-
mitting the Department’s Min-
imum Capital Ratios; Capital Adequacy Guidelines; Capital Maintenance; Capital; Deduction of Goodwill Net of Associated De-
ferences and Tax Liability; Department of the Treasury — (Docket No.: 075-2008-
0019) (RIN: 1550-AC22) received January 12, 2009, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Financial Services.

181. A letter from the Assistant Deputy Secretary, Department of Education, trans-
mitting 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); to the Committee on Education and Labor.

A letter from the Director, International Cooperation, Department of Defense, transmitting notification of the Department’s intent to sign a Project Agree-
ment concerning the Development of Ad-
vanced Non-Acoustic Sensing Technologies under the Agreement between the Depart-
ment of Defense of the United States of America and the Government of the King-

 dom 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 Af-
fairs.

183. A letter from the Director, Intern-
ationl Cooperation, Department of Defense, transmitting notification of the Depart-
ment’s intent to sign a Project Agree-
ment concerning the Joint Light Tactical Vehicle under the Memorandum of Under-
standing between the United States and Aus-
tralia 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, Intern-
ationl Cooperation, Department of Defense, transmitting notification of the Department’s intent to sign a Project Agree-
ment concerning the C-130 Block 7 and 8.1 Upgrade among Australia, Canada, Denmark, the Italian Republic, the Kingdom of Nor-
way, the United Kingdom of Great Britain and Northern Ireland and the United States of America and the Government of the Italian Republic, the Kingdom of Nor-
way, the United Kingdom of Great Britain and Northern Ireland and the United States of America and the Government of the Kingdom of Wasa-

fying the Memorandum of Under-
standing between the United States and Aus-
tralia concerning Cooperation on Land Force Capability Modernization, 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.

184. A letter from the Secretary, Depart-
ment of the Treasury, transmitting as re-
quired by section 401(c) of the National Emergencies Act, 50 U.S.C. 1622(c), and sec-
tion 204(c) of the International Emergencies Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Cote d’Ivoire that 

fifying the Memorandum of Under-
standing between the United States and Aus-
tralia concerning Cooperation on Land Force Capability Modernization, 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.

184. A letter from the Secretary, Depart-
ment of the Treasury, transmitting as re-
quired by section 401(c) of the National Emergencies Act, 50 U.S.C. 1622(c), and sec-
tion 204(c) of the International Emergencies Act, 50 U.S.C. 1703(c), a six-month periodic report on the national
emergency with respect to the former Libe-
ran regime of Charles Taylor that was de-
clarated in Executive Order 13348 of July 22, 2004; to the Committee on Foreign Affairs.

187. A letter from the Secretary, Depart-
ment of Transportation, transmitting the Depart-
ment’s report entitled, “Actions Taken by the Inspector General to Implement Recom-

dendations” 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, Depart-
ment of Transportation, transmitting the Depart-
ment’s report entitled, “Actions Taken by the Inspector General to Implement Recom-

dendations” for the period ending Sep-

tember 30, 2008, pursuant to Inspector Gen-
eral Act Amendments of 1988; to the Com-
mittee on Oversight and Government Re-

form.

189. A letter from the Associate Deputy Secretary, Department of the Interior, trans-

mitting notification that the Department has adopted and will fully follow the guide-

lines 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 entitled, “Emergency and Contingency Funding: Construction and Architectural Engineering Services” for fiscal year 2008, pursuant to Public Law 109-199, section 674(b) of Division B, Fiscal Year 2008 Appropriations Act; to the Committee on Oversight and Government Reform.

191. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission’s plan for fiscal years 2010-2015; to the Committee on Oversight and Government Reform.

192. A letter from the Inspector General, General Services Administration, trans-
mitting the Administration’s semiannual report from the Office of the Inspector General during the period ending September 30, 2008; to the Committee on Oversight and Government Reform.

193. A letter from the General Counsel, Government Accountability Office, trans-

mitting a letter pursuant to the require-

194. A letter from the Deputy General Counsel, National Drug Control Policy, Executive Office of the President, trans-
mitting a report pursuant to the Federal Va-
cancces Reform Act of 1998; to the Com-
mittee on Oversight and Government Re-

form.

195. A letter from the Deputy General Counsel, Office of National Drug Control Pol-

icy, Executive Office of the President, trans-
mitting a report pursuant to the Federal Va-
cancces Reform Act of 1998; to the Com-
mittee on Oversight and Government Re-

form.

196. A letter from the Acting Director, Of-

fice of Sustainable Fisheries, National Ma-
rine Fisheries Service, National Oceanic and Atmos-
pheric Administration, transmitting the Administration’s final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; 2007-2008 Fishery Management Plan; Final Rule (DDocket Nos.: 061228842-7068-02) (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, Of-

fice of Sustainable Fisheries, National Ma-
rine Fisheries Service, National Oceanic and Atmos-
pheric Administration, transmitting the Administration’s final rule — Fisheries in the Western Pacific Crab 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 Ad-

ministrator, For Regulatory Programs, Na-
tional 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 Fish-

eries; Groundfish Fisheries of the Exclusive Economic Zone Fish-

ing Quota Program; Western Alaska Commu-
nity Development Quota Program; Record-
keeping and Reporting; Permits (Docket No.: 08DG2993-7CF0) (RIN: 0648-GGR) 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 Ad-

ministrator for Regulatory Programs, Na-
tional 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 Toothed (DDocket Nos.: 0812001503-7069-01) (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 Fish-

eries Service, National Oceanic and Atmos-
pheric Administration, transmitting the Admin-
istration’s final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna (DDocket Nos.: 09DG1165-7658-01) 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, Depart-
ment of Justice, transmitting the Depart-
ment’s report entitled, “Report to the Na-

tion 2007” from the Office for Victims of Crime (OVC), 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 Transportation, trans-
mitting the Department’s final rule — Vol-
untary Departure: Effect of a Motion to Re-
open or Reconsider or a Petition for Review (DDocket Nos.: 070903-967; 09DG0157) (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, Depart-
ment of Veterans Affairs, transmitting a re-
port for fiscal year 2005 through 2008 on ex-
penditures of the Department’s Medical Care Fun-
s for projects, activities, and facilities that support the mission of the Department, pursuant to Public Law 109-28, section 408(d)(16)(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. 2620(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 — Post-
ponement of Certain Tax-related Deadlines by Reason of a Federally Declared Disaster or Terroristic or Military Action (TD 9443) 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, Internal Revenue Service, transmitting the Service’s final rule — Post-
ponement 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, pur-
suant to 5 U.S.C. 801(a)(1)(A); to the Com-
mittee on Ways and Means.

207. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service’s final rule — Re-
venue Ruling: 2009 Prevailing State Assumed Interest Rates received January 15, 2009, pur-
suant to 5 U.S.C. 801(a)(1)(A); to the Com-
mittee on Ways and Means.

208. 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 Sup-
port Funds for Barbados, Bolivia, Costa Rica, Cyprus, Ecuador, Kenya, Mali, Mexico, Na-
imbia, Niger, Paraguay, Peru, Samoa, South Africa, St. Vincent and the Grenadines, Tan-
zania, Trinidad and Tobago, pursuant to Public Law 110-161, section 671 Div. J; jointly to the Committees on Foreign Affairs and Appropriations.

209. A letter from the Program Manager ODRM, Department of Health and Human Services, transmitting the Department’s final rule — Medicare Program; Change to the Competitive Acquisition of Certain Du-

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 de-
termined by the Speaker, in each case for consideration of such provisions as fall with-
in the jurisdiction of the committee con-
cerned.

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 Com-
mittee 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 Com-
mittee on Armed Services.

By Mr. PENCE (for himself, Mr. SMITH of New Jersey, Mr. PITTS, Mr. FRANKS of Arizona, Mr. WESTMORE-
LAND, Mr. COLE of Michigan, Mr. MURPHY of Nevada, Mr. TERRY, Mr. BUSTON of Indiana, Mr. INGLIS, Mr. HALL of Texas, Mr.  

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H. Res. 76. A resolution mourning the horrific loss of life in January 2009 caused by a 7.6 magnitude 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. Res. 13: Mr. CONYERS and Mr. MCGOVERN.
H. Res. 16: Ms. HERSETH SANDLIN.
H. Res. 17: Mr. MCLINTOCK and Mr. ROGERS of Alabama.
H. Res. 18: Mr. PALEOMAVERA, Mr. JACKSON of Illinois, Ms. GHJALVA, Mrs. LOWEY, Ms. ROYBAL-ALLARD, Mr. SPRATTY, Mr. RODRIGUEZ, Mr. RUSH, Mr. LARSEN of Washington, Mr. GUELLAR, Mr. FASCHELL and Ms. CASTOR of Florida.
H. Res. 85: Mr. LAMBORN.
H. Res. 109: Mr. WU and Mr. DEFAZIO.
H. Res. 110: Mr. MERRILL.
H. Res. 135: Mr. CALVERT.
H. Res. 147: Mr. FILLMER, Mrs. CORINNE BROWN of Florida, Mr. MOORE of Kansas, and Mr. GHJALVA.
H. Res. 150: Mr. BURTON of Indiana, Mr. BILBRAY, and Mrs. MYHICK.
H. Res. 154: Mr. BILBRAY.
H. Res. 155: Mr. BILBRAY.
H. Res. 156: Mr. HALL of New York, Mr. AUSTRIA, and Mr. FLEMING.
H. Res. 223: Mr. FARRE, Mr. MatsuI, Mr. GEORGE MILLER of California, Mr. McNERNEY, Ms. SPIKER, Ms. ESCHO, Ms. ZOR LOFLORENCE of California, Mr. CARDOSA, Mrs. NAPOLITANO, Ms. LORETTA SANCHEZ of California, Mrs. Davis of California, and Mr. FILLNER.
H. Res. 229: Mr. KILDEE, Mr. TURNER, Mr. FAIR, Ms. SHAPA-PORTER, and Mr. SARBANES.
H. Res. 227: Mr. COLE and Mr. LUSTKREMYER.
H. Res. 235: Ms. CHAKOVSKY.
H. Res. 238: Mr. McINTYRE.
H. Res. 239: Mr. STARK, Mr. ELLISON, Mr. LEVIN, and Mr. WELCH.
H. Res. 291: Mr. LEVIN, Mr. BARE of Georgia, Mr. GHJALVA, Ms. BIRONO, Ms. EDWARDS of Maryland, and Mr. WELCH.
H. Res. 292: Mr. BOSWELL.
H. Res. 307: Mr. HERSHET SANDLIN.
H. Res. 311: Mr. KLINE of Minnesota.
H. Res. 348: Mrs. LOWEY.
H. Res. 336: Mr. BARE, Mrs. BORDALLO, Ms. MOORE of Wisconsin, Mr. MCGOVERN, Mr. LEWIS of Georgia, Mr. FAER, and Mr. HENBERGER.
H. Res. 383: Mr. GARY G. MILLER of California.
H. Res. 358: Mr. YOUNG of Alaska and Mr. HUBBARD.
H. Res. 385: Mr. BOSWELL.
H. Res. 393: Mr. ELLISON.
H. Res. 450: Mr. BARE of Georgia.
H. Res. 461: Mr. SHIBATA.
H. Res. 500: Ms. SCHMITZ and Mr. TRAVERS.
H. Res. 502: Mr. HUDSON.
H. Res. 507: Ms. CHIPMAN, Mr. CALVERT, Mr. BOOZMAN, and Mr. SMITH of Nebraska.
H. Res. 509: Mr. HOKKSTRA.
H. Res. 500: Mr. DENT, Mr. BARTLETT, Mr. WILK, Mr. PETRI, Mr. LATOURETTE, Mr. BIGGERT, and Mr. GRELCH.
H. Res. 510: Mr. KAGAN and Mr. PETRI.
H. Res. 525: Mr. BRADY of Texas.
H. Res. 522: Mr. PAGGLIARA.
H. Res. 569: Mr. ACKERMAN, Mr. WELKER, Ms. CHAKOFSKY, and Mr. McDERMOTT.
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.
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:

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 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
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 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 we 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 contest. It was a print 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 Senator CLINTON’s financial contributions. 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 existed, but what is 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 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 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 building fund of the foundation, 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 defining that she recognizes 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 for our country but that doesn’t mean that on the face of it, Senator LUGAR 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 as real 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 a 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 questions or the situation 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 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. I commend the Senator for understanding the 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 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 ask 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 him on some of them so I do not 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 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 new 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 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 increase the transparency and accountability 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 flush out some of the concerns that have been raised, legitimately, by Senator KERRY. Senator LUGAR, and others that I think we should hear 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 the foreign policy 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 that arrangement. I voted for it, 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 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 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. As Senator LUGAR aptly pointed out, that list at the end of my remarks.

In short, I remain concerned that Senator—soon to be Secretary of State—CLINTON's diplomatic work will be enhanced 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, which I think 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 East, 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 disclose 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. He jetted off to Europe 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 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 a 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 $1 million to $25 million in recent years and Clinton was briefly the subject of an investigation by the government. Many other foreign countries have made contributions to the foundation, as have private citizens and charitable organizations.

One of the most notable donors to the Clinton Foundation was the Royal Family of the United Arab Emirates, which gave $10 million to $25 million over the last 10 years.

In the case of the UAE, the funding has been a gift from the country to the Clinton Foundation, which is a nonprofit charitable organization that is exempt from federal income tax. The foundation is run by a board of directors, which includes 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 married 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 nation with a 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 Arab governments or business ventures to the Clinton Foundation "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 of any husband and wife, and certainly a husband and wife team like that is such a powerhouse."

Mr. Clinton's office said in a statement that it believed he should write a letter to Mrs. Clinton to confirm 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."

"Part of the Clinton foundation," Ms. Cutter said, "has no connection to Senator Clinton's prospective tenure as secretary of state."

Reps 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 a Lugar 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 honor contributions to the foundation 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 Bush, whose son is sat in the Oval Office for the last year. The elder Mr. Bush has accepted millions of dollars from Saudi, Kuwaiti and other foreign sources in his new post.

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 medical care to 1.4 million people living with H.I.V./AIDS, helped dozens of cities reduce HIV transmission, and worked to spread economic opportunity.

Mr. Clinton's advocates said that the disclosure on Thursday showed he had nothing to hide. Among the largest donors to his largest contributors were already known.

Yet while unprecedented, the disclosure was also limited.

The disclosures 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.

Mrs. Clinton may have many other foreigners, like Stephen L. Bing; Alfonso Fanjul; Bill Gates; Tom Golisano, a billionaire who ran for New York governor; Rupert Murdoch; and the Wal-Mart Foundation, the financial media empire founded by Mayor Michael R. Bloomberg of New York, contributed, as did Freddie Mac, the mortgage company now partially 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 try to convince India to obtain civilian nuclear technology even though it never signed the Non-Proliferation Treaty. He met with Mrs. Clinton, who he knew would be secretary of state, but the State Department said it 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 Forbes magazine's 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. Clinton was elected, Mr. Mittal said he could not serve with Mr. Clinton in 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 about $2.5 million to view 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.

Mr. Miller's foundation has raised $500K to $1M: Walid A. Juffali—Saudi billionaire; $5M to $10M: Government of Norway.

"The real question," Mr. Levitt said, "is to what extent you can really separate the activities and influence of any husband and wife team like that is such a powerhouse."

That is why Mrs. Clinton's confirmation hearing, now scheduled to begin on Tuesday by the Senate Foreign Relations Committee, must cover wider terrain than press reports. Mrs. Clinton, as first lady, steered him, according to news accounts. Mrs. Clinton, as secretary of state, the last thing she will need is a distracting ethics controversy.

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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 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 said emphatically 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 at a brand new political 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 restrictions than any former president, going beyond what law requires. That does not alter the committee’s duty to review the plans for workability and loopholes.

Everyone should recognize that there is no perfect solution for Mrs. Clinton’s particular situation. Ideally, not all conflicts, real or hypothetical, will be avoidable. Some rules, however well-meaning or tightly drafted, can substitute for the exercise of sound judgment and corporate restraint. But they can help.

[From the Washington Post, Jan. 9, 2009]

QUID PRO CLINTON?—POtENTIAL CONFLICTS OF INTEREST COULD HAMPER 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 in 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 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 his fundraising campaign carries the potential of someone looking to curry favor with Mr. 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 thatsmoothed 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, that gave Mr. Congel 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 ajourned 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 made last month, provided he is installed, the former president of who is bankrolling the foundation will be released once a year. Only new donations from foreign governments will be examined by 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 Bill 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 foreign governments and business for a speech he never gave, and that highly questionable donations, such as the $500,000 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 foundation has 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 governments will be subject to review by federal ethics officials only if they’re new donors.

The best way out of this mess would be for Bill Clinton to divest himself from all of his foundation’s fundraising activities for as long as Hillary Clinton is secretary of state; he can do this and still 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 then, after that, if I may yield to Sen. Charles E. Schumer (D) and then, after that, if I may yield to Sen. Richard G. Lugar (R-Ind.) and forewarn 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 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 re-signed 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 work that 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. Millions of 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 child.

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 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. 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 confidence. Confirmation at the earliest so 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 commend the nomination of Secretary HILLARY CLINTON to be Secretary of State. In my judgment she is an extremely well qualified nominee who is deserving of confidence. 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, the Senator from Arizona, Mr. KERRY, who would normally be here as the ranking member, the distinguished ranking member, the Senator from Massachusetts.

Mr. KERRY. Mr. President, before I share just 30 seconds here. He says:

In my judgment, only the Clinton Foundation could open unique opportunities for U.S. diplomacy and could bolster efforts to improve foreign attitudes toward the United States. In my judgment, only the Clinton Foundation can have 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 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 donors or their countries. There need not be a violation 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 interpreted in the global media to a proximate State Department policy or decision. Foreign perceptions are incredibly important to U.S. foreign policy, and any public complaints or suspicions can deeply affect the actions of foreign governments toward the United States. Moreover, we do not want our foreign counterparts to take advantage of 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 address 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 its resources 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 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 donating the donation back to the foundation 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 for review.

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 going forward would not apply. Senator CLINTON has further stated that she will not take 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 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 donating the donation back to the foundation and with as much specificity as possible.

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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 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 controversy, 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 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 such, 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 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 negotiated, unilateral-agreement, non-bilateral agreement, but not one beyond cooperation. 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 pleased 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, and 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 needs to be an immediate 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 act 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 have had the opportunity to work with 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.

I ask unanimous consent that at the conclusion of my remarks the committee adjourn in the name 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. I want 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 the 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.

As a member of 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 advance 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 a large 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 her compassion or her commitment and confidence. She has promised a formidable commitment to foreign policy and national security strategy that is built on bipartisan consensus and executed with a 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 to have 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 luncheon 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 Senate 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 of the Senate.

Mr. McCain. Mr. President, 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.

Mr. Kerry. 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 and 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:


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.
You can review the full text at the following link:

http://d compartmentalized

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 the vote today. 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 was 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. 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 strict anti-abortion laws. But we are also striving 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. But I suggest an up-or-down vote. 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 memorandum of understanding of the 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 be seen as justly superior. 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 interests 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 pressed 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 will be one other Senator who wishes 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, but 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. I hope for the support of my 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 moral leader of the international community and 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 that person for this 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 produced good 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 steadfastness 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 former 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 call on 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 sector, 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 City.

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 implement her ideas 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 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 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 private places. 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: $30 million in funding to the Gulf coast region, which was devastated by not two storms but actually four counting Ike and Gustav; and not only to the State of Louisiana 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-Clin- ton foundation that has raised over $103 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 non-profits.

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 transform 5 million gallons 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.

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 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 treasures of all the governments in the world cannot stop, perhaps, the AIDS crisis or lift women out of poverty or educate
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 its 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.

An early 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—be published 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 charity work has 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; $50 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: $50,000 to the fire-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.

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 quickly; 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, war on terrorism, global, 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 who is strong, that our kids are educated, and that our people back to work, on making 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.

Mr. President, I rise to speak as in morning business, and I thank the chairman for allowing me to do so. As I said earlier, I believe our President needs someone, whoever he picks as his Secretary of State, as the Senator from California, I very much appreciate her concern about our economy. I know there is going to be a stimulus package forthcoming. I am very concerned about that. I am very concerned about 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 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 decline 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 consequences 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.

I think 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.

It is today, 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’s talked to some editorialists 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 what’s right. So I think 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 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.

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. DODD. 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 thoughtful-ness 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 talk about the qualifications that Senator CLINTON brings to this most important position at such a crucial juncture in our history, I want to 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.

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 voice of the world as Secretary of State.

The new Obama administration 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 boils over 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; millennia-old conflicts that have very little to do with the search for freedom and independence; and human suffering that spans both hemispheres. Iran threatens the very existence of the world as we know it. The 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 express 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 1993, 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 colleagues were 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. She has stood our colleagues 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 already brought 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 extraordinary 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 on humanitarian 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 peace, 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 the Senator from Pennsylvania to 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.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be charged to the other side.

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 the Senate from Illinois would embrace and support.

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 I felt would bring to this country a leader who could make a real difference.

I urge the Senate to approve her nomination. I thank the Senator, and I yield the floor.
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 on the basis of its location, 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 knew 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 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 turn their attention to the timely issues that we 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 and interest in libraries in poor countries around 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, primarily because I believe 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 was very explicit in saying 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 briefly comment 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 is exceptionally strong. She has had little parochial pride at the fact that she is a graduate of the Yale Law School and has carried forward her 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 and her staff, which I did—as I recall, 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 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 knew the emotional 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 ascendency of a woman into the finals of the Presidential contest.

When she was talking about for Secretary of State, I thought it was a 10-strike. I did something that was a first for me, endorsed the balance 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 some say 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 have traveled one 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-Assad and more extensively his father before he died in the year 2000. President Hafez Assad. I believe that Syria is the key to peace in the Middle East. There have been very extraordinary negotiations, particularly, 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. If I had the last 18 months to 2 years, has been brokering for a long while behind the scenes, negotiations.
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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 values 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 adding to the terrorization of Lebanon 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 taking 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 terrorism. 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 that would like to see the taking of dialog and negotiations. If you take a look at Muammar Qaddafi, there you have an example of someone who is arguing 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 acknowledged 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 inductor, a precedent for talking to anybody. Nothing may come of it, but the dialogue is 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 respect.

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 under Chavez. We have undertook. 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 condemnable way about Chavez. Gratuitous insults do not advance the pace or the cause of dialog. So I told Chavez, 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 releases, said 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 was passed in 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, will undertake those matters.

There is one additional comment I have to make, and that is on the potential conflict of interest between commitments of the former President Clinton 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 made a contributon 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, she 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 person of integrity. 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 upholding vote 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 Vermont. 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 chairwoman 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 one. I think that 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 in Afghanistan and Iraq, 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 undermine 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 in 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 than anyone 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 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 an 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 governing wars in Iraq and Afghanistan.

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 Landmines 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 governments and 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 next 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.

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, President Clinton has been 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 an 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 your time this morning.

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, when 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. In addition, she has been critical of 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 United States 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 governments and 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 next Secretary of State.

I would yield back the remainder of my time to the chairman.

Mr. CARDIN. Mr. President, let me thank our distinguished chairman for your time this morning.

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, when 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. In addition, she has been critical of 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 United States 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 governments and 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 next Secretary of State.

I would yield back the remainder of my time to the chairman.
a request by someone on the other side to have a rolcall vote. So there will be a rolcall 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 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 we ran against the conventional wisdom.

I am convinced President Obama and Secretary-to-be Clinton—with the input and cooperation of the Congress and the committee—stands 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 know 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 to move forward for a 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 relationship 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 that, we could be 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 counterinterpretations 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 Clinton clearly understand the perspective 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 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 submarine — we advanced 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, 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 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.

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 want a better future. If the 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 avoid a 4-degree centigrade increase in temperature. We will see an increase of somewhere from 3.5 to 6 degrees centigrade. We will see a degree of temperature increase of six feet under the sea, 16 to 23 feet of sea level rise. The rest of it continues to melt. The implication of not avoiding it are profound. If we are told we have to give up our nukes and return to the Stone Age, that is where you get your 16 to 23 feet of sea level rise.

Now, we have to do this. It means a profound national security change. It means a profound national security change. It means a profound national security change. It means a profound national security change.

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 reflector for the Sun’s rays, absorbs the Sun’s rays. So the more the ice melts, the warmer the ocean becomes and the faster it begins to contain the warm water, the more the ocean absorbs the Sun’s rays, acts to absorb the Sun’s rays. So the more the ice melts, the faster the ocean warms up.

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 and 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 layers beneath 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 who are concerned about the future of this 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 have been 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. That is what 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 meet some of 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, a confrontation with a proliferating nuclear-armed 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 feared—a former First Lady who had become a favored target of the right wing could force the relationships necessary to be an effective Senator for the people of New York State. She answered that loud, and she answered it very clearly.

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.

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 recorded 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 say that 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 we do 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 agree 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. The legislative clerk proceeded to call the roll. The clerk then reported the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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.

The PRESIDING OFFICER. The quorum call is recorded. Under the previous order, the quorum call is continued.

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. They 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 found myself opposed by 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.

[Roll Call Vote No. 6 Ex.]
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 is 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. 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 the 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 understand 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-Gonzales et al. Justice Department’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 was compounded by an opinion written by Justice Alito.

I understand the Members on the other side of the aisle introduced partisan amendments to the legislation. They are 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 much their coworkers are making. They can hide it and hide it until they 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. It has been 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 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 appointee 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 discrimination to avoid paying backpay.

Opponents of the bipartisan Ledbetter Fair Pay Act may raise other excuses. They will no doubt
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, Senator Hutchison, who I know is extremely busy in her role as ranking Democrat on this Committee. Her efforts to craft 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 Senate Equal Pay Act Committee. 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.

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 amendment 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.

Unlike in other cases, the Supreme Court did not hold that any employer's pay structure is facially discriminatory. To the contrary, the Supreme Court's decision in a case involving unequal pay and discriminatory practices held that employers are entitled to a good faith defense if they can prove that any disparate treatment in pay was, in fact, due to legitimate factors other than race or sex. I believe there are some misunderstandings about 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 support Senator HUTCHISON's amendment over Senator MIKULSKI's legislation. For example, I believe there are some misconceptions about the Supreme Court's Ledbetter v. Goodyear decision. Advocates of the Ledbetter amendment 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 pay rates for men and women, then the paycheck is the last act of illegal conduct from which the statute of limitations 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 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 adversely affected 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,
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 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 majority on the floor, you can 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 understands what is fair, what has been unknown 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 hope 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 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
Mr. SPECTER. Mr. President, I now ask unanimous consent that the reading of the bill be stricken as follows:

SEC. 3. LIMITING APPLICATION TO DISCRIMINATORY COMPENSATION DECISIONS.

(a) FINDINGS.—In section 21 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 paragraph (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 Act, when a discriminatory compensation decision or, 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.”.

(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 “other practices” in the core issue here is pay, and that is what I think we ought to deal with.

There are objections to this bill on other grounds that it is a lawyer’s boondoggle 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 of what women paid 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 you have the potential of creating a quagmire and having 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 excluded, and in 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.

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 am looking 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 about. Women worked in a place 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 they pay men more than women for the same work? 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 Justice 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: What?

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 are not doing what I did: If a low 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 to 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 may be 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 should be paid the same. As a woman and a dollar for the man. 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 should be paid the same.

Senator MIKULSKI 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 said it is important 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 the ability to 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? I再说: 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 fair 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 and 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 bill is all about.

 Senator HUTCHISON of Texas 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, 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 very 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, not forget why we had that 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 some 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. I rise to speak in support of the Hutchison substitute amendment to the pending legislation my substitute for the Mikulski bill?

The PRESIDING OFFICER. The pending amendments are the two Specter amendments.
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 make 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 coworkers. I believed her. 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 she or he 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 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 the employee in pressing his or her claim. How can the Equal Employment Opportunity Commission investigate a claim of discrimination? The truth is, 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 showed how her discrimination was recognized? 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.

As I wish to lay out the 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 discuss 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 present, 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 an act of 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. 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 that 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 employer because they were not doing—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. It will do it, it is 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 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. We do not want 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 employer, 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 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 have to be the one who is first injured, but that person knew or should have known can be an equitable, judicial remedy for the potential 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 within 6 months of that injury, and then the 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 important principle 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 that 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 have to 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 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 and recognized. Ms. 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 behalf 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, saw this 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 goes 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. And that is why the Lilly Ledbetter Fair Pay Act is so important. 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, she filed an amended suit because she was 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 date of discovery. She didn't bring the case within 180 days. She couldn't possibly have brought the case within 180 days.

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 I chair, along with my colleagues. 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 I wish to go to the Hutchison amendment. The Senator from Texas and the Chair have introduced a bill in our body, and that is 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. 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 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 amendment. 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 better than an example, 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 disagreeing. 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 clear that that is the case. We 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 have, which I think is the superior framework, the Lilly Ledbetter Fair Pay Act.
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—which 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 spending 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 Hutchinson 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. Women 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-dried 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 Supreme Court 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 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 Maryland 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 Hutchinson-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. I am proud to be a co-sponsor of 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 continue to work together on 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 matter 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 want to 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. Perhaps this is necessary to overturn a Supreme Court decision that misconstrued the law and impaired statutory protections against discrimination, but the Court’s decision reflects both longstanding precedent and Congress’s intentions at the time the law was passed.

In addition, eliminating the limitations periods on claims would not be good 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 nonexistent. As a result, defensive behavior which might harm the plaintiff and other potential victims, prevent gaming of the system (such as denial of default judgments), or promote the resolution of claims. By eliminating the time limit on lawsuits, the Ledbetter Act would sacrifice these benefits to have 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 push down wages, minority workers who are vocal about their rights at a disadvantage if employers attempt to reduce legal risk by hiring fewer individuals likely to file suits 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. An alternative 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 a plaintiff 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 suits.

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” and “a victory for gender discrimination”—the real battle was not over whether gender discrimination but the procedure that must be followed to assert a pay discrimination claim. Specifically, the case presented only whether a plaintiff, under a charge alleging pay discrimination with the Equal Employment Opportunity Commission (EEOC), a prerequisite to suing. Lilly Ledbetter 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 she retired. Her claim was that after she rebuffed the advances of a department foreman in the early 1980s, he had given her poorer 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 antidiscrimination 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 applies a statute of limitations, meaning that an employer 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 employer.

On her Title VII claim, however, Ledbetter prevailed at trial before a jury, which awarded her back pay, front pay, and punitive damages totaling $517,735, plus attorney’s fees and court costs. Goodyear appealed, and the Eleventh Circuit reversed the lower court’s 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. It seems intrinsically unfair to many that a legal technicality should close the courthouse doors, statutes of limitations, as the major- ity of the Court acknowledged, 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:

1. 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.”

2. Indeed, Ledbetter illustrates this function well. Although in this particular 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, rarely disputed. More contentious, however, is the defendant’s discriminatory intent, which Title VII requires in addition to proof of disparate treatment. The Court acknowledged that the dispute 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 the trial began. 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 institute the suit, will be at a particular disadvantage. This seems to have been the case in Ledbetter.

3. Statutes of limitations, in contrast, require a plaintiff to assert her claim earlier, when evidence is still fresh and the defendant has a fair chance of mustering it in time to mount a defense. In this way, statutes of limitations serve to cut off meritorious claims whose veracity cannot be checked due to passage of time.

4. Second, statutes of limitations also help to encourage plaintiffs to diligently prosecute their claims, thereby achieving the law’s remedial purpose. This is particularly the case for statutes that are exceptions to the general rule that time limits on suits do not bar the court from taking judicial notice of facts and law. In the case of Ledbetter, the passage of time may have made it impossible, for example, “to prove that the defendant is liable for the pay disparity.”

5. Fourth, time-limiting the right to sue furthers another purpose. Value is placed on being able to be investigated and prosecuted promptly, while most of dubious merit or value are “allowed to remain neglected.” Thus, “the lapse of time without assertion of a demand, creates, therefore, a presumption against its original validity, or that it has ceased to subsist.” Statutes of limitations, therefore, 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 limitations are ubiquitous in law and have been since ancient Roman times. Limitations periods necessarily close the courthouse doors to some potentially worthwhile claims. The outcome is this: the law 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 later apologized for) over the majority’s reasoning—“crammed” and “incompatible with the statute’s broad purpose.” Ginsburg’s logic, repeated on the opinion page of The New York Times and countless other newspapers, was that Ledbetter was a member of a protected class (women), performed work equal to that of the dominant class (men) and was consigned to a career path that work due to gender-based discrimination. End of story. Pay discrimination, Ginsburg argued, is different than other forms of discrimination. The public, she wrote, “is 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 believed 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 be able to use a statute of limitations to shift from liability to defense, to make a defendant pay damages that would otherwise have been forgotten, or be incapable of explanation, by reason of the death or removal of witnesses.”
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 created.

Unfortunately, though, it was Ginsburg’s dissent, and her uneasily seeming that “once again in Congress’ court” language 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. The bill adopted Ginsburg’s view, amending a variety of anti-discrimination laws to the effect that a violation occurs “each time wages, benefits, or other terms are paid” that is affected by any discriminatory practice. In this way, the law would simply eliminate the limitations period as applied to many cases.

In fact, employers would 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 in the Fair Pay Act would apply to any (alleged) discrimination that has had an (alleged) effect on pay, such as an adverse promotion decision. In addition, re-tied to the Ledbetter act’s alleging pay 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 different pay results a flood of cases alleging past discrimination that occurred decades ago if they are presently receiving benefits, such as pensions or health care, arguably effected by the long-ago discrimination.

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 are sex and race minorities and are not able to understand how productivity is determined,” the law would impose significant costs on businesses and, by extension, consumers. The law could also 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 and firing decisions, and other choices might later bring lawsuits against them and, as a result, hire fewer of these individuals. Even though this discrimination would violate the title VII anti-discrimination law, employers might find it difficult or impossible 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 through a variety of 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’ 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 is not the only vehicle for pursuing such differences in pay. Damages in addition to several years’ worth of deficient pay. Had she proceeded under the EPA and prevailed, Ledbetter would have received damages for two or three years prior to filing a charge with the EEOC—about $50,000 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 scores of similarly situated employers 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 resources or settling the cases, 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 effective 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 other statutes. So what? 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 a broad, sweeping discriminatory intent statute would fade away if the limitations period were too long. A relatively brief limitations period certainly satisfies these concerns.

But it is not the statutory language that is too short, but the setting. It is in the past three decades that large numbers of women, minorities, and others who seek justice have been challenging low wages, benefits, and work conditions. Those statutes of limitations are the result of redress for those who are the victims of recent or continuing discrimination or unjustified pay disparities.

**A PERFECT STORM**

It was a surprise to many legal observers a year and a half ago that the Ledbetter case—a remarkable application of a rule set forth in a single paragraph from it. The Heritage Foundation believes that the Ledbetter case—unremarkable application of a rule set forth in a single paragraph from it. The Heritage Foundation believes that the Ledbetter Act and my substitute bill would maintain the current limitations period but augment it with a “discovery rule” so that the period begins running only when the employer reasonably suspects, or should reasonably suspect, that he or she has been discriminated against. This approach has the benefit of encouraging employees to invest time and money in proving their 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 Ledbetter Fair Pay Act’s benefit of limitations provides. Nonetheless, this approach would provide more certainty, and prove far less disruptive, than eliminating the limitations period.

**CONCLUSION**

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 employer 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

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 excerpts from it.

The Heritage Foundation report says:

Another option was proposed in the last Congress—

My bill—
Mr. ENZI, with 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 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 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.

Mr. 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.

Mr. MENENDEZ. 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 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 Bir-
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 lead to 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 the 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 a threat 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—recently 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.

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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 you 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 Senator HUTCHISON in so many ways for her leadership in this issue. She has been an exceptional fighter on behalf of Lilly Ledbetter and 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 Senator MENENDEZ 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 MUKURU 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.

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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 sure sign he is making more money? That is what you 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 see 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 gets 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 to 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 employees and employers 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? 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 back 12 years, and she got only $300,000. It is 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 most 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 caps.

Why suddenly would we 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 affected by pay discrimination 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 and it offers a system that 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 in the 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, 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, 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 broke, but it took 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 the mines of northern Minnesota. The women there were hardly ever the subject of the lawsuits.

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 would be better if we 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 this debate. He has the floor. We wish to accommodate him.

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 systemic 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—how should you have known?

When you go into a workplace, one of the first 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 change. This could change so that we 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 convince 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 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. . . .

You know, when you discriminate, you don’t usually just discriminate against one person. It is going 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 going to a job that is 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 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 a clear and sure-cit 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 employers to address any disparities.

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 some information to suspect discrimination.

The Hutchison bill deprives employees of 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 challenges to pay differences even beyond equal pay.

This bill raises innumerable questions, including when an employee could have been aware of 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 is based on the Constitution and the legislation that I am sponsoring which would give employees the right to evaluate their suspicions of discrimination and work toward solutions with their employers, including voluntarily.

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 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 their 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.

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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.

Again, we are back to this would have, should have, could have been found to have a “reasonable suspicion of discrimination.”

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 with no remedy against present, continuing pay discrimination if they do not file a 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 forces employees 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 “have or should be expected to have” sufficient information to suspect discrimination.

The bill raises innumerable questions, including when an employee “have or should be expected to have” enough information to suspect discrimination.

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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 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 their employer to resolve the dispute. This is especially true if an employee is 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.

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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 nearly settled on 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 threshold issues, involving 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 discrimination, the court will have to prove that her failure to suspect was reasonable. These time-consuming battles will cost courts and businesses millions of dollars in litigation—and will increase the difficulty employees denied equal pay will have in getting the wages they have earned. The 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 re-established the personal knowledge standard for enforcing 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 regime. 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 the legal rules 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, which would clarify the bright-line test currently appearing in the law, would be forced to engage in costly battles before even nearly settled on 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 threshold issues, involving 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 discrimination, the court will have to prove that her failure to suspect was reasonable. These time-consuming battles will cost courts and businesses millions of dollars in litigation—and will increase the difficulty employees denied equal pay will have in getting the wages they have earned. The bill will result in confusion in the courts and for employers.

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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 other. For we adopted the Constitution, the greatest achievement yet in human freedom; as boys and men bleed out of shattered bodies into sodden fields at Antietam and Chickamauga, Shiloh, and Gettysburg; when in the aftermath of slavery, 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. As the President has just taken 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 en gloomed in tyranny. That is why we stand alone in this world in 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 wide open to the exigencies of day, can say: Never, never, 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, that our lively experiment is, I believe, the greatest achievement yet in human freedom; as boys and men bleed out of shattered bodies into sodden fields at Antietam and Chickamauga, Shiloh, and Gettysburg; when in the aftermath of slavery, 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.

So from that perspective, what about the past? No one can deny that 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 to light their villages and hamlets and barriers, 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, and institutions of government 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 the price of that is 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 interrogations 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 families are lost 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 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 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 the lessons we have learned have pervasive infil tration 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 be guile 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 subdued 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 rather than the people, the lesson is the difference between a valuable 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 popula tion 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. BIEHL). 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 withdrawn on an individual becomes subject to a discriminatory compensation decision or other practice, including”.

AMENDMENT NO. 29

(Purpose: To clear standing)

Beginning on page 3, line 22, strike “adopted,” and all that follows through “including” on page 4, line 1, and insert “adopted or withdrawn on an individual becomes subject to a discriminatory compensation decision or other practice, including”.

The amendments have been considered and are in order and are--
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 problems we have 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, and added, and additional questions, 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 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. But that is not the normal course of business. It is not a precedent-setting bill regardless of whether it is S. 181 or S. 196. But like virtually all rights of action, it has to be exercised within a statute of limitations. But that is not the normal course of business. It is not a precedent-setting bill regardless of whether it is S. 181 or S. 196. But like virtually all rights of action, it has to be exercised within a statute of limitations. But that is not the normal course of business. It is not a precedent-setting bill regardless of whether it is S. 181 or S. 196. But like virtually all rights of action, it has to be exercised within a statute of limitations.
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, or 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 that he 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 being discriminated against for 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 produced those facts or simply because employees may simply not know such information. In either case, the result is the same—the employer, through no fault of his 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 a long 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 the Hutchison bill correctly 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 disparity compared to her male peers, either because of conscious concealment or simple lack of information, are not prevented from filing and pursuing a 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 situations I have just 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 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 it is the party 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 decision? 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 and other interested parties have opportunities to make their views heard. 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, 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.

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,

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 administrations 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.

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. government has attempted 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 is a list 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 subscribes to the narrative 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 reviewing Mr. Lynn’s biography, 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, or as I refer to it at DOD or Congress, 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 has 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 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 former colleagues and is 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, and 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 questions, 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 rules at DOD, or of the need 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 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 appreciated the 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 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 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 can count 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 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 to be 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 MLIC 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, Mr. President, 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 SENATOR 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 authority. 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 Southwest 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 has 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 forswearing, for which he deserves the Nation’s appreciation.

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 our 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 unwavering, 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 he has prevented, and he 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 to ensure 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, to rework the map 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 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 National Cybersecurity National Cybersecurity Initiatives, NCNCI. NCNCI 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 principal officer 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 from 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, a historic 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 making this happen.

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 and our nation’s 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. 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 shown 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, homeschooling, and cross-cultural 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 interaction that has 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 North-east Iowa Council of 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 my e-mail 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 ocalevie 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, and because of that I am constantly going to rehearsals and performances, as 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 the money being spent on gas 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 that is 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 one. 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 could be greatly set up many, and thank you for finally giving the people more of a voice on the issue and for bringing attention to the Congress.

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 position to do so. In the five years since he retired, we have seen our insurance premiums rise over $600 per month to $1,020 per month, and our medical bills rise from $300 per month to over $1,200 per month. Our mortgage has increased $400 per month. While 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 the view, and to get there now costs $100+. We have found ourselves at the mercy of speculators and to get there now costs $90+ just to enjoy the view, and to get there now costs $100+. We have found ourselves at the mercy of speculators and we are far luckier than most—we don’t have the refineries to process oil even if we haven’t the refineries to process oil even if we have not the refineries to process oil. We are not only would this save many people’s wallets...
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 plants do it for $7 a gallon, comparatively. We need a “Manhattan Project” — throw the weight of the government behind developing nuclear facilities on line, build, new refined methods for cleaning burning coal. Stop arguing about which side of the aisle is the right side. Do this 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, and do a lot of the job for 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 family would receive 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 our legislators to cut back on their federal spending and free us up to make our own decisions.

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 do this without more coal? Let me guess, raise our electric rates? I guess I could use biodiesel, but it costs more than regular diesel. Oh yeah, but I can't afford profit from biodiesel. Are you going to do anything about the oil speculators? No. Reducing speculation will cut into the retirements of some of our Senate and House Congressmen. 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 skyrocketing pricing 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 the oil companies or about the 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 the rules are changed the MPG average in the average, maybe automakers will be forced to work on raising Fleet MPG averages. But the MPG mandates that the government requires automakers to estimate for each of their fleets is still not high enough. Maybe it needs to be revised each and every year and not on the Washington average for—Ten Years.

On a personal level, I cannot run out and buy a new vehicle that gets 10 percent better MPG, I need a price on the OHP 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 could see how many MPG you were getting or a Green rating of your primary family vehicle.

Example: $100 times a Green rating of 8 lets you save $800 per year in 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 whether or not to build a nuclear power plant. Remember, what killed the US nuclear industry is not safety, fuel recycling, waste disposal but economics. Look at the problems behind a failed nuclear construction was staked 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 political leaders must do is step forward and mandate DOE to fund, build and operate the next generation nuclear power plant as a national Strategic Initiative 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 get extended this year) or Carbon Producers (Coal and Oil Power Plant) need higher “Carbon Taxes”

Electrical Reduction at Home—I would love to see increased incentive to encourage ride-sharing and walkable communities. If we do this, it would be estimated that we could cut the number of cars on the road by 50% and pay for the new houses, 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. I am unable to 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. He then forced me to pay 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 paying for a lawyer. I need help with the tax credits in order to afford it. If the government reinstated many of its previous incentives, it would help.

Thank you,

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 if the government will do right by the American people. 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 and natural gas. We also can further know 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 leaders of our government. 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 supposed to agree when one simple question should be asked: Has it happened before? Why not ask them these questions for the next six months: Are the glaciers melting, hurricanes, cyclones, etc.? We need to put all these doom-sday 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 demagogy it. Do the liberals have one idea on the 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 using our own oil. 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 be better if they allowed a free market to bring prices down. I used to get my US manufactured meals from Canada but now pay a little more for these plans but want to 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 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 of a rule entitled "Interim Guidance for Subordinate Mortgage Lien Holders" (RIN6550–AE49) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–499. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report of a rule entitled "Evaluation of Phase I of Medicare Health Insurance Portability and Accountability Act Provisions Governing Targeted Dumping" (Rev. Rul. 2009–10) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Finance.

EC–500. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Approval and promulgation of implementation plans: Nevada; Vehicle Inspection and Maintenance Program" (FRL–4784–7) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Environment and Public Works.

EC–501. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air toxics: 2010 final rule to regulate 132 hazardous air pollutants; fixed source standards for volatile organic compounds—exclusion of propylene carbonate and dimethyl carbonate" (RIN3060–AN75) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Environment and Public Works.

EC–502. 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–4784–7) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Environment and Public Works.

EC–503. 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 the 1-hour ozone standard for New Mexico; Ohio; West Virginia—Reasonably Available Control Technology" (FRL–4784–7) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Environment and Public Works.

EC–504. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Evaluation of Phase 1 of Medicare Health Insurance Portability and Accountability Act Provisions Governing Targeted Dumping" (Rev. Rul. 2009–10) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Finance.

EC–505. 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–4784–7) 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–4784–7) 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 "Approval and promulgation of implementation plans: Nevada; Vehicle Inspection and Maintenance Program" (FRL–4784–7) 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 "Approval and promulgation of implementation plans: Nevada; Vehicle Inspection and Maintenance Program" (FRL–4784–7) 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–AA01) 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 "Air toxics: 2010 final rule to regulate 132 hazardous air pollutants; fixed source standards for volatile organic compounds—exclusion of propylene carbonate and dimethyl carbonate" (RIN3060–AN75) 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 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–4784–7) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Environment and Public Works.

EC–512. 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–4784–7) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Environment and Public Works.

EC–513. A communication from the Chief of Staff, Office of the President, transmitting, pursuant to law, a report entitled "Revenue Ruling: 2009 Preventing 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–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, and Investment Tax Credit Provisions Governing Targeted Dumping" (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 Preventing 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 Regulation Committee Governing Targeted Dumping in Antidumping Duty Investigations" (RIN6555–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 Trad 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 Import of Burmese silver: 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 Trad 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 Import of Burmese silver: 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–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 Finance.

EC–521. A communication from the Deputy Director for Management, Office of Management and Budget, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling: 2009 Preventing 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–522. A communication from the Director, Office of Management and Budget, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling: 2009 Preventing 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.
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 Representative of the United States of America to the General Assembly of the United Nations during her tenure of service as Representative of the United States of America to the United Nations.

Nominations were 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. 262. A bill to authorize the extension of nondisparagement treatment (normal trade relations treatment) to the products of Kazakhstan; to the Committee on Finance.

By Ms. SOWE (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. 294. A bill to amend the Internal Revenue Code of 1986 to provide 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 predominately 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. VOZNEVICH, 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 deduction for expenses for gross income; 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; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. DODD):

S. 296. A bill to provide 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. REID:

S. Res. 18. A resolution making majority party appointments to certain Senate committees for the 111th Congress; considered and agreed to.

By Mr. MCGINNIS:

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.

S. 274

At the request of Mrs. FEINSTEIN, the name of the Senator from Nebraska (Mr. NELSON) 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. 297

At the request of Mrs. KOHL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 297, 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 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 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 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 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 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 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 charitable 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 the mileage reimbursement rate for 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 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 matching funds to supplement Federal support 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 working 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 in this bill an offset 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 109th 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 this year’s final version of that bill.

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:

SEC. 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 by an individual who is a volunteer of the organization.

(b) No Double Benefit.—Subsection (a) shall not apply with respect to reimbursement included from income under subsection (a).

(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 UNDERPAYMENT OR OVERPAYMENT OF TAX.

(a) In General.—Section 6672 of the Internal Revenue Code of 1986 (relating to fraud and false statements) is amended—

(1) by striking ''Any person who—'' and inserting ''Any person who—'', and

(2) by adding at the end the following new subsection:

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.


(a) General.—Part III of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking in its entirety the subchapter as redesignated by section 806(a) of the American Taxpayer Relief Act of 2012 and inserting the following:

SEC. 274. Reimbursement for use of passenger automobile for charitable purposes.

(1) In General.—Subsection (a) of section 274 of the Internal Revenue Code of 1986 is amended by striking ''170(c), as reimbursement of operating expenses with respect to use of a passenger automobile by an individual who is a volunteer of the organization.''

(b) Amendments.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

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 pay, 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 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 those cases, Section 511 will effectively withhold entire paychecks—interest free—thereby impeding the cash flow of small firms, 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 staff to comply. The Congressional Budget Office, CBO, said the provision creates 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. This 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.

If I understood 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 ALTMEIER, 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 passed 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.

There being no objection, the matter 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 Institute of Architects; American Moving and Storage Association; American Nursery and Landscape Association; American Roofing & Roofing Associations; American Society of Civil Engineers; American Subcontractors Association; American Supply Association; American Trucking Associations; Associated Builders and Contractors; Associated Equipment Distributors; Association of National State 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; Institute of Electrical and Electronics Engineers Inc.; Institute of Government Business; Institute for Federal Taxation; National Association of Manufacturers; National Contractors Association; National Federation of Independent Business; 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 Clara County Chamber of Commerce; Sheet Metal and Air Conditioning Contractors National Association, Inc.; Small Business & Entrepreneurship Coalition; Small Business Legislative Council; Textile Rental Services Association of America; The Associated General Contractors of America; The Association of Union Contractors; 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 a 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, 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 in this measure, 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 stand-alone 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 quantities 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 agreed, estimating that the 2-year carryback 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 for individuals and the capital 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, 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 is similar to purchases made under the Economic Stimulus Act of 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 “add-back” to the 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 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 can incent- rate 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 mult Speciality 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 support 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 mult Speciality and multilevel providers for select, high cost diagnoses. 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 2007 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 with no concomitant rise in health care quality. According to the 2007 report of the McKinsey Global Institute, “Accounting for the Costs of Health Care in The United States,” the U.S. spends almost a trillion dollars more on healthcare than other similarly situated countries, when adjusted for population and income. According to the 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 Senate.

As we move towards a 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 delivery 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 readmissions to create 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 Participation Heart 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 consultants 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/McKinsey Health Care Opinion Leaders Survey, released November 3, 2008, found that more than 3⁄4 respondents reported that the fee-for-service system is not effective at encouraging high quality and efficient care. More than 3⁄4 respondents favor a move toward bundled per patient payments. Shared accountability for resource use also was favored as a means for improving efficiency, and 3⁄4 of the experts surveyed supported realigning provider payments to improve efficiency and effectiveness.

This legislation makes three broad reforms to the Medicare program leading to higher quality and more efficiency. 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 for readmission. Third, 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, insuring that the readmission rate captures readmissions to any hospital and not be limited to the initial health care provider for which the diagnosis was assigned and verifying 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 readmission rates and risk adjusted resource use for select high-volume diagnosis-related groups, DRG, associated with high readmission rates. After 3 years, HHS will publically release these reports with an annual review of the list of DRGs reported. The data reported will also include 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 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 episode payments to organizations and managed care groups, 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 delivery of 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 of a variety of bundled payment arrangements. 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. 285
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 Improvement Act of 2009.”

SEC. 2. FINDINGS.
(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.—

(1) ANNUAL REVIEW.—Beginning not later than 1 year after the date of enactment of this Act, the Medicare Payment Advisory Commission shall conduct an annual review of readmission rates and resource use for conditions selected by the Secretary under paragraph (5) with respect to subsection (d) hospitals and affiliated physicians (or similarly licensed providers of services and suppliers); and

(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 (3), 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).

(B) To the public.—Beginning not later than 3 years after such date of enactment, taking into consideration the results of such annual review under paragraph (3), the Secretary shall select conditions for the reporting of data submitted under section 1886(b)(2)(B)(viii) with respect to subsection (d) hospitals and data submitted under section 1848(m) with respect to eligible professionals.

45(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 ending on the initial admission and the applicable readmission;

(B) capture readmissions to any hospital (as defined in section 1861(e)) or any affiliated 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.

46(INSTRUCTIONS 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 exception 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)).

47(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; and

(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).

48(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.

49(RISK ADJUSTMENT OF DATA.—The Secretary shall make appropriate adjustments to 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 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 the unique circumstances and status and other patient characteristics.

50(INCORPORATION INTO QUALITY REPORTING INITIATIVES.—The Secretary shall, to the extent practicable, incorporate the benchmarks for readmission rates and resource use measurements into quality reporting initiatives for other Medicare payment systems, including such initiatives with respect to providers of services and suppliers associated with episodes of care, including how any penalty could be distributed among such providers of services and suppliers and the Medicare program. The Secretary shall, to the extent practicable, incorporate appropriate gainsharing by such providers of services and suppliers.

51(ANNUAL UPDATE.—The Secretary shall 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.

52(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 not later than 2 years after the date of such selection.

53(CONFORMING AMENDMENT.—Section 1886(d)(1)(A) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(A)), in the matter preceding subsection (b), strike "section 1313" and inserting "sections 1313 and 1395w.

54(GOAL-PILOT PROGRAM FOR BUNDLED PAYMENTS FOR EPISODES OF TREATMENT.—

(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 for hospitals and other organizing entities for items and services associated with hospitalization episodes of Medicare beneficiaries with respect to 1 or more 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. 1395et seq.) (as determined by the Secretary).

(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. 1395et 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 mechanisms 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) PROCESSES.—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 associated with the hospitalization episode in an amount negotiated between the participating hospital and the provider of services associated with the episode.

(iv) SAVINGS.—The Secretary shall establish procedures to ensure that the savings.
null
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. Grassley, Mr. Leahy, 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. Vitter, Mr. Isakson, Mr. Wicker, and Mr. Johanns, and Mr. Graham.

SELECT COMMITTEE ON ETHICS: Mr. Isakson, Mr. Roberts, and Mr. Risch.

SELECT COMMITTEE ON INTEL- LIGENCE: 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 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. DE MINT (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.

SA 32. Mr. DE MINT 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.

SEC. 2. PROTECTION OF WORKERS’ POLITICAL RIGHTS.

(a) PROHIBITION.—Except with the separate, prior, written, voluntary authorization of the 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 fee, or payment is 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. DE MINT 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.

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.

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SA 33. Mr. DE MINT 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.

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 (42 U.S.C. 2000e-5(e)) is further amended by adding at the end the following:

"(c) STATUTES OF LIMITATIONS FOR SUITS AGAINST LABOR ORGANIZATIONS.—Notwithstanding subsection (d), 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) DISCRIMINATION IN EMPLOYMENT ACT.—Section 7 of the Age Discrimination in Employment Act of 1967 (as amended by section 3 of this Act) (42 U.S.C. 617) is further amended by adding at the end the following:

"(c) 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) 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.

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, as follows: At the appropriate place, insert the following:

SEC. 5. GOVERNMENT NEUTRALITY IN CONSTRUCTION.

(a) PURPOSE.—It is the purpose of this section to—

(1) promote and ensure open competition on Federal and federally funded or assisted construction projects;

(2) in the case of a Federal Government contractor 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) OPEN COMPETITION AND FEDERAL GOVERNMENT NEUTRALITY.

(1) PROHIBITION.—

(A) GENERAL RULE.—The head of each executive agency shall ensure that a construction contract entered into by an executive agency, or a construction manager acting on behalf of such an agency, shall be performed in a nondiscriminatory manner.

(B) EXCEPTIONS.—For purposes of this section, the term "construction contract" means a construction contract, subcontract, or other agreement for the construction, operation, conversion, extension, or repair of buildings, highways, or other improvements.

(c) APPLICATION TO OTHER LAWS.

(1) The provisions of this subsection shall apply to contracts awarded prior to the date of enactment of this Act, and to contracts awarded pursuant to such contracts regardless of the date of such contracts.

(2) RECIPROCATING AGREEMENTS FOR CONSTRUCTION PROJECTS AFTER THE DATE OF ENACTMENT OF THIS ACT.

(a) IN GENERAL.—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 set forth in section 501 or 504 of the Rehabilitation Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1967, 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.


(1) the claim results from a discriminatory compensation decision or other practice; and

(b) the 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:

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, as follows: At the appropriate place, insert the following:

SEC. 7. FEDERAL ACQUISITION REGULATORY COUNCIL.

(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.

(b) DEFINITIONS.—In this subsection:

(1) 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.

(c) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given such term in section 701 of title 2 of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d)).

SA 36. Mr. ENNSIGN 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, as follows: At the appropriate place, insert the following: 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) 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.
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, 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. 1977a), 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 a charge, and all compensatory and punitive damages for intentional discrimination 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, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

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 second sentence, by striking "Upon" and inserting the following:

"(2) Up to three years after the occurrence of the unlawful practice described in clause (1), or, in the case of an employer, the occurrence of the unlawful practice described in clause (1) that occurred outside the time for filing a charge,".

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 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.

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, 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 consideration en bloc of S. Res. 18 and S. Res. 19, submitted earlier today; that the resolutions be agreed to, and that 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 Florida, Mr. Brown, Mr. Casey, Ms. Klobuchar, Majority Leader designee, and Majority Leader designee.

- COMMITTEE ON APPROPRIATIONS: Mr. Inouye (Chairman), Mr. Byrd, Mr. Leahy, Mr. Murray, Mr. Merkley, Mr. Ms. Landrieu, Mr. Murray, Mr. Wyden, Mr. Dorgan, Mrs. Feinstein, Mr. Durbin, Ms. Stabenow, Ms. Boxer, Mr. Udall of Colorado, and Mrs. Shaheen.

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 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 Foreign Relations

Mr. KERRY. Mr. President, I ask unanimous consent that the Senate Committee on Foreign Relations be authorized to meet during the session of the Senate to conduct a hearing entitled "Financial Transformation and the New Regulatory Frameworks for the Global Financial System."

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

Committee on the Budget

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on the Budget be authorized to meet during the session of the Senate to conduct a hearing entitled "The Budget Process in the 111th Congress: A Description of the Budget Process and an Examination of the President's Budget Request."

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 a hearing entitled "The Supreme Court and the Nomination Process."

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

Committee on Rules and Administration

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate to conduct a hearing entitled "The Senate and the New Congress: California's Senator Boxer."
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. Blanchfield, Mr. Lugar, Mr. Cochran, Mr. McConnell, Mr. Roberts, Mr. Johanns, Mr. Grassley, Mr. Thune, Mr. Enzi, Mr. Coburn, Mr. Ensign, Mr. Gregg, Mr. Hatch, Mr. Brownback, Mr. McConnelly, Mr. Sessions, Mrs. Hinson, Mr. Brownback, Mr. Alexander, Mr. 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 Mr. Snowe.

- **COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS:** Mr. Shelby, Mr. Barrasso, Mr. Crapo, Mr. Martinez, Mr. Corker, Mr. DeMint, Mr. Vitter, Mr. Johanns, and Mrs. Hutchison.

- **COMMITTEE ON THE BUDGET:** Mr. Gregg, Mr. Enzi, Mr. Coburn, Mr. Bunning, Mr. Crapo, Mr. Ensign, Mr. Cornyn, Mr. Graham, and Mr. Alexander.

- **COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION:** Mrs. Hutchinson, 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. Barrasso, Mr. Crapo, Mr. Martinez, Mr. Wicker, Mr. Vitter, Mr. Barrasso, Mr. Specter, Mr. Crapo, Mr. Bond, and Mr. Alexander.

- **COMMITTEE ON FINANCE:** Mr. Grassley, Mr. Hatch, Mr. Snowe, Mr. Kyl, Mr. Bunning, Mr. Crapo, Mr. Roberts, Mr. Ensign, Mr. Enzi, and Mr. Cornyn.

- **COMMITTEE ON FOREIGN RELATIONS:** Mr. Lugar, Republican Leader designate, 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. McGain, Mr. Hatch, Ms. Murkowski, Mr. Coburn, and Mr. Roberts.

- **COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS:** Ms. Collins, Republican Leader designate, Mr. Coburn, Mr. McGain, Mr. Voinovich, Mr. Ensign, and Mr. Graham.

- **COMMITTEE ON JUDICIARY:** Mr. Specter, Mr. Grassley, Mr. Coburn, 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 designate, Mr. Vitter, Mr. Thune, Mr. Enzi, Mr. Isakson, and Mr. Voinovich.

- **COMMITTEE ON VETERANS’ AFFAIRS:** Mr. Burr, Mr. Specter, Mr. Isakson, Mr. Wicker, Mr. Johanns, and Mr. Graham.

- **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, Mr. Coburn, 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 legislative here, people can offer amendments, with no restrictions. 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 really hope we can 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 President from Vermont is recognized.

Mr. SANDERS. Mr. President, I ask to be recognized.

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 the change coming. 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 lost something on the order of $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 some—those who voted for the sequester 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 suggested, that this was 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—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 manners in order to make these incredible profits and to bring our entire 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 this position, and that we AARP 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, there has been a chronic problem in our financial system which has been 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 incomes; 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 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 a situation that many of us do not talk about 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 European countries. Well, let me be very clear: by far 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 us. 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 something that many people 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, because 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. In 2000, 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 so, 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 the enormous tax cut 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 the rate of childhood poverty in 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 25,000 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 weeks, as 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 across 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, 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 legislation for the last many years, we can fulfill the faith the American people have expressed in us for so many years, and become the country all of us know we can become.

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

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.

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.
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 Rotarians in Greece, 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 motto 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.

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.

The sheer number of volunteers, the hours they’ve donated, and the variety of activities they’ve performed impressed judges of two awards programs this year. In April, the National Association of Counties recognized our county for its two dozen entrants with an Act of Caring Award for community improvement, said spokesman Bill Cramer. In March, the Tampa Bay Regional Planning Council recognized the division for its conservation efforts.

“Twenty years ago, before development swallowed up swaths of Florida, Pinellas County had the foresight to set aside thousands of acres of land for environmental protection,” Rinker said. “Now, a robust corps of volunteers is striving to protect the county’s natural resources.”

Volunteers give Brown the freedom that thirty 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.”

“This 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 thirty 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 cruise 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’re totally immersed in the environment,” Brown said. “It really is cathartic to get out there.”
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 land, or most 15,000 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 tackle the task 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 31. And only a handful of these are assigned to full-time maintenance duties in the preserves.

The land division now is hoping to grow its volunteer ranks by 10 percent each year to offset its staff cuts. All ages are welcome—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 invasive species such as air potato and Brazillian pepper, to leading hikes, doing research, or 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 a musical interpretation by Frank Loesser 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.

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 on the Whole 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, public hearings on TARP fraud, waste, abuse, and other 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. 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 our 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, 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 to 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 Semite 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 we were left to him “to decide whether we should have a government without newspapers or newspapers without a government,” he would “not hesitate 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 century of its publication. 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 industries 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.
HO\N\ING \N\THER\ND \C\AP\PS\ OF \C\AL\IF\R\IA\N
IN \N\E \H\OUSE \N\F \R\E\P\R\E\R\\AT\\T\IV\E\S
\W\E\D\N\\\N\S\E\Y, \J\A\N\U\A\R\Y 2\1, 2\0\0\9

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 this legislation, as 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 funds in time 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 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 same treatment. Just in time 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.

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with any program requirements, including ex-
ecutive compensation and any specific agree-
tment terms.

Madam Speaker, I am pleased that this leg-
islation has strong requirements regarding ex-
cecutive compensation. For any new receipt of TARP funds (except those by small financial institutions), this legislation applies the most stringent non-tax executive compensation re-
strictions from EESA across the board includ-
ing:

1. Requiring Treasury to prohibit incentives that encourage excessive risks,
2. Providing for claw-back of compensation received based on materially inaccurate state-
tments; and
3. Prohibits all golden parachute payment for the termination of the investment included in this legislation is a requirement of government board representation by author-
izing Treasury to have an observer at board or board committee meetings of recipient institu-
tions. This legislation changes to structure and authority of TARP board—the Financial Sta-
tability Oversight Board is expanded to include the chairman of the FDIC and two additional members who are not currently Federal em-
ployees, who shall be appointed by the Presi-
dent and subject to Senate confirmation. The
board will have the authority to overturn policy decisions of the Treasury Secretary by a 3/5 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 bil-
lion, for foreclosure mitigation, with plan re-
quired by March 15, 2009. By that date, the
Secretary shall develop, subject to TARP Board approval, a comprehensive plan to pre-
vent and mitigate foreclosures on residential mortgages. The Secretary shall begin commis-
ting 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 min-
imum $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 com-
bination of the following program alternatives: selected for qualifying loan modifi-
cations under a systematic plan, which may be delegated to the FDIC or other con-
tractor
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 af-
fordable rates, or both
3. Program for loans to pay down second lien mortgages that are impeding a loan modifi-
cation subject to an withdrawal by existing lender Treasury may require
4. Servicer incentives/assistance—payments to servicers in connection with implementa-
tion of qualifying loan modifications
5. Purchase of whole loans for the purpose of modifying or refinancing the loans (with au-
thorization 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 of ensuring that 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, maxi-
mizing the effort to reduce mortgages to all investors as a whole; engage in loan modifications for mortgages that are in default or for which default is reasonably fore-
seeable; the property is owner-occupied; the anticipated recovery on the mod would ex-
ceed, on an NPV basis, the anticipated receiv-

This bill requires persons who bring suit un-
successfully against servicers for engaging in loan modifications under the Act to pay the servicers’ court costs and legal fees. It also re-
quires 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 Con-
gress by July 1 on the actions taken by Trea-
sury on foreclosure mitigation and the impact and effectiveness of the actions in minimizing foreclosures and minimizing costs to the tax-
payers.

H.R. 384 clarifies and confirms Treasury au-
thorization to provide assistance to automobile manufacturers under the TARP. With respect to the assistance already provided to the dom-
estic automobile industry, includes condi-
tions of the House auto bill, including long-
term restructuring requirements.

There is further clarification on Treasury’s authority to 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 con-
sumer and business auto and other vehicle loans.

Treasury’s authority to establish facilities to support the availability of consumer loans, such as student loans, and auto and other ve-
hicle loans. Such support may include the pur-
chase 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 secu-
rates or the provision of credit enhancements in connection with any Federal Reserve facility to finance the purchase of municipal securi-
ties.

In addition, more reforms are enunciated for Homeowners in Title V. The Home Buyer Stimulus provisions require Treasury to de-
velop a program, outside of the TARP, to stim-
ulate demand for home purchases and clear
inventory of properties, including through en-
suring 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 prop-
erties. The programs will be executed through the purchase of mortgages and MBS using funding under HERA. Treasury will provide methods to ensure availability to comparable re-
duced 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 Home-
owner refinancing program.

This legislation will give a permanent in-
crease in FDIC and NCUA Deposit Insurance limits to $250,000, which was enacted tem-
porarily as part of the Emergency Economic Stabilization Act and is scheduled to sunset on December 31, 2009, and permits an in-
creased adjustment provision for future coverage.

Finally, I applaud Chairman FRANK and the Committe on Financial Services for their hard
work on this important piece of legislation. In this economic climate it is critical for us to re-
member that while we need to assist our fi-
nancial institutions, we cannot do this without implementing reforms to protect Americans’ hard-earned money.

Madam Speaker, I strongly urge my col-
leagues to join me in support of this important legislation.

HONORING DR. LUIS CONTE-AGUERO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 21, 2009

Ms. ROS-LEHTINEN. Madam Speaker, I
would like to take this opportunity to recog-
ize the life and work of Dr. Luis Conte-Aguero
who has devoted himself to fighting com-
munism 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 Uni-
versity of Havana, Dr. Conte-Aguero be-
friended 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 be-
coming a communist nation.

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 cele-
brated poet whose honors are numerous, mer-
itorious, and well-deserved. The Dominican
Republic has honored him as “The Highest
Voice in America”; in Uruguay, he was se-
lected by delegates from 14 nations to be the
President of Alliance for Freedom; and his con-
tributions 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.”

A safe harbor from liability will preserve

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awarded the title of “Continental Leader and
Standard Bearer of Democracy in America.”

A safe harbor from liability 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 and transparency in that 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 thumbail 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 you 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 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

(Edited)

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 home, 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’ human rights commissioner. 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.

Mr. Hamilton, who is retiring after almost three decades as Executive Director of CAAS, the Community Action Agency of Somerville, 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.

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 thumbail 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.

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With presidential elections scheduled for June, President Mahmoud Ahmadinejad and
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.

Mainstream Israel's 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 bothPalestinians 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 welfare悬崖的儿童, and recognizing its right to act in self-defense.

The Children's Health Insurance Program (SCHIP) has made significant progress in improving the health of low-income children by one-third and has made significant

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 Rioszus upon being selected by ABC’s reality television show, “Extreme Makeover: Home Edition.” Ms. Rioszus and her family were surprised by Ty Pennington and his crew on January 8, 2009 at their home in Fresno, CA.

Mary Ann Rioszus was born without legs and was the only fully developed arm. As a child, Ms. Rioszus 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. Rioszus 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 Santa Joaquin Valley College with an Associate of Arts degree in business administration. To further her independence, she obtained her driver's 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. Rioszus 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. Rioszus eventually changed jobs, and in 2006, she began working for the Housing Authority of the Santa Cruz Mountains. 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 own family 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 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 an important step to provide the Treasury Department with the 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 further financial instability, 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 systems of importance to our economy. 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 signs of being effective—the economy is still in a precarious state, but signs of recovery are visible. But as it’s been said, stability is the key to recovery, and as the government’s efforts to stabilizes our financial system have continued to prevent a collapse of the financial system, the financial system has continued to stabilize, and it has continued to stimulate economic growth. And as we now focus on the recovery, we must focus on the long-term, economic stability.

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 tempered 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
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**

*M* Routine Proceedings, pages S673–S732

**Measures Introduced:** Fourteen bills and two resolutions were introduced, as follows: S. 282–295, and S. Res. 18–19.

**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 S727–29

**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.

Additional Cosponsors:

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.

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, Pomerooy, 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, Loebusack, 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.

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

- **Honoring the contributions of Catholic schools:** H. Res. 39, to honor the contributions of Catholic schools.

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

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.

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.

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.

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.

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. 25).** Pages H411–13

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House.

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.

Moment of Silence: The House observed a moment of silence in honor of Horace Kornegay, former Member of Congress.

Committee Resignation: Read a letter from Representative Foxx, wherein she resigned from the Committees on Education and Labor, Oversight and Government Reform, and Agriculture.
Committee Resignation: Read a letter from Representative Alexander, wherein he resigned from the Committee on the Budget.

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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