United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, WEDNESDAY, FEBRUARY 25, 2009 No. 33

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

O Lord, our God, by Your will we came into being, and at Your command, when the right hour is come, we shall one day leave this world. Let Your spirit lead our Senators today. May they increase in self-forgetfulness, in simplicity, in courage, and in trust, so that each day they will approach nearer to Your likeness. Lord, help them to offer themselves afresh to be used in Your service. Show them Your way and may they obey Your presence. Give wisdom to the perplexed, fresh vigor to the discouraged, and a clearer vision to all who seek Your will.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 25, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, if any, the Senate will resume consideration of S. 160, the District of Columbia House Voting Rights Act. Rollcall votes are expected to occur today and tomorrow in an effort to advance this bill to passage this week so we can turn to the consideration of the omnibus appropriations bill next week.

Mr. President, you will note that we have had no morning business. The reason for that is we are very in tune to finish this legislation. I want everyone to have ample opportunity to offer any amendment that they want on this bill. There should be no excuse. We have got all morning, all afternoon, all evening, all day tomorrow, but we are going to finish the bill one way or the other.

I hope we can do it the right way, the easy way, so we do not have to file cloture on it. This is a bill that should advance. Senator LIEBERMAN is so knowledgeable about Senate procedures that he will protect everyone's rights. But we cannot imagine what the amendments are going to be; they have to be offered. We have heard a lot of talk about amendments being offered, some germane, some not germane. But let's get it done and move on.

I do not want to have to file cloture on this bill. There is no reason to file cloture. If people have amendments, they want to improve the legislation, let them offer the amendments. But if we do not have a lot of activity on this legislation, I will file cloture today for a Friday cloture vote. If we are unable to complete action on the bill tomorrow, Senators should be prepared to vote on Friday, even though it was previously announced that there would be no votes on that day. So everyone should be alerted that we may have votes on Friday.

There is no reason in the world that this simple piece of legislation cannot be completed. I am surprised we have to go into this tomorrow, quite frankly. We should finish it today—that would also be good—and we could do our work that we have scheduled for the weekend, and we could move this bill so we can start on that on Friday, because, as I said yesterday, we have to complete action on the omnibus spending bill by next Friday, the reason being that the continuing resolution runs out at that time.

Senator COCHRAN and Senator INOUYE have worked hard to get the bill to this point. It has been available for everyone for days now. It is on our Web site. Everyone can read every word of it. All of the so-called earmarks, the congressionally directed spending are there. We can look at them, know who asked for them.

The earmarks are down by 50 percent from what they were. The amount of dollars in earmarks, congressionally directed spending, is way down from 4 percent to 1 percent. So let's move forward on the legislation we are dealing with here today and get this done as quickly as possible.

Because this is a 6-week work period, we have a lot of work to do. Some of us were out late last night at President Obama's speech.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 160, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 160) to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I thank the Chair. I thank the majority leader for his statement on this bill, S. 160, the DC House Voting Rights Act. I think he got right to the point. This measure has been before Congress for quite a long time. The bill before us is the result of a bipartisan compromise that was worked out in the House of Representatives last year between Delegate NORTON and then-Congressman Tom Davis.

There are questions about the bill. Obviously, there are different points of view. I am very grateful that yesterday 62 Members of this body, including 8 Republicans, voted to stop a filibuster to invoke cloture to get to this bill. I think people are ready to debate it on its merits.

I feel very strongly that this bill rights a historic injustice. It is hard to believe, when you stop to think about it; maybe we become accustomed to things and forget how unacceptable they are and how unaccustomed we should be, but 600,000 Americans are deprived of having voting representation in the Congress of the United States because they happen to live, of all places, in the capital of this greatest democracy in the world.

There are a lot of historic reasons for this originally, but then they became political reasons, frankly partisan. But none of them holds any real sway against the ideal that animates our country. This is a representative democracy. And finally the residents of the District got a delegate in the House, but the delegate cannot vote.

Think of it. If any one of us, the 100 of us who are privileged to be Senators were told for some reason that we could be Senators, we could represent our States, we could participate in debates, but then when the roll was called, we could not vote—it is unbelievable. This is what we have done to the 600,000 residents of the District of Columbia and to their Delegate in the House.

This bill would right that wrong. I would say that few, if any, of our colleagues would argue that somehow the status quo is acceptable; that is, that 600,000 people do not have a voting representative in Congress.

We are the only democracy—and, of course, we believe we are the greatest democracy in the world. Historically, we began the moment of democracy throughout the world. We are the only democracy in the world where the residents of our capital do not have any voting representation in Congress.

So I think, generally speaking, Members of the Senate understand and accept the injustice of the status quo. The objections are primarily constitutional as I have heard them. I believe the arguments on behalf of the constitutionality of this proposal are strong and convincing, certainly to me.

My cosponsor of this legislation, the distinguished Senator from Utah, ORRIN HATCH, who has, generally speaking, been acknowledged as a wonderful lawyer, a great constitutional scholar, in fact, has written an essay for the Harvard Law Journal, making the case for the constitutionality of this proposal. I commend that to all of our colleagues, particularly those who have doubts about the constitutionality of this measure.

But I honestly think that most people have accepted the injustice question. The constitutionality, okay, let's have some amendments. As Senator REID said, we have got today, tomorrow. We are here. Let's have some amendments and put it in issue, give the Senate the choice that deals with the constitutionality. Some think there ought to be a constitutional amendment to achieve voting representation in the Congress. I do not think that is necessary.

Some think the District of Columbia, the residents should, for purposes of representation in Congress, become part of Maryland or Virginia. There is some historical precedent for that argument, way back. Let's debate it. But let's get it done. This measure has strong support and it has the urgency of justice delayed about it.

So the question before the Senate, as it so often is, are we going to face the differences here and debate them and then have a vote so we can conclude this debate and go back to our States Thursday evening and have a good weekend with our constituents at home or are we going to delay this and use this as a vehicle for unrelated matters that will achieve nothing? That, as usual, is the challenge before us.

I am here, and I look forward to colleagues coming as soon as possible to speak, and hopefully to offer amendments, with the goal that Senator REID has set—we can finish this goal by tomorrow, Thursday. Senator REID has made it clear that if he gets the sense during the day today that there is going to be delay, and there are amendments that are not relevant to the bill, he is going to file cloture. That will mean we will have to stay here on Friday to vote on cloture, and we will not be able to finish this bill presumably until the first part of next week. I hope that does not happen. Please come to the floor and let's talk about it.

I do want to, while I have a moment—I am sure Members are rushing from their offices right now to come to the floor to offer amendments—I do want to talk for the record about the interesting compromise that Delegate NORTON and Congressman Davis achieved last year, and this answers the question of: Why Utah?

This bill would increase the size of the House of Representatives to 437, adding two new Members to the House. This is quite historic both in terms of righting the injustice suffered for now more than two centuries by the residents of our Nation's capital, but also that we are adding Members to the House of Representatives. That does not happen too often in our history.

One of those seats would go to the District of Columbia, the other as part of the compromise would, for the next 2 years, until the reapportionment of the House that will follow the 2010 census, go to Utah. I would say to clarify, that after the 2010 census, the District would retain its seat because of the injustice that we are correcting. But the second seat would go to whichever State deserves it; that is, according to the population found in the 2010 census.

So let me explain why Utah now. Utah has had an objection to the outcome of the 2000 census and the Congressional apportionment that followed it. According to the 2000 census, the State of Utah missed out on getting a fourth seat in the House of Representatives by 857 people.

This was a very thin margin of error, particularly when one considers the methodology of the count and the way it uniquely affected Utah. Remember, 857 people short of getting a fourth seat as compared to another State. According to officials of the State of Utah, somewhere between 11,000 and 14,000 members of the Church of Latter-day Saints, Mormons, missionaries living abroad but citizens of the United States, residents of Utah, were not counted. It is true, however, that members of the military who are abroad are counted.

In two separate court cases, the State of Utah argued that the methodology of the count of the census was flawed because government officials, including military personnel, were counted in the census, while other Americans, including the LDS missionaries, were not. Our colleagues in the House had an insight. It was one of those moments of compromise. Perhaps it seems we are combining apples and pears, but—and I will stop the metaphor and not go on to a sweet fruit salad—the fact is, this made a lot of sense. Our colleagues in the House recognized that in these two sets of complaints—the historic one for the District and the one for Utah, more current—there was a potential solution to the longstanding impasse on DC voting rights.

Let's state what is implicit. Over time, I fear people concluded, notwithstanding the justice of the argument made by residents of the District that they deserve voting representation, it is clear, and we must acknowledge what is clear, the registration of voters

in the District is overwhelmingly Democratic. So in terms of partisan balance in the House, the feeling, obviously, was that when the District of Columbia gets a voting representative in the House of Representatives, that representative will almost always be Democratic. Utah tends to be Republican, though not totally; there is one Member of the House from Utah today who is a Democrat.

There was another judgment involved, an interesting one which we tend not to think of. If we just added one seat for the District of Columbia, a voting representative, we would end up with 436 Members of the House, an even number, and no constitutional mechanism for breaking a tie. Obviously, presumably a motion that resulted in a tie would fail, but it seems an unsatisfactory resolution to the problem. Without an odd number of Members of the House, gridlock would ensue in too many cases. How would the House, for instance, organize itself if the split between the political parties was even? Clearly, the Vice President does not serve as a tie-breaking vote for the House, as is the case in the Senate. It could be impossible to elect a Speaker or appoint committee chairs. So the solution devised by our colleagues in the House in the last session of Congress increased the size of the House by two Members to 437, which pairs a new seat for the District of Columbia with a new seat for Utah. That simultaneously gives the District the representation it deserves, keeps the House as an uneven number of seats, and balances a likely Democratic seat from the District with a likely Republican seat from Utah.

This is the balance that resulted in the legislation that is before us. It is a compromise but, as in so many cases—and it is a pragmatic compromise—it results in a good solution, frankly, to two problems, one longstanding for the District, the other more current and brief for Utah.

In submitting this legislation from the committee, we are not judging the manner in which the 2000 census was conducted or the outcome of legal disputes that followed. That is a matter of record. However, it is a statistical fact that Utah was the next State in line to receive an additional seat in the House of Representatives. Given that fact, it is a reasonable bipartisan compromise to create the two voting seats proposed in S. 160. I stress, again, that Utah only receives this seat under this bill for 2 years. The bill has no impact on the conduct of the next census in 2010 and subsequent reapportionment. Once reapportionment is conducted for the 2012 election, the Utah seat will be awarded based on population increases to the State that thereby has earned it. It could be Utah. It could be another State. If Utah's 2010 population does not entitle the State to a fourth congressional seat, it will not retain the seat it will receive under this bill.

The bill offers an opportunity to right the wrong Utah believes it suffered in 2000, the closeness of its numbers and also the fact that Mormon missionaries, way beyond the 857 gap between Utah and the State that got the additional seat, way beyond that number, 11,000 to 14,000. I think this is a very fair compromise that ensures, bottom line, every citizen of the country is given the most precious right democracy can provide, the right to vote for someone who can represent him or her with a vote in Congress. When one doesn't have that, as is the case with the District of Columbia, apart from the frustration I described earlier that Delegate NORTON must experience every time the roll is opened in the House, we have the inequity of residents of the District volunteering and being sent to war. Yet the Delegate of the District in the House has no vote on questions of war or peace. We have soldiers returning as veterans, and yet the representative from the District has no vote on the benefits we will confer or not confer on veterans. The residents of the District are not only taxed without representation, which is, as our Founders asserted, a form of tyranny, but they are taxed very heavily. They pay the second highest rate of Federal taxation per capita. Yet they have no voting representation in Congress on the rate of taxation, the manner of taxation or, of course, where the revenue goes.

They are the only governmental entity, outside of a Federal agency, that has to have its budget approved by the Congress. When we are tied up in gridlock and the budget doesn't pass, it means the District of Columbia is in a terrible predicament because it can't get the money it needs to operate. Yet the District has no voting representation on matters of appropriations in Congress. This is the moment to end this antiquity, a profoundly unjust and, frankly, un-America antiquity.

I urge colleagues to come to the Chamber. Let's have some amendments and debate, and let's get this done by tomorrow afternoon.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, in consultation with the managers, the Senator from Connecticut and the Senator from Arizona, I make a constitutional point of order against this bill on the grounds that it violates article I, section 2, of the Constitution, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Under the precedent and practices of the Senate, the Chair has no power or authority to pass on such a point of order. The Chair, therefore, under the precedent of the Senate, submits the question to the Senate: Is the point of order well taken?

Mr. MCCAIN. Mr. President, I understand that now the motion is debatable.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MCCAIN. Mr. President, I have a statement on this issue, and I look forward to debating it and a vote at the wishes of the majority and Republican leader on this constitutional point of order.

Mr. LIEBERMAN. Mr. President, I appreciate very much that Senator MCCAIN came to the floor to raise this point of order. As I said earlier, this is a matter that concerns people. I feel strongly that the measure is constitutional. But this is exactly what we should be debating. I look forward to his arguments and to responding to them.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank the chairman of the Homeland Security Committee, through whose committee this legislation is proceeding.

I appreciate the frustration felt by the residents of the District of Columbia at the absence of a vote in Congress. I fully understand and appreciate that. I also believe it is important that we look back at both the Constitution itself and the intention of our Founding Fathers, which was to create the District of Columbia as a base of Government.

According to many experts, the District of Columbia is not a State, so therefore is not entitled to that representation. Also, one has to raise the obvious question: If the District of Columbia is entitled to a Representative in the U.S. House of Representatives, then why isn't it also entitled to two Senators? If the District of Columbia is entitled to a Member of Congress, why isn't Puerto Rico, which would probably entail 9 or 10 Members of Congress? Why are other territories of the United States not entitled to full-fledged Members of the U.S. House of Representatives and, indeed, the U.S. Senate?

After great deliberation and debate, our Founding Fathers enshrined in the Constitution, 222 years ago, a unique form of government that proposes a distribution of power and checks and balances on each branch. So, too, the Founding Fathers considered and provided for a unique Federal city to serve as our Nation's seat of government. No single Member would represent the interest of the District but all Members of Congress would share responsibility for the city's well-being. I believe that when you look at distribution of tax revenues and when you look at other measurements, the District of Columbia has been well represented by all Members of Congress.

The Framers specifically limited voting representation in the House of Representatives to States. Article I, section 2, of the Constitution provides unequivocally:

> The House of Representatives shall be composed of Members chosen every second year by the People of the several States.

If they had wanted the District of Columbia to have the representation, they would have designated so in the Constitution. Asked to opine on the meaning of the word ''States'' in the context of House representation, Federal courts have consistently accorded that word its plain meaning, concluding that the word ''States'' does not include territories or possessions or even the District of Columbia.

Again, I express my sympathy for the residents of the District of Columbia. But to now act in direct contravention to the intent and words of our Founding Fathers, I believe, is a violation of the Constitution of the United States. And to somehow work a deal that includes the State of Utah having an additional seat in return for that is an incredible violation. I will talk more about that.

First, I wish to say that it is very clear the Congress simply cannot amend the Constitution by legislation—no matter how noble the cause. Congress has once before pursued an appropriate constitutional resolution to this issue. In 1978, Congress passed a joint resolution proposing to amend the Constitution to provide for the representation for the District of Columbia in Congress. Seven years later, that resolution failed to obtain the required approval of the 38 States necessary for ratification under article V of the Constitution. There is no reason proponents of voting rights for the District can't pursue this process again. There is a process for amending the Constitution of the United States. There is no reason why those residents of the District of Columbia, and other supporters, should not pursue the legitimate process of amending the Constitution of the United States. It should not be done and, in my view, cannot be done. The courts will decide, if we don't decide here, that it is unconstitutional to do so. I welcome such a process, rather than the consideration of this bill, which is clearly unconstitutional—not only in my judgment but in the overwhelming body of legal opinion.

In addition to being unconstitutional, as I said, I am concerned that this bill is more a product of politics than of principle. Look at what this legislation before us does. It doesn't simply grant the District of Columbia a voting seat in the House; it adds another congressional seat for the State of Utah. The obvious question is, Why Utah? Why not Arizona or Nevada or New Jersey? As a representative of the people of the State of Arizona, who, I believe, legitimately and continuously, as one of the fastest growing States, have been deprived of additional seats because of the way the census was conducted—and now we are going to give a seat to the State of Utah on the grounds that the census was not accurate. I don't know of any fast-growing State in America that doesn't believe we were undercounted—and legitimately—in the census.

Now, as I understand it—and maybe the proponents of an additional seat for Utah can more eloquently and convincingly describe it than I can—they are saying it is because they came closest in the census to being eligible for another seat in the Congress. The State of Nevada is the fastest growing State in America. Arizona has been among those that are fast growing. But why Utah? What in the world does an additional seat for Utah have to do with representation for the District of Columbia? It can only be interpreted in one way, and that is an attempt to buy votes. We are talking about the Constitution of the United States here, about representation in the Congress of the United States of America, not some political deal.

I have sympathy for the State of Utah if they think they were undercounted in the census. I have sympathy for all States that were undercounted in the census. What some supporters of the bill argue is that Utah is the next State in line to receive a House seat after the last census in 2000 and reapportionment. Nevada was the fastest growing State from 1986 to 2004, until Arizona overtook Nevada as the fastest growing State in 2006, according to the U.S. Census Bureau. Nevada, once again, regained this title for its high growth between 2006 and 2007. For the first time in over 25 years, Utah was listed this year as the fastest growing State, as its population climbed 2.5 percent, with Arizona being second, with a population growth of 2.3 percent. Despite this percentage growth, Texas, California, North Carolina, and Georgia added more people than Utah, Nevada, or Arizona between 2007 and 2008. Mr. President, we are getting on a slippery slope here. Do you judge it by percentage of growth, numbers of votes?

It brings us back to a final question: What in the world would awarding an additional seat to another State have to do with voting rights for the District of Columbia?

I have provided those statistics to illustrate there are other States that have experienced far more phenomenal growth than Utah. I love Utah. It is a wonderful State. But the wheels were greased for Utah to receive an additional seat well before it was listed as the fastest growing State this year. And if the State of Utah or any other State was undercounted, that should be taken into consideration; we should fix the census in the year 2010 and make sure any injustice is corrected. But to somehow say we are going to award a State an additional seat not in keeping with the process of how reapportionment is conducted every 10 years is remarkable and certainly unconstitutional.

In 2004, lawmakers began floating an idea of a compromise bill to balance a House seat for the District of Columbia, which obviously we assume would be won by a Democrat, with a seat for a congressional district in Utah, which most assume would be won by a Republican. The May 3, 2005, editorial in the Washington Post called this a ''win-win situation.'' While this may be a win-win situation for Washington, DC, and Utah, it is hardly a win for the millions of Americans who are living in high-growth States.

In fact, according to a report by the Congressional Research Service, if the District was considered to be a State during the last apportionment, North Carolina would not have gained a seat. According to a study by the Republican policy committee, if this bill is enacted and the House of Representatives is expanded to 437 seats, then New Jersey would keep a congressional seat it would otherwise lose. Again, this illustrates there are winners and losers in an apportionment, but these districts should be chosen based on concrete data from the census, not by political parties attempting to craft legislation that flies in the face of our Founding Fathers' intentions.

In a February 6, 2009, editorial, the Los Angeles Times states:

> This is obviously partisan horse-trading.

The Los Angeles Times is right. Yes, partisan horse trading happens all the time, but this time partisan horse trading would do grave violence to our Constitution.

A commentator wrote in the February 13, 2009, edition of the Washington Times:

> . . . the enactment of blatantly unconstitutional legislation to bypass the constitutional amendment process and give the District of Columbia a seat in the House of Representatives in a crass triumph of raw political power over the rule of law.

I couldn't agree more.

Again, I regret I am unable to support this legislation to provide the residents of the District voting representation in the House of Representatives. However, I took a solemn oath to defend our Constitution as a U.S. Senator. In testifying before the Homeland Security and Governmental Affairs Committee in 2007, Professor Jonathan Turley described this horse trading as ''the most premeditated unconstitutional act by Congress in decades.''

We, as Senators, cannot avoid the constitutional issue. While the Supreme Court may be the final arbiter of constitutionality, Congress, as the first branch of Government, has an independent duty to consider the constitutionality of the bills we pass, especially where, as here, our own independent Congressional Research Service advises that ''although not beyond question, it would appear likely that the Congress does not have authority to grant voting representation in the House of Representatives to the District of Columbia'' as contemplated by this bill.

We really have two aspects of this legislation. First of all, does Congress have the constitutional authority to grant voting rights or an additional seat in the House of Representatives by legislation rather than amending the Constitution of the United States?

As I pointed out earlier in my statement, the fact is, it was tried in 1978 in the proper fashion and did not receive the approval of the 38 States necessary to amend the Constitution. So now we are trying to basically amend the Constitution of the United States by legislation. That is not in keeping with the authority and responsibility of the Congress of the United States of America.

The second is, of course, what in the world does granting voting rights to the District of Columbia have to do with granting another seat to another State? One can only interpret that, as one of the editorials did, as political horse trading. There is no constitutional basis for granting a seat to any State in the United States of America without it being backed up, as laid out by our Founding Fathers, by the results of a census.

I will agree, as I have said before, coming from a State that has been consistently undercounted in our population, the census needs to be fixed to more accurately reflect the true population of every State in America, and that has not happened with the fastest growing States. But to grant a seat to a State because they were ''fastest growing'' and maybe closest to the requirement for an additional seat turns everything on its head.

What kind of a precedent would we be setting by legislation allowing a State to have another seat in the U.S. House of Representatives, with thousands of votes that would be taken?

I also would like to mention, again, if the District of Columbia deserves a voting representative in the U.S. House of Representatives, doesn't the District of Columbia also deserve two U.S. Senators? How intellectually do you make the argument they deserve a vote in the other body, a coequal body—although we certainly do not recognize that very often. But the fact is, it is a coequal body. They are going to have a vote over there, but they are not going to have representation over here.

Finally, I would like to point out that we have territories in which citizens of the United States reside. Those who were born in those territories, according to a U.S. Supreme Court decision, are citizens of the United States. In fact, they are even eligible to run for President of the United States if they are born in a U.S. territory.

What about Puerto Rico? What about the Virgin Islands? What about the Marianas? What about other territories that are part of the United States of America and in which our citizens also reside who then vote for Representatives in the other body, but those Representatives obviously do not have voting power?

I conclude by saying this is a serious issue. It is a serious issue. It has been clouded by the understandable concern that Members of Congress have for the people who reside in the District of Columbia. We see their license plates every day: ''Taxation without Representation.'' But the way to give them those voting rights is through amending the Constitution of the United States, not a legislative act that clearly is not within the constitutional authority granted by our Founding Fathers to the Congress of the United States.

I look forward to a spirited debate on this issue. I think it is an important one. If this DC voting rights bill does pass and this constitutional point of order is rejected by a majority of the Senate, I have very little doubt that the courts of the United States of America will reject this proposal.

Again, I appreciate and admire and respect the manager of this bill, the distinguished chairman of the Homeland Security Committee, and the senior ranking member, the Senator from Maine. But I think there is a huge credibility problem when you add on a provision for adding a seat to a State for which there is not any factual or, frankly, rational argument for except that perhaps this measure will gain more support.

I urge my colleagues to take a very close look at what we are doing. The most sacred obligation we have is to respect and preserve the Constitution of the United States of America in everything we do. I have very little doubt this legislation before us violates the Constitution of the United States of America.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from Arizona for his kind words and also for the serious constitutional questions he raised.

As I said earlier, this is exactly what we ought to be debating on this bill. I take it as a given that neither he nor anyone else I heard speak in this Chamber would say that it is fair or just or consistent with the first principles of our representative democracy, this great Republic of ours, that 600,000 Americans be denied the fundamental right to be represented in Congress by somebody who can actually vote. Pretty much everybody will agree that is wrong, all the more unacceptable because these 600,000 people happen to live in the Capital of this great democracy of ours.

The question is, in one sense, the constitutionality of S. 160, the House District Voting Rights Act that is before us, and in a second sense, which the Senator from Arizona has raised, the wisdom, if you will, of combining the voting rights for residents of the District with an extra seat, in the short run, for the State of Utah. I wish to take some time to respond to these serious arguments.

As I understand it—and I think I do—what the Senator from Arizona and other opponents of the constitutionality of this bill say is that the question of the District of Columbia's voting rights in the House should be settled by section 2 of article I of our Constitution, which says the House shall be made up of Members chosen ''by the People of the several States.'' And they argue that because the District of Columbia is not a State, its residents cannot have representation in the House, presumably at least not without a constitutional amendment.

Those of us who feel strongly that this measure before the Senate is constitutional base our claim on the District clause of the Constitution which states that the Congress has the power ''To exercise exclusive Legislation in all Cases whatsoever, over such District,'' referring, of course, to the Federal District that was created at the time of the Constitution as the National Capital.

Our courts have described in the centuries since this authority in the District clause as a ''unique and sovereign power'' and ''sweeping and inclusive in its character.'' Unlike many congressional powers, it is not balanced against the countervailing rights of the States.

As former, I believe he was Associate Attorney General, maybe Deputy Attorney General during the previous administration, the Bush administration, Viet Dinh, stated in his testimony before the House of Representatives on this matter:

> [W]hen Congress acts pursuant to the District Clause, it acts as a legislature of national character, exercising ''complete legislative control as contrasted with the limited power of a state legislature, on the one hand, and as contrasted with the limited sovereignty which Congress exercises within the boundaries of the states, on the other.''

That is a very interesting argument about the unique powers of Congress pursuant to this District clause.

Then Mr. Viet Dinh concludes in support of this legislation and the constitutionality of this legislation:

> In few, if any, other areas does the Constitution grant any broader authority for Congress to legislate.

That is what we are doing here.

Those who question the constitutionality of the legislation, as I mentioned, rely on section 2 of article I. They rely uniquely and almost totally on the word ''States,'' that the Members of the House shall be chosen by ''the People of the several States.'' So they say the District of Columbia is not a State; therefore, without amending the Constitution, we, in Congress, even under the powerful District clause, do not have the power to grant voting rights in Congress to the Representative of the District of Columbia.

But there is a very clear and powerful line of Supreme Court cases in which the High Court and other courts have upheld Congress's right to treat the District of Columbia as a State and

to treat it as a State for matters that are extremely consequential: for Federal taxation; in other words, the right to tax residents of the States might free the residents of the District from this obligation.

Yet the courts have said the District itself can be treated as a State for purposes of Federal taxation, for purposes of Federal court jurisdiction. This was the question of diversity of jurisdiction. I don't have to go into the details. The courts have said it would be an anomaly to say because you happen to be an American living in the District, you cannot gain access to the Federal courts because the Constitution says the various States with regard to diversity and jurisdiction. The same with the right to a jury trial and, very powerfully, the same with regard to interstate commerce. There it is interstate commerce. We have the interstate commerce clause of the Constitution which has given birth to probably thousands of pieces of legislation, a very active role of oversight for the Government. And even though it is the interstate commerce clause, the courts have said very clearly that the District should be considered a State, notwithstanding the literal words in the Constitution. Because effectively, if you don't, you will create an enclave where people can't be taxed, people can't gain access to the Federal courts, people don't have a right to a jury trial, and people can't be protected by generations of legislation and regulation passed pursuant to the interstate commerce clause.

For instance, as long ago as 1805, in the case of Hepburn v. Ellzey, Justice Marshall—the great Justice Marshall—ruled that the District of Columbia could not be considered a State for purposes of diversity jurisdiction under the Constitution, which allows Federal courts to hear disputes between residents of different States. His opinion, nonetheless, remarked on the incongruity of such a result, and Justice Marshall invited Congress to find a solution. Many years later—unfortunately, many years later—Congress did so, and in 1949 the Supreme Court, in the Tidewater case, upheld a congressional statute that said the District should be treated as a State for purposes of diversity jurisdiction.

Citing such cases, former Federal Circuit Court Judge Patricia Wald has testified—and again she testified on behalf of this legislation and its constitutionality:

> The rationale of the courts in all these cases has been that Congress, under the District Clause, has the power to impose on District residents similar obligations and to grant similar rights as the States claim power to do under the Constitution itself.

So Congress is saying because the States get certain powers from the Constitution, if we don't treat the District as a State, its residents will be deprived of protections, or the Federal Government will be deprived of the right to tax them, for instance. And Judge Wald continued:

> Given that the District is in reality what I might call a City-State of 600,000 people—

Where the population, as I indicated in my opening statement yesterday morning, is just about equal to or greater than four States—

> engaged in a multitude of private businesses and occupations, there is realistically no other way that a federalist union can do business under the Constitution.

It is also true that Congress has already extended the right of Federal representation, voting representation in Congress, to those who are not citizens of any State. I know this is an unusual statement and an exception, but there is the Uniformed and Overseas Citizens Voting Act. And in that, Congress authorized American citizens overseas to continue to vote for Members of Congress in their last domestic State of residence, regardless of whether they had been citizens of that State and no matter how long they stay overseas. Indeed, as I mentioned yesterday, these people would lose this unusual right to voting representation here in Congress, in States they no longer reside in—and they may not have been there in quite a while—by absentee ballot from elsewhere in the world, only if they renounced their American citizenship or they returned to the United States and came to live in the District of Columbia. Now, that is an anomalous and unacceptable result. Citizens of Federal enclaves within a State are also free to vote in Federal elections held by the State—a right upheld by the Supreme Court.

Notably, Congress has already used this vast authority that I have referred to under the District clause to extend voting rights to residents of the District of Columbia. Between 1789 and 1800, Congress, acting under the District clause, granted residents of the new District—the Nation's capital—the right to vote in their former States of Maryland and Virginia, even though they were actually no longer residents of those States—the land having been formally ceded to the Federal Government to form the new capital district.

Let me now address a few of the other arguments that have been raised by Members, constitutional arguments that have been raised by those who oppose the bill on constitutional grounds.

It has been argued that because the constitutional amendment XXIII was required to grant the District Presidential electors in the electoral college, likewise a constitutional amendment should be required to provide the District with voting representation in the House. But these two issues are distinct. The XXIII amendment worked a fundamental change to the electoral college under Article II of the Constitution. As such, Congress could not legislate with the same latitude it has within Article I, where the District clause is found along with the clause governing composition of the U.S. House.

Some opponents of our proposal also cite the 1990 case of Adams v. Clinton to argue that it would be unconstitutional to grant DC citizens voting rights in the House. That is not the case, in my opinion. In Adams, the DC Government and residents brought a case alleging it was a denial of their constitutional rights to exclude them from representation in Congress. The majority opinion of the three-judge court stated, ''We are not blind to the inequity of the situation plaintiffs seek to change,'' but concluded that the court itself could not grant the District residents voting rights in Congress as a matter of constitutional right. But the court did not address whether Congress was empowered to provide voting rights through exercise of the District clause.

As former Solicitor General and Federal Circuit Court Judge Kenneth Starr testified before the House in 2004 on legislation similar to the one before us now, S. 160:

> While the Constitution may not affirmatively grant the District's residents the right to vote in congressional elections, the Constitution does affirmatively grant Congress plenary power to govern the District's affairs.

In fact, the majority opinion in Adams arguably invited such an approach by stating that for plaintiffs to obtain Federal representation, ''they must plead their cause in other venues.'' And presumably that meant the Congress.

Another concern raised by opponents of the bill is that it is a slippery slope, as the Senator from Arizona said. If Congress has the authority to grant the District a voting representative in the House, what is to stop it from adding two Senators or extending full voting rights to the U.S. territories? I respectfully suggest that these concerns are unfounded. The legislation before us only addresses DC voting rights in the House, and the legal case for this action and its validity is unique.

First, with respect to the Senate, this bill could not be clearer. In Section 2(a)(2) it states:

> The District of Columbia shall not be considered a State for purposes of representation in the United States Senate.

But our colleagues have argued: Could some future Congress, using the arguments used on behalf of this bill, pass similar legislation to give DC full voting rights in the Senate? To me, that is a very debatable argument at best. Even some of the legal experts who support this bill believe a different and much more difficult analysis would apply to a bill regarding Senate representation because of the distinct language and history of the constitutional provisions governing composition of the Senate and the greater emphasis on the States as such.

The territories are also a distinct and different case. Different constitutional provisions provide for the creation of the District and the Federal territories. The District enjoys a unique legal and historical status, and one

that largely mirrors the rights and responsibilities of the States. Its residents pay full taxes and face military conscription. The same is not true of the residents of the territories. Amendment XXIII extended the right to vote in Presidential elections to residents of the District but not to residents of the American territories.

As legal expert Richard Bress concluded in testimony on our legislation last session:

> Taken together, these differences between the territories and the District render highly unlikely the suggestion that granting voting rights to District residents would lead, as a legal or policy matter, to granting similar privileges to residents of the U.S. territories.

Finally, in his comments, Senator MCCAIN questioned: How do we put together voting rights for the District of Columbia with an extra seat for Utah; isn't this just a pragmatic political agreement? Well, in some sense it is. But in another sense, like so many pragmatic agreements around here—and this is one of the best of them because it is bipartisan—it achieves a just result: Finally, after all these years in which this outrageous anomaly has been allowed to exist, District residents will get voting representation in the House, and it also corrects what I think was an injustice done to the State of Utah in the last census—and which is one that I referred to earlier—when it came just 857 votes short of another seat, but the census did not count what was estimated—or proven in the court case—between 11,000 and 14,000 Mormon missionaries who were clearly residents of Utah but were elsewhere in the world on their years of missionary service.

The truth is that for too long now partisan concerns have stopped Members of Congress from doing what they knew was right, which is to give residents of the District voting rights. And the partisan concerns are understandable, even if they should not have blocked the result. It is a matter of fact that the residents of the District are overwhelmingly registered as members of the Democratic party. So in the normal course, it would be extremely likely that any Member of the House from the District would be voting and organizing with the Democrats. And I suppose if the shoe were on the other foot and this was a largely Republican voting population, to be fair about it, Democrats would probably have a similar feeling.

Last session, acknowledging the inequity of the District's case and the understandable if ultimately unacceptable partisan concerns, two of our colleagues in the House—Delegate ELEANOR HOLMES NORTON of the District and Tom Davis former Republican Congressman from Virginia—tried to work this out. Acknowledging the inequity that I referred to which Utah felt it suffered, and actually went to court on in the last census, a decision was made to put these two together.

There was also an institutional necessity, if I can add to this. It wasn't a kind of apples and oranges—two problems, let's bring them together and have a bipartisan result, because the new Member of the House from Utah is likely to be a member of the Republican Party. If we only added the one seat for the District, the House would have an even number of Members. One can imagine the gridlock that you would not want to see in the House. You could have an equal number of Members of both parties and a failure to organize, failure to be able to select a Speaker, or a failure to be able to organize committees. On a tie vote, there is no one in the House to exercise tie-breaking authority, similar to the Vice President here in the Senate. So legislation could fail as a result of a tie vote, and that is not a good result either. There was that institutional benefit that if you are going to add one, you really should add two to bring the total back to an uneven number and avoid the problems we have talked about.

I do want to make clear that this kind of equitable grant of an additional seat to Utah, based on what happened after the last census, is only for 2 years. Obviously, if we give the District voting rights, it will go on forever, but it is only for 2 years because another census is coming in 2010 and there will be a reapportionment following that census. If Utah is next in line for that extra seat based on population, of course Utah will hold that extra seat. But if there is another State that, based on population, has a greater claim for that extra seat, then they will get it as well.

I am happy to acknowledge that the bill before us is the result of a political compromise, a bipartisan compromise in the House, but I am not embarrassed by it. I do not think it taints the result because the result is so profoundly just in the case of the District, and I believe also just in the case of Utah, and it only lasts for this one time.

I have tried to argue here, No. 1, on the constitutionality of this measure under the District clause; No. 2, that, yes, this is a bipartisan political agreement, but it is done for good reasons, and that does not taint it at all; and No. 3, I would say that in the bill before us there is provision for an expedited appeal to the courts on the constitutionality. We know there are constitutional differences that have been argued by the Senator from Arizona and myself this morning. We assume they will be tested in court. In the interests of efficient functioning of our Government, we provide in this measure for an expedited appeal.

This is not the first time this would happen. The most significant case I remember, and I am sure it is one of many, is the landmark campaign finance reform legislation that bears the name of my friend from Arizona and our friend from Wisconsin, the McCain-Feingold legislation. Some argued vociferously on the floor that it was unconstitutional. So within the legislation, in a way quite similar to what we have done here on this, it was provided that there be an expedited appeal. That was a way of saying, even if you believe this legislation may be unconstitutional, we are a legislative body, we do not know, really. I believe this legislation is constitutional, but ultimately—I feel that very strongly, I said that it is, but the ultimate arbiter of that, of course, is the courts.

So I urge my colleagues who have constitutional questions about this legislation but really want to stop the inequity imposed on the residents of the District, that they do not have voting representation here, to vote for this measure because it contains with it an expedited appeal which will occur on the constitutionality of the legislation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I appreciate the comments of the Senator from Connecticut—in particular, his comments at the conclusion of his remarks about the appropriateness of an expedited appeal. We are both very certain of our constitutional judgment on this. We are both lawyers. We each come to a totally different conclusion about what is constitutional or not. Fortunately, we have the courts to resolve the issues. As with previous legislation, we had the good sense to include an expedited appeal to the courts so that the issue can be resolved one way or the other. I would note there is one thing that is needed to effectuate this—to be sure that, as it was in the McCain-Feingold legislation, an appeal can be facilitated by ensuring pro bono counsel can represent plaintiff in the case.

Let me also reference a fact that my colleague from Arizona is usually quick to point out. He likes to say he is unburdened by a law degree. That certainly can be a burden for those of us who have the degree, but what he has argued illustrates not only the sensibility of our Constitution but also his extensive knowledge of it. I always appreciate his point of view on these issues because of his wide-reaching experience which helps us understand the reasons for the constitutional provision. I support the constitutional point of order he has raised because I do deeply believe the action the Senate is being asked to take here is unconstitutional.

The creation of a House seat for the District by legislation rather than constitutional amendment is what is before us here, and we believe that only by constitutional amendment can the additional representation be appropriately granted.

I would like to respond briefly to the comments of my colleague from Connecticut. They are all well stated. They are the arguments in opposition to the proposition. I referred to a couple of them yesterday, but let me refresh those and then discuss one other matter.

The primary argument of the proponents of the bill is to rely on the so-

called District clause, which is article I, section 8, clause 17. The District of Columbia Circuit Court actually interpreted this clause in a case called Neild v. District of Columbia in 1940. What the court noted in that case was that the District clause does indeed allow Congress to legislate within the District for ''every proper purpose of government'' and gives Congress ''full and unlimited jurisdiction to provide for the general welfare of citizens within the District of Columbia by any and every act of legislation which it may deem conducive to that end,'' subject, of course, to the negative prohibitions of the Constitution.

But proponents argue that because the District clause allows Congress to do things in the District of Columbia that States themselves cannot do, then it must also follow that Congress, with regard—that it must also allow Congress to do things with regard to the District that only States can do. For example, article I, section 10, of the Constitution bars States from doing things such as coining money, entering into treaties, and keeping troops. But none of these restrictions apply to Congress in the exercise of its power to govern the District.

Proponents of this bill argue that it follows from this sweeping power that Congress may also grant District residents the rights of citizenship in a State, including the right to congressional representation. But this argument does not follow. Congress has some powers in the District that are broader than the powers of a State, but this does not mean that every power of a State must also extend to the District. States and the District of Columbia are different under the Constitution, and each has some rights and powers that the other lacks.

I note in this regard that the Senator from Connecticut quoted from an opinion of Justice Marshall in a very early case in which Justice Marshall saw a problem with the commerce clause and, because of his view that the District of Columbia was not equivalent to a State, invited Congress to solve the problem, which, many years later, as the Senator noted, Congress did do. But, of course, what this case stands for is the proposition that Justice Marshall, who was there at the time and well understood the intent of the Framers, appreciated that he could not do it from the bench. He could not say that the District was the same as a State and therefore he had the ability to fix the problem. That had to be done in another way.

There is a big difference between those kinds of problems dealing with adversity jurisdiction or the commerce clause, and so on, and the fundamental status as a political entity, which would change the representation of the House of Representatives. Moreover, it would make no sense, in the same document where the Framers specifically composed the House of Members of the several States and then specifically designated the District of Columbia as something other than a State, that the Framers then forgot to give the District representation in the House. The Framers had the opportunity to provide the District with a Representative in the House but, of course, declined to do so.

The text of the Constitution on this matter is clear. It says Congress shall be composed of Representatives from States and States alone. Here is the exact wording:

> The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.
>
> No person shall be a Representative who shall not have attained to the age of twenty five years . . . and who shall not . . . be an inhabitant of that state in which he shall be chosen.

And finally:

> [E]ach state shall have at least one Representative. When vacancies happen in the Representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

So any act by Congress purporting to grant a seat in the House of Representatives would contradict this plain text and would be unconstitutional.

My colleague from Connecticut also noted that we have, for Americans residing abroad, enabled them to vote. But, of course, it is tied to their last domestic residence to a State. It is the State to which these votes go. So, even in those situations where there has been a need to accommodate the fact that Americans are not all residing at that moment in a State, we have tied their vote to the State from which they have come.

I mentioned one case, but I would also like to briefly discuss some other cases because judicial precedent has accumulated over the years and strongly supports the point my colleague from Arizona makes with regard to the constitutionality of this legislation.

In Bolling v. Sharpe, the companion case to Brown v. Board of Education, the U.S. Supreme Court expressly recognized that when it came to the application of the fundamental constitutional principles, the District could not be considered to be the same thing as a State. The Bolling petitioners had challenged the constitutionality of racial segregation in the DC public schools. The Court held that such segregation was unconstitutional in the District, but the Bolling Court was very careful to make clear that the District was not equivalent to the States and not subject to the same legal strictures.

Brown v. Board of Education was based on the 14th amendment, which by its own terms applied only to the States. Because the District is not a State, the Bolling Court reasoned different rules had to apply to this case.

Here is how the Court explained it:

> We have this day held that the Equal Protection Clause of the Fourteenth Amendment prohibits the states from maintaining racially segregated public schools. The legal problem in the District of Columbia is somewhat different, however. The Fifth Amendment, which is applicable to the District of Columbia, does not contain an equal protection clause, as does the Fourteenth Amendment, which applies only to the states.

So the Court obviously had a dilemma. It went on to reach the same result as in Brown v. Board of Education and strike down racial segregation, but on different grounds. It was careful to emphasize that the law that applies to the District is different because the District is not a State.

Other courts have also emphasized that the District is not a State.

My colleague mentioned Adams v. Clinton. DC residents there argued that they had a constitutional right to elect a Representative to Congress but the three-judge district court, examining the text and the history, determined that the District is not a State under article I, section 1, and therefore the plaintiffs did not have a judicially cognizable right to congressional representation.

In another case from the DC Circuit Court, Michel v. Anderson, the court affirmed the constitutional principle that Congress cannot grant voting rights to citizens of the District. The court considered congressional rule changes that will allow Delegates from the District and U.S. territories the right to vote in committees and even the committee of the whole in the House. Some Members of Congress sued, claiming these rules went too far. Although the District of Columbia Circuit Court upheld the new rules, it noted that the rules passed constitutional muster only because they did not give the essential qualities of representation to the Delegates; namely, according to the court, it was acceptable to allow the Delegates to participate in deliberations and secondary votes—for example, in committees and the committee of the whole—as long as their votes would not be decisive in the final vote on final passage of the bill. There was a reason for that. The bottom line: The District has a voting Representative in the House to the full extent that it can be granted by the Congress short of a constitutional amendment. At that point, for full representation there would need to be a constitutional amendment.

In a similar vein, in United States v. Cohen, then-Judge Scalia explained, again in a DC Circuit Court decision, that the District clause ''enables Congress to do many things in the District of Columbia which it has no authority to do in the 50 States.'' But Judge Scalia went on to emphasize ''[t]hat there has never been any rule law that Congress must treat people in the District of Columbia exactly as people are treated in the various States.''

Finally, in Banner v. United States, the DC Circuit, in a panel that included now-Chief Justice Roberts, rejected a constitutional challenge to congressional legislation that prevents the DC

government from imposing a ''commuter tax'' on people who work in the District but reside in Virginia or Maryland. The Court stated that Congress had broad authority to legislate under the District clause but also noted:

None of this is to say that Congress can legislate for the District without regard to other constitutional constraints.

And of particular relevance to the present debate, the DC Circuit panel stated:

[T]he Constitution denies District residents voting representation in Congress.

These cases are all clear, and they all reach either the same result or are all based upon the same reasoning. The final constitutional argument was also addressed by the Senator from Connecticut. This has to do with the 23rd amendment. Let me discuss that.

When Congress in the past has addressed the District's special status, it has acknowledged that status is dictated by the Constitution, and it recognized that a constitutional amendment was necessary to change the status, as we have just seen. So when Congress sought to give the District a vote in Presidential elections, it passed the 23rd amendment to the Constitution. When Congress dealt with this issue before, it dealt with it correctly. Congress does have the power to grant the District representation in the House if it deems that it is necessary and desirable. But the proper way to do this is through the mechanism that the Framers provided in the Constitution: the amendment process in article V.

Prior to the ratification of the 23rd amendment in 1961, District residents could not choose electors for purposes of choosing the President and Vice President; but because of this amendment, District residents are now able to select electors ''equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State.''

Congress thus recognized in the 1960s that it did have the authority under the District clause and without amending the Constitution to allow District residents to choose Presidential electors.

The 23rd amendment to the Constitution itself recognizes that the District is not a State and cannot be treated as one. First, it ensures that the District, even if otherwise entitled by population, may not appoint a number of electors greater than that of the least populous State. As a consequence, even if the District grew enough in population that as a State it would be entitled to three Representatives and two Senators, let's say if a smaller State than was not entitled to three Representatives existed, the District's electors would be limited to a number equal to those of the smaller State.

Even under the 23rd amendment, for the purpose of selecting Presidential electors, the Constitution recognizes that the District is not the same as a State and is not entitled to be represented in the National Government in the same way.

So where does that leave us? What is next were we to pass this constitutional amendment? There has been an argument made, I think, that the proponents of this legislation would perhaps try, for example, to extend this to representation in the Senate as well. My colleague from Connecticut has said: No, there are totally different historical reasons that would not be so. I accept that there are, in fact, historical reasons that would preclude us from doing that. But I would also suggest the very reasons which caused Congress, the political reasons which caused some in Congress to change from the previous position—which has also been a constitutional amendment is required—to a legislative proposal here, would be very likely to occur in the future on this particular issue as well. I think the same thing could occur with respect to representation in territories, such as the Territory of Puerto Rico, for example.

So if, in fact, today we say, no, that could not possibly be because of tradition and the historical understanding, that is not necessarily the case given the fact that we have now at least some in this body who have thrown over the historical tradition and case law and understanding that only by constitutional amendment could the Constitution—could there be an amendment to allow the District representation.

So I am going to urge my colleagues to vote against the resolution. I am going to urge them to vote to sustain the point of order that my colleague from Arizona has made. There is a constitutional issue, and we need to be on record as to what we believe to be the correct decision. If we believe it is constitutional, then there will be an opportunity to express that in this amendment. If we believe it is unconstitutional, we will have the opportunity to express that. Many of us want to express that proposition.

At the end of the day, however, as my friend from Connecticut has pointed out, the ultimate resolution is not going to be what we believe but, rather, what the courts say with respect to the issue. Again, for that reason, it is important to have a workable, expedited procedure for resolution of this issue in the courts. And I am hopeful we can achieve that in the legislation, even should the legislation pass over the objections of those of us who disagree with it.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY.) The Senator from Vermont is recognized.

Mr. WHITEHOUSE. Would the Senator yield for a unanimous consent request?

Mr. LEAHY. Mr. President, I so yield without losing my right to the floor.

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

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished Chairman I be recognized.

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

Mr. LEAHY. Mr. President, the Senate now considers a bill to provide voting rights to citizens of the Nation's Capital city. I am proud to cosponsor the District of Columbia House Voting Rights Act of 2009. This important legislation would end over 200 years of unfair treatment to nearly 600,000 Americans living in the District of Columbia, a population roughly equal to the size of Vermont, and give them a vote in the House of Representatives. Earlier this week, the Senate finally broke through the Republican filibuster of this legislation that stalled its consideration in the last Congress. That filibuster prevented its passage, despite the bipartisan support of 57 Senators, a majority of the Senate. The vote earlier this week to overcome that filibuster is an encouraging step toward guaranteeing all citizens representation in our Government.

Last Congress, President Bush threatened to veto this bill. This time, when the Congress passes this bill, I am confident President Obama, who cosponsored and voted for the bill when serving in this body as a Senator from Illinois, will sign it into law.

I commend Congresswoman ELEANOR HOLMES NORTON and Senator HATCH for having worked out a voting rights bill for the District of Columbia that can and should pass with bipartisan support. The bill we consider today would give the District of Columbia delegate a vote in the House of Representatives. To remove partisan political opposition, it accords Utah an additional vote in the House, as well.

As a young lawyer, Congresswoman NORTON worked for civil rights and voting rights around the country. It is a cruel irony that as the District of Columbia's longtime representative in Congress, she still does not yet have the right to vote. She is a strong voice in Congress, but the citizens living in the Nation's Capital deserve her vote on their behalf to count.

I believe this legislation is within congressional power as provided in the Constitution. This is not a partisan conclusion. Lawyers from across the political spectrum, from Judge Patricia Wald to Kenneth Starr and former Assistant Attorney General Viet Dinh, agree that this action is constitutional. After careful study, we have all concluded that Congress has the constitutional authority to grant voting rights in the House of Representatives to the representative of the citizens of the District of Columbia.

Last Congress, the Judiciary Committee held a hearing on this issue, and heard compelling testimony from constitutional experts that such a bill is constitutional. They highlighted the fact that Congress's greater power to confer statehood on the District certainly encompasses the lesser action to

grant District residents voting rights in the House of Representatives.

Moreover, Congress has often treated the District of Columbia as a ''State'' for a variety of purposes. Congresswoman ELEANOR HOLMES NORTON reminded us that ''Congress has not had the slightest difficulty in treating the District as a State, with its laws, its treaties, and for constitutional purposes.''

Examples of these actions include a revision of the Judiciary Act of 1789 that broadened Article III diversity jurisdiction to include citizens of the District, even though the Constitution expressly provides that Federal courts may hear cases ''between citizens of different States.'' Congress has also treated the District as a ''State'' for purposes of congressional power to regulate commerce ''among the several States.''

The sixteenth amendment, the Federal income tax amendment, grants Congress the power directly to tax incomes ''without apportionment among the several States'' and that taxing power has been interpreted to apply to residents of the District. The District of Columbia car license plates or tags remind us every day that District residents suffer from ''Taxation Without Representation,'' a battle cry during the founding days of this Republic.

Hundreds of thousands of Americans residing in the District of Columbia are required to pay Federal taxes. In fact, the District of Columbia residents pay the second highest Federal taxes per capita in the Nation, yet residents have no say in how those dollars are spent. We must also remember that many who serve bravely in our armed services come from the District of Columbia. The brave men and women who defend our values and freedoms abroad must also enjoy those same rights here at home.

Opponents of this bill claim that the citizens of the District of Columbia do indeed have representation, that they fall under the jurisdiction of all 100 Senators and 435 Representatives and are sufficiently provided for by Congress. To that argument I say that there is no substitute for direct representation in Congress. How many of us in either party would be willing to go back to our State and say ''You do not need your representatives because other States are going to represent you?'' I do not believe that would go over well in the Commonwealth of Pennsylvania. Chairman LIEBERMAN knows that would not go over well in his State of Connecticut. I guarantee you that would not go over well in the State of Vermont. Similarly, the citizens of the District of Columbia also deserve the chance to elect a representative who has not only a voice in Congress, but a vote as well.

Over 50 years ago, after overcoming filibusters and obstruction, the Senate rightfully passed the Civil Rights Act in 1957 and the Voting Rights Act in 1965. Let us build on that tradition and extend the reach and resolve of America's representative democracy. I am pleased that we took the first step in overcoming the filibuster of this legislation, and I urge all Senators to support the final passage of this bill without further delay.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that a vote on the McCain constitutional point of order occur at 2 p.m. today; that the 10 minutes immediately prior to the vote be equally divided and controlled between Senators MCCAIN and myself or our designees; and that no amendments or motions be in order to the constitutional point of order.

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

The Senator from Arizona.

AMENDMENT NO. 574

Mr. KYL. Mr. President, I ask unanimous consent that it be in order to consider an amendment at the desk and that the reading of the amendment be dispensed with.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 574.

The amendment is as follows:

(Purpose: To provide for expedited judicial review for Members of Congress)

On page 27, strike line 21 through the end of the bill and insert the following:

SEC. 8. JUDICIAL REVIEW.

(a) SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.—If any action is brought to challenge the constitutionality of any provision of this Act or any amendment made by this Act, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(b) INTERVENTION BY MEMBERS OF CONGRESS.—

(1) IN GENERAL.—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is challenged (including an action described in subsection (a)), any member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or the Senate shall have the right to intervene or file legal pleadings or briefs either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment.

(2) COURT EFFICIENCY.—To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any action described in paragraph (1) may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

Mr. KYL. Mr. President, I understand this amendment has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate?

Mr. LIEBERMAN. Mr. President, I will not object. I just wish to say this amendment is supported not only by myself but the majority leader. It adds language to the bill. It is similar language that was in the so-called McCain-Feingold bill. So we support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 574) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 575

(Purpose: To restore Second Amendment rights in the District of Columbia.)

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may call up my amendment, which I have sent to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, the clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mr. VITTER, Mr. COBURN, Mr. DEMINT, Mr. BURR, Mr. WICKER, Mr. THUNE, Mr. GRASSLEY, Mr. RISCH, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. CRAPO, proposes an amendment numbered 575.

Mr. ENSIGN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. ENSIGN. Mr. President, while we are here debating the constitutional implications of this bill, I want to take this time to discuss a 30-year constitutional injustice happening right here in Washington, DC.

On June 26 of last year, the Supreme Court issued a landmark ruling affirming the second amendment right to bear arms as an individual and constitutionally protected right. In District of Columbia v. Heller, the Court

affirmed that the District of Columbia's ban on ownership of handguns was an unconstitutional restriction on that right. Prior to this decision, Washington, DC, had enforced the most prohibitive gun control laws of any city in the nation. Not only did the District prohibit ownership of handguns, it also required that allowed firearms, such as rifles and shotguns, be ''unloaded and disassembled'' or ''bound by a trigger lock.''

Millions of Americans were supportive of Mr. Heller, who was simply wishing to excise his constitutional right to protect himself. Recognizing the District's restrictions were not only unreasonable but also unconstitutional, the majority of the Supreme Court held that ''the District's ban on handgun possession in the home violates the Second Amendment, as does its prohibition against rendering any lawful firearm in the home operable for the purpose of immediate self-defense.''

Despite the Court's ruling in June, the District of Columbia City Council has continued to exact onerous and unconstitutional firearm regulations on law-abiding residents.

In response to the District's obstruction of the text and spirit of the Court's decision, the House of Representatives passed H.R. 6842, the National Capital Security and Safety Act. Last year, almost half this body joined me in a letter to the majority leader urging prompt consideration of this bill, which was denied and the bill died. That bill would have unequivocally restored the Second Amendment rights of the District residents, and that is why I offer this updated bill as an amendment to S. 160 and encourage my Senate colleagues to join me to address this real injustice.

Mr. President, the residents of the District have waited long enough, and it is time for us to ensure that they realize their constitutional right to bear arms. We must pass this amendment so the Second Amendment rights of the citizens of DC are protected.

This amendment is substantively identical to the bipartisan compromise that passed the House last year, with the exception that it repeals the 2008 DC anti-gun law that was enacted in the interim, and the inclusion of a severability clause. As I said, these are merely technical changes to this widely supported bill that 47 of my colleagues supported in a letter to the Democratic leader in the 110th Congress and two of our new Senate colleagues voted for while they were in the House, when it passed by a vote of 266 to 152 including 85 Democrats.

These changes were necessary to guarantee the second amendment rights to DC residents are adequately protected. Instead of abdicating our constitutional duties as a co-equal branch of Government, we should enact legislation such as my amendment, to defend and protect the constitutional rights of American citizens. It is high time we address this real constitutional injustice and adopt my amendment.

Mr. President, it is high time that we address this real constitutional injustice and pass my amendment. According to the Census Bureau, Washington, DC, is the 27th largest city, with close to 600,000 residents. Similarly large cities, however, have not enacted comparably restrictive gun laws. For example, both Las Vegas proper and the District of Columbia are cities with populations between 500,000 and 600,000 residents. According to the Census Bureau, in 2007, Las Vegas without incorporated areas, was the 28th largest city, just behind DC. These cities, however, have very different gun-control laws.

According to FBI Criminal Justice Information Service Division, in 2007, the murder and non-negligent manslaughter rates were higher in DC than Las Vegas, including all the incorporated areas. When you include the incorporated areas, this more than doubles the population count in Las Vegas. In fact, if you total all the population of Nevada, DC still would reigns in this category. Can you honestly tell me gun control in DC has been effective?

According to the FBI, murder rates in the United States peaked at around 10.2 per 100,000 persons in 1980. Despite the strictest gun ban in the country, however, murder rates in the District continued to climb well into the 1980s and 1990s, peaking in 1996 at about 80.6 per 100,000—nearly 8 times the average of what the rest of the United States had experienced.

Since then, the murder rate in DC has declined somewhat and is now fairly level, following a national trend of decreasing violence. As this chart shows, however, the murder rate in DC still remains over 250 percent higher relative to the 48 largest cities in America.

Law-abiding, Nevada residents only need to register handguns if they live in Clark County, the home of Las Vegas. And then, to do so, they simply bring an unloaded handgun to any police substation—unlike the District of Columbia's single location—where they receive a cursory background check and are given a gun registration card. There are no fees or other onerous hurdles to infringe on the Second Amendment rights of law-abiding citizens.

The DC gun registration laws for lawfully permitted firearms are even more restrictive than Nevada laws for concealed-carry permits. Yet, I repeat, even with a gun ban, DC crime rates are significantly higher. Disarming the law-abiding residents of DC has made them easy prey for criminals to target. Furthermore, most criminals who use guns get them through unregulated channels. According to the Bureau of Justice statistics, most criminals get guns via theft or the black market. According to the ATF, almost 90 percent are acquired through unregulated channels, and the median time between a gun's acquisition and its use in a crime is over 6 years.

Mr. President, it is high time we address this real constitutional injustice and let DC citizens lawfully defend themselves. I urge my colleagues to support my amendment to protect the Second Amendment rights of DC residents.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, first, I wish to thank my colleague from Nevada for bringing up this very important issue. Those of us who are strong supporters of second amendment rights clearly are looking at this issue and appreciate his leadership.

Earlier this morning, the Senator from Arizona raised a constitutional point of order as it relates to the bill before us, S. 160. I have to admit, I kind of took a step back and said: Well, a constitutional point of order—I am not sure I am familiar with that. So we went to Riddick's, which is our encyclopedia of Senate precedents, and looked up ''constitutional point of order'' and some of the history there.

I was surprised to find that a constitutional point of order was raised during the consideration of the Alaska statehood bill.

I have had an opportunity on the floor, throughout this past year, to remind all my colleagues that this year is the 50th anniversary of Alaska's statehood and some of the debate that took place on the floor of the Senate and the process that we as a State took to gain statehood.

I pulled up the CONGRESSIONAL RECORD from this debate on the constitutional point of order. It is quite interesting, quite fascinating, from Alaska's perspective, because the point of order that was being discussed was whether section 10 of the Alaska Statehood Act violated the requirement that States come into the Union on equal footing.

The argument that was made at the time was that half of Alaska's territory would be withdrawn by the federal government, depriving the proposed State of Alaska at the time the power to have a uniform system of taxation. Alaska's experience seeking voting representation in Congress explains why I have taken such great interest in the debate over representation for the District of Columbia.

In Alaska, it was a huge fight—a huge fight—as to whether we should become a State. My grandparents on both sides were involved in the debate at the time. It was a fight to gain control of our resources. It was a fight to determine who had control of our fish. As Alaska observes the 50th anniversary of its admission to statehood I reflect back on our fight for voting representation in Congress. This is why I believe it is so important for the people of Alaska to have voting representation in the House of Representatives.

I appreciate the pleas of the people of the District of Columbia, the residents

of this very small area, for voting representation within the Congress because it was not too long ago those same cries were being heard back in Alaska. You have to give the District of Columbia government credit for a pretty effective lobbying campaign. I do not know of any other place that has used their license plates to tell the rest of the country what it is they are asking for: no taxation without representation.

There are significant differences between Alaska's fight for statehood and the cause of representation in the House for Washington, DC. Alaska, 50 years ago, was a territory. The District of Columbia is a different entity, a federal enclave created by our Constitution. Our Constitution makes it clear that they are not a State. However, I supported cloture on the motion to proceed to S. 160 yesterday because I believed it was important that we have this debate on the floor of the Senate and that we hear the perspectives being presented, whether it is from the Senator from Connecticut or the Senators from Arizona, and to allow this issue, which is so important to some 600,000 people, to be debated. I represent a State of just a little over 600,000.

It was back in 1960, June 17, that the Congress approved and sent to the States for ratification the 23rd amendment. It was the 23rd amendment that extended to the people of the District of Columbia representation in the electoral college. It was 285 days later that the 23rd amendment was ratified by the States. That ratification settled the question of whether the people of the District of Columbia should have the right to vote for President, and it settled that question absolutely conclusively, by way of amendment to our U.S. Constitution.

I believe the people of the District of Columbia have been without representation in the Congress for too long. I have strongly supported the view that the people of the District should have voting representation in the House of Representatives, but what we have before us today, S. 160, does not conclusively resolve the question of whether they will.

We know the question of whether Congress may, by legislation, grant the District of Columbia a vote in the House of Representatives has been a matter of spirited debate not only here on this floor but with constitutional scholars on all sides of the issue. It was our assistant majority leader yesterday who observed that S. 160 has attracted—I think the words were some strange bedfellows amongst the community of constitutional scholars. We have very distinguished individuals such as Ken Starr and Viet Dinh who suggest that, in fact, S. 160 is constitutional. On the other side, we have an extremely well-respected gentleman, Jonathan Turley, who has testified that despite the best of motivations, S. 160 is fundamentally flawed on a constitutional level and would only serve to delay true reform for District residents. His conclusion is that this legislation is facially unconstitutional.

We also have a review by our nonpartisan Congressional Research Service, their assessment and their analysis, and they, too, cast doubt on the constitutionality of S. 160. Their report, dated February 17, 2009, states:

> Although not beyond question, it would appear likely that Congress does not have the authority to grant voting representation in the House of Representatives to the District of Columbia.

So the key point here is this: I believe the District of Columbia deserves representation in the House of Representatives, but S. 160 does not conclusively resolve the question of whether they will get it.

I think we have heard on this floor that this is going to lead to litigation. The issue, of course, is how do we interpret article I, section 2, of the Constitution, which says:

> The House of Representatives shall be composed of members chosen . . . by the people of the several States.

I don't think there is any dispute amongst the constitutional scholars who are out there that the District of Columbia is not a State for the purposes of article I, section 2. If the courts shall conclude that article I, section 2, of the Constitution means what it says—that only the people of the several States can send voting Representatives to the House—then basically we start all over. We start all over. We start anew with a constitutional amendment on DC representation.

So I would suggest to the body that what we are engaging in today is almost a cruel hoax because what we are doing is we are delaying the end of taxation without representation for several more years. What we are doing is getting this into the courts. Is that what the people of the District are really seeking?

I think 49 years ago the Congress understood what we needed to do in order to provide clarity and to conclusively resolve the issue of the District of Columbia with the 23rd amendment. We knew the way to handle it was to give the people of the District of Columbia a voice in the selection of the President and Vice President, and the route they chose to take was the route of a constitutional amendment. They knew then that was the proper route to take, and I would suggest that today it is the proper route to take to provide for this. This Senator believes that is what we owe to the people of the District of Columbia, to get it right the first time. Let's resolve this. A constitutional amendment passed by the Congress, ratified by the States, settles the matter of DC representation conclusively, and S. 160 doesn't.

Now, we know the history on this. This was tried once before. A constitutional amendment was adopted by two-thirds of both bodies and sent to the States for ratification. Unfortunately, only 16 States chose to ratify within that 7-year period. So we basically come back to start over. I would suggest that is the method and manner we need to approach as we try to provide representation for the 600,000 people who are residents of the District of Columbia.

I am prepared to support a constitutional amendment and to work for its ratification, and I intend to introduce that constitutional amendment today. It will not be part of S. 160. A constitutional amendment is a different process, one that is done through joint resolution as opposed to a Senate measure or a House measure. I believe amending our Constitution will provide justice for the people of the District of Columbia, and I look forward to working toward that end.

With that, I yield the floor.

AMENDMENT NO. 576 TO AMENDMENT NO. 575

(Purpose: To restore Second Amendment rights in the District of Columbia)

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. Amendment 575 offered by the Senator from Nevada.

Mr. COBURN. Mr. President, I ask unanimous consent to offer a perfecting second-degree amendment to Senator ENSIGN's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

> The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 576 to amendment No. 575.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. COBURN. Mr. President, this is simply a perfecting amendment to change the date of the actual enactment of this bill.

I ask unanimous consent to speak for a few moments on the underlying bill.

The PRESIDING OFFICER. The Senator is recognized.

Mr. COBURN. I will do that for a very short period of time.

We have heard a lot about the constitutionality of this, but I think there is an important point that has not been raised, and I would take exception to the fact that this is not a partisan debate. This is about whether we really follow this wonderful little document each of us in this Chamber has sworn an allegiance to and what it says.

I wish to quote a legal scholar because I think it leads to a lot of common sense. Here is the quote:

> It would be ridiculous to suggest that the delegates to the Constitutional Convention or ratification conventions would have worked out such specific and exacting rules for the composition of Congress, only to give the majority of Congress the right to create

a new form of voting members from federal enclaves like the District. It would have constituted the realization of the worst fears for many delegates, particularly the Anti-Federalists, to have an open-ended ability of the majority to manipulate the rolls of Congress and to use areas under the exclusive control of the Federal Government as the source for new voting Members.

I have no doubt that if this present bill is passed, it will be found unconstitutional. As my colleague from Alaska stated earlier, if what we want to do is change the Constitution, the way to do that is through a constitutional amendment and a joint resolution.

So there is no question that people who are taxed have the right to representation, but there is another way to solve that. The best way to solve it is to eliminate the tax on the citizens of the District of Columbia. I will be offering an amendment this afternoon that will do just that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, this is a distressing situation where, for some reason, we have abandoned the knowledge we gained in 1977 that it takes a constitutional amendment to get representation in the Congress for the District of Columbia. There is so much in the Constitution that refers to this, but article I—the very first article—section 2, says the House of Representatives—that is what we are talking about: giving a Member of the House a vote for the District of Columbia—shall be composed of Members ''chosen every second year by the people of the several States.'' It goes on to say that the requirements of a Representative are that they should be—they must be, when elected, ''an inhabitant of that state in which he shall be chosen.'' The Senate—discussed in section 3—of the United States ''shall be composed of two Senators from each State.''

So I know there is politics here, and I hope when the Supreme Court reads this debate they look right through it because I don't think it is a sound position we are dealing with. I believe Senator MCCAIN has rightly raised a point of order as to the constitutionality of this bill.

I wish to make some general remarks.

I think the legislation is an affront to the Constitution. Professor Jonathan Turley, one of the liberal outstanding scholars of the law, who has testified before our committee a number of times, testified before the House Judiciary Committee recently—this is the language he used, and I am sure he would consider himself a Democrat. He said he considers this bill to be ''one of the most premeditated unconstitutional acts by Congress in decades.''

Congress cannot, consistent with the Constitution, pass a bill that gives congressional voting rights to a non-state without violating the plain text of the Constitution. The Framers of our Constitution envisioned a Federal city that would not be beholden to any State government. The text of the Constitution does not provide anywhere that a non-state may have a congressional voting Member. Also, the District of Columbia is not a forgotten city. In fact, it receives more Federal dollars, per capita, than any State in the United States.

History is clear that the Framers excluded the District of Columbia from having direct congressional representation. Our Founders could have placed the seat of the Federal Government within a State—and that was discussed—thus ensuring direct congressional representation from that city, but they chose not to do so. As James Madison stated in Federalist No. 43, there was fear that the State that encompassed the Nation's Capital would have too much influence over Congress. It has a lot now. The Framers feared that, symbolically, the honor given to one State would create ''an imputation of awe and influence'' as compared to other States. That is, that the State would have an advantage in some fashion.

Thus, when the Framers of our Constitution considered carefully how to treat the Nation's Capital, they provided in the District clause—article I, section 8, clause 17, of the Constitution—that Congress had the power to ''exercise exclusive Legislation in all cases whatsoever, over such District.''

So it gave Congress the legislative power over the District, clearly. Congress was, of course, made up of Representatives from States. This meant that residents of the District would not have direct representation in Congress—they understood that, clearly, from the beginning and, indeed, they have never had it—but instead, they would have indirect representation and that such direct representation was reserved only for the residents of States.

Second, this bill violates the plain text of the Constitution, as I noted. Article 1, section 2 says ''each State shall have at least one representative.'' Further, one of the qualifications to be a Congressman is to ''be an Inhabitant of that State in which he shall be chosen.'' As George Smith, the former senior counsel at the Department of Justice's Office of Legal Counsel recently wrote and was published: ''All told, no fewer than 11 constitutional provisions make it clear that congressional representation is linked inextricably to statehood.''

Congress has recognized this fact in years past. In 1977, Congress passed a constitutional amendment, which was never ratified by the States, but we passed it. It was a constitutional amendment that would have given the D.C. residents congressional representation. I suppose that was then and this is now. Now we are just going to pass a law that doesn't have to have a supermajority in Congress or be ratified by the States. That is a lot easier to do. I remind my colleagues that while political winds may change, the plain text of the Constitution doesn't. The Constitution says only States may have congressional representation, and no bill, no mere congressional legislation, no law we pass can change that fact. The Constitution is the supreme law of the land. Our legislation can't alter the constitutional requirements. We can alter the Constitution through the amendment process, as has been previously done, to fix this very problem.

Alexander Hamilton, many years ago, wrote:

> The qualifications of the persons who may . . . be chosen, are defined and fixed in the Constitution, and are unalterable by the legislature.

Finally, the District is not, as I said, forgotten. Its residents have indirect representation. All 435 Members of the Congress travel in the traffic here, go in and out of the city, and 100 Senators likewise do the same. They have done pretty well by way of getting money out of the Federal Government.

One of the Framers' concerns, which Madison articulated, was a fear that the ''host'' State would benefit too much from ''the gradual accumulation of public improvements at the stationary residence of the Government.'' According to the most recent data available, as of 2005, the District of Columbia taxpayers received more in Federal funding per dollar of Federal taxes paid than any of the 50 States. According to the Tax Foundation, for every $1 of Federal tax paid in 2005 by the District of Columbia citizens, they received approximately $5.55 in Federal spending. This ranks the District the highest nationally by a wide margin. For example, New Mexico, which is perceived to be the most benefitted State, received $2.03 in Federal spending per $1 of tax payments their citizens made. But even that amount is $3.52 less than what the citizens of D.C. receive. Perhaps, some would say Madison's fear has become a reality, with all the jobs that are here and paying good wages—how many of us would love to carve out some of these agencies and have them be settled in Birmingham or Baltimore or New York? Then that tax revenue would be spent in our States. But it is being spent here.

I am just saying I don't believe the District of Columbia is being abused. In fact, they are doing pretty well with taxpayers' money all in all. I know the argument that you don't collect property tax on Government property and everything, but they are doing pretty well under any fair analysis.

The Framers envisioned a Federal district serving as the National Government's home. That district was not to be a State, and the District of Columbia was never to be treated as a State. Granting a non-state congressional representation and voting rights in the Congress of the United States violates the Framers' intent, pretty clearly, and the plain language of the Constitution. Congress, as Professor Turley notes, ''cannot legislatively amend the Constitution by re-defining

a voting member of [the House of Representatives].''

We have all sworn to uphold the Constitution and to defend it. As written, this bill violates the Constitution and it will, I predict, be struck down by the Court. I think it is going to come back from the Court like a rubber ball off that wall. If it doesn't, we are going to learn something about the Supreme Court of the United States—something we don't want to know. I submit that we cannot in good faith vote for this bill without conflicting with our oath to the Constitution. So that is why I cannot support it.

I would just point out a recent case decided November 4, 2005, in the U.S. Court of Appeals for the District of Columbia. The panel consisted of now-Chief Justice John Roberts; Judge Harry Edwards, appointed by President Carter; and Judith Rogers, appointed by President Clinton, for whatever that is worth. I hate to even say that because we expect our judges to put away partisan activities when they put their robes on. So that is just background.

Basically, the court dealt with an argument over taxes. As part of their holding—it is a per curiam opinion; no one judge was considered to be the author. They all agreed to this language. They said:

> Congress, when it legislates for the District, stands in the same relation to District residents as a state legislature does to the residents of its own State.

So we stand in the same position to the people of D.C., as set up by our Founders, as the State legislatures do to the people of the States. The court also noted:

> Not only may statutes of Congress or otherwise national application be applied to the District of Columbia—

That is the tax laws—

> but Congress may also exercise all the police and regulatory powers which a state legislature or municipal government would have in legislating for state or local purposes.

Then the court said:

> This is true notwithstanding that the Constitution denies District residents voting representation in Congress.

So this panel, in 2005, concluded—all three judges—that the Constitution denies District residents voting representation in Congress.

I am not personally of the view that people who voluntarily live within the borders of the District of Columbia have to have direct congressional representation. I guess it is a matter that we can discuss and debate. Arguments on both sides can be made. I simply say the matter is conclusively decided by the plain language of the Constitution.

As Mr. Smith says, 11 different places in the Constitution say that representation in Congress must come from States. It does not come from districts. It does not come from territories. It does not come from tribal areas. It comes from States.

If we would like to change it, maybe we can, but we are bound by the laws and our Constitution, and a mere statutory act of this Congress is not able to reverse the Constitution. Therefore, I will object to the passage of this legislation. I think it is incorrect. I will support Mr. MCCAIN's constitutional point of order because I see no other rational conclusion.

As shown by a recent opinion from the District Court of the District of Columbia in 2005, the Constitution does not give congressional voting rights to residents of the District of Columbia.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, I rise in support of the DC Voting Rights Act. I rise from a new seat, a new chair in the Senate. My desk is now moved to the center aisle. I rise from this desk for the very first time to speak about a new opportunity to expand democracy. That is what the DC Voting Rights Act is—it is about democracy, about fairness, and about empowerment.

The DC Voting Rights Act simply gives the District Representative full voting rights in the U.S. House of Representatives. I also want to point out to my colleagues that this is not only about the District of Columbia, but this is also about Utah. What this legislation does, in a sense of fairness and parity, is grant a seat to the District of Columbia and an additional seat to Utah. What we are doing is trying to adjust, without amending the Constitution, wrongs that need to be righted. The DC Voting Rights Act gives the District Representative full voting rights in the House of Representatives.

Right now, the District of Columbia is represented—and I might add very ably—by Congresswoman ELEANOR HOLMES NORTON, a distinguished public servant. She is called a Delegate to Congress. We call her Congresswoman. When she moves around her great area, she is also called that. What is she allowed to do? One, she is able to have a voice. That is important. So the people of DC do have a voice. But in Congress, a voice also usually means a vote. That is where it doesn't work the way we think it should. She is able to vote in her committee, but she is not able to vote on the House floor. We think that is wrong. We think she should have a voice and we think she should have a vote.

The residents of the District of Columbia are the only residents in a democratic country in the capital city who do not have a vote in determining the fate and direction of the Nation.

What we have essentially done is disempower the over 600,000 residents of the District of Columbia. Yet we do not disempower them when we call them to serve for war. The District of Columbia, through its National Guard, has served ably and willingly. Yet even though they go to fight for the entire United States of America and they are sent to war by the Congress of the United States, they have no voice, no vote in the direction of their own country. This is not right.

DC residents go by the same rules and laws as the United States of America. They pay taxes. They pay, by the way, Federal taxes because they see themselves as part of the Federal Government. But the Federal Government does not see that they have full representation. I wish sometime we could have those DC residents who fought in wars in the balconies. They fought through the National Guard, and they fought through the regular military. They have fought and they have died, most recently in Iraq and Afghanistan. But when they come home, they are treated like second-class citizens. I don't think that is right.

I also happen to believe if you pay taxes—there was a famous patriot who said: If you pay taxes, you should have representation. If it was good enough for Patrick Henry and Patrick Kennedy, it should be good for us. If you pay taxes to the Federal Government, your representative should have a vote in the Congress of the United States. That is what we want to do today.

When we think about all the major issues that are debated in Congress—the economy, health care, education, the direction of our national security—these issues affect the residents of the District of Columbia the same way they affect Maryland or Virginia or Texas or Alabama or North Carolina. Yet the DC residents do not have a vote on these issues.

How would you feel, Madam President, if you did not have anyone representing you on those issues or if your Congresspeople could have a voice but not a vote? I think the District of Columbia deserves this, and they have been waiting a very long time. The District of Columbia has been waiting for this for 200 years.

Last year when we tried, we fell three votes short. But we are in a new day in Washington, and I hope this new day will be new democracy, the expansion of democracy. We love to expand democracy around the world. Let's expand democracy to the District of Columbia.

The District of Columbia has been made the target of congressional pet projects. We often shove ideas at them. We undo what they often want to pass for themselves. We think they should be able to have a vote to exercise the direction both for themselves and for the Nation.

Currently, DC residents are represented by a delegate. This would give full voting power in the House of Representatives. It would give Utah one additional representative. This solution is fair, it is nonpartisan, and it will enfranchise 600,000 District of Columbia residents and also enfranchise the State of Utah to have one additional representative that they barely missed in a census that was flawed in many ways.

I stand today as a friend and neighbor to the people of the District of Columbia. We in Maryland live next door

to the District. Many of the constituents I represent, the sons and daughters live in Maryland, the moms and dads continue to live in the District of Columbia. I know their fierce devotion to this country, the fact that they are proud to be residents of the Capital of the United States of America. They love doing their duty by participating in their community, by paying their taxes, and going to war, if necessary. But they believe participation and taxation should have representation. I believe like they do; we should give it to them and give it to them this week in this Senate. The time is now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, when we are sworn in to the Senate, we raise our right hand, put our left hand on the Bible, and swear to uphold the Constitution and laws of the United States. That is why I am very troubled and concerned that those of us who have taken that sacred oath to uphold the Constitution would, in fact, purport to violate the Constitution by passage of S. 160, the DC voting rights bill.

This bill, at various times, has been called the DC voting rights bill; at other times it has been called the DC statehood bill. Of course, DC is not a State, but DC would have to be a State under the Constitution to get the voting Member of the Congress for which the proponents of this legislation are calling.

By the way, if DC is a State for the purpose of creating a district for a Member of Congress, why would not DC be a State for the purpose of having two U.S. Senators? Of course, even the proponents of this legislation know that would be a bridge too far, but this is the first incremental step to considering the District of Columbia as a State entitled, they say, to a Member of Congress, as well as two Members of the Senate.

I believe this legislation is unconstitutional. There is a constitutional way to do it, but the proponents of this result have found that to be a tough row to hoe, to pass a constitutional amendment. So now they have come back trying to do it the so-called easy way but in a way that violates the Constitution and, I would say, cannot be reconciled with the oath that each of us takes.

I know it is common to say the courts will fix it. We ourselves have a duty to pass only legislation that we believe is truly constitutional. For us to say we have the votes now, as some of my colleagues have indicated, we have the votes to do it, but let's not pay attention to the constitutionality of it I think is a very serious mistake.

We all sympathize with the desire of the residents of the District of Columbia to be represented in Congress. But as I said, there are constitutional ways to do this, and this legislation is not a constitutional way to accomplish that goal.

I don't know how the constitutional limitation or, indeed, the prohibition to passing this legislation and expecting it to be enforced could be more plain. Of course, the Constitution in article I, section 2, limits House seats to States alone. The District of Columbia is not a State and, therefore, the District of Columbia may not have a House district and be represented by a voting Member of the House of Representatives.

I am not asking anybody to take my word for it. Let's just look at the text of the Constitution.

The text of the Constitution repeatedly and clearly limits representation in the House of Representatives to the States. The apportionment of Representatives is governed by section 2 of the 14th amendment, which provides: ''Representatives shall be apportioned among the several States.''

As I mentioned a moment ago, article I, section 2, of the Constitution establishes the House of Representatives and governs its membership. Each of that section's first four clauses specifies States—not cities, not the District of Columbia—as those entities that are entitled to representation in the House.

The first clause provides that Representatives are chosen ''by the People of the several States.''

The second clause provides that a Representative must be ''an inhabitant of the State in which he [or she] shall be chosen.''

The third clause says that ''each State shall have at least one Representative.''

The fourth clause specifies that ''when vacancies happen in the Representation from any State,'' the Governor of that State shall call an election.

Article I, section 4, of the U.S. Constitution provides that rules for the elections of House Members ''shall be prescribed in each State by the Legislature thereof. . . .''

Just as the text of the U.S. Constitution makes plain that only States are to be represented in the House of Representatives, it is equally clear the District of Columbia is not a State for purposes of such representation.

Article I, section 8, of the Constitution specifies that the Federal Government ''District,'' the District of Columbia, was to be formed ''by Cession of particular States.'' This provision distinguishes between States and the Federal District in which we are presently located formed by cession of the States.

If that is not enough—the plain text of the Constitution—then I think all we need to do is look back at the 23rd amendment of the Constitution, where the proponents of this result actually tried to do it the right way. The 23rd amendment to the Constitution, which granted the District of Columbia Presidential electors, gives the District of Columbia the number of electors it would be entitled to if it were a State. This constitutional text presupposes that the District is not a State, as that term is used in the Constitution, for purposes of apportioning Representatives, Senators, and electors.

In short, the text of the Constitution could not be clearer, that Members of Congress are to be elected only from States and that the District of Columbia is not a State.

One may be asking why would we be having this debate 230-something years since this country was founded. It has been understood and, indeed, has been the uninterrupted practice and precedent of our Republic that people have regarded the District of Columbia not as a State and not entitled to a Member of the House. Otherwise, why would this just be coming up now? From the founding until recently, the evidence shows it was understood that a constitutional amendment would be required to give the District a voting seat in Congress. Of course, since the founding, the District has never been granted a voting seat in Congress. Representation has been apportioned in accordance with the constitutional provisions I have cited every 10 years since 1790. In other words, every 10 years we have a census, and every 10 years Congress apportions seats in accordance with these constitutional provisions, every 10 years since 1790. Never in the history of this country has a Congress or a President acted on the belief or on the theory that they had the power somehow to apportion a Representative to the District of Columbia.

Indeed, the Framers of the 23rd amendment clearly thought that granting the District Presidential electors, as I mentioned a moment ago, required a constitutional amendment. Similarly, in 1977, Congress passed a constitutional amendment that would actually have given the District residents what they seek by this act of legislation. At least at that time, the consensus of Congress was a constitutional amendment was required.

If the Framers of the 23rd amendment or the authors of the DC voting rights amendment believed they could have achieved their ends by mere legislation alone without submitting themselves to the admittedly difficult process of constitutional amendment, don't you think they would have done so? Clearly, they would have done so.

Furthermore, the Federal courts have long interpreted the word ''State'' in section 1 of the 14th amendment to exclude the District of Columbia. Thus, due process, equal protection, and other constitutional challenges to District laws, such as in the recent Heller case—that was the DC gun rights case—are brought under the Bill of Rights rather than the fourteenth amendment that would incorporate the Bill of Rights and apply them to the States.

If the District of Columbia is not a State for purposes of section 1 of the 14th amendment, it seems odd to argue it is a State for purposes of section 2 of

the 14th amendment in the very next sentence of the U.S. Constitution.

The history of our first two centuries under our Constitution demonstrates an uninterrupted consensus by all three branches of Government that the District could not be represented in Congress without a constitutional amendment. Why Congress would even consider passing a piece of legislation that is going to be challenged in the courts and ultimately be decided by the U.S. Supreme Court—and I am predicting here today they will say this is an unconstitutional act by the very same Federal officials who have taken an oath to uphold and defend the laws and Constitution of the United States—why we would do this is baffling to me.

So why could anyone think a bill such as this might actually be upheld? Well, there was a clever lawyer, as there frequently is behind novel legal theories. It was not until 1991, shortly after the Constitution's bicentennial, that a clever law student first advanced the argument that Congress could create a Representative for the District of Columbia through simple legislation. Legislation purporting to do that was first introduced in 2004. This novel legal theory lacks merit, as I have argued, and cannot overcome the weight of textual and historical evidence that would all but declare that this bill is unconstitutional.

Supporters of this theory cite the District clause of the Constitution that gives Congress power to ''exercise exclusive legislation in all cases whatsoever'' over the District. Because the District is not a State, it doesn't have a State legislature, and so Congress is given that authority under the Constitution. This plenary power, it is argued, gives Congress unfettered power to determine the District's representation in Congress.

But this power cannot be used in any kind of logical way to vitiate the carefully crafted apportionment of representation elsewhere in the four corners of the Constitution. By the logic of the act's supporters, Congress would exercise unlimited plenary power to repeal freedom of speech in the District or give the District 436 representatives in the House and 101 Senators.

The absurdity of this argument is highlighted by the fact this District clause goes on to give Congress the same plenary power—''Like Authority''—over Federal institutions such as, ''Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings,'' in the quaint language of the Constitution. But surely this does not mean that on the basis of the District clause Congress can grant a vote in Congress to a federal dockyard or an arsenal. It doesn't make any sense.

Congress should not adopt an overly aggressive or overly expansive role of its powers under one section of the Constitution that allows it to violate—somehow magically—the clear language and intent of other provisions of the same Constitution. Like all of Congress's powers, the District clause is limited by the context and the rest of the same Constitution.

As the Supreme Court of the United States first noted back in the early 19th century in Marbury v. Madison, and has continually affirmed throughout our history, if Congress could alter the Constitution's meaning through mere legislation, then the Constitution would cease to be ''superior, paramount law, unchangeable by ordinary means.''

On another note, having argued from a historical perspective, and from the text of the Constitution the historical practice, the political impact of what the Senate is being asked to do—aside from these constitutional concerns—we need to look at the impact of this legislation on the size of congressional delegations in all other States after the 2010 census and beyond.

As I noted earlier, every 10 years we recalculate how many seats will be available to the U.S. House of Representatives from each State, since there is a fixed number. Of course now it is 435. Because of that, every 10 years some States are winners and some States are losers. High population growth States, such as my State—Texas—are likely to get as many as three new congressional seats after the next census. This bill would change the list of winners and losers after the 2010 census and for every census thereafter.

Think about this, colleagues: Some States clearly are going to lose a seat or two in Congress after the 2010 census. Just as my State will gain up to three seats, there will be other States that will lose a seat because of population shifts in our country. There are other States that are not clear winners or clear losers but are on the bubble. I ask my colleagues to consider what they are doing to the interests of their State before they vote on this bill. It could be that by voting for this legislation some Senators will be putting their States on the bubble now and for decades to come.

Now, what does that mean? Well, let me ask this question: Do you want to explain to your constituents that your State must lose a seat after the census so the District of Columbia can gain a seat by this legislation? Are Senators going to vote for a bill that might mean their State would receive one less congressional district after the next census, because they want the District to have one? Do you want to explain to your constituents that you would have had another seat after the census, but instead you are going to have the same number and the District of Columbia is going to grow by an additional seat as a result of your vote on this legislation?

The increase in House membership from 435 to 437 disguises this issue, but only if you are not paying very close attention. Think about this: If the membership of the House had been 437 after the 2000 census, which States would hold those two seats today? The answer would be Utah and New York. So New York is a big loser in this bill because we are expanding membership in the House without giving New York the seat its people deserve based on the current law.

We don't know which State will be the biggest loser after 2010. If the current census projection holds, it is likely to be New Jersey or Oregon. The fact is we don't know which State would be entitled to that 437th seat if it weren't awarded to the District of Columbia by this legislation. But we do know this: There will be winners and there will be losers. And there will be a new loser every 10 years after this bill passes if it is not struck down, as I predict it will be, by the U.S. Supreme Court.

The ultimate impact of this bill on our representation in the House of Representatives is unclear, but I believe the bill's lack of constitutional foundation is clear. For that reason, I believe Senator MCCAIN's constitutional point of order should be sustained.

I will close where I started: Each of us, as U.S. Senators, has taken a sacred oath to uphold the laws and Constitution of the United States. So how, under any interpretation, would we vote to pass a law that is so clearly unconstitutional? Why is it that Congress would totally abdicate its responsibility in considering legislation to determine whether it is constitutional or not and to kick that responsibility over to the Federal courts?

I believe all of us—Members of the House, Members of the Senate, Federal judges, the President of the United States—have a responsibility to uphold the laws and the Constitution of the United States. And if this Senate passes this clearly unconstitutional legislation, it will have violated its sacred oath to uphold the Constitution, in my humble view.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. HATCH. Madam President, my friend from Arizona, Senator MCCAIN, this morning raised what he called a constitutional point of order about S. 160. I would like to just respond to a few of his arguments.

He is my friend, and I appreciate his leadership in this body. I appreciate the fact that he went through this great campaign and asserted such influence but also such dedication to this country. I have appreciated his dedication to our country ever since I met him. But I do have some comments to make about his constitutional point of order.

The Senator from Arizona said that this bill is obviously, plainly, and blatantly unconstitutional because the District is not a State.

For him, the constitutional debate apparently begins and ends with a single word.

As I said on Tuesday, however, noting that the District is not a State is a factual observation; it is not itself a constitutional argument.

It is a premise, not a conclusion.

There are many other factors to consider in order properly to answer the constitutional question.

The Senator from Arizona is entitled to answer that question however he choose, but I believe it is necessary to at least consider the factors relevant to the answer.

I, for one, have not avoided the constitutional issue.

I have confronted the issue directly.

I have testified about it before the Senate Homeland Security Committee.

I have spoken about it on this floor.

I have written and published an extensive article about the issue.

I have sent that article to my colleagues, including to the Senator from Arizona.

I do not demand, or even expect, that my colleagues necessarily agree with me on this issue, but I would like to hear at least an attempt to respond to those arguments.

America's founders, those who wrote the Constitution we are talking about, passed legislation allowing Americans living on the land ceded for the District to vote in congressional elections. They did that.

That land was no more a State in 1790 than the District is today.

Those Americans did not live in a State.

I do not understand why treating District residents today as if they lived in a congressional district is constitutionally different than treating them in 1790 as if they lived in Virginia or Maryland.

No one argued in 1790 that doing so was unconstitutional.

It seems to me that the Constitution would have been, if anything, even more clear and plain to its own drafters in 1790 than it is to us Senators here today.

Congress has provided, by legislation, that Americans living abroad can vote in congressional elections.

They do not live in a State.

They do not even live in America.

I would like to hear from the Senator from Arizona why Congress can provide voting rights for Americans living in other countries but cannot provide voting rights for Americans living in this country.

If it were so obviously, plainly, and unequivocally obvious that the word ''States'' in the Constitution can never include the District, then the Supreme Court would not have ruled that the authority of Congress to regulate interstate commerce applies to the District.

The Supreme Court would not have ruled that the sixth amendment right to a speedy and public trial in the State where a crime was committed applies to the District.

The Supreme Court would not have ruled that Congress can extend to the District Federal Court jurisdiction over lawsuits between citizens of different States.

The Supreme Court would not have held that the apportionment of taxes among the States applies to the District.

The Supreme Court would not have upheld Congress's authority to implement in the District the fourteenth amendment's commands regarding the States.

The Supreme Court has indeed held all these things.

If Congress could not provide for the District the House representation the Constitution gives to the States, the Supreme Court would not have affirmed a decision saying that such a goal could indeed be pursued in the political process.

I assume the Senator from Arizona is aware of these and many other similar decisions over the past two centuries.

He is certainly entitled to believe that all of these decisions were wrongly decided.

But, with respect, rather than simply repeating the word States, he should at least attempt to explain why those decisions are all wrong or, in some way, are different than the issue before us now.

And, again with respect for my colleague whom I admire, these Court decisions establish that the Senator from Arizona is simply incorrect when he says that courts have consistently ruled that the word States excludes the District.

The Senator from Arizona also asked why territories would not be entitled to the same congressional representation as the District.

As the Senator himself acknowledged, however, the District is an entirely unique entity in America.

America's founders intended that the District permanently to be a jurisdiction separate from State control.

It should remain that way.

Territories, in contrast, are jurisdictions which can, and in some cases are intended to, become States.

I am unclear why the Senator from Arizona included this argument in a constitutional point of order because it is not a constitutional argument.

It is instead a political argument, and it has been raised and addressed before.

My friend from Arizona also questioned whether Utah is included in this bill.

As the Senator from Connecticut explained, both before and after the remarks of the Senator from Arizona, the House of Representatives must have an odd number of Members.

One will go to the District, and the other to the State which would have next qualified for one under the 2000 census.

As such, this decision was, as the Senator from Arizona said it should be, based on census data.

It is not, as he alleged, simply an arbitrary, irrational, backroom partisan political deal.

This debate about what the Constitution allows Congress to do is important and worthwhile.

I believe the constitutional foundation of this bill is more than sufficiently solid to justify voting for this bill and I hope my colleagues will.

I hope my colleagues will vote down this constitutional point of order which I think is not justified under either the Constitution or under our rules.

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. GRASSLEY. 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. GRASSLEY. Madam President, I ask unanimous consent to speak as in morning business for 6 minutes.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 474 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. It is fortuitous that I happened to be on the Senate floor managing the DC Voting Rights Act. But I take this opportunity to thank my friend from Iowa for this introduction of this legislation.

It is consistent with not only the actions that I have been privileged to be involved with him on but what our committee has stood for. We will give it a thorough review and, hopefully, we will be able to bring it forward. Senator AKAKA is a very active and senior member of our committee. I am sure his advocacy will help a lot in moving the legislation forward. I thank my friend from Iowa for introducing this legislation.

The PRESIDING OFFICER (Mr. CARDIN). Under the previous order, the first 10 minutes prior to the 2 p.m. vote are equally divided and controlled by the Senator from Connecticut, Mr. LIEBERMAN, and the Senator from Arizona, Mr. MCCAIN.

Mr. LIEBERMAN. Mr. President, I believe the distinguished Senator from West Virginia, Mr. BYRD, is going to speak in support of the point of order Senator MCCAIN has raised.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I oppose S. 160, the District of Columbia House Voting Rights Act. I must—in other words, I have to—review and renew my objections to legislation of this kind. I have to speak and speak loudly—can you hear me—to its flaws, as I have done when similar erroneous attempts have been made to amend the Constitution with legislation.

As I have said previously, my quarrel is not with the intent of the legislation

but with the vehicle with which the Congress is seeking to effect this change.

What does the Constitution say? Article I, section 2, of the Constitution says—now listen:

The House of Representatives shall be composed of Members chosen every second Year by the people of the several States . . .

The Constitution does not include the residents of the District of Columbia in this context as a State.

We know—or we ought to know—from our history books that our Founding Fathers sought out a Federal city that would not have to rely upon the protections of any one State. Their vision, the vision of the Founding Fathers, a center of government apart from the States, is seen in the distinction made in article I, section 8, between the ''States'' and a ''District.'' Therefore, under the Constitution, the District is not a State. Consequently, a constitutional amendment is required to give the District's citizens voting representation in Congress. This is the step that ought to be taken. It is the step I have consistently supported. As far back as 1978, as the majority leader of the Senate, this body, I—let me identify myself: ROBERT C. BYRD—spoke in support of and voted for H.J. Res. 554, a joint resolution that proposed amending the Constitution to provide for representation of the District of Columbia in Congress. Where is that? Here.

Every Member of this Senate ascribes to the underlying tenet of our system of government; namely, that the Government of the United States of America serves only by the consent of its citizens, as expressed through their elected representatives. That is us, their elected representatives. Every Senator seeks the goal of upholding and perfecting our representative form of government, but the difference lies in how we seek to effect those rights.

I contend that this is no way to go about doing it. While the goal in this case is laudable, it is a dangerous course on which we embark. Simply passing a law that grants voting rights to an entity that is not a State is plainly circumventing the Constitution. As John Adams noted: ''Facts are stubborn things.'' Let me say that again. This is John Adams talking now, not ROBERT C. BYRD. ''Facts are stubborn things.'' That is right, I may say to the Senator.

Facts are stubborn things; and whatever may be our wishes, our inclination, or the dictates of our passions, they cannot alter the state of facts and evidence.

So I say this imperfect method of legislation employed to amend the Constitution has already been met with swift opposition and solid opposition. The text of the legislation anticipates that very outcome by providing for the Court's expedited review. And legal challenges will surely come quickly—don't doubt it—calling into question the validity of this legislation, and the fate of the District's long-sought voting rights will be further bogged down in a swamp—a swamp—of litigation.

Providing voting rights for the District through a constitutional amendment would provide the clarity and the constitutionality needed and would also avoid the path of litigation. Anything short of a constitutional amendment will be insufficient and will certainly set a dangerous precedent.

While it is indeed an arduous task to amend the Constitution, and rightly so, thank heavens, something so critical as representation in the House for the people of the District of Columbia compels it. Shortcuts have no place here. In this instance because of litigation, any shortcut, so-called, may turn out to be the long cut, the long way home for the very deserving, long-suffering people of the Capital City of this country, Washington, DC.

I will support the point of order raised by Senator MCCAIN against the underlying bill, as it addresses this most crucial issue.

I thank the distinguished, very able Senator. I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, during the remarks we have just been privileged to hear, the Senator from West Virginia said: ''I—let me identify myself: ROBERT C. BYRD.'' May I say, there was no need for that identification. There is only one ROBERT C. BYRD. And may I add, it has been an honor to serve with you now for 20-plus years, to learn from you, to respect your love of the Senate, of the Constitution, and to hear you deliver the remarks that you have just delivered.

Mr. BYRD. It has been my honor, my dear friend.

Mr. LIEBERMAN. Thank you, sir.

In the spirit of your history of great debate, I nonetheless, and with total respect, rise to oppose the point of order brought forth by the Senator from Arizona.

We have here a contest between two provisions of our great Constitution. The Senator from Arizona and the Senator from West Virginia rely on the provisions of article I, section 2, clause 1 that says the House Members be chosen by the people of the several States. Those of us who support the measure before us, S. 160, rely instead on article I, section 8, clause 17, the so-called District clause.

It is true the Constitution does require that House Members be elected by the people of the several States. But it is also true Congress has repeatedly not applied that language literally. To fully protect the interests of people living in the Capital City, the Framers gave Congress extremely broad authority over all matters related to the Federal District under the so-called District clause I have referred to.

Here is where the courts have spoken exactly to where we are now. The courts have said this clause, the District clause, gives Congress extraordinary and plenary power over the District of Columbia and, more to the point, have upheld congressional treatment of the District as a State for very important purposes of diversity jurisdiction and interstate commerce.

Article III, for instance, of the Constitution provides that courts may hear cases ''between Citizens of different States.'' The Supreme Court actually initially ruled under this language that residents of our Nation's Capital could not sue residents of other States in Federal courts. But in 1940, Congress said that was wrong and asked that residents of the District be treated as a State for that purpose, a law that was upheld in the case of DC v. Tidewater Transfer Company of 1949.

The Constitution also allows Congress to regulate commerce among the several States. That is the language of the Constitution, which literally would exclude the District of Columbia and make it impossible for its residents to enjoy all the protections adopted under the Commerce clause. But Congress's authority to treat the District as a State for Commerce clause purposes was upheld in the case of Stoughtenburg v. Hennick.

So what we are asking for has constitutional precedent. More to the point, ultimately, or as much to the point, is the underlying reality that the Senator from West Virginia and the Senator from Arizona speak to eloquently, which I presume all of us share, which is, it is an outrageous injustice that 600,000 residents of America who happen to live in our Capital City do not have any voting representation in Congress.

Final point. The legislation before us presumes that there will be a legal challenge to its constitutionality, and that will be decided under the expedited procedures provided for in this legislation, in wording almost exactly similar to that provided in the so-called McCain-Feingold landmark campaign finance reform legislation. The Supreme Court will decide.

So if you feel the status quo is unjust, I still urge you to vote for this legislation, even if you wonder about the constitutional basis of it because ultimately that is the judgment of one of the other two branches of our Government that the Supreme Court will decide. Therefore, I respectfully ask my colleagues to vote no on the point of order.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I am aware that the hour has expired. I ask unanimous consent for 30 seconds.

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

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I cannot add to the persuasive argument presented by the most respected Member of the Senate on constitutional matters and other matters. I thank Senator BYRD for his opinion. I thank him

for his many years of service. I know all of us, however we vote on this issue, respect and admire his views. Thank you, sir.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the constitutional point of order raised by the Senator from Arizona, whether it is well taken. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 62, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—36

Alexander	Cornyn	Kyl
Barrasso	Crapo	Martinez
Bennett	DeMint	McCain
Bond	Ensign	McConnell
Brownback	Enzi	Murkowski
Bunning	Graham	Risch
Burr	Grassley	Roberts
Byrd	Gregg	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Corker	Johanns	Wicker

NAYS—62

Akaka	Hagan	Nelson (FL)
Baucus	Harkin	Nelson (NE)
Bayh	Hatch	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Tester
Collins	Lieberman	Udall (CO)
Conrad	Lincoln	Udall (NM)
Dodd	Lugar	Voinovich
Dorgan	McCaskill	Warner
Durbin	Menendez	Webb
Feingold	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Gillibrand	Murray	

NOT VOTING—1

Kennedy

The PRESIDING OFFICER. On this vote, the constitutional point of order is not well taken.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 579

Mr. THUNE. Mr. President, I call up my amendment that is at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for himself, Mr. VITTER, Mr. GRASSLEY, Mr. WICKER, Mr. COBURN, Mr. DEMINT, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, and Mr. RISCH, proposes an amendment numbered 579.

The amendment is as follows:

(Purpose: To amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State or the District of Columbia in which they reside to carry concealed firearms in another State or the District of Columbia that grants concealed carry permits, if the individual complies with the laws of the State or the District of Columbia)

At the appropriate place, insert the following:

SEC. _____. RESPECTING STATES RIGHTS AND CONCEALED CARRY RECIPROCITY ACT OF 2009.

(a) SHORT TITLE.—This section may be cited as the ''Respecting States Rights and Concealed Carry Reciprocity Act of 2009''.

(b) RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

''§ 926D. Reciprocity for the carrying of certain concealed firearms

''Notwithstanding any provision of the law of any State or the District of Columbia or political subdivision thereof—

''(1) a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and is carrying a valid license or permit which is issued pursuant to the law of any State or the District of Columbia and which permits the person to carry a concealed firearm, may carry in any State or the District of Columbia a concealed firearm in accordance with the terms of the license or permit, subject to the laws of the State or the District of Columbia in which the firearm is carried concerning specific types of locations in which firearms may not be carried; and

''(2) a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and is otherwise than as described in paragraph (1) entitled to carry a concealed firearm in and pursuant to the law of the State or the District of Columbia in which the person resides, may carry in any State or the District of Columbia a concealed firearm in accordance with the laws of the State or the District of Columbia in which the person resides, subject to the laws of the State or the District of Columbia in which the firearm is carried concerning specific types of locations in which firearms may not be carried.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 44 of title 18 is amended by inserting after the item relating to section 926C the following:

''926D. Reciprocity for the carrying of certain concealed firearms.''.

(c) SEVERABILITY.—If any other provision of this Act, another amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section and the application of the provisions of such to any person or circumstance shall not be affected thereby.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of enactment of this Act.

Mr. THUNE. Mr. President, my amendment is a very simple amendment. It allows individuals the right to carry a lawfully concealed firearm across State lines while at the same time respecting the laws of the host State. It is very similar to legislation I introduced earlier, a stand-alone bill, S. 371, which currently has 19 Senate cosponsors.

As I believe and the Supreme Court found last June, the second amendment of the Constitution provides law-abiding citizens have the right to possess firearms in order to defend themselves and their families. As such, I believe a State's border should not be a limit on this right. Today, there are 48 States that have laws permitting some form of concealed carry. While some States with concealed carry laws grant reciprocity to permit holders from other select States, what my amendment would do is eliminate the need for these laws by allowing an individual to carry a concealed firearm across State lines if they either have a valid permit or if under their State of residence they are legally entitled to do so.

After entering another State, the individual must respect the laws of the host State as they apply to conceal-and-carry permits, including the specific types of locations in which firearms may not be carried. Reliable empirical research shows that States with concealed carry laws enjoy significantly lower violent crime rates than those States that do not. For example, for every year a State has a concealed carry law, the murder rate declines by 3 percent, rape by 2 percent, and robberies by over 2 percent.

My amendment is relevant to this debate because it underscores the selective support that the District of Columbia has when it comes to individual rights such as the second amendment, and together with Senator ENSIGN's amendment will increase these rights. Specifically, anytime the word ''State'' is mentioned throughout my amendment, DC is also explicitly mentioned as well.

My amendment is a common-sense measure that will strengthen public safety throughout the Nation. And I would hope if the Senate is willing to pass the unconstitutional legislation that is before us—the underlying bill creating an additional Member of Congress within the District of Columbia—then the Senate should also be able and willing to pass amendments which are constitutional and protect each citizen's second amendment rights.

Mr. President, I urge my colleagues to support this amendment, and I yield the floor.

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

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

AMENDMENT NO. 585

(Purpose: To provide for the retrocession of the District of Columbia to the State of Maryland, and for other purposes)

Mr. KYL. Mr. President, in a few moments I am going to propose an amendment. I thought to conserve time that I would simply describe the amendment now, and then as soon as it is copied, I will distribute it and ask unanimous consent that the pending business be laid aside so that I can offer that amendment.

This is the retrocession amendment. It is an amendment that has been frequently offered in the House of Representatives over the years, and it is the alternative to the constitutional mechanism for providing the District of Columbia with representation in the House and Senate.

Rather than going the constitutional amendment route, there is one thing we know we can constitutionally do legislatively. Congress has the ability to retrocede to the State of Maryland all of the non-Federal areas within the District of Columbia that adjoin Maryland. The effect of that, obviously, is to give the residents of the District of Columbia today the same rights as other citizens of Maryland, if this procedure were to be followed.

Under this amendment, it would require an affirmative action of the Legislature of the State of Maryland, so that if the Legislature of Maryland did not wish to proceed with this, then it would not occur. It also would require the repeal of the 23rd amendment to the Constitution, as I will describe in just a moment. But the effect of it is, as I said, to allow the residents of the District to enjoy representation in both the House of Representatives and the Senate. It would do so without violating the Constitution's requirements that only States be represented in Congress and it would do so without creating a city state that would have disproportionate leverage in Congress and over the Federal budget.

The amendment provides quite simply that after certain conditions are satisfied:

The territory ceded to Congress by the State of Maryland to serve as the District constituting the permanent seat of the Government of the United States is ceded and relinquished to the State of Maryland.

Retrocession, as I said, includes a minor exception for the so-called national areas—the White House, the Capitol building, the Supreme Court building, and the other Federal buildings and monuments around the National Mall. The length of the amendment is simply due to the fact that there is a full description in section 3 of the amendment of the area that would remain under the exclusive jurisdiction and control of the Congress.

There is an important transition provision that would allow lawsuits begun in the District of Columbia to be continued in Maryland courts. The amendment also provides that until the next reapportionment, the DC Delegate will serve as a full Member of the House of Representatives from Maryland. As I said, there are two conditions that would have to be satisfied before it takes effect. First, the State of Maryland would have to enact accepting the retrocession of the District to Maryland; and second, amendment XXIII, which currently gives the District three electoral votes in Presidential elections, would need to be repealed.

The reason for this is that in the absence of such a repeal, amendment XXIII might be construed not to be mooted and might be construed to give the very few residents living around the National Mall three electoral votes. The intent here is not to capture anyone who actually has an abode in that area, but there are some people who might be living there nonetheless.

We believe the amendment is the most reasonable means of providing representation in Congress to the residents of the District. It is a solution that is based on precedent. Obviously, as we all know, in 1846 the part of the District south of the Potomac River was retroceded to the Commonwealth of Virginia and became Arlington County and old Alexandria. We have done this before. We know how it works.

If we adopt the amendment, the residents of Maryland could have a vote in the House and in the Senate within a year or two. If we continue down our current unconstitutional path, the legislation will be tied up in litigation for several years and, at least in the view of many of us, then struck down and we will be back at the drawing board. Unlike proposals to grant statehood to the District of Columbia, retrocession provides representation to the District residents in the national legislature but without creating a city state that would further skew representation in the Senate.

In that regard, I would note that the number of people represented in most of the congressional districts of the United States exceeds the number of people who are residents of the District of Columbia. As State population continues to grow, there is every reason to believe that ratio would continue to exist.

I urge my colleagues to support this sensible constitutional means of providing representation in Congress to the residents of the District of Columbia.

At this point I ask unanimous consent that pending business be laid aside for the purpose of offering an amendment.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. KYL) proposes an amendment numbered 585.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. KYL. Mr. President, I note for the benefit of colleagues that we now have, I think, two pending amendments.

I urge my Republican colleagues, if they wish to speak to either of these two amendments or to lay down further amendments—we have good cooperation here on both sides of the aisle to move forward with this legislation, and if Members who have an interest can be here and express their views or offer their amendments, we can move through the bill more quickly.

I will suggest the absence of a quorum here, but in the event Members on the Republican side wish to speak, certainly this would be a good time for them to come down and speak to the bill and offer amendments.

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

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

Mr. DURBIN. Mr. President, there are several amendments pending. This is a bill which is trying to make history. I thank Senator LIEBERMAN, Senator HATCH, and others for bringing this bill to the floor. We have 600,000 residents who live right here in the District of Columbia who do not have a vote. They do not have a vote in the House of Representatives nor in the Senate. They never have. They were created as a kind of Capitol District without a voting Congressman, Congresswoman, or Senator. Of course, the people in the District of Columbia pay Federal taxes. Their sons and daughters take an oath to protect America and march off to war. At least seven have recently died in Iraq and Afghanistan. They are bound by virtually all the Federal laws that people in Illinois or Oregon or Connecticut would be bound by, but they do not have a voice.

There is no representation of 600,000 people. I think that is a gross miscarriage of justice. I salute those who bring this bill to the floor today to give the District of Columbia, specifically the 600,000 people who live here, that voice in Congress. It is long overdue.

But there is an interesting relationship between Congress and the District of Columbia. Even though they do not have a voice in the Congress, Congress has always had a voice in the District. Congress has assumed a role somewhere between Governor and mayor when it comes to the District of Colombia. I have seen it when I served in the House and the Senate. A lot of Members from all over the United States of America who secretly long to be mayors get their chance. They come to

Washington, they come to Congress, and they sit down and they play mayor for the District of Columbia.

They make all kinds of decisions, decisions that do not relate to war and peace or Federal Government; decisions that in most places are going to be confined to mayors and city councils or Governors or legislatures. People in Congress cannot suppress the urge to be mayors, so they make all kinds of rules for the District of Columbia. Some of them are nothing short of outrageous.

They delve into issues which the people in this city ought to decide for themselves—zoning issues, issues of public health, issues that, frankly, we do not have any business working on. But we can't stop ourselves. These Senators who want to be mayors get their chance. You can be a Senator from another State, but you can play part-time mayor in the District of Columbia.

That is one of the good reasons for this underlying bill, so finally at least some person can stand up in the House of Representatives and say: I am representing these people and these people do not care for what you are doing to them.

Along come a couple of amendments here. They are in this big constitutional debate, history making, about the future of Washington, DC, and several of my colleagues cannot suppress the urge to be mayor. They want to be mayor of the District of Columbia.

One of them has come in with a proposal relative to firearms in the District of Columbia. This is offered by Senator ENSIGN of the State of Nevada and about a half dozen or a dozen other Republican Senators. Here is what they are trying to do.

They want us to write the ordinances for firearms in the District of Columbia. Are we going to do it in a committee hearing? Bring in the police? Bring in the experts? Sit down and do this thoughtfully? No. We are not going to have any committee hearings. We are going to allow the National Rifle Association to write the gun ordinance for the District of Columbia.

Do you want to guess what is going to be in that ordinance? Not much, when it comes to dealing with firearms.

I guess you could be sarcastic and say why would you worry about controlling firearms in Washington, DC? I am not going to be sarcastic because I can recall a time not that long ago when a deranged individual brought a gun into this Capitol building and fatally injured two Capitol Hill policemen before he was finally suppressed.

I can recall when a President of the United States at the Washington Hilton hotel on Connecticut Avenue, a man by the name of Ronald Reagan, was shot down in the District of Columbia.

I can recall time and again the efforts made, by men and women who are Capitol police officers, to protect us and our visitors, wondering at any moment whether someone was going to open fire on them.

I can recall not that long ago an inauguration with 2 million people on the Mall and the overwhelming concern we all had for the safety of everyone involved and particularly for our new President or First Lady, the First Family. I saw the length we went through to protect them because of the obvious—we live in a dangerous place. We live in a dangerous time. A person with a gun, if they are willing to lose their own lives, can take out the lives of almost anyone. That is a fact. So, is there reason for us to be careful when it comes to guns? In my hometown of Springfield there is. In the great city of Chicago that I represent, you bet there will be. Kids are getting gunned down every day—certainly in Washington, DC, our capital city.

Guns need to be taken seriously—I won't say more seriously. Every life is precious. But when we are entertaining visitors from around the world who come to our Washington, DC, U.S. Capitol, we want to offer them protection and safety as they travel. Maybe it is a special circumstance here. But this town needs to be as safe as possible, for the people arriving here, for the visitors, for all of us.

So the National Rifle Association has decided they want to establish the standard for firearms in the District of Columbia. Let me tell you what they would do, to give you an idea if they could write the ordinance for guns in the District of Columbia, with the Ensign amendment. There are a few things they would like to do. The amendment would provide:

> The District of Columbia government shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms.

If that is your starting point, listen to what follows. It blocks the District of Columbia from passing any background check or registration regulations, even sensible regulations that are needed to help law enforcement know who is buying guns. So the first thing the NRA wants to do is say we cannot ask you for a background check to find out if you should be able to own a firearm in the District of Columbia. What a great starting point.

It also prevents the District of Columbia passing laws that require gun proficiency training. It even prohibits them from educating parents about child gun safety.

You read the stories—we all do—about children killed when they find a firearm at home, play with it, shoot themselves or a playmate, a little brother or a little sister. This bill would prohibit the District of Columbia from establishing gun safety training.

The amendment would also prohibit the DC City Council from taking steps to unduly burden—that is the language of the bill—the acquisition or use of firearms by persons not already prohibited under Federal law. That means that DC could not pass a law, for example, restricting access to guns by those convicted of misdemeanor sex offenses involving a child.

That is a fact—because the Federal law does not prohibit that, DC could not. A person convicted of a misdemeanor sex offense with a child could not be prohibited, under this NRA amendment, from owning a firearm in the District of Columbia. Make you feel safer? Would it make anyone feel safer? Obviously, some people at the NRA would.

Let me tell you what else. It repeals the age limits for legal gun possession. Now, this is a good one. Let's basically say you cannot tell someone you are too young to own a gun or maybe too old and feeble. It repeals DC's prohibition on gun possession by anyone who was voluntarily committed to a mental institution in the last 5 years. How many times have we heard the stories on college campuses, in my State, in the State of Virginia, of someone who had a serious mental illness, turned to violence and killed innocent people?

It happened in Illinois. It happened in Virginia. It happened in other places. So governments try to keep guns out of the hands of people who are mentally unstable. The Ensign amendment would stop the government of the District of Columbia from imposing that standard when it came to possession of a firearm.

It also repeals, while we are at it, not just those voluntarily committed to mental institutions, but it would repeal the DC government's prohibition on gun possession for those who have been judged by a court to be chronic alcoholics; you cannot stop them. Under this Ensign amendment, they can own a gun. It is their second amendment right.

Well, I will tell you what. That is not what the Supreme Court said. The Supreme Court said reasonable regulation of firearms was still the standard in America. But I am afraid the Ensign amendment goes way beyond reasonable regulation.

Well, here is another one. What if you had a requirement that before someone could buy a gun in the District of Columbia, they had to be able to see, a vision test. Not unreasonable. You want to have a gun or drive a car, you ought to be able to do it safely. This bill would prohibit the District of Columbia from imposing an onerous burden that a person has to pass a vision test in order to own a firearm.

I find this incredible. It is also unimaginable to me that this law expressly allows the residents of the District of Columbia to cross borders into our States, buy firearms and come back. There is no restriction, no limitation.

Now, I admit it has not worked very well. There has been a lot of gun violence in this town, even with that law. But why do we want to raise this white flag and say we are not even going to

try to restrict or limit them? So when the supporters of the Ensign amendment say DC does not need any gun laws because Federal gun laws are strong enough, pay attention, they are, in fact, trying to weaken Federal gun laws at the very same time they are passing this amendment.

We do not debate guns around here much anymore. We used to. Basically, we reached a point where there are not many people who will stick their political necks out to vote for sensible gun control—too big a hassle. The NRA is going to target you back home, and you are going to have to spend a lot of money to try to explain to people, as I have, if you want to own a gun, if you want to use it safely, responsibly, for self-defense or sporting purposes, your right should be protected.

But you also ought to accept the responsibility, the responsibility to make certain that people check on your background so you do not have a criminal record, a history of mental illness, chronic alcoholism. You ought to be able to limit the kind of guns people buy. I mean, there are some people in my State and all over who say you should not limit people. They should be able to buy whatever they want.

I do not buy that. I have always said, if you need an AK–47 to go deer hunting, you ought to stick to fishing. Obviously, you do not know how to use a gun, you just want to spray bullets until something stops moving. There are also limitations in most places as to where you can take your gun and how you can use it. I do not think that is unreasonable.

Coming from a family, people who are hunters and sportsmen, they are pretty conscientious. They lock up the guns in the gun cabinet. They know when the rabbit season starts and when the squirrel season starts and they are out there. They do not want to take their gun into the mall. It would not make, in my opinion, sense to them. That gun has a purpose.

But there are other people who disagree, people who think this is an absolute right. I am afraid that is what has inspired the Ensign amendment. I do not know if Senator ENSIGN or the people, the dozen or so folks who have cosponsored this amendment, have all gone back to their home States and said: We hope you will do exactly this. My guess is they have not. My guess is Senator ENSIGN has not gone to the mayor of Las Vegas and said: Let's take all the gun laws out; that ought to help us bring in some tourists. I do not think he has done that. Maybe he has, in all fairness. I will give him his chance to respond to that on the floor.

But it strikes me as peculiar and fundamentally unjust that Senators who will not impose these standards in their own hometowns want to impose them in the District of Columbia. They do not have the courage to stand in their own hometowns and say: We ought to let people with a history of mental illness have guns. Why? Because reasonable people would say to them: Are you out of your mind? They would not say someone judged by the court as a chronic alcoholic ought to be able to buy an assault weapon. Not unless you happen to live in the Nation's Capital, where Senators get to be mayor, where Senators try to write gun laws, where Senators pass ordinances here. It is a shame.

It has been going on for a long time. I am not picking on the sponsors of this amendment. It has been going on as long as I have been here. But it does not make any sense. If there was ever a town, and if there was ever a time where we should take the extra measure to be safe, it is this town at this moment.

We have to make sure the men and women who serve in elected office, the wonderful staff people whom we have, the millions of visitors who come into this building come in with peace of mind, knowing they and their families are going to be safe, not to worry that some law passed in the Senate is going to create a shooting gallery right outside the Capitol grounds.

This amendment does not make good sense. It certainly does not make common sense. It is not required by the Supreme Court. It is an amendment that basically is an attempt for the National Rifle Association to do a little temperature check, find out where they are in this new Congress, to push to the limits the gun issue and to see who is going to follow it.

I know a lot of Members who said: Well, that is their decision, I respect them for it. But I respectfully disagree. Let us keep DC safe. Let's make sure all the people who value this city and the great tradition and heritage of this city take an extra measure to make it a safe place for visitors, for those who live here, for kids going to school, for folks going to church on Sunday. I do not think they deserve anything less.

If one of those Senators, any one of these Senators want to stand up and say: I have proposed this gun ordinance in my hometown and my home State, I think it should apply to Washington, they would have more credibility. But without that, they just want to experiment, experiment on a city that for over 200 years has not had a voice in this Congress, experiment on a city that is a helpless victim, many times to these political experiments that people like to try, through Congress, on Washington, DC.

I urge my colleagues: Read this. Take the time to read this amendment. Pause and reflect and ask yourself one question: Would I want this in my hometown? Is this a standard? I know some will say yes, but most will say no. This is extreme. This goes too far.

The District of Columbia is trying its best after the Supreme Court challenged and voided one of its ordinances. It rewrote its gun law. It allows for the registration of pistols, revolvers, and long guns for self-defense at home. So people in the District can have a gun in their home for self-defense.

It bans assault weapons and junk guns used for crime. It prevents persons with a history of violence within 5 years from registering a gun. It prevents a person convicted of domestic violence or who is the subject of a protective order, within 5 years, from registering a gun.

It prevents a person with multiple alcohol-related offenses within 5 years from registering a gun. It requires that an applicant for a gun complete a firearm safety training course. It limits an applicant to registering one gun every 30 days. It bans magazines on guns over 10 rounds. It tightens gun dealer licensing requirements. It requires all new semiautomatic pistols to be stamped so they can be traced in a crime.

It protects children by requiring registrants to safely store their firearms, and it abolishes concealed carry licenses, except in very narrow circumstances. That is the law if you want to own a gun in the District of Columbia. If you have a legal right to do so, you have to follow some basic rules, commonsense rules, rules that will be thrown right out the window with the Ensign amendment.

That is not good for the District, it is not good for America. I urge my colleagues to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 573

Mr. DEMINT. Mr. President, I appreciate the comments of the Senator from Illinois, and I think it helps to set up some of my comments as well. We are talking about a bill on DC voting rights that has a lot to do with our Constitution. I have an amendment to that that also has a lot to do with our Constitution; that is, the right of free speech and the right of freedom of the press, what we will call the Broadcasters Freedom Act.

The interesting point about the talk of my previous colleague is, he was talking about the urge to be mayor here in the Senate. It is interesting, after we just passed this massive stimulus bill, where we were telling not only mayors but every Governor in the country what they had to do and how they need to spend their money, to control everything from education to health care.

We cannot resist the urge to be Governors and mayors and, in fact, we cannot resist the urge to substitute our opinions of what should happen to our whole constitutional form of Government. It is interesting to hear about the guns amendment and the opinions there. I respect the Senator's opinion about the gun laws, what they should be.

But the fact is, that what we do here is not about our opinion, it is about our oath of office, of protecting and defending the Constitution. The Constitution does not give me a right to decide who is going to bear arms. I mean it is a basic constitutional right.

It does not give us the right to use our own opinions and good intentions

on every piece of legislation. One of the reasons as a country we are so much in debt—and this is attributed to both parties—is we have moved away from any constitutional mooring of limited Government to the point now where it is whoever's opinion can prevail is what passes.

An appeal to the Constitution is almost irrelevant. There is no way you can interpret the Constitution to say the Federal District of Columbia is going to have Congressmen and Senators. Now, I respect an opinion of anyone who says it should not be that way, that people who pay taxes should have Congressmen and Senators. But the fact is, our oath of office is to defend the Constitution, not to employ our own opinions, to do what we think is right, to get money for our States.

That is a pretty simple judgment to make in this case, if we can count, if we can look at the language of the Constitution and see something so obvious. Now, sure, we do not like it, we do not like the way it has turned out. There are 600,000 people living here and a lot of people with very good intentions say they should have the same rights as States. But that is our opinion, it is not the Constitution.

What worries me about a lot of our rights that are given in the Constitution, particularly our Bill of Rights, not only the right to bear arms, which people's opinion is being substituted for the Constitution, but the same thing has happened with the right of free speech, the freedom of the press in our country, which has been so instrumental to maintaining freedom and the ability of the American people to be vigilant over their Government, finding out what is going on here.

Back in 1949, the Federal Government implemented what was called the fairness doctrine over concerns that with the relatively few number of radio stations across the country, a diversity of opinion would not be heard.

Substituting our own good opinion for that of the Constitution, there are some in Washington who decided we needed to referee what was said on radio.

If one political opinion was expressed, the fairness doctrine required that they have an opposite opinion also expressed. The whole idea was to create a diversity of points of view. The fact is, as with many things we do here, it had exactly the opposite effect of what was intended. It put a chilling effect on political speech because what radio station would want to deal with the liability of expressing an opinion if someone else was going to come in and say they had to have somebody else express a different opinion? It violates the right of free speech and, in the process, actually puts a chilling effect on the development of political points of view in radio.

In 1987, it had become obvious what this was doing. Thousands of radio stations were developing all over the country. The Reagan administration overturned this so-called fairness doctrine, which was really a radio censorship act. With that act gone, we have seen the development of radio talk shows all over the country. One can tune in anywhere and get all kinds of diversity of opinion.

Frankly, it has become very annoying to a lot of Congressmen and Senators. There is nothing worse than going home and trying to tell people one thing, and they actually find out that is not the truth. Increasingly, that has been happening with bills we are passing, when folks back home find out through talk radio those guys didn't even read that bill. The front cover of that bill says it is not amnesty, but the bill says it is. The President says there are no earmarks, but open it up and there are thousands of earmarks in the bill. The President says he is expanding our energy supplies, but then look and see that they actually have a drilling moratorium that we didn't know about.

Talk radio has become very annoying to politicians who don't want Americans to know the truth. So increasingly a number of people in Congress are looking back to that fairness doctrine and thinking we need to bring it back. We need to censor radio talk shows. We need to create that liability, that risk. Every time someone freely expresses an opinion, that station needs to know that they are liable to make sure another opinion is expressed.

Who is going to decide what should be expressed? The Governors and the Mayor in Washington? In fact, what we are finding out is so many people on the other side can't resist the urge to be Founding Fathers. They want to change the Constitution and change what it means and ignore it. But freedom of speech is so important. The fact is, people in this Senate who swore an oath to the Constitution are actually advocating bringing back radio censorship and certainly will eventually apply it to the blogosphere and the Web. They will not stop with radio talk shows. We need to act to make sure this oppression, this tyranny is not reimposed on the American people.

It is not just important to protect what radio talk show hosts can say. What we are really trying to protect is what millions of Americans are free to listen to: different opinions, facts, information about where to find more complete information about what is going on. The primary reason more and more Americans are standing up and are outraged about what is going on here is because they are finally finding out the truth about what we are doing, how much money we are spending, how much we are borrowing, the porkbarrel earmarks we are sending all over the country, basically changing the mission of the Federal Government from one that stands for the national interest and constitutional government to one that is essentially trying to run local governments and State governments and to rearrange the Constitution.

The Federal Communications Commission could actually reimplement this radio censorship idea without Congress. That is why my amendment I will offer tomorrow, the Broadcasters Freedom Act, will prohibit the Federal Communications Commission from bringing back any part of the radio censorship they called at one time the fairness doctrine.

Some here will say it is not germane to this debate on DC voting rights. But DC voting rights are about the Constitution and whether we will follow it. If we don't respect the Constitution on one issue, why should we respect it on another? The fact that people at the FCC and here in Congress are talking about bringing it back means it is germane to this discussion. It is germane to everything we do here, the right to freedom of speech. The freedom of the press is so foundational to our form of government, our way of life, it is germane to everything we do here.

This amendment is so important to what we do because if we can't get the American people informed and engaged and activated and get them to stand and express their outrage, this Government, this Congress, is going to continue to violate the Constitution at every turn; to substitute their opinion, whether it be the first amendment or second amendment, any time their opinion is different from the Constitution. Their belief and the prevailing belief here in Congress is, if you can pass something, then it is legal. It doesn't matter if it violates the Constitution. What will matter is if the American people know what we are doing. They are going to stand up. They will e-mail. They will call. They will express their outrage to these people who are taking our constitutional rights every day. They are going to hear from the people back home, and they will back down or they will be brought home at the next election.

That is why radio freedom, freedom of the press, talk radio, bloggers, cable TV, all these alternative media that are going around, the New York Times and the other liberal press, and taking the truth and the facts to the American people is something we have to protect with our lives in Congress. The broadcasters freedom amendment that will be offered tomorrow is critically important to what we do.

I urge all of my colleagues, don't buy these lame arguments that it is not germane to this constitutional debate. Don't buy the argument that it is not relevant because no one is bringing it up. We have seen what people can sneak into bills that we don't get a chance to read. We need to make it a law that the FCC or this Congress cannot implement any aspect of the fairness doctrine. That is what this amendment is about.

I urge colleagues to take the Constitution seriously, take this amendment seriously. Vote for it and show

the American people that we will stand for their constitutional rights.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Mr. President, I rise to support the District of Columbia House Voting Rights Act. For too long politics has trumped basic fairness. This is not a bill for statehood but one that ensures the simple and long overdue right of American citizens to have a voice in their Government. It is the duty of any democracy to have every citizen represented. America is a model for democracy around the world. Right here at home in our own Capital City almost 600,000 Americans live without a full vote in their Government. Passage of this bill is a matter of fundamental rights. Citizens of Washington, DC, pay taxes like everyone else, but they have no voice in how their taxes are spent. The phrase ''no taxation without representation'' used by the original Thirteen Colonies is every bit as relevant today.

The residents of our Capital City pay one of the highest tax rates in the Nation, but they do not have a single voting representative in either House of Congress. Unlike every other city in America, Washington, DC, is forced to remain dependent upon Congress for even the most basic functions. Congress has control over DC's local budget. Congress can review and overturn laws that DC residents pass. Even more important to consider is the brave service and sacrifice Washington's men and women in uniform make in serving our Nation in the Armed Forces. These great patriots deserve full participation in Congress.

The foundation of our system of government is that all citizens are represented in the Federal Government. Today we must make good on the promise and grant full and fair representation to the people of Washington, DC.

This issue has been around a long time. Finally, in this bill, we have a balanced and sensible approach, one seat for the District of Columbia and one additional seat for the State of Utah.

I urge passage of this bill to give full, equal voice to the residents of this District and allow those 600,000 citizens to finally become full members of our Republic.

I yield the floor.

AMENDMENT NO. 575

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to oppose the amendment offered by the Senator from Nevada, Mr. ENSIGN, with regard to gun control. I do so for five reasons.

First, this amendment is completely unrelated to the DC House Voting Rights Act before us today. If it bears any relationship to this bill, it is in an inadvertent, unintended way to make the point of how badly we in Congress treat the District, as if we have the right not only to deprive it of voting representation in the House of Representatives—600,000 residents without voting representation, no government with consent of the governed—but we exercise, by this amendment, if it passes, the right to intervene in the District when its own legislative body, the council, has legislated and impose our desires on them.

Let me come back to my first point. The amendment is unrelated to the DC House Voting Rights Act. We should not be adding controversial, non-germane issues to what I believe is a historic civil rights bill that finally nullifies what has gone on for most of American history, which is a voting rights injustice. Residents of the District have fought for decades to win the voting rights the rest of us take for granted. It has taken tremendous work over more than this year to get this bill to where it is today, to enable us to actually be on the Senate floor debating a voting rights bill.

We had a good debate earlier on a constitutional point of order raised by the Senator from Arizona, Mr. MCCAIN, that went to the heart of the bill. That is what we ought to be debating. That point of order was rejected, but it was relevant to what we are all about in S. 160. Congress has on many occasions, of course, debated legislation related to gun ownership, which is the subject of the Ensign amendment, unrelated to the DC House Voting Rights Act. No doubt we will have the opportunity to debate the issue of gun ownership and gun rights in the future. Opponents have raised relevant concerns about the constitutionality and appropriateness of the legislation we are considering. That is what we should be debating, not gun legislation.

I fear, of course, in doing so, what we are doing on the Ensign amendment is we are going to cloud the prospects for this bill with controversial, unrelated amendments that take us from the focus here, which is that 600,000 Americans do not have voting representation in Congress.

Second, I believe Congress should not limit the District's ability to enact its own measures with regard to gun violence. Some Senators, Members of this body, may believe as a policy matter that the District's gun laws are not adequate, not correct, but the District's gun laws have no effect whatsoever on the varying gun ownership laws of the States. The fact is that none of our constituents—not one of our constituents—will be affected or is affected by the gun laws of the District of Columbia. We do not represent anybody who is a resident and voter in the District of Columbia.

The gun rights of residents of other States are guided and controlled and enabled pursuant to the laws and regulations enacted by the elected officials and executive officials in those States. Likewise, the elected officials of the District of Columbia have enacted laws regarding gun ownership that I believe this body should respect, just as I would want this body to respect the laws of my State with regard to guns or anything else. As I will explain in a moment, in fact, the District of Columbia has enacted new gun laws in response to the court case of DC v. Heller. Congress should not be singling out particular States and localities to repeal their laws on guns or anything else.

This is not a uniform nationwide standard that will be adopted if the Ensign amendment passes. This is a law with regard to guns for the District of Columbia. It is as if a law of my State of Connecticut was challenged in the Supreme Court, and it was invalidated, and actually my legislature then responded to the constitutional invalidation by adopting a law which they believed was consistent with the Supreme Court decision, but then we in Congress came along and said: No, Connecticut, that is not enough. We are going to tell you exactly what your law should be—not for the entire United States of America but for the State of Connecticut. I would be outraged. Any Member of this Chamber would be outraged if we did to one of our States what this amendment proposes to do to the District. It is just not fair, and it is not consistent with our basic principles of limited Federal Government and the rights of States and localities to legislate for themselves.

That is my second point. Congress should not limit the District's ability to enact laws of its own regarding guns or anything else.

The third point is this: This amendment is actually outdated. The Ensign amendment is the same as legislation that passed the House last September to remove restrictions on gun ownership in the District. But there is an important point that has been left out here.

Last month, January, the District's government enacted new gun laws that are their response to the holding of the Supreme Court in the DC v. Heller decision. The Heller decision struck down several provisions of the District's previous municipal code regarding guns. The decision particularly invalidated the District's handgun ban and trigger lock-storage requirement. But consistent with the newly enacted District of Columbia law adopted by the council, those provisions are no longer in the law. So the Ensign amendment, in fact, is outdated. In fact, if you look carefully at this amendment, it repeals and modifies provisions that used to be in the DC law but no longer are because the recent enactment of the DC City Council removed those provisions of the law.

So my third point is the Ensign amendment is outdated and does not relate to the reality that has been created by the District's City Council itself.

Fourth, let me talk about the District's new gun measures and their relationship to the Heller decision. The

Supreme Court made clear in its decision in Heller that the second amendment meant something. It is something this Senator has always felt. There is a constitutional right to bear arms. But that right, I have always felt, is no more unlimited than any other right in the Constitution, including the fundamental—I would almost say sacred—rights in the first amendment. Those are not unlimited either, as we know. So the Supreme Court decision said that the total bans in the DC law on gun ownership, possession of guns in the home, were unconstitutional and violative of the second amendment. But the decision also made clear that reasonable regulation of gun ownership was permissible.

This amendment essentially invalidates a whole series of what I believe the Supreme Court would find to be reasonable regulations of gun ownership and again does not acknowledge what the DC City Council has done.

The gun laws the District passed last month restore the right of gun ownership for self-defense in homes here in the District and amend the District's safe-storage requirements so that a firearm no longer needs to be kept bound by a trigger lock within the home. The District's new gun law permanently repealed DC's ban on semiautomatic firearms and permits residents to own semiautomatic pistols. If you look at the Ensign amendment, you would not believe that was true. In fact, in the Inoperable Pistol Amendment Act of 2008, the city of the District of Columbia provided a self-defense exception to allow residents with registered firearms to carry these weapons lawfully in their homes or places of business. Additionally, the Firearms Control Amendment Act of 2008 exempted from the registration requirement ''[a]ny person who temporarily possesses a firearm registered to another person while in the home of the registrant'' if that person believes they are in imminent danger. So these are the very real rights of gun owners that are now enshrined, adopted in the DC law that has been passed.

My fifth point is this, and I referred to it a moment ago: The Ensign amendment goes much further than the Supreme Court did in limiting the right of localities, States, and municipalities to regulate gun ownership while recognizing the second amendment constitutional right to bear arms. In fact, Justice Scalia wrote the majority opinion in the Heller case, and he specifically noted that a wide range of gun laws would be lawful and not violative of the second amendment—everything from laws ''forbidding the carrying of firearms in sensitive places'' to ''conditions and qualifications on the commercial sale of arms.''

The amendment offered by my colleague from Nevada would overturn provisions that the Heller decision did not address and did not strike down.

This amendment provides that the government of the District of Columbia ''shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms.'' Potentially, this could prevent the District from passing legislation regarding background checks, which have been widely accepted by courts, or registration regulations that are needed to help law enforcement keep tabs of who is buying and owning guns in the District.

The Ensign amendment repeals DC's ban on sniper rifles that can pierce armor plating up to a mile away and its ban on military-style semiautomatic weapons and high-capacity ammunition magazines.

The amendment repeals DC's requirements—modeled on a California law which has been strongly supported by law enforcement agencies—that semiautomatic pistols manufactured after January 1, 2011, be microstamp-ready. Microstamping is a law enforcement tool that helps solve gun crimes by imprinting shell casings with a unique identifier so they can quickly be matched to the handguns that fire them.

The Ensign amendment also repeals the District's age limits for legal gun possession. Imagine how we would feel in my State of Connecticut or in the Presiding Officer's State of Illinois if Congress came along and told us how to write laws for our States.

This amendment repeals the District of Columbia's prohibition on gun possession by anyone who was voluntarily committed to a mental institution in the last 5 years. It repeals the District's prohibition on gun possession for those who have been adjudicated as chronic alcoholics and those who have failed a vision test. This would be—I do not even want to say it. It is shocking.

The amendment also weakens Federal law. Federal law prohibits gun dealers from selling handguns directly to out-of-State consumer buyers because of the high risk this creates for interstate gun trafficking. But this amendment would allow DC residents to cross State lines to buy handguns in neighboring States, undermining those Federal antitrafficking laws.

It is no surprise that the chief of police of the District of Columbia, Cathy Lanier, has testified that the legislation on which the Ensign amendment is based would undermine safety and security in the Nation's Capital.

So those are five reasons why I believe this amendment should not be adopted. But as the chairman of the committee that has reported out the underlying bill and as somebody who personally has worked for a lot of years to try to right this wrong on the residents of the District of Columbia, our Nation's Capital—the capital of the greatest democracy in the world—not having a voting representative in Congress, I just think this amendment, leaving aside its merits or demerits, adds something to this historic piece of legislation that just does not belong and may, along the way, complicate its path to passage.

So regardless of your position on gun control—and I state again, I have always believed the second amendment has meaning, that it makes constitutional the right to bear arms, but that it is not unlimited—this amendment comes close to a judgment that the second amendment really is unlimited. So that is why I, on its merits, think it goes too far.

But whatever you think of the merits, if you really believe in helping eliminate one of the last vestiges of voting rights blocks in our country—when you think about it, when the Constitution was adopted, people of color could not vote. Good God, people of color were only counted as three-fifths of people who were White. Woman could not vote. A lot of men could not vote if they were not property owners. And over the years, on this journey of ours, from the ideals in our Declaration of Independence, we have gone forward to eliminate one after another block to the reality that the Government was premised on that you would not have governing without the consent of the governed. Yet this bizarre anomaly remains in our Nation's Capital where people are deprived of the right to have a voting representative here.

So I appeal to my colleagues, whatever your position on gun ownership and gun violence, whatever your position on the amendment offered by the Senator from Nevada, please don't stand in the doorway, as Bob Dylan once sang, and block this underlying bill or cause it to become more controversial than it should be.

I thank my colleagues, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I ask unanimous consent to speak for 10 minutes.

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

Mr. BENNETT. I ask the Chair to notify me when I have consumed 8 minutes.

The PRESIDING OFFICER. The Chair will do so.

Mr. BENNETT. Mr. President, I have two items I wish to discuss, one that has already been raised on the floor by my friend, Senator DEMINT, with respect to his proposed amendment No. 573 to the underlying bill. As I understand it, Senator DEMINT will be offering an amendment dealing with the fairness rule. I was a cosponsor of this legislation in the last Congress and I am happy to support it in this Congress; that is, the position that says we should not allow the FCC to reinforce what has been called the fairness rule that was dropped some years ago. Who can be against fairness? Well, I am in favor of fairness, but I am opposed to censorship, under the mislabeling that we have here, the fairness doctrine is nothing more than censorship. The Federal Government would say to a radio or television broadcaster we have

determined that the broadcasting that you have been doing is not fair and so you are going to be ordered by the Government to present a different point of view on your show and we will determine whether it is fair or it is not. The fairness doctrine was imposed on the grounds that radio was such a pervasive medium that anything that was said on radio regarding politics should be balanced by someone who holds a different point of view. Right away, this raises the question of how many points of view?

We have seen Presidential elections where we had President Clinton, where we had Pat Buchanan, where we had Ralph Nader, and some minor candidates, and who determines which one is important enough to qualify for a fairness opportunity on radio? According to the so called Fairness Doctrine, the government determines. Who determines, therefore, what is one position that deserves putting down so that other positions can be raised in the name of fairness? The Federal Government. What do we get into when the Federal Government has the authority to make these kinds of decisions? Again, there is a word for it and it is called censorship.

One way to deal with an argument, to use the Latin phrase ''reductio ad absurdum,'' which means ''reduce it to an absurdity.'' Take it to its ultimate end. If we are going to take the Fairness Doctrine to it's ultimate end, then we are going to say to the late night comedians, when you make a joke about a Democrat, since you are on the airwaves, you must make a joke of equivalent nastiness about a Republican. When you put down the President, you must find an equivalent Republican figure to put down in the name of fairness. The consequence of all of that, of course, if it were enforced, would be that the late night comedians get shut down all together.

We have already had an opportunity for fairness, if you will, with respect to talk radio. When a group of people got together and financed a liberal talk show host—one who aspires to enter this body at some time—the public spoke. The station went out of business. Let the public decide what they are going to listen to and let the public decide how they are going to pick. There are so many outlets for different points of view that we do not need to go back to the Fairness Doctrine and impose Government censorship on the way people think and respond.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 581

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 581 be called up.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 581.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. ELIMINATION OF FEDERAL INCOME TAX FOR RESIDENTS OF THE DISTRICT OF COLUMBIA.

Due to the unique status of the District of Columbia, created by the Constitution of the United States, bona fide residents of the District (other than Members of Congress) shall, notwithstanding any other provision of law, be exempt from the individual Federal income tax for taxable years beginning after the date of the enactment of this Act.

Mr. COBURN. Mr. President, I know my colleague from New York wishes to speak and I will be very brief. I should not take more than 10 minutes.

We are in a debate about the District of Columbia and the fact that they are taxed and not represented with a vote in the Congress. It is a legitimate debate. I tend to look at the Constitution and, as a matter of fact, as I read the Constitution—and I am not a constitutional lawyer, but I will tell my colleagues that anybody who reads the Constitution can say this is an unconstitutional bill we have in front of us.

I also reject the idea that the District of Columbia does not have representation. All one has to do is look at the facts: $66,000 per resident of the District of Columbia, that is how much money the Federal Government spends per capita in the District of Columbia. That is $5.5 for every dollar they pay in taxes. So the 535 votes in the Congress have well represented them greater than any other group of citizens in the country. But there is a claim—a legitimate claim—that they don't have their own representative and that they are taxed.

This is a simple amendment. What it says is while we work this out, the way to be fair is to eliminate Federal income tax on citizens of the District of Columbia. They don't have a vote. Their tags even say taxation without representation is unfair; no taxation without representation. This solves that. They will have to change all of the auto tags. I don't know what that will cost. But the fact is we will take away Federal income taxes on money earned in the District of Columbia from every citizen of the District of Columbia.

Now, two things happen with that, especially since they have 535 representatives already. Think about what will happen to the District of Columbia in terms of income. Think about what will happen to the District of Columbia in terms of economic progress. Think about what will happen in terms of the value of the ownership of any asset in the District of Columbia. Think of the growth. Think of the modernization that will happen as we make this the center of progress based on the idea that because there is no representation, there should be no Federal taxation. It is a very simple, straightforward amendment. It solves the immediate problem. When we finally do a constitutional amendment with a joint resolution, which we are ultimately going to have to do, what we will have done is given the people of the District of Columbia the benefit of having a tax advantage because they don't have, under their thinking, representation in the Congress.

I am not trying to have a cute vote. If I had my way, I would try to eliminate almost every Federal income tax. As the Senator from New York knows, I try to do that quite often, and try to eliminate a lot of spending. The whole point being, there is a legitimate point to be made by the citizens of the District of Columbia in that they are treated differently than everybody else in this country. My argument is they actually have 535 representatives plus their Delegate, and it has shown to be very effective for them, because no place else in the country gets as much Federal money per capita as the District of Columbia. So if we want to treat the citizens of the District of Columbia fairly—by the way, this excludes all Members of Congress, so if my colleagues are thinking about voting for it for a selfish reason, please don't. If you are thinking about voting for this amendment on the basis of fairness, please consider it.

AMENDMENT NO. 575

I wish to take a few more minutes to comment on the Ensign amendment, if I might, and then I will finish. The Ensign amendment isn't about concealed carrying, it is about the right that is guaranteed under the second amendment to be applied to people in the District of Columbia.

James Madison wrote in Federalist No. 46:

> Besides the advantage of being armed, which the Americans possess over the people of almost every other nation . . . forms a barrier against the enterprises of ambition, more insurmountable than any which a simple government of any form can admit of.

If you look at the murder rate in the District of Columbia, what happened when the gun ban in 1975 was first instituted, we didn't see it rise that much because we allowed people to keep their guns. When the complete ban took place, we saw a fivefold rise that is still going up—except for the last 2 years—in the murder rate compared to the rest of the cities in this country. There is something to be said for the thinking that a perpetrator of a felony thinks he or she may possibly be harmed significantly. That tends to drive down violent crime—we know that—in the States that have concealed carry, and that, I believe, is 26 or 28 States. It may be even more than that now.

The fact is, this isn't about concealed carry; this is about guaranteeing the

rights of individual citizens in the District of Columbia to represent themselves with a right that every other citizen in this country has. Because Congress didn't act on that right, it took the Heller decision to give them that right. All this does is bring into line the District of Columbia with the rest of the States in the country. I will have taken the amount of time that I should in favor of Senator SCHUMER. I thank him very much for the consideration of allowing me to go first. I thank the chairman of the committee as well.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I rise in opposition to a dangerous amendment that would go far beyond authorizing gun possession for self-defense in the home and create serious threats to public safety, and that is the Ensign amendment.

First, I support the Lieberman bill to bring representation to the District of Columbia, which seems to be in total keeping with what America is all about. I just say to my good friend from Oklahoma that representation, of course, involves dealing with taxation, but it involves many other things. To simply say the people of the District of Columbia don't have to pay any taxes but would be deprived of other rights in these Chambers, to me, is not what this bill is all about. It is a fine bill and a long overdue bill. It is a compromise, obviously. But it is one that moves us up the steps to gaining representation for the hundreds of thousands of the hard-working, taxpaying citizens of the District of Columbia.

Now, of course, we are getting into the sort of season of irrelevant or controversial amendments. The Ensign amendment is certainly the second of those. Let me say this: The Heller case basically said there is an individual right to bear arms. I have some degree of sympathy with those who are in the pro-gun movement who say: Hey, so many Americans look to expand the first amendment, the fourth amendment, and the fifth and sixth amendments broadly, and then see the second amendment through a narrow pinhole, saying that it is only involving militias.

If you believe in a broad and expansive Constitution, how is it that just one of them is perceived as narrow as possible? The Heller decision says it is not just militias that have a right to bear arms, or members of them, but individuals. But every Justice in that case, including Justice Scalia, made the opposite point. Just as those in the pro-gun movement have some justification in saying it is unfair to regard every amendment expansively except the second, those of us who believe more in gun control have the right to say that every amendment has a limitation.

I am a strong believer in the first amendment, but I don't vote against libel laws or pornography laws. I certainly agree with, I believe Oliver Wendell Holmes, who said: You cannot falsely scream fire in a crowded theater. So those are limitations on the first amendment. I say to my friends in the pro-gun movement, if every other amendment has limitations, such as the first, fourth, fifth, sixth—and many on that side of the aisle are for more strict limitations on those amendments than we might be—how is it that the second amendment should not have any limitation?

This proposal by Senator ENSIGN, my friend from Nevada, just shows the absurdity of that argument because there are things in this amendment that people would say defy common sense. It defies common sense to say someone who was voluntarily committed to a mental institution should be allowed to get a gun. It defies common sense to say someone who can't pass a sight test should have a right to a gun. It defies common sense to say a 10-year-old has a right to carry a shotgun. Yet in the defense of an overly expansive view of the second amendment, even conceding that it does apply to these individuals, my colleague from Nevada wishes to say those things. Again, how many people in America think if you fail a sight test, you should have a right to a gun? You might say some sight tests are faulty. Well, change the test. How many people would say someone who has been in a mental institution—voluntarily committed—should have the right to have a gun?

This is about Washington, DC, but didn't we learn on the campus of Virginia Tech about the destructive link when mentally ill people are allowed to acquire guns? Wasn't the country in an uproar about that? Yet here, just a few short years later, as parents of those slain students are still mourning, we are about to say in the District of Columbia, a neighboring jurisdiction, if you not just have a mental illness, but it has to be pretty significant if you have been in a mental institution, you should have a right to have a gun.

So all we are trying to do in opposing the Ensign amendment is invoke common sense. We are not getting into the discussion of whether the second amendment applies to individuals or just to those in militias. The Supreme Court has ruled on that. We are saying to our friends, just as they get up on the floor and advocate limitations on every other amendment, it is contradictory to say the second amendment should not have the most reasonable of limitations. There can't be a more reasonable restriction than the requirement that someone be required to see before they are allowed on the streets with a gun. It just doesn't make sense.

One other point: My colleagues on the other side of the aisle tend to advocate for States rights in the broad balance of things. The States should have the ability to make these decisions. It is clear the District of Columbia, with its high crime rate, is not Nevada, Wyoming, or Nebraska. It is clear that firearms cause far more damage in the District of Columbia than they do in many other States. Why shouldn't the citizens of the District of Columbia have the right to determine, within constitutional confines, how those firearms may be used and who may have them? If you are for a State being able to decide so many other policies, and you don't like the encroaching Federal Government, why is it different for guns? I guess that is at the nub of the Ensign amendment, Mr. President.

Somehow the sponsor of this amendment seems to believe that guns are different from everything else. The supporters of this amendment seem to believe that guns are different from everything else—limitations on every other amendment but not the second amendment. States rights is a good thing, but not when it comes to the States' or localities' view to regulate guns. Why is it different?

If you want to cite the Heller case in defense of the individual right to bear arms, the Heller case also says—Justice Scalia—that restrictions on firearms that are reasonable, like bans on mentally ill people having access to guns, are constitutional and could be, and should be, decided by the citizens of Washington, DC.

So this amendment, make no mistake about it, if passed, will lead to needless maiming and deaths. It is a serious amendment; it is not frivolous. It goes way beyond a political statement on an important bill. I hope my colleagues will rise to the occasion and reject it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I have a unanimous consent to offer that has been cleared on both sides. It is as follows:

I ask unanimous consent that at 5:45 p.m. today, the Senate proceed to vote in relation to the Coburn amendment No. 581, with the time until then equally divided and controlled between Senators COBURN and LIEBERMAN or their designees, and that no amendment be in order to the Coburn amendment prior to the vote in relation to the amendment.

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

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

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

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that I be allowed to speak for a few minutes or until Senator COBURN arrives, whichever event occurs earlier.

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

AMENDMENT NO. 581

Mr. LIEBERMAN. I thank the Chair.

I rise to speak against Coburn amendment No. 581. I suppose that in part I should say that this amendment, sponsored as it is by an opponent of the underlying bill, accepts one of the major contentions we are making about the inequity of the current situation, which is that the 600,000 residents of the District of Columbia, uniquely among all Americans, do not have voting representation in Congress. Nonetheless, they are taxed. I mean, this goes back to one of the early American Revolutionary slogans or principles, which is ''taxation without representation is tyranny.'' Our proposal, S. 160, the House Voting Rights Act, responds to that inequity by providing for voting representation in the House of Representatives for the District of Columbia. The Coburn amendment takes the opposite view and says that since the District does not have representation, well, by God, they should not be subject to taxation. So it would eliminate the Federal tax. This amendment would eliminate Federal taxes for DC residents. But that is not what DC residents are asking or we are offering on their behalf. I mean, the point of this is that residents of the District of Columbia do pay taxes. They pay higher per capita taxes to the Federal Government than any other entity but one. They are second highest, approximately $20 billion a year.

Second, they not only have been conscripted into our military services, but since the Volunteer Army, they have volunteered. Residents of this District have not only served, but they have sacrificed their lives in the cause of American security and freedom.

So the point is that there is something very, I hope, inspiring about this. The residents of the District of Columbia are not asking for any free ride. They want to be contributors to America in every way, including Federal taxation, but they also expect to be represented in the House of Representatives with a voting Representative. So on behalf of what I would describe as the patriotic citizens of the District of Columbia, I would say this amendment makes a point, but it is not a sound or fair one.

I polled the members of my staff who live in the District of Columbia to ask how they would advise me to vote. I am pleased to say that they put principle ahead of personal interests and have urged me to vote against this amendment.

I also say that if the amendment passed, we would have yet another enormous gap, and this gap we now have between Federal expenditures and revenues would grow even larger.

So perhaps Senator COBURN is making a point, but it is not one that I believe we ought to adopt in an amendment; therefore, I would urge my colleagues to oppose the amendment.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I would like to ask my colleague from Connecticut a question or two about this. First of all, I think it is correct that all of us would like to see a way, a proper way—and we disagree about what that way is—for the residents of the District of Columbia to have a full franchise in terms of congressional representation. Failing that, I think Senator COBURN was simply saying they should not have to pay taxes.

I was wondering myself about potentially a second-degree amendment that might give that option to other States or congressional districts on the theory that maybe this would be a two-fer for their constituents: they could vote to get rid of their Congressman and the income tax. I wonder if my colleague would have an idea about such an amendment.

Mr. LIEBERMAN. To my friend from Arizona, I do have some ideas about such an amendment, but I guess it would be best to not verbalize them on the floor.

Actually, we are at a time in our history, difficult as it is economically, where I think people are turning to the Federal Government and asking for not such a free ride but asking for help. There is a wonderful word; I do not know if it is in the dictionary; the word is ''deviltry.'' It is another way to say mischievous or mischief.

I think our friend from Oklahoma may be up to a little deviltry with this amendment.

Mr. KYL. I think the Senator from Connecticut is probably right about that. His point is to draw an important distinction, and that is that there are two elements to this, one being the taxation and the other the representation. The Senator from Connecticut rightly points to a very important episode in our history where the Founding Fathers tied those two together. There are other factors as well.

I urge support for the amendment.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 581 offered by the Senator from Oklahoma.

Mr. LIEBERMAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER (Mr. BURRIS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 7, nays 91, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—7

Bunning	DeMint	Wicker
Burr	Graham	
Coburn	Kyl	

NAYS—91

Akaka	Feingold	Mikulski
Alexander	Feinstein	Murkowski
Barrasso	Gillibrand	Murray
Baucus	Grassley	Nelson (FL)
Bayh	Gregg	Nelson (NE)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bennett	Hatch	Reid
Bingaman	Hutchison	Risch
Bond	Inhofe	Roberts
Boxer	Inouye	Rockefeller
Brown	Isakson	Sanders
Brownback	Johanns	Schumer
Burris	Johnson	Sessions
Byrd	Kaufman	Shaheen
Cantwell	Kerry	Shelby
Cardin	Klobuchar	Snowe
Carper	Kohl	Specter
Casey	Landrieu	Stabenow
Chambliss	Lautenberg	Tester
Cochran	Leahy	Thune
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Corker	Lincoln	Vitter
Cornyn	Lugar	Voinovich
Crapo	Martinez	Warner
Dodd	McCain	Webb
Dorgan	McCaskill	Whitehouse
Durbin	McConnell	Wyden
Ensign	Menendez	
Enzi	Merkley	

NOT VOTING—1

Kennedy

The amendment (No. 581) was rejected.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. AKAKA. 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. AKAKA. Mr. President, as chairman of the District of Columbia subcommittee, I rise today in support of S. 160, the District of Columbia Voting Rights Act of 2009. I vote to enfranchise thousands of District residents and to affirm my commitment to the fundamental right of all Americans to participate in our great democracy.

Despite our Nation's founding principle of ''no taxation without representation,'' District of Columbia residents lack full representation in Congress. They have sent sons and daughters to war in defense of our country, and they have paid Federal taxes in support of our Government. Despite this, the distinguished Delegate from the District of Columbia lacks a vote on the floor of the House of Representatives.

Fair voting representation is fundamental to our democracy. I understand the challenges facing the District's residents, and I sympathize with its trouble to attain voting representation

in Congress. I also understand that this will be an ongoing discussion. I am sensitive to the concerns raised by my colleagues on the constitutionality of our actions.

Legal scholars have testified before the Homeland Security and Governmental Affairs Committee and the Senate Judiciary Committee that Congress does have the constitutional authority to extend a vote to a District Representative in the House. I believe this legislation is constitutional, but ultimately it is the role of the courts to decide.

Our representative democracy is based on the principle that citizens of this country should have a say in the laws that govern this country. If citizens disagree with the laws, they have the power to vote for different representatives. By extending this core principle to the District of Columbia, I believe this bill would be a decisive step forward for the rights of DC residents.

AMENDMENT NO. 575

Now I wish to address the pending Ensign amendment.

Today, we are addressing voting rights. Now is not an appropriate time to cloud the debate with amendments on gun control. Last year, when this gun issue was brought up on the Senate floor before being considered by the committee, I joined 10 of my colleagues in a letter to the majority leader asking that the bill follow Senate procedures and be referred to committee before consideration on the floor.

As the chairman of the subcommittee charged with the oversight of the District of Columbia, I am familiar with the debate on DC's gun policies. Last year, the U.S. Supreme Court in the Heller decision struck down the District of Columbia's gun ban. Since then, the DC City Council has taken necessary steps to comply with the Supreme Court's decision, including the passage of legislation to address issues raised by the ruling. I do not believe any congressional action is needed to help DC comply with the Heller decision, but, more importantly, this is not the appropriate time to consider and vote on this issue.

I am not against gun ownership. I am for self-determination. I strongly encourage my colleagues to give the District of Columbia and its citizens the opportunity to vote on and establish their own rules regarding gun control. It would be ironic if we were to with one hand finally give the people of the District voting representation but on the other hand take away their right to self-determination by forcing them to adopt a gun control policy on which they were unable to vote. I, therefore, urge my colleagues to vote no on the Ensign amendment and all related amendments.

I am proud to lend my support for the underlying bill. I urge my colleagues to vote in support of voting rights for the residents of the District of Columbia and to reject any amendment that would abridge those rights or is not germane to the issue at hand.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LIEBERMAN. Mr. President, I have a unanimous consent agreement to propound which has been cleared on both sides.

I ask unanimous consent that when the Senate resumes consideration of S. 160 on Thursday, February 26, the time until 10:30 a.m. be for debate with respect to the Kyl amendment No. 585, with the time equally divided and controlled between Senators KYL and LIEBERMAN or their designees, with no amendment in order to the amendment prior to the vote, and that at 10:30 a.m. the Senate proceed to vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 160, the District of Columbia House Voting Rights Act of 2009.

Harry Reid, Richard Durbin, Sheldon Whitehouse, Jeanne Shaheen, Patty Murray, Bernard Sanders, Roland W. Burris, Charles E. Schumer, Debbie Stabenow, Barbara A. Mikulski, Bill Nelson, John F. Kerry, Christopher J. Dodd, Frank R. Lautenberg, Jeff Bingaman, Amy Klobuchar, Robert Menendez, Barbara Boxer.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

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

Mr. REID. Mr. President, I would like to announce to everyone where we are in regard to this bill. We have been working through the amendments. Senator LIEBERMAN has done a terrific job. I understand there will be a few more that may be offered. We expect to have votes throughout Thursday on pending amendments, and those that are offered on Thursday we are going to try to dispose of those tomorrow.

I filed cloture today, but I hope it isn't necessary to have this cloture vote. However, if necessary, we will look forward to seeing if we can get a consent agreement to have the vote tomorrow; otherwise, we are going to wind up coming in Friday morning. I hope that is not necessary. This is a piece of legislation that has been talked about for a long time. We have had it on the Senate floor before. I think everyone has had the ability to offer whatever they believe is appropriate.

I really express my appreciation for the cooperation of all Members, both Democrats and Republicans, but especially Senator KYL, who did some very good work with Senator LIEBERMAN this afternoon.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

COMMISSION OF INQUIRY

Mr. LEAHY. When historians look back at the last 8 years, they are going to evaluate one of the most secretive administrations in the history of the United States. Now, the citizens of this country have said we should have change, and we should. But we also know that the past can be prologue unless we set things right.

In the last administration, there was a justification for torture. It presided over the abuse at Abu Ghraib, destroyed tapes of harsh interrogations, and conducted extraordinary renditions that sent people to countries that permit torture during interrogation.

They used the Justice Department, our premiere law enforcement agency, to subvert the intent of congressional statutes, even to subvert nonpartisan prosecutions, and instead to use them in partisan ways to try to affect the outcome of elections. They wrote secret law to give themselves legal cover for these misguided policies, policies that could not withstand scrutiny if brought to light.

Nothing has done more to damage America's standing and moral authority than the revelation that during the last 8 years we abandoned our historic commitment to human rights by repeatedly stretching the law and the bounds of Executive power to authorize torture and cruel treatment.

As President Obama said to Congress and the American people last night, ''if we're honest with ourselves, we'll

admit that for too long we have not always met'' our responsibilities.

Now, the President said that about the economy, but the same holds true here. It is only by understanding how we arrived at this moment that we can move forward. How can we restore our moral leadership and ensure transparent government if we ignore what has happened?

There has been discussion, and in some cases disagreement, on how best to do this. There are some who resist any effort to investigate the misdeeds of the recent past. Indeed, some have tried to extract a devil's bargain from Attorney General Holder, a commitment that he would not prosecute for anything that happened on President Bush's watch. That is a pledge no prosecutor should give, and, to his credit, Eric Holder did not.

There are others who say that regardless of the cost in time, resources, and unity, we have to prosecute these administration officials to lay down a marker. The courts are already considering congressional subpoenas that have been issued and claims of privilege and legal immunities, and they will for some time.

Over my objections, Congress has already passed laws granting immunity to those who facilitated warrantless wiretapping and conducted cruel interrogations. The Department of Justice issued legal opinions justifying these executive branch excesses which, while legally faulty, would undermine attempts to prosecute. A failed attempt to prosecute for this conduct might be the worst result of all if it is seen as justifying abhorrent actions. Given the steps Congress and the executive have already taken to shield this conduct from accountability, that is a possible outcome.

The alternative to these approaches is a middle ground, a middle ground I spoke of at Georgetown University a little over 2 weeks ago. That middle ground would involve the formation of a commission of inquiry dedicated to finding out what happened. Such a commission's objective would be to find the truth. People would be invited to come forward and share their knowledge and experiences, not for the purpose of constructing criminal indictments, but to assemble the facts, to know what happened and to make sure mistakes are not repeated.

I have seen what happened before in prosecutions. We don't find the full truth. We prosecute those at the bottom of the chair of command, but we don't find out what those above did.

While many are focused on whether crimes were committed, it is just as important to learn if significant mistakes were made, regardless of whether they can be proven beyond a reasonable doubt to a unanimous jury to be criminal conduct. We compound the serious mistakes already made if we limit our inquiry to criminal investigations and trials. Moreover, it is easier for prosecutors to net those far down the ladder than those at the top who set the tone and the policies. We do not yet know the full extent of our government's actions in these areas, and we must be sure that an independent review goes beyond the question of whether crimes were committed, to the equally important assessment of whether mistakes were made so we may endeavor not to repeat them. As I have said, we must read the page before we turn it.

Vice President Dick Cheney continues to assert unilaterally that the Bush administration's tactics, including torture, were appropriate and effective. But interested parties' characterizations and self-serving conclusions are not facts and are not the unadulterated truth. We cannot let those be the only voices heard, nor allow their declarations to serve as historical conclusions on such important questions. An independent commission can undertake this broader and fundamental task.

I am talking about this process with others in Congress, with outside groups and experts, and I have begun to discuss this with the White House as well. I am not interested in a commission of inquiry comprised of partisans, intent on advancing partisan conclusions. Rather, we need an independent inquiry that is beyond reproach and outside of partisan politics to pursue and find the truth. Such a commission would focus primarily on the subjects of national security and executive power in the government's counterterrorism effort. We have had successful oversight in some areas, but on these issues, including harsh interrogation tactics, extraordinary rendition and executive override of the laws, the last administration successfully kept many of us in the dark about what happened and why.

President Obama issued significant executive orders in his first days in office, looking to close Guantanamo and secret prisons, banning the use of harsh interrogation techniques and forming task forces to review our detainee and interrogation policies. I support his decisions, and I am greatly encouraged by his determination to do the hard work to determine how we can reform policies in these areas to be lawful, effective and consistent with American values. My proposal for a commission of inquiry would address the rest of the picture, which is to understand how these types of policies were formed and exercised in the last administration, to ensure that mistakes are not repeated. I am open to good ideas from all sides as to the best way to set up such a commission and to define its scope and goals.

A recent Gallup poll showed that 62 percent of Americans favor an investigation of these very issues. Respected groups including Human Rights First, the Constitution Project and thoughtful Senators, including Senator WHITEHOUSE and Senator FEINGOLD, have also embraced this idea. The determination to look beyond the veil that has so carefully concealed the decision making in these areas is growing. Next Wednesday, the Judiciary Committee will hold a hearing to explore these ideas and to continue the conversation about what we can do moving forward.

Two years ago I described the scandals at the Bush-Cheney-Gonzales Justice Department as the worst since Watergate. They were. We are still digging out from the debris they left behind while those in the last administration continue to defend their policies, knowing full well that we do not even know the full extent of what those polices were or how they were made. We cannot be afraid to understand what we have done if we are to remain a nation equally vigilant in defending both our national security and our Constitution. I hope all Members of Congress will give serious consideration to these difficult questions.

I argue it will be the quintessential American thing to do.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, during my brief tenure so far in the Senate, the Judiciary Committee has confronted many difficult issues, battles over judicial nominees, complex legislative matters, a historic investigation into misdeeds of the Bush administration's Department of Justice. In that process, the committee saw U.S. attorneys fired for political reasons, the Civil Rights Division run amok, declassified legal theories asserting that the President can secretly ignore his own executive orders. We saw unprecedented politicization of a noble department, and we saw those Office of Legal Counsel memos approving interrogation techniques long understood, long known to be torture. Fortunately, throughout that time, Chairman LEAHY sought answers. His efforts were evenhanded but unyielding. We know so much of what we know now because PATRICK LEAHY was satisfied with nothing less than the whole truth.

Today his work continues, and I wish to speak in support of his efforts. The backdrop is, of course, a grim one. Over and over, as I travel around my State of Rhode Island, I hear from people facing challenges that seem almost insurmountable, challenges President Obama spoke about in his address to Congress last evening. Every day it gets harder and harder to find a job, to pay the bills, to make ends meet. Every day it seems more difficult to see a way out. The Bush administration left our country deeply in debt, bleeding jobs overseas, our financial institutions rotten and weakened and an economy in free-fall. This is the wreckage we see everywhere, in shuttered plants, as my colleague from Pennsylvania sees at home so cruelly, in long lines, and in worried faces. But there is also the damage we cannot see so well, the damage below the water line of our democracy, damage caused by a systematic effort to twist policy to suit

political ends; to substitute ideology for science, fact, and law; and to misuse instruments of power.

If an administration rigged the intelligence process and, on faulty intelligence, sent our country to war, if an administration descended to interrogation techniques of the Inquisition, of Pol Pot and the Khmer Rouge, descended to techniques that we have prosecuted as crimes in military tribunals and in Federal courts, if institutions as noble as the Department of Justice and as vital as the Environmental Protection Agency were subverted by their own leaders, if the integrity of our markets and the fiscal security of our budget were open wide to the frenzied greed of corporations and speculators and contractors, if taxpayers were cheated and the forces of Government rode to the rescue of the cheaters and punished the whistleblowers, if our Government turned the guns of official secrecy against our own people to mislead, confuse, and propagandize them, if the integrity of public officials, the warnings of science, the honesty of Government procedures and the careful historic balance of our separated powers all were seen as obstacles to be overcome and not attributes to be celebrated, if the purpose of Government became no longer to solve problems but simply to work them for political advantage, and a bodyguard of lies and jargon and propaganda was emitted to fool and beguile the American people, something very serious would have gone wrong in our country.

Such damage must be repaired. I submit that as we begin the task of rebuilding this Nation, we have a duty to our country to determine how great that damage is. Democracy is not a static institution. It is a living education, an ongoing education in freedom of a people.

As Harry Truman said, addressing a joint session of Congress back in 1947:

> One of the chief virtues of a democracy is that its defects are always visible, and under democratic processes can be pointed out and corrected.

We have to learn the lessons from this past carnival of folly, greed, lies, and wrongdoing so the damage can, under democratic processes, be pointed out and corrected. If we bind ourselves to this history, we deny ourselves its lessons, lessons that came at too painful a cost to ignore.

Those lessons merit disclosure and discussion. Indeed, disclosure and discussion makes the difference between this history being a valuable lesson for the bright and upward forces of our democracy or a blueprint for those darker forces to return and someday do it all over again. As we work toward a brighter future ahead, to days when jobs return to our cities, capital to our businesses, and security to our lives, we cannot set aside our responsibility to take an accounting of where we are, what was done, and what must now be repaired. We also have to brace ourselves for the realistic possibility that as some of this conduct is exposed, we and the world will find it shameful, revolting. We may have to face the prospect of looking with horror at our own country's deeds.

We are optimists, we Americans. We are proud of our country. Contrition comes hard to us. But the path back from the dark side may lead us down some unfamiliar valleys of remorse and repugnance before we can return to the light. We may have to face our fellow Americans saying to us: No, please, tell us we did not do that, tell us Americans did not do that. And we will have to explain somehow.

This is no small feat and not easy. This will not be comfortable or proud, but somehow it must be done.

Chairman LEAHY has embarked on the process of considering a new commission, one appropriate to the task of investigating the damage the Bush administration did to America, to her finest traditions and institutions, to her reputation and integrity. The hearing he has called in coming days will more thoroughly examine this question to help us determine how best to move forward. I stand with him. Before we can repair the harm of the last 8 years, we must learn the truth.

REMEMBERING LARRY H. MILLER

Mr. BENNETT. Mr. President, I wish to speak of one of Utah's most outstanding citizens, Larry H. Miller, who passed away recently.

Larry Miller is a true American success story. He graduated from high school. He wasn't able to cut it in college and ended up working in a parts department in an auto dealership. Not a very auspicious beginning for someone who became a billionaire, but Larry Miller had two things that many people do not have. No. 1, he had in effect a photographic memory. I understand that if you went to Larry Miller while he was running this parts department and asked for an axle or for a head lamp or for any other auto part, he knew exactly where it was. Somehow he had that in his head and he made a tremendous success out of that. He ultimately began his career by buying an auto dealership and then built a string of 40 auto dealerships.

The other thing he had was an incredible work ethic. Larry Miller worked hard every day and demanded that kind of performance from those who worked with him.

He is best known in Utah for the fact that he was the minority owner of the Utah Jazz, the NBA's least successful team financially. The Jazz reached the point where they had to be sold because they couldn't survive anymore. They were losing money at every turn. The majority partner made a deal whereby the franchise would be sold to someone outside of the State. As minority partner, Larry Miller was required to sign the deal. He picked up the pen to sign the deal and then he couldn't bring himself to sign it, and he turned to the majority partner and said, Sam, I can't do it. So he bought the majority partner out, kept the Jazz in Utah, and then he presided over the revival of the Jazz. They won more games. They have been in the playoffs more than most people. They have been to the national finals twice and the only reason they haven't won an NBA national championship is because the Chicago Bulls had Michael Jordan at the time. Against any other team or any other star, the Jazz would have won the NBA championship. I remember the last failed game very well, and the shot Jordan put up that won the game that was fantastic, but that was Jordan's legacy.

Larry Miller is known for all of these things, but that is not how I wish to remember him before the Senate here today, because this man, who was a philanthropist and gave his money to community colleges to help people who were more like him in terms of their academic needs, became in his later years a history buff. He fell in love with the Founding Fathers. I remember talking to Larry Miller about John Adams, about Thomas Jefferson, and recommending a book to him. He had just read McCullough's book on John Adams and I said, Have you read Joseph Ellis's book, ''Founding Brothers''? He said, no. I said, I will send it to you. I got caught up in all of my difficulties and all of my distractions and realized I had failed to keep my word. So finally, with some embarrassment, I got hold of Larry and said, I apologize I have not sent you a copy of ''Founding Brothers.'' He said, that is all right, Senator. I went out and bought one on my own. He followed through where I didn't.

He fell in love with this country, not as an entrepreneur, although he did that way; not as someone who had been very successful and blessed by this country, although he did that way; but toward the end of his life he fell in love with this country as one who studied its history and understood its underpinnings. He was generous. He was inventive. He was tenacious. The people of Utah have been more than blessed by the fact that he chose Utah as his home. We miss him terribly and extend our deepest sympathies to his family.

SPECIAL COMMITTEE ON AGING

Mr. KOHL. Mr. President, I ask unanimous consent to have the rules of procedure for the Special Committee on Aging printed in the RECORD.

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

SPECIAL COMMITTEE ON AGING—JURISDICTION AND AUTHORITY

S. Res. 4, §104, 95th Congress, 1st Session (1977)

(a)(1) There is established a Special Committee on Aging (hereafter in this section referred to as the ''special committee'') which shall consist of nineteen Members. The Members and chairman of the special committee

shall be appointed in the same manner and at the same time as the Members and chairman of a standing committee of the Senate. After the date on which the majority and minority Members of the special committee are initially appointed on or affect the effective date of title I of the Committee System Reorganization Amendments of 1977, each time a vacancy occurs in the Membership of the special committee, the number of Members of the special committee shall be reduced by one until the number of Members of the special committee consists of nine Senators.

(2) For the purposes of paragraph 1 of rule XXV; paragraphs 1, 7(a)(1)–(2), 9, and 10(a) of rule XXVI; and paragraphs 1(a)–(d), and 2(a) and (d) of rule XXVII of the Standing Rules of the Senate; and the purposes of section 202(I) and (j) of the Legislative Reorganization Act of 1946, the special committee shall be treated as a standing committee of the Senate.

(b)(1) It shall be the duty of the special committee to conduct a continuing study of any and all matters pertaining to problems and opportunities of older people, including, but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(2) The special committee shall, from time to time (but not less than once a year), report to the Senate the results of the study conducted pursuant to paragraph (1), together with such recommendation as it considers appropriate.

(c)(1) For the purposes of this section, the special committee is authorized, in its discretion, (A) to make investigations into any matter within its jurisdiction, (B) to make expenditures from the contingent fund of the Senate, (C) to employ personnel, (D) to hold hearings, (E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (F) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence books, papers, and documents, (G) to take depositions and other testimony, (H) to procure the serve of individual consultants or organizations thereof (as authorized by section 202(I) of the Legislative Reorganization Act of 1946, as amended) and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(2) The chairman of the special committee or any Member thereof may administer oaths to witnesses.

(3) Subpoenas authorized by the special committee may be issued over the signature of the chairman, or any Member of the special committee designated by the chairman, and may be served by any person designated by the chairman or the Member signing the subpoena.

(d) All records and papers of the temporary Special Committee on Aging established by Senate Resolution 33, Eighty-seventh Congress, are transferred to the special committee.

RULES OF PROCEDURE

I. CONVENING OF MEETINGS

1. Meetings. The Committee shall meet to conduct Committee business at the call of the Chairman. The Members of the Committee may call additional meetings as provided in Senate Rule XXVI (3).

2. Notice and Agenda:

(a) Written Notice. The Chairman shall give the Members written notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 5 days in advance of such meeting.

(b) Shortened Notice. A meeting may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the meeting on shortened notice. An agenda will be furnished prior to such a meeting.

3. Presiding Officer. The Chairman shall preside when present. If the Chairman is not present at any meeting, the Ranking Majority Member present shall preside.

II. CONVENING OF HEARINGS

1. Notice. The Committee shall make public announcement of the date, place and subject matter of any hearing at least one week before its commencement. A hearing may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the hearing on shortened notice.

2. Presiding Officer. The Chairman shall preside over the conduct of a hearing when present; or, whether present or not, may delegate authority to preside to any Member of the Committee.

3. Witnesses. Witnesses called before the Committee shall be given, absent extraordinary circumstances, at least forty-eight hours notice, and all witnesses called shall be furnished with a copy of these rules upon request.

4. Oath. All witnesses who testify to matters of fact shall be sworn unless the Committee waives the oath. The Chairman, or any Member, may request and administer the oath.

5. Testimony. At least 72 hours in advance of a hearing, each witness who is to appear before the Committee shall submit his or her testimony by way of electronic mail, in a format determined by the Committee and sent to an electronic mail address specified by the Committee, unless the Chairman and Ranking Minority Member determine that there is good cause for a witness's failure to do so. A witness shall be allowed no more than ten minutes to orally summarize his or her prepared statement. Officials of the federal government shall file 100 copies of such statement with the clerk of the Committee 72 hours in advance of their appearance, unless the Chairman and the Ranking Minority Member determine there is good cause for noncompliance.

6. Counsel. A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or depositions or staff interview to advise such witness of his or her rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation, or association.

7. Transcript. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in closed sessions and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his or her transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of transcription, grammatical errors, and obvious errors of fact. The Chairman or a staff officer designated by him shall rule on such request.

8. Impugned Persons. Any person who believes that evidence presented, or comment made by a Member or staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record; and

(b) request the opportunity to appear personally before the Committee to testify in his or her own behalf.

9. Minority Witnesses. Whenever any hearing is conducted by the Committee, the Ranking Member, to call at least one witness to testify or produce documents with respect to the measure or matter under consideration at the hearing. Such request must be made before the completion of the hearing or, if subpoenas are required to call the minority witnesses, no later than three days before the hearing.

10. Conduct of Witnesses, Counsel and Members of the Audience. If, during public or executive sessions, a witness, his or her counsel, or any spectator conducts him or herself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing the Chairman or presiding Member of the Committee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

III. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

1. Procedure. All meetings and hearings shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion of whether the meeting or hearing will concern Committee investigations or matters enumerated in Senate Rule XXVI(5)(b). Immediately after such discussion, the meeting or hearing or portion thereof may be closed by a vote in open session of a majority of the Members of the Committee present.

2. Witness Request. Any witness called for a hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his or her examination to be in closed or open session. The Chairman shall inform the Committee of any such request.

3. Confidential Matter. No record made of a closed session, or material declared confidential by a majority of the Committee, or report of the proceedings of a closed session, shall be made public, in whole or in part or by way of summary, unless specifically authorized by the Chairman and Ranking Minority Member.

IV. BROADCASTING

1. Control. Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant.

2. Request. A witness may request of the Chairman, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his or her testimony cameras, media microphones, and lights shall not be directed at him or her.

V. QUORUMS AND VOTING

1. Reporting. A majority shall constitute a quorum for reporting a resolution, recommendation or report to the Senate.

2. Committee Business. A third shall constitute a quorum for the conduct of Committee business, other than a final vote on reporting, providing a minority Member is present.

3. Hearings. One Member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

4. Polling:

(a) Subjects. The Committee may poll (1) internal Committee matters including those concerning the Committee's staff, records, and budget; (2) other Committee business which has been designated for polling at a meeting.

(b) Procedure. The Chairman shall circulate polling sheets to each Member specifying the matter being polled and the time limit for completion of the poll. If any Member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls. If the Chairman determines that the polled matter is one of the areas enumerated in Rule III(1), the record of the poll shall be confidential. Any Member may request a Committee meeting following a poll for a vote on the polled decision.

VI. INVESTIGATIONS

1. Authorization for Investigations. All investigations shall be conducted on a bipartisan basis by Committee staff. Investigations may be initiated by the Committee staff upon the approval of the Chairman and the Ranking Minority Member. Staff shall keep the Committee fully informed of the progress of continuing investigations, except where the Chairman and the Ranking Minority Member agree that there exists temporary cause for more limited knowledge.

2. Subpoenas. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, or any other materials shall be issued by the Chairman, or by any other Member of the Committee designated by him. Prior to the issuance of each subpoena, the Ranking Minority Member, and any other Member so requesting, shall be notified regarding the identity of the person to whom the subpoena will be issued and the nature of the information sought, and its relationship to the investigation.

3. Investigative Reports. All reports containing findings or recommendations stemming from Committee investigations shall be printed only with the approval of a majority of the Members of the Committee.

VII. DEPOSITIONS AND COMMISSIONS

1. Notice. Notices for the taking of depositions in an investigation authorized by the Committee shall be authorized and issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

2. Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule II(6).

3. Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. Objections by the witnesses as to the form of questions shall be noted by the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Committee staff may proceed with the deposition, or may at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a Member of the Committee. If the Member overrules the objection, he or she may refer the matter to the Committee or the Member may order and direct the witness to answer the question, but the Committee shall not initiate the procedures leading to civil or criminal enforcement unless the witness refuses to testify after he or she has been ordered and directed to answer by a Member of the Committee.

4. Filing. The Committee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes, if any, requested by the witness in accordance with Rule II(7). If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcriber shall certify that the transcript is a true record to the testimony, and the transcript shall then be filed with the Committee clerk. Committee staff may stipulate with the witness to changes in this procedure; deviations from the procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

5. Commissions. The Committee may authorize the staff, by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or systems of records, or otherwise act on behalf of the Committee. Commissions shall be accompanied by instructions from the Committee regulating their use.

VIII. SUBCOMMITTEES

1. Establishment. The Committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The Chairman of the full Committee and the Ranking Minority Member shall be ex officio Members of all subcommittees.

2. Jurisdiction. Within its jurisdiction as described in the Standing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

3. Rules. A subcommittee shall be governed by the Committee rules, except that its quorum for all business shall be one-third of the subcommittee Membership, and for hearings shall be one Member.

IX. REPORTS

Committee reports incorporating Committee findings and recommendations shall be printed only with the prior approval of a majority of the Committee, after an adequate period for review and comment. The printing, as Committee documents, of materials prepared by staff for informational purposes, or the printing of materials not originating with the Committee or staff, shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document: ''Note: This document has been printed for informational purposes. It does not represent either findings or recommendations formally adopted by the Committee.''

X. AMENDMENT OF RULES

The rules of the Committee may be amended or revised at any time, provided that not less than a majority of the Committee present so determine at a Committee meeting preceded by at least 3 days notice of the amendments or revisions proposed.

COMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, Senate Standing Rules XXVI requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 24, 2009, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia adopted subcommittee Rules of Procedure.

Consistent with Standing Rule XXVI, today I ask unanimous consent to have printed in the RECORD a copy of the rules of procedure of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia.

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

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

(1) Subcommittee Rules.—The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Governmental Affairs and the Standing Rules of the Senate.

(2) Quorums.

(A) Transaction of Routine Business.—One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term ''routine business'' includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Governmental Affairs any measures, matters or recommendations.

(B) Taking Testimony.—One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

(C) Proxies Prohibited in Establishment of Quorum.—Proxies shall not be considered for the establishment of a quorum.

(3) Subcommittee Subpoenas.—The Chairman of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and

Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs waive the 48–hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member of the full Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

When the Subcommittee or its Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Subcommittee designated by the Chairman.

CJS PROJECT DISCLOSURE

Ms. MIKULSKI. Mr. President, as chairwoman of the Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies, I rise today to clarify for the U.S. Senate the sponsorship of six congressionally designated projects included in the Joint Explanatory Statement to accompany H.R. 1105, the Fiscal Year 2009 Omnibus Appropriations Act. Specifically:

Senators MARK WARNER and WEBB should be listed as having requested funding for the Virginia Institute of Marine Science, Glouchester, VA, for the Virginia Trawl Survey funded through the National Oceanic and Atmospheric Administration;

Senator MURRAY should be listed as having requested funding for the city of Vancouver, WA, for a new records management system funded through the Department of Justice;

Senator CANTWELL should not be listed as having requested funding for the city of Vancouver, WA, for a new records management system funded through the Department of Justice;

Senators REID, ENSIGN, REED, SCHUMER, SESSIONS, SMITH, VOINOVICH, WHITEHOUSE, WYDEN, BENNETT, BIDEN, HATCH, KENNEDY, KERRY, LANDRIEU, LAUTENBERG and LEAHY should be listed as having requested funding for the National Council of Juvenile and Family Court Judges, Reno, Nevada, for the Child Abuse Training Programs for Judicial Personnel: Victims Act Model Courts Project, funded through the Department of Justice;

Senators KOHL, LEAHY, REED, CRAPO and WHITEHOUSE should be the only Senators listed as having requested funding for the National Crime Prevention Council, Arlington, Virginia, funded through the Department of Justice; and

Senator MURRAY should be listed as having requested funding for the Safe Streets Campaign, Tacoma, WA, for the Pierce County Regional Gang Prevention Initiative funded through the Department of Justice.

NATIONAL PEACE CORPS WEEK

Mrs. SHAHEEN. Mr. President, I rise today in celebration of National Peace Corps Week and in honor of the thousands of Americans who serve throughout the world as Peace Corps volunteers.

Since the Peace Corps' founding in 1961 by President John F. Kennedy, over 195,000 U.S. citizens have chosen to serve their country as Peace Corps volunteers. Today, nearly 8,000 Peace Corps volunteers serve abroad in 76 different countries.

In my own home State of New Hampshire, 54 volunteers have heard the call and are currently devoting their time, energy, and lives to fulfilling the vision of President Kennedy and serving their country abroad in the cause of peace. They are placed throughout the developing world—from Morocco, where one New Hampshire volunteer is educating community leaders on improving access to safe drinking water, to Macedonia, where another is teaching English to grade school children in a small rural village.

I would like to take a second and recognize each of these citizen ambassadors and the nearly 1,500 Peace Corps volunteers from New Hampshire that have served since 1961. In honor of their efforts, I will ask consent that the attached list of current New Hampshire volunteers be printed in the CONGRESSIONAL RECORD. New Hampshire is proud of your service, and we will continue to stand solidly behind you.

The Peace Corps was founded on the ideal that each of us has the responsibility to serve our country and leave our world in a better place than we found it. This dual commitment to U.S. interests and the global good is a testament to the fact that in today's interconnected world, American security and prosperity are inextricably linked to the security and prosperity of people residing in the far corners of our globe. Peace Corps volunteers understand better than anyone that we are truly all in this together.

Peace Corps volunteers work on the front lines in our battle for hearts and minds throughout the world. They serve as teachers, business professionals, health educators, management specialists, information technology advisors, mentors and friends to citizens across the globe. These unofficial ambassadors help develop trust and establish relationships that are critical to American influence and global stability. Upon the completion of their service abroad, these volunteers then return home to promote a better understanding here in America of the culture, language and viewpoint of those they have served.

These volunteers have all done their part to make the world a better place and, in turn, have contributed a great deal to U.S. national interests and global security. In our 21st century world, where the threats and challenges that confront America and the global community cannot be overcome by the might of our military alone, Peace Corps volunteers are laying the foundation for a more secure and prosperous world.

In honor of National Peace Corps Week and in celebration of the Peace Corps' 48th Anniversary on March 1, 2009, I would like to recognize those volunteers from New Hampshire, as well as all past and current Peace Corps volunteers, for their commitment to securing a better world for us and our children.

As a member of the Senate Foreign Relations Committee and the chair of the Foreign Relations Subcommittee on European Affairs, I will work with our allies and friends throughout the world in the development of an American foreign policy that matches the passion and commitment to service of our Peace Corps volunteers abroad.

Mr. President, I ask unanimous consent to have the list of current New Hampshire volunteers to which I referred printed in the RECORD.

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

SWORN-IN VOLUNTEERS IN THE STATE OF NEW HAMPSHIRE

Volunteer name	Country of service	Start of service date	Projected COS date
Alden, Elizabeth E	Mali	21–Sep–2007	21–Sep–2009
Ballentine, Danny P	Turkmenistan	05–Dec–2008	05–Dec–2010
Ballentine, Heidi C	Turkmenistan	05–Dec–2008	05–Dec–2010
Bardo, Johanna E	Suriname	01–Aug–2008	17–Aug–2010
Bardo, Nicholas W	Guatemala	12–May–2006	25–Ju1–2009
Barnaby, Emily R	Benin	21–Sep–2007	20–Sep–2009
Baron, Lindsey M	Cambodia	04–Apr–2007	06–Mar–2009
Bootland, Diane C	Belize	29–Oct–2008	22–Oct–2010
Brooks, Evan D	Ukraine	19–Dec–2007	17–Dec–2009
Cahill, Michael P	Mali	12–Sep–2008	11–Sep–2010
Campbell, Adam S	Morocco	19–May–2008	28–May–2010
Chauvin, Nia G	Mozambique	07–Dec–2007	05–Dec–2009
Coes, Casey P	Morocco	19–May–2008	28–May–2010
Cooper, Elliot A	Ecuador	20–Apr–2007	20–Apr–2009
Crosby, Andrea J	Ecuador	20–Apr–2007	20–Apr–2009
Dallmann, Seth D	Vanuatu	21–Jun–2007	19–Jun–2009
Drapcho, Amanda C	Gambia	18–Apr–2008	17–Apr–2010
Estabrook, Kate P	Suriname	01–Aug–2008	17–Aug–2010
Evans, Nicole A	Lesotho	08–Jan–2009	23–Jan–2011
Geller, Amanda L	Guatemala	18–Jul–2008	17–Ju1–2010

SWORN-IN VOLUNTEERS IN THE STATE OF NEW HAMPSHIRE—Continued

Volunteer name	Country of service	Start of service date	Projected COS date
Guthro, Kaitlyn A	Kyrgyzstan	18–Sep–2008	17–Sep–2010
Handel, Ian D	Ecuador	29–Aug–2008	27–Aug–2010
Hannon, Mark F	Mali	12–Sep–2008	11–Sep–2010
Hannon, Samantha B	Mali	12–Sep–2008	11–Sep–2010
Haslam, Meghan J	Nicaragua	17–Nov–2006	16–Apr–2009
Heaney, Jason	Macedonia	14–Dec–2007	13–Dec–2009
Hendel, Sarah J	Turkmenistan	05–Dec–2008	05–Dec–2010
Hureau, Jonathan R	Mozambique	07–Dec–2007	05–Dec–2009
Joyce, Judith A	Eastern Caribbean	17–Oct–2008	15–Oct–2010
Keniston, Charlotte S	Guatemala	31–Oct–2008	30–Oct–2010
Langlois, Breanne K	Ethiopia	13–Dec–2007	13–Dec–2009
Lefrancois, Peter G	Mali	29–Sep–2006	30–Jun–2009
Luz, Robert A	Ghana	21–Aug–2007	20–Aug–2009
Mackie, Laura K	Ukraine	18–Jun–2008	17–Jun–2010
McGlone, Michael R	Fiji	24–Jul–2008	30–Jul–2010
Mclaughlin, Matt	Senegal	17–Nov–2006	14–Dec–2009
Melvin, Adam T	Jordan	04–Sep–2008	09–Sep–2010
Mitchell, Cara M	Nicaragua	20–Jul–2007	17–Jul–2009
Moulton, James D	Mongolia	18–Aug–2007	19–Aug–2009
Moulton, Julie B	Mongolia	18–Aug–2007	19–Aug–2009
Murray, Sarah M	Cambodia	04–Apr–2007	27–Mar–2009
O'Hara, Emily B	Romania	05–May–2008	18–May–2010
Oscadal, Maureen E	Zambia	30–Mar–2006	30–Apr–2009
Pridgen, Victoria P	Niger	25–Sep–2007	25–Sep–2009
Raymond, Anne G	Cameroon	24–Aug–2007	26–Jun–2009
Sandri, John B	Moldova	22–Nov–2007	20–Nov–2009
Sawicki, Erin M	Botswana	21–Jun–2007	20–Jun–2009
Sehovich, Jessica N	Ukraine	18–Jun–2008	17–Jun–2010
Simonson, Duncan A	Panama	22–Oct–2008	21–Oct–2010
Stout, Judith	South Africa	03–Apr–2008	27–Mar–2010
Sullivan, Steven W	Senegal	07–Nov–2008	09–Nov–2010
Vinson, Laura M	Ecuador	29–Aug–2008	27–Aug–2010
Whitmore, Martha E	Peru	29–Nov–2007	29–Nov–2009
Whittaker, Brendan J	Senegal	12–May–2007	11–May–2009

HUMAN RIGHTS IN KENYA

Mr. LEAHY. Mr. President, during the past year, I and other Senators have urged the Government of Kenya to effectively address reports of egregious misconduct by its police and military forces, including torture and summary executions. The Mount Elgon killings, culminating in the slaughter of some 200 people by the police and army soldiers in 2008, were particularly appalling, yet the government has yet to conduct a credible, transparent, thorough investigation.

We now have the report of the United Nations Special Rapporteur, which confirms, again, the conclusions of multiple human rights organizations. I would hope that the Government of Kenya recognizes that it is in its interest, and that it has a responsibility, to promptly implement the Special Rapporteur's recommendations.

Kenya is an ally and friend of the United States. In fact, we are training some of Kenya's security forces. It is imperative that these violations be addressed urgently and decisively, and that the individuals involved in these atrocities, including those who gave the orders, are brought to justice.

I ask unanimous consent that a press release on the Special Rapporteur's report be printed in the RECORD.

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

From the Press Center—U.N. Headquarters

NAIROBI, February 25, 2009.—Today, the UN Special Rapporteur on extrajudicial executions, Mr. Philip Alston, concluded his 16–25 February 2009 fact-finding mission to Kenya.

The UN independent expert stated that, ''Killings by police in Kenya are systematic, widespread and carefully planned. They are committed at will and with utter impunity.'' He also found that death squads were set up upon the orders of senior police officials to exterminate the Mungiki.

He called on the President of Kenya to acknowledge the widespread problem of extrajudicial executions in Kenya and to commit to systemic reform. ''Effective leadership on this issue can only come from the very top, and sweeping reforms to the policing sector should begin with the immediate dismissal of the Police Commissioner,'' concluded the independent expert. ''Further, given his role in encouraging the impunity that exists in Kenya, the Attorney-General should resign so that the integrity of the office can be restored.''

In addition, the Special Rapporteur found compelling evidence that in Mt Elgon, the police and military committed organised torture and extrajudicial executions against civilians during their 2008 operation to flush out the Sabaot Land Defence Force militia. ''For two years, the SLDF militia terrorized the population and the Government did far too little. And when the Government did finally act, they responded with their own form of terror and brutality, killing over 200 people.'' He said that since the security forces had not investigated the allegations in any convincing manner ''the Government should immediately act to set up an independent commission for Mount Elgon, modeled on the Waki Commission''.

With respect to the accountability for the post-election violence, the Special Rapporteur stated that the setting up of the Special Tribunal for Kenya was ''absolutely indispensible to ensure that Kenya does not again descend into chaos during the 2012 elections.'' He called on civil society and the international community to take a firm line on its establishment. ''At the same time, this is an ideal case for the ICC to urgently take up'', he added, stressing that the two approaches were not mutually exclusive and a two-track approach should be adopted.

The Special Rapporteur also recommended that an independent civilian police oversight body be established, that records of police killings be centralized, that an independent Department of Public Prosecutions be created, across-the-board vetting of the police be undertaken, the setting up of an independent witness protection program, that the Government issue substantive responses to KNCHR reports, and compensation for the victims of those unlawfully killed.

In the course of his ten-day visit, the Special Rapporteur visited Nairobi, Central, Rift Valley, Western and Nyanza Provinces. He conducted in-depth private interviews with more than one hundred victims and witnesses. Mr. Alston met with senior Government officials, including the Prime Minister, the Minister of Justice, the Assistant Minister of Defence, the Chief of Police and the Chief of Staff of the Armed Forces, as well as officials at the provincial and district levels. He also met with the Kenya National Commission on Human Rights, the independent national human rights institution, as well as with civil society organizations.

The full text of the Special Rapporteur's statement is available at www.extrajudicialexecutions.org.

TRIBUTE TO LEON FLEISHER

Mr. LEAHY. Mr. Presdient, this week, one of the indomitable artists of our age will take the stage of the Kennedy Center Concert Hall, as the great pianist Leon Fleisher teams up with the London Philharmonic Orchestra. His range, commanding technique and total sense of the music's natural shape and scope will surely captivate the audience. This is a fitting occasion to take note of a great artist, teacher and humanitarian who, through his playing, has touched the souls of so many.

In the early years of his career, Leon Fleisher astounded audiences with a golden sound. His career then seemed tragically cut short when he began suffering from a rare neurological condition that rendered his right hand unable to play. Instead of withdrawing from the musical world, Leon Fleisher remained in close contact with music through conducting, teaching and playing scores specially written for pianists who lost use of their right hands. He persisted in the effort to play the full concert repertoire, and some novel medical treatments eventually helped him regain full use of both hands.

It is a classic American journey, tracing a path out of despair to triumph. In Leon Fleisher's sense of determination, dedication, vision and skill, there is much for all of us to both admire and emulate. My wife Marcelle and I were delighted to sit next to him at a reception that honored his lifetime of achievement. We thoroughly enjoyed

getting to know this stately and cordial artist, a man of great intelligence, modesty and warmth.

Leon Fleisher has been playing across the country with full use of his hands for several years now. We are fortunate to be able to hear again how he plumbs the depths of every musical score, revealing something about ourselves through his music making. I know the Senate joins me in congratulating and recognizing Leon Fleisher's incredible contributions to the vibrant cultural fabric of our country.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

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

My husband and I are semi retired but the figure of $200 way off the mark even for us. We do work part of the year but are not doing so at this time. We live rural and have to travel for groceries, building supplies. When we work all of this involves a minimum of 40 miles each way, not including the around town mileage. We have 20 acres, with a small tractor to keep weeds under control which the county urges all of us to do. We also have a large lawn to mow. Our fuel bill for the month of May was $400. The tractor has a tank of 10 gallons, and that alone costs $40 per tank. We are trying to save a bit by purchasing dyed fuel but, by the time you travel to that, you have eaten up your savings. The point is we have very little choice on our fuel issues. We do not go to town on a whim and really never have as long as we have been here (since 1973). The price of food is skyrocketing also in the rural areas. We have a small grocery store in a small town by us, but they have fuel issues, too. We would like to see nuclear power sources and wind generators multiply. Our daughter does websites and she has a customer that has a wind power source for sale for each single home. However, at this point, it is somewhat expensive, approximately $5,500. Although in the past, nuclear power has had a few hiccups so even we were not in favor of it. I subscribe to Popular Science Magazine and it is my understanding they are very close or have reached the ability to neutralize the waste. However, I have not heard any news about it from the media or official science reports.

Fixed income as well as families and singles cannot get pay raises that equals the cost of living in reality. We dealt with this our last years at work. Companies have their stockholders that have to be kept and for the last eight years of our jobs we steadily lost money from cost of living that the government adjusted to be 3% or less when in the blue collar world did not equate to that. Fuel along doubled and what cost us $30 per week for work fuel jumped within 3 months to $60 per week and kept traveling upward since. Property taxes, auto and home insurance also have risen but employers went with the government figures. I would get 25 cent per hour raise. It brought home approximately $4 and change per week. It did not cover any of our rising expenses. Anything under $1.00 does not even show anything much on a take home check. So there needs to be some way for an employer with all their overheads to realize this and perhaps hire CEOs, CFOs and other company officials that make a decent wage without the super perks they have received for the last 25 years. Corporate waste is rampant and should be addressed somehow in the near future so the frontline employees can afford today's fuel prices and not be stressed daily by how to make ends meet. Sorry I got off the edge here but it is all one big picture which is why the energy costs are a frontline problem with this. We still have many elderly people who do not have enough to live as is. With this energy impact, I do not know how they can make it. So please keep up your vigil. We need to open up the fields in Alaska and not be selling it to other countries at this point. [When] my husband and I work, which involves truck driving, we see what is happening along the routes we travel. The distress in the citizens and the oil wells being developed and the ones that are not running.

DARLENE, *Spirit Lake*.

Thank you for the opportunity to communicate in this fashion my family's challenges with the high cost of energy and our thoughts. I travel a great deal all over America and, as part of my job, I work closely with many convenience store operators around our great country. We own a Dodge Durango 4-wheel drive SUV. It is great because it provides the safety my family needs during the winter and the space we need for all the stuff we need to transport when you have two young children. As you no doubt remember with your own family, a nine-month-old baby [needs] a lot of baggage when he travels—car seats, strollers, etc. The daughter wants her bike when visiting the grandparents, her books, and spare clothes, etc. The bad thing is it only gets 13 miles to the gallon on average and, like most families, we did not buy it with cash but financed it which means we owe more on it than we can sell it for. In fact, in this market, many car dealers will not even take an SUV in on trade. So we have no choice but to bear the burden of high gas prices for the foreseeable future. We cannot just throw the car away and run out and buy a new fuel-efficient SUV which is selling at a premium that, frankly, even in today's market, does not even pencil out as a good investment by my calculations. Of course, this is not the only part of the story of how high energy costs have impacted our family but the part those like Thomas Freidman never take into consideration when promoting even higher costs through taxation, cap and trade, and government manipulation of the market.

What should Congress do?

Do not do as Congresswoman Maxine Waters suggested in Committee and take over the oil companies. The markets are working just fine, but what they reflect is all the inaction and obstacles that have burdened the supply and demand elasticity of the commodities markets be it oil or corn, etc.

Again, taxing is not a solution. We should be working to lower taxes for everyone. Not redistributing it. Not to manipulate markets. Fuel taxes should be what they need to be to maintain our infrastructure. We should be encouraging efficiencies in the market place with our tax code and policies.

The fact is we need to make it easier to drill now. We need to make it easier to refine more fuel now. We need to add capacity to distribute that fuel to the marketplace now. We need to expand our reserves so we have a cushion when natural disasters occur. We need to do something about all the boutique fuels that cause unnatural shortages every spring and fall (winter blend, summer blend, smog blend, this blend, that blend impact refinery efficiency). We need to do something about credit card interchange fees. We need to do everything we can to encourage efficiency.

And, of course, we need to encourage conservation, public transportation where possible, more not less airports and routes, and alternative even renewable sources of energy.

Well, that is my 415 cents. Thank you.

ROBERT, *Twin Falls*.

I find it odd as the greatest country in the world we are lagging in becoming energy self-sufficient. France, for instance, runs and has, for many years, ran its country off nuclear power. How is it that we cannot do this? If our country was powered off of nuclear power, consider the substantial reduction in oil consumption for the east coast. They are paying to heat their houses with heating oil, more expensive than our natural gas. Drilling for more oil will help but we need a bigger and better solution. Corn is not the answer, either. As the government pushes alternative fuels (ethanol), the price of food rises. Also we do not get the power out of ethanol that we get out of traditional fuel so MPG on our cars drop. So we need more ethanol. It is a very ridiculous cycle. Nuclear, wind, hydrogen, oil—all these options need to be brought to the table now. Waiting until after the election will not work. We all know as soon as that election is over the focus will be on mid-term elections and pandering to voters. Let us get it done now. Does our government really care about our future, our children? Let us act on this now before these same promises are being made to our children's children.

UNSIGNED.

It is time that we get off our cans and get aggressive in drilling for oil on our own soil. I am tired of our country being held hostage to foreign interests and values when it comes to our own energy needs. High fuel costs have had a significant negative effect on my business and my ability to grow my business. Please do all you can to get us out of this crisis.

CRAIG, *Eagle*.

It is time to reign in the market speculation in oil and it is products. There is no shortage of gasoline or oil. There are no lines at gas stations! It is gouging, plain and simple. Stop protecting the oil companies! Windfall profits tax on all oil-related products of at least 50%. Apply the windfall tax funds to alternative energy research that have no connection to the oil industry. Make it a modern day Apollo project. Repeal oil industry tax breaks. Apply a 100% tax rate on any salary over 10 million per year.

The economy is collapsing while [the Administration does nothing]. We own a small

business; we want support for the middle class. The rich need no help; let them earn a living for a change.

MIKE, *Moscow*.

I am glad to see someone taking a stand that actually has a chance to be heard. I am glad that we are going to try and get some relief to the gas prices, but I think we should also be looking into the contributing factors that are causing such a demand for fuel.

I live in Meridian and must commute to Boise every day for my job. I confronted my employer (a local utility company) regarding other options to having to commute to Boise every day when the air quaility was getting so bad like 4-day work week, telecommuting, etc. and was told it was not an option. My son is 5 years old and has asthma. Every time the air quality gets bad, so does his health. Recently, with the gigantic increase in fuel prices and the demand of fuel, I confronted my employer again about other options that could not only help with the air quality, but help contribute to decreasing the demand of fuel; again, I was again turned down. To me it seems that not only should we be going after congress to help relieve the outrageous cost of fuel, but we also need someone to tell employers to do what they can to start helping with the problem instead of contributing to it. Thank you for what you are doing and I hope a resolution is on the horizon.

NICHOLE, *Meridian*.

I received your email asking us to share our stories about high energy costs so here goes. We live 5 miles from the nearest grocery store and town. This means that every time we get in the car, the round trip is a minimum of 10 miles. If my husband and I both go into town a couple of times a day, and only go to the nearest town, we drive a minimum of 40 miles a day and that is without running errands. going to another town or anything like that. When all is said and done, it is much more like 60 miles a day. We also live in snow country and must have 4-wheel drives so get about 15 mpg which means at $4 per gallon, we spend about $16 just to get to town and back which is almost $500 per month. It is insane.

What is more insane is the idea that we can explore and produce our way out of this mess. The US consumes about 26% of the world's oil but only has about 2% of the world's oil reserves. We would have to increase our reserves and production 12 fold to cover today's demand and that is never going to happen. The price of oil shot up when it became clear we were going to invade Iraq—financial markets hate uncertainty and invading another country is a big uncertainty. As the war has dragged on and as our President has talked about taking action against Iran, oil prices have soared higher. The best thing our nation could do to lower the price of oil would be to get out of a country we had no business invading in the first place and start spending more, much much more, on the plentiful wind, solar and geothermal we have been blessed with.

Americans want this, the people of Idaho want this, I only hope Senator Crapo is listening. I ask him to do the only sane thing and think outside the oil box.

LESLIE.

I live with a husband who makes his money his. When I had a job, I had an income and contributed to the groceries. It has already been hard for me because I had been on medical leave for over a year from a job I had for over six years that paid a little over $11 an hour. During this time on medical leave, I could not draw any income because of some ''catch 22'' about if my doctor released me to go back to work with limitations, and my job did not allow me to come back to work, I did not apply for short-term disability or assistance is what I was told. After my leave was exhausted and my employer said they did not have a job for my physical limitations, I was let go, and had to pay more money for COBRA. Last fall I had enrolled in BSU with student loans that barely cover school fees, books, and travel expenses as it is, from Mountain Home to Boise and the Air Base. I was doing very well for the first semester, but money was very tight then. I ended up using my savings, my tax refund, and my retirement from the company that let me go, just to pay the bills. I found out that I have a rheumatoid arthritis, osteo arthritis, spondylitis, depression, I take lots of medications and I have had back surgery, neck surgery and I am in pain most of the time. I am still waiting for my disability hearing because it takes so long to get it scheduled and I am down to maxed out credit cards and $150 dollars in the bank. My husband wants me to leave him because my medical bills are too expensive. I have two classes this second twelve weeks at the Air Base in Mountain Home that will end on June 30th. I do not know if I will continue with my BSU degree because I cannot afford to drive to Boise anymore. And if I do not get an income I may end up on the street. I cannot pay back my credit cards that I used to pay for living expenses and medical bills and prescriptions. They are maxed out. I am going to have to sell my things to get by.

To the Congressmen and Senators of this great country: Why are we so hesitant to get on the ball and do something about this crisis that filters down to more than gas? We cannot afford to live on what we have got and now we have to pay more?

While I am frustrated with my present circumstances, I know God will take care of me. What I am really worried about is this country and our leaders taking us down the path of destruction. Our country needs leaders who will demonstrate true authority, not bickering about what party did what or who is better for our country. We need to put parties aside, put aside differences, fall on our knees and ask God Almighty to forgive this county its many sins and his forgiveness and guidance.

[Please do your best to] to solve this crisis. I think we should drill for oil, build refineries, make alternatives available to the poor working public, use cooking oil instead of gasoline, use sugar cane like they do in South America, use wind power in windy places like Mountain Home, use geothermal resources, solar power, anything that is greener and healthier. [But please do it now and do not leave the rest of us for fend for ourselves in this terrible economy!] We are tired of the blame game. Someone do something and stop filibustering and stalling progress. [Such efforts stop our country from solving the problems we face.]

I know I went off on this a little long, but again, I am totally frustrated with inactivity and red tape. Thank you for all you do, but please remember the people who you work for whether they voted you in or not.

CRYSTAL, *Mountain Home*.

Something needs to be done. Prices keep going up everywhere. Not only is it affecting how much I spend in gas, but my grocery bill is outrageous now; Also, Idaho Power has just raised their rates. I have three children, which includes a baby in diapers. It is getting to the point where we can barely afford anything. It is really scary for us. We never have had much money, and one of the things I use to do with the kids was to go on ''drives'' just to get out of the house. We would go to Chevron and get drinks, then drive to different areas in Boise that we had not seen before and listen to music. Now, we cannot even do that. Prices will keep going up because they can, and people like us are going to really ''pay'' for it in the long run. It makes me sick. It is not like we are not trying to make it in life. I am a student at Boise State and I will be a Respiratory Therapist. We are not people looking for handouts. We are a family not only trying to get by, but we want to live, too We want to enjoy life also. It upsets me when even the little things that we were able to do are now a luxury. Something has got to be done. The reality is that there is really people who cannot afford the rise in prices (for gas and everything else). There has got to be some sort of stopping point. The saying,'' The rich will get richer and the poor will get poorer'' sounds more like the truth to me every day. Hopefully, you can represent the families and the people who are being affected by this.

S.

ADDITIONAL STATEMENTS

CENTRAL MISSOURI EAGLES YOUTH HOCKEY ASSOCIATION

● Mr. BOND. Mr. President, today I recognize the Central Missouri Eagles Youth Hockey Association for their outstanding public service to the community. Also, the Eagles have been presented with the ''Honoring the Game Award,'' presented annually by the Positive Coaching Alliance at Stanford University in 2006.

The ''Honoring the Game Award'' recognizes three youth sports programs that ''strive to win, but also strive to help their players develop skills that will serve them throughout their lifetimes.'' The Eagles were the only Midwestern sports program and the only youth hockey program in the Nation to be honored.

The Eagles received the ''Honoring the Game Award'' in recognition for their service to the community. Each year Eagles teams commit to a local service project. These projects make a meaningful difference in mid-Missouri, and they teach the Eagles players valuable citizenship lessons about volunteering.

The Hockey's program's credo ''Building Good Athletes and Great Citizens'' rings true and is the foundation for this program's athletes who not only show good sportsmanship but are active every year in community service. The best way for our young people to ensure a stronger America is to be active in their communities.

The Central Missouri Eagles Youth Hockey Associations' achievements represent a great deal of dedication. I trust that they will continue the high standards of principle and perseverance that brought them this honor. I hope the Eagles continue to comprise success both on and off the rink. Again, I extend my congratulations to this exceptional association and the young people within it.●

REMEMBERING GREG HERNANDEZ

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of a dedicated public servant, SGT Greg Hernandez of the Tulare County Sheriff's Department. Sergeant Hernandez's life was tragically cut short on February 6, 2009, as a result of injuries from a vehicle accident that occurred while he was on duty.

Sergeant Hernandez dutifully served the citizens and communities for 24 years as a valued member of the Tulare County Sheriff's Department. Sergeant Hernandez demonstrated a passion for law enforcement and commitment to helping others, qualities that earned him the respect of his colleagues at the Tulare County Sheriff's Department. Sergeant Hernandez shall always be remembered for his devotion to serving the public and his friendly nature.

Sergeant Hernandez is survived by his mother Rosa Hernandez of Farmersville and his daughter Kristina Marie Hernandez of Porterville. When he was not spending time with his family and friends, Sergeant Hernandez was a devoted sportsman who enjoyed fishing, softball, and golf.

Sergeant Hernandez served the county of Tulare with honor and distinction, and fulfilled his oath as an officer of the law. His selfless contributions and dedication to law enforcement are greatly appreciated and will serve as an example of his legacy.

We shall always be grateful for Sergeant Hernandez's service and the sacrifices he made while serving and protecting the people of Tulare County.•

TRIBUTE TO SUSAN AXELROD

• Mr. KOHL. Mr. President, I wish to acknowledge and honor the work of Citizens United for Research in Epilepsy, CURE, and its founder, Susan Axelrod. I have known Susan personally for many years and can attest to her tireless work on behalf of her daughter, Lauren, and of other children and families affected by epilepsy. Epilepsy often begins in childhood and even in its mildest forms can modify brain development, with lifelong effects on cognition ranging from learning disabilities to severe developmental disabilities. In 1998, a small group of families whose children were suffering from epilepsy joined in recognizing the need for an increased commitment to research. Together, they formed the nonprofit, volunteer-based CURE. Led by Susan, they have become tireless advocates for epilepsy awareness and have grown into one of the foremost organizations in funding cutting-edge epilepsy research. To date, CURE has raised over $9 million in its crusade toward eliminating seizures, reducing the side effects of currently available treatments, and ultimately toward finding a cure for epilepsy. I commend CURE for its unrelenting commitment to this worthy cause but underscore the fact that they cannot work alone. Epilepsy affects over 3 million patients nationwide, and the need for adequate funding for research on a Federal level is imperative if a cure is to be found. At a time when the Nation is confronted with serious health challenges like epilepsy, we must not diminish our commitment to medical research.

Please join me in honoring Susan Axelrod and CURE for their years of vision, leadership, and commitment.

I would ask to have the following Parade Magazine article highlighting the work of Citizens United for Research in Epilepsy printed in the RECORD. The material follows:

[From Parade Magazine, Feb. 15, 2009]

I MUST SAVE MY CHILD

(By Melissa Fay Greene)

When Susan Axelrod tells the story of her daughter, she begins like most parents of children with epilepsy: The baby was adorable, healthy, perfect. Lauren arrived in June 1981, a treasured first-born. Susan Landau had married David Axelrod in 1979, and they lived in Chicago, where Susan pursued an MBA at the University of Chicago and David worked as a political reporter for the Chicago Tribune. (He later would become chief strategist for Barack Obama's Presidential campaign and now is a senior White House adviser.) They were busy and happy. Susan attended classes while her mother babysat. Then, when Lauren was 7 months old, their lives changed overnight.

''She had a cold,'' Susan tells me as we huddle in the warmth of a coffee shop in Washington, D.C., on a day of sleet and rain. Susan is 55, fine-boned, lovely, and fit. She has light-blue eyes, a runner's tan, and a casual fall of silver and ash-blond hair. When her voice trembles or tears threaten, she lifts her chin and pushes on. ''The baby was so congested, it was impossible for her to sleep. Our pediatrician said to give her one-quarter of an adult dose of a cold medication, and it knocked her out immediately. I didn't hear from Lauren the rest of the night. In the morning, I found her gray and limp in her crib. I thought she was dead.

''In shock, I picked her up, and she went into a seizure—arms extended, eyes rolling back in her head. I realized she'd most likely been having seizures all night long. I phoned my mother and cried, 'This is normal, right? Babies do this?' She said, 'No, they don't.' ''

The Axelrods raced Lauren to the hospital. They stayed for a month, entering a parallel universe of sleeplessness and despair under fluorescent lights. No medicine relieved the baby. She interacted with her parents one moment, bright-eyed and friendly, only to be grabbed away from them the next, shaken by inner storms, starting and stiffening, hands clenched and eyes rolling. Unable to stop Lauren's seizures, doctors sent the family home.

The Axelrods didn't know anything about epilepsy. They didn't know that seizures were the body's manifestation of abnormal electrical activity in the brain or that the excessive neuronal activity could cause brain damage. They didn't know that two-thirds of those diagnosed with epilepsy had seizures defined as ''idiopathic,'' of unexplained origin, as would be the case with Lauren. They didn't know that a person could, on rare occasions, die from a seizure. They didn't know that, for about half of sufferers, no drugs could halt the seizures or that, if they did, the side effects were often brutal. This mysterious disorder attacked 50 million people worldwide yet attracted little public attention or research funding. No one spoke to the Axelrods of the remotest chance of a cure.

At home, life shakily returned to a new normal, interrupted by Lauren's convulsions and hospitalizations. Exhausted, Susan fought on toward her MBA; David became a political consultant. Money was tight and medical bills stacked up, but the Axelrods had hope. Wouldn't the doctors find the right drugs or procedures? ''We thought maybe it was a passing thing,'' David says. ''We didn't realize that this would define her whole life, that she would have thousands of these afterward, that they would eat away at her brain.''

''I had a class one night, I was late, there was an important test,'' Susan recalls. ''I'd been sitting by Lauren at the hospital. When she fell asleep, I left to run to class. I got as far as the double doors into the parking lot when it hit me: 'What are you doing?' '' She returned to her baby's bedside. From then on, though she would continue to build her family (the Axelrods also have two sons) and support her husband's career, Susan's chief role in life would be to keep Lauren alive and functioning.

The little girl was at risk of falling, of drowning in the bathtub, of dying of a seizure. Despite dozens of drug trials, special diets, and experimental therapies, Lauren suffered as many as 25 seizures a day. In between each, she would cry, ''Mommy, make it stop!''

While some of Lauren's cognitive skills were nearly on target, she lagged in abstract thinking and interpersonal skills. Her childhood was nearly friendless. The drugs Lauren took made her by turns hyperactive, listless, irritable, dazed, even physically aggressive. ''We hardly knew who she was,'' Susan says. When she acted out in public, the family felt the judgment of onlookers. ''Sometimes,'' Susan says, ''I wished I could put a sign on her back that said: 'Epilepsy. Heavily Medicated.' ''

At 17, Lauren underwent what her mother describes as ''a horrific surgical procedure.'' Holes were drilled in her skull, electrodes implanted, and seizures provoked in an attempt to isolate their location in the brain. It was a failure. ''We brought home a 17-year-old girl who had been shaved and scalped, drilled, put on steroids, and given two black eyes,'' Susan says quietly. ''We put her through hell without result. I wept for 24 hours.''

The failure of surgery proved another turning point for Susan. ''Finally, I thought, 'Well, I can cry forever, or I can try to make a change.' ''

Susan began to meet other parents living through similar hells. They agreed that no federal agency or private foundation was acting with the sense of urgency they felt, leaving 3 million American families to suffer in near-silence. In 1998, Susan and a few other mothers founded a nonprofit organization to increase public awareness of the realities of epilepsy and to raise money for research. They named it after the one thing no one offered them: CURE—Citizens United for Research in Epilepsy.

''Epilepsy is not benign and far too often is not treatable,'' Susan says. ''We wanted the public to be aware of the death and destruction. We wanted the brightest minds to engage with the search for a cure.''

Then-First Lady Hillary Clinton signed on to help; so did other politicians and celebrities. Later, veterans back from Iraq with seizures caused by traumatic brain injuries demanded answers, too. In its first decade, CURE raised $9 million, funded about 75 research projects, and inspired a change in the scientific dialogue about epilepsy.

''CURE evolved from a small group of concerned parents into a major force in our research and clinical communities,'' says Dr.

Frances E. Jensen, a professor of neurology at Harvard Medical School. ''It becomes more and more evident that it won't be just the doctors, researchers, and scientists pushing the field forward. There's an active role for parents and patients. They tell us when the drugs aren't working.''

The future holds promise for unlocking the mysteries of what some experts now call Epilepsy Spectrum Disorder. ''Basic neuroscience, electrophysiological studies, gene studies, and new brain-imaging technologies are generating a huge body of knowledge,'' Dr. Jensen says.

Lauren Axelrod, now 27, is cute and petite, with short black hair and her mother's pale eyes. She speaks slowly, with evident impairment but a strong Chicago accent. ''Things would be better for me if I wouldn't have seizures,'' she says. ''They make me have problems with reading and math. They make me hard with everything.''

By 2000, the savagery and relentlessness of Lauren's seizures seemed unstoppable. ''I thought we were about to lose her,'' Susan says. ''Her doctor said, 'I don't know what else we can do.' '' Then, through CURE, Susan learned of a new anti-convulsant drug called Keppra and obtained a sample. ''The first day we started Lauren on the medication,'' Susan says, ''her seizures subsided. It's been almost nine years, and she hasn't had a seizure since. This drug won't work for everyone, but it has been a magic bullet for Lauren. She is blooming.''

Susan and David see their daughter regaining some lost ground: social intuition, emotional responses, humor. ''It's like little areas of her brain are waking up,'' Susan says. ''She never has a harsh word for anyone, though she did think the Presidential campaign went on a little too long. The Thanksgiving before last, she asked David, 'When is this running-for-President thing going to be finished?' ''

CURE is run by parents. Susan has worked for more than a decade without pay, pushing back at the monster robbing Lauren of a normal life. ''Nothing can match the anguish of the mom of a chronically ill child,'' David says, ''but Susan turned that anguish into action. She's devoted her life to saving other kids and families from the pain Lauren and our family have known. What she's done is amazing.''

''Complete freedom from seizures—without side effects—is what we want,'' Susan says. ''It's too late for us, so we committed ourselves to the hope that we can protect future generations from having their lives defined and devastated by this disorder.''●

HONORING GROVER GUNDRILLING INC.

● Ms. SNOWE. Mr. President, this week marks the Consortium of Entrepreneurship Education's 3rd Annual National Entrepreneurship Week, a time to celebrate the history of American entrepreneurship and to highlight new and upcoming entrepreneurs and small business owners. As ranking member of the Senate Committee on Small Business and Entrepreneurship, I am all the more aware of the countless contributions entrepreneurs have made to the success of this Nation. In that vein, I rise today to recognize Grover Gundrilling Inc., a small business in my home State of Maine that brings a very unique and critical skill to the Northeast.

A second generation family-owned small business, Grover Gundrilling, or GGI, specializes in precision deephole drilling. With nearly 60 skilled employees, GGI has developed the capability to drill smooth, finished holes ranging from .045 of an inch to 2 inches in diameter, from 1 ounce to 6,000 pounds, at a depth of 1 inch to 10 feet in every material from Teflon to mold steels to exotic high-temperature alloys. Founded in 1983 by Rupert and Suzanne Grover, Grover Gundrilling now has three facilities in Oxford County, including a 40,000-square-foot manufacturing facility in the town of Norway. And as former teachers, the Grovers like to hire employees with no background as machinists, but with strong math and science skills, to train them in their own particular fashion.

Given its remarkable growth, considerable capacity, and small company size, GGI prides itself on being ''small enough to listen and large enough to handle production.'' Grover Gundrilling has become a critical supplier for industries as diverse as aerospace engineering and nuclear power, and its components are used in products as varied as medical devices and semiconductors.

To care for its staff, Grover Gundrilling generously provides its employees with full family medical coverage, flexible scheduling, and the company encourages its workers to pursue higher learning by offering educational reimbursement. And the company offers a multitude of incentives to stellar employees, including family snowmobiling trips and tickets to a variety of area events.

GGI is also dedicated to supporting its community in a variety of ways. The Grovers donate significant time and energy to the Oxford County Fair, a fun-filled annual tradition for the families of Oxford County and western Maine. They also created the Boxberry School, a nonprofit independent elementary school for K through sixth graders that combines multiage classes, individual attention, and an integrated art curriculum with the Maine Learning Results standards. The Grovers also volunteer in various capacities with the 4–H Club, Androscoggin Home Health, the Oxford Food Pantry, and Aspire Higher, and Suzanne Grover serves on the board of directors of the Growth Council.

Carving out a niche in the machine tool world, Grover Gundrilling has excelled as a leader in precision deephole drilling. It is entrepreneurs like Suzanne and Rupert Grover who are going to revitalize our economy, and I am proud to call them constituents. I wish Rupert and Suzanne Grover, as well as Garth, their son, and GGI's president, their daughter Jessica, and everyone at Grover Gundrilling Inc. a successful year.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

A message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 80. An act to amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, and for other purposes.

H.R. 637. An act to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, and for other purposes.

The message also announced that the House has passed the bill (S. 234) to designate the facility of the United States Postal Service located at 2105 East Cook Street in Springfield, Illinois, as the ''Colonel John H. Wilson, Jr. Post Office Building'', without amendment.

At 4:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1105. An act making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 637. An act to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 1105. An act making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

S. 478. A bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

S. 482. A bill to require Senate candidates to file designations, statements, and reports in electronic form.

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–802. A communication from the Director of Program Development and Regulatory Analysis, Rural Development Utilities Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Amending the Water and Waste Program Regulations'' (RIN0572–AC11) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–803. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Grapes Grown in a Designated Area of Southeastern California and Imported Table Grapes; Change in Regulatory Periods'' ((Docket No. AMS–FV–06–0184) (FV03–925–1 IFR)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–804. A communication from the Director, Financial Management and Assurance, Government Accountability Office, transmitting, pursuant to law, a report relative to certificated expenditures; to the Committee on Appropriations.

EC–805. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Critical Skills Retention Bonus program for military personnel; to the Committee on Armed Services.

EC–806. A communication from the Assistant Secretary of Defense (Homeland Defense and Americas' Security Affairs), transmitting, pursuant to law, a report relative to assistance provided by the Department to civilian sporting events during calendar year 2008; to the Committee on Armed Services.

EC–807. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–808. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–809. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Unfair or Deceptive Acts or Practices'' (RIN3133–AD47) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–810. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Solid Waste Rail Transfer Facilities'' (STB Ex Parte No. 684) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–811. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure'' (RIN0648–XM85) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–812. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XM81) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–813. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska'' (RIN0648–XM87) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–814. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska'' (RIN0648–XM88) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–815. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Participating in the Amendment 80 Limited Access Fishery in Bering Sea and Aleutian Islands Management Area'' (RIN0648–XM83) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–816. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries in the Western Pacific; American Samoa Pelagic Longline Limited Entry Program'' (RIN0648–XM69) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–817. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Santa Ana, California'' (MB Docket No. 08–250) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–818. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company Models 401, 401A, 401B, 402, 402A, and 402B Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0118)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–819. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200 and –300 Series Airplanes, and Airbus Model A340–200, –300, –500, and –600 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0122)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–820. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace; Altus AFB, OK'' ((Docket No. FAA–2009–0001)(Airspace Docket No. 09–ASW–2)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–821. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Learjet Model 55, 55B, and 55C Airplanes'' ((RIN2120-AA64)(Docket No. FAA-2009-0054)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–822. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca Turmo IV A and IV C Series Turboshaft Engines'' ((RIN2120-AA64)(Docket No. FAA-2006-25730)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–823. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce Corporation AE 3007A1E and AE 1107C Turbofan/Turboshaft Engines'' ((RIN2120-AA64)(Docket No. FAA-2008-0230)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–824. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt & Whitney PW4090 and PW4090-3 Turbofan Engines'' ((RIN2120-AA64)(Docket No. FAA-2007-29110)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–825. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Wytwornia Sprzetu Komunikacyjnego ''PZL-Rzeszow'' S.A. PZL-10W Turboshaft Engines'' ((RIN2120-AA64)(Docket No. FAA-2008-1068)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–826. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Update of August 2001 Overflight Fees'' (14 CFR Part 187) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–827. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace; Rockport, TX'' ((Docket No. FAA-2008-0988)(Airspace Docket No. 08-ASW-20)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–828. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Galena, AK'' ((Docket No. FAA-2008-0957)(Airspace Docket No. 08-AAL-27)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–829. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace; Branson, MO'' ((Docket No. FAA-2008-1102)(Airspace Docket No. 08-AGL-8)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–830. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Colored Federal Airways; Alaska'' ((Docket No. FAA-2008-0661)(Airspace Docket No. 08-AAL-19)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–831. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Tulsa, OK'' ((Docket No. FAA–2008–1231)(Airspace Docket No. 08–ASW–25)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–832. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Corpus Christi, TX'' ((Docket No. FAA–2008–0987)(Airspace Docket No. 08–ASW–19)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–833. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Atlantic, IA'' ((Docket No. FAA–2008–1105)(Airspace Docket No. 08–AGL–10)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. Res. 54. An original resolution authorizing expenditures by the Committee on Finance.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Navy nomination of Capt. Brian P. Monahan, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Michael A. Brown, to be Rear Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Brian D. Akins and ending with Jeffrey J. Wiegand, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 9, 2009.

Navy nominations beginning with Christopher M. Andrews and ending with Ezekiel J. Wetzel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 9, 2009.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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 Ms. STABENOW (for herself, Mr. SPECTER, Mr. LEVIN, and Mr. INOUYE):

S. 468. A bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. KOHL):

S. 469. A bill to amend chapter 83 of title 5, United States Code, to modify the computation for part-time service under the Civil Service Retirement System; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN (for himself and Ms. KLOBUCHAR):

S. 470. A bill to combat organized crime involving the illegal acquisition of retail goods for the purpose of selling those illegally obtained goods through physical and online retail marketplaces; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mrs. MURRAY, Mr. KENNEDY, Ms. MIKULSKI, Mr. DURBIN, and Mr. BINGAMAN):

S. 471. A bill to amend the Education Sciences Reform Act of 2002 to require the Statistics Commissioner to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER (for himself, Mr. SHELBY, and Mrs. HUTCHISON):

S. 472. A bill to provide for congressional approval of national monuments and restrictions on the use of national monuments; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself, Mr. WICKER, Mr. AKAKA, Mr. BAUCUS, Mr. BINGAMAN, Mr. BOND, Mr. CARDIN, Mr. COCHRAN, Mr. KENNEDY, Mr. LIEBERMAN, Mrs. LINCOLN, Mrs. MURRAY, Mr. REED, Mr. ROBERTS, Mr. SANDERS, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. LEVIN, Mr. REID, and Ms. STABENOW):

S. 473. A bill to establish the Senator Paul Simon Study Abroad Foundation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself and Mrs. MCCASKILL):

S. 474. A bill to amend the Congressional Accountability Act of 1995 to apply whistleblower protections available to certain executive branch employees to legislative branch employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BURR (for himself and Mrs. FEINSTEIN):

S. 475. A bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. BOXER (for herself and Mr. BOND):

S. 476. A bill to amend title 10, United States Code, to reduce the minimum distance of travel necessary for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care; to the Committee on Armed Services.

By Mr. NELSON of Florida:

S. 477. A bill to amend the Act entitled ''An Act authorizing associations of producers of aquatic products'' to include persons engaged in the fishery industry as charter boats or recreational fishermen, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DEMINT (for himself, Mr. ALEXANDER, Mr. BURR, Mr. CORNYN, Mr. ENZI, Mr. INHOFE, Mr. ROBERTS, Mr. WICKER, Mr. VITTER, Mr. COBURN, Mr. CORKER, Mr. MCCONNELL, Mr. BUNNING, Mr. THUNE, Mr. MCCAIN, Mr. BARRASSO, Mr. BROWNBACK, Mr. KYL, and Mr. SHELBY):

S. 478. A bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board; read the first time.

By Mr. CARDIN (for himself, Mr. WEBB, Mr. WARNER, Ms. MIKULSKI, Mr. CARPER, Mr. KAUFMAN, and Mr. CASEY):

S. 479. A bill to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network; to the Committee on Environment and Public Works.

By Mr. BROWN:

S. 480. A bill to establish the Office of Regional Economic Adjustment in the Department of Commerce, to assist regions affected by sudden and severe economic dislocation by coordinating Federal, State, and local resources for economic adjustment and by providing technical assistance, and for other purposes; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself and Mr. WHITEHOUSE):

S. 481. A bill to authorize additional Federal Bureau of Investigation field agents to investigate financial crimes; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mr. COCHRAN, Mr. SCHUMER, Mr. BENNETT, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. DURBIN, Mr. ALEXANDER, Mr. REID, Mr. LUGAR, Mr. LIEBERMAN, Mr. ISAKSON, Mr. DODD, Mr. GRASSLEY, Mr. LEAHY, Mr. LEVIN, Mr. KERRY, Mr. AKAKA, Mr. HARKIN, Mr. NELSON of Nebraska, Mr. REED, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. BROWN, and Mr. CARDIN):

S. 482. A bill to require Senate candidates to file designations, statements, and reports in electronic form; read the first time.

By Mr. DODD (for himself, Mr. LIEBERMAN, Mrs. BOXER, Mr. SCHUMER, Mrs. MCCASKILL, and Mr. BOND):

S. 483. A bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. DURBIN, Mr. KERRY, Mr. BROWN, Mr. CARDIN, Mrs. BOXER, Mrs. LINCOLN, Mr. WHITEHOUSE, Mr. NELSON of Florida, and Mr. MENENDEZ):

S. 484. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Finance.

By Ms. MURKOWSKI (for herself and Mr. BYRD):

S.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States relative to a seat in the House of Representatives for the District of Columbia; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAUCUS:

S. Res. 54. An original resolution authorizing expenditures by the Committee on Finance; from the Committee on Finance; to the Committee on Rules and Administration.

By Ms. SNOWE (for herself, Mrs. MURRAY, and Ms. MIKULSKI):

S. Res. 55. A resolution designating each of February 4, 2009, and February 3, 2010, as ''National Women and Girls in Sports Day''; to the Committee on the Judiciary.

By Mr. LUGAR:

S. Res. 56. A resolution urging the Government of Moldova to ensure a fair and democratic election process for the parliamentary elections on April 5, 2009; to the Committee on Foreign Relations.

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. ROCKEFELLER, Ms. MIKULSKI, and Mr. BINGAMAN):

S. Con. Res. 8. A concurrent resolution expressing support for Children's Dental Health Month and honoring the memory of Deamonte Driver; considered and agreed to.

ADDITIONAL COSPONSORS

S. 34

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 34, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S. 146

At the request of Mr. KOHL, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 146, a bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

S. 160

At the request of Mr. LIEBERMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 160, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 182

At the request of Mr. INOUYE, his name was added as a cosponsor of S. 182, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 277

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 277, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

S. 322

At the request of Mr. SCHUMER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 322, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 345

At the request of Mr. LUGAR, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 345, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2012, to rename the Tropical Forest Conservation Act of 1998 as the ''Tropical Forest and Coral Conservation Act of 2009'', and for other purposes.

S. 356

At the request of Mrs. BOXER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 356, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 371

At the request of Mr. THUNE, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 371, a bill to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State.

S. 388

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 388, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 414

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 414, a bill to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes.

S. 422

At the request of Ms. STABENOW, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 428

At the request of Mr. DORGAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. RES. 20

At the request of Mr. VOINOVICH, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. Res. 20, a resolution celebrating the 60th anniversary of the North Atlantic Treaty Organization.

S. RES. 53

At the request of Mrs. LINCOLN, the names of the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. BURRIS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Georgia (Mr. ISAKSON), the Senator from Michigan (Ms. STABENOW) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. Res. 53, a resolution authorizing a plaque commemorating the role of enslaved African Americans in the construction of the Capitol.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. VOINOVICH (for himself and Mr. KOHL):

S. 469. A bill to amend chapter 83 of title 5, United States Code, to modify

the computation for part-time service under the Civil Service Retirement System; to the Committee on Homeland Security and Governmental Affairs.

Mr. VOINOVICH. Mr. President, I am pleased to be joined by Senator KOHL in introducing legislation to assist many of our Nation's public servants who choose to work part-time for a portion of their Federal career. The legislation is timely given the increasing number of Federal employees eligible to retire and the need for agencies to retain an experienced workforce to carry out critical government functions.

Our legislation would change the computation of Civil Service Retirement System, CSRS, annuities involving part-time service by correcting an anomaly that is a disincentive for employees nearing the end of their careers who would like to phase into retirement by working part-time. Under current law, if an employee under the CSRS system with substantial full-time service before 1986 switches to a part-time schedule at the end of his or her career, the high-three average salary that is applied to service before 1986 is the pro-rated salary or, if higher, the full-time salary from the years before the employee began working part-time. This often results in a disproportionate reduction in the employee's benefit.

The legislation would clarify that CSRS annuities based in whole or in part on part-time service should be pro-rated for the period of service that was performed on a part-time basis. The correction will help agencies, as part of their succession planning efforts, in retaining the expertise of staff that elect to work on a part-time basis at the end of their Federal careers. It is my hope agencies will include this tool in their human capital plans to help facilitate the transfer of knowledge to the next generation of government leaders.

I urge my colleagues to support this legislation.

By Mr. DURBIN (for himself and Ms. KLOBUCHAR):

S. 470. A bill to combat organized crime involving the illegal acquisition of retail goods for the purpose of selling those illegally obtained goods through physical and online retail marketplaces; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise to speak about legislation that I am introducing today, the Combating Organized Retail Crime Act of 2009. This legislation takes important steps to confront the growing problem of organized criminal activity involving stolen and resold retail goods. This organized retail crime costs retailers billions of dollars per year and creates significant health and safety risks for consumers. My legislation will toughen criminal laws and put in place effective regulatory and information-sharing measures to help retailers, secondary marketplaces, and law enforcement agencies work together to stop this crime. I am pleased that my colleague Senator KLOBUCHAR is joining me in introducing this important legislation, and I look forward to working with her and all my colleagues to see it passed into law.

I recently became Chairman of the Senate Crime and Drugs Subcommittee and I hope to hold a hearing in the Subcommittee on the problem of organized retail crime and the Combating Organized Retail Crime Act. I also want to acknowledge that Congressman BOBBY SCOTT, the Chairman of the House Crime Subcommittee, and Congressman BRAD ELLSWORTH are each introducing bills to crack down on organized retail crime. I look forward to working with them and all of my colleagues to enact legislation that will address this growing problem in a comprehensive and effective manner.

Organized retail crime rings currently operate across the Nation and internationally. Their criminal activity begins with the coordinated theft of large amounts of items from retail stores with the intent to resell those items. The foot soldiers in these organized retail crime rings are professional shoplifters, called ''boosters,'' who steal from retail stores such items as over-the-counter drugs, baby formula, medical diagnostic tests, health and beauty aids, clothing, razor blades, and electronic devices. These boosters often use sophisticated means for evading retailer anti-theft safeguards, and occasionally dishonest retail employees are complicit in the theft. Each booster routinely steals thousands of dollars worth of items from multiple stores, and delivers the items to a ''fence,'' or a person who buys stolen products from boosters for a fee that is frequently paid in cash or drugs.

Today, organized retail crime rings often enlist numerous fences to deliver stolen retail goods to processing and storage warehouses operated by the rings. At these warehouse locations, teams of workers sort the stolen items, disable anti-theft tracking devices, and remove labels that identify the items with a particular retailer. In some instances, they alter items' expiration dates, replace labels with those of more expensive products, or dilute products and repackage the modified contents in seemingly-authentic packaging. Often, the conditions in which these stolen goods are transported, handled and stored are substandard, leading to the deterioration or contamination of the goods.

Organized retail crime rings typically resell their stolen merchandise in physical marketplaces, such as flea markets and swap-meets, or on Internet auction sites. Internet sites are particularly tempting avenues for these sales, since the Internet reaches a worldwide market and allows sellers to operate anonymously and maximize return.

Organized retail crime has a variety of harmful effects. Retailers and the FBI estimate that this crime costs retailers approximately $30 billion per year and deprives states of hundreds of millions of dollars in lost sales tax revenues. The proceeds of organized retail crime can be used to finance other forms of criminal behavior, including gang activity, drug trafficking and international terrorism. Further, organized retail crime often involves the resale of consumable goods like baby formula or medical diagnostic tests like diabetic strips, which can cause significant harm to consumers when stored improperly or sold past their expiration date.

Although the problem of organized retail crime predates the economic crisis facing our nation, the current recession has lent more urgency to the need to curb organized retail crime. In recent months theft and shoplifting from retailers has increased and retailers' revenues have decreased, thus enlarging the bite that organized retail crime has taken out of retailers' balance sheets. A December 2008 survey by the Retail Industry Leaders Association found that 80 percent of the retailers surveyed reported experiencing an increase in organized retail crime since the start of the current economic downturn. In a 2008 survey of loss prevention executives performed by the National Retail Federation, 85 percent of the 114 retailers surveyed indicated that their company had been a victim of organized retail crime in the past 12 months. Many law enforcement officials predict that organized retail crime will continue to increase during these troubled economic times.

After I introduced legislation on this subject last Congress, I listened to the views of stakeholders from law enforcement, the retail community, and the Internet marketplace community, and have made several revisions to my legislation in response to their suggestions. The legislation I am introducing today, the Combating Organized Retail Crime Act of 2009, would do the following:

First, it would toughen the criminal code's treatment of organized retail crime. It would refine certain offenses, such as the crimes of interstate transport and sale of stolen goods, to capture conduct that is being committed by individuals engaged in organized retail crime. It would also require the U.S. Sentencing Commission to consider relevant sentencing guideline enhancements.

Second, the bill would establish a reporting system through which evidence of organized retail crime can be effectively shared between the victimized retailers, the marketplaces where items are being resold, and the Justice Department. The bill would create a form that retailers could use to describe suspected illegal sales activity involving goods that were stolen from that retailer. The retailer would sign and submit this form to both the Justice Department and to the operator of a physical or online marketplace where

the stolen goods are suspected of being offered for resale. Upon receiving the form, the marketplace operator would be required to conduct an account review of the suspected sellers and provide the results of that account review to the Justice Department. This reporting system would ensure that the Justice Department receives information from both retailers and marketplaces in order to piece together organized retail crime investigations and prosecutions.

Third, the bill would require that when a marketplace operator is presented with clear and convincing evidence that a seller on that marketplace is selling stolen goods, the operator must terminate that seller's activities unless the seller can produce exculpatory evidence. The bill would also require that when a marketplace operator is presented with evidence of criminal activity involving a seller who offers consumable goods or medical diagnostic tests on that marketplace, the operator must immediately suspend the ability of that seller to sell such goods because of the potentially imminent danger to public safety.

Additionally, the bill would require high-volume sellers on Internet marketplace sites to provide a physical address to the marketplace operator. This address would be shared with the Justice Department and with retailers who attest and provide evidence that the high-volume seller is suspected of reselling goods stolen from that retailer. This address-sharing regime will permit appropriate inquiries to determine whether high-volume Internet sellers are legitimate operations, and is similar to address-sharing regimes that permit inquiries into possible copyright violations by online sellers.

In sum, the Combating Organized Retail Crime Act of 2009 is targeted legislation that aims to deter organized retail crime and facilitate the identification and prosecution of those who participate in it. The bill heightens the penalties for organized retail crime, shuts down criminals who are selling stolen goods, and places valuable information about illegal activity into the hands of law enforcement. This legislation has broad support in the retail industry in my home state of Illinois and nationwide. It is supported by the Illinois Retail Merchants Association, the National Retail Federation, the Retail Industry Leaders Association, the Food Marketing Institute, the National Association of Chain Drug Stores, and the Coalition to Stop Organized Retail Crime, whose members include such retail chains as Walgreens, Home Depot, Target, Wal-Mart, Safeway, and Macy's.

Organized retail crime is a growing problem nationwide. There is a pressing need to address it, particularly in light of the weakening economy and the risks such crime creates for unknowing consumers. I urge my colleagues to support this legislation so we can effectively combat this crime.

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. 470

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 ''Combating Organized Retail Crime Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Organized retail crime involves the coordinated acquisition of large volumes of retail merchandise by theft, embezzlement, fraud, false pretenses, or other illegal means from commercial entities engaged in interstate commerce, for the purpose of selling or distributing such illegally obtained items in the stream of commerce. Organized retail crime is a growing problem nationwide that costs American companies and consumers billions of dollars annually and that has a substantial and direct effect upon interstate commerce.

(2) The illegal acquisition and black-market sale of merchandise by persons engaged in organized retail crime result in an estimated annual loss of hundreds of millions of dollars in sales and income tax revenues to State and local governments.

(3) The illegal acquisition, unsafe tampering and storage, and unregulated redistribution of consumer products such as baby formula, over-the-counter drugs, medical diagnostic tests, and other items by persons engaged in organized retail crime pose a health and safety hazard to consumers nationwide.

(4) Investigations into organized retail crime have revealed that the illegal income resulting from such crime often benefits persons and organizations engaged in other forms of criminal activity, such as drug trafficking and gang activity.

(5) Items obtained through organized retail crime are resold in a variety of different marketplaces, including flea markets, swap meets, open-air markets, and Internet auction websites. Increasingly, persons engaged in organized retail crime use Internet auction websites to resell illegally obtained items. The Internet offers such sellers a worldwide market and a degree of anonymity that physical marketplace settings do not offer.

SEC. 3. OFFENSES RELATED TO ORGANIZED RETAIL CRIME.

(a) TRANSPORTATION OF STOLEN GOODS.—The first undesignated paragraph of section 2314 of title 18, United States Code, is amended by inserting after ''more,'' the following: ''or, during any 12-month period, of an aggregate value of $5,000 or more during that period,''.

(b) SALE OR RECEIPT OF STOLEN GOODS.—The first undesignated paragraph of section 2315 of title 18, United States Code, is amended by inserting after ''$5,000 or more,'' the following: ''or, during any 12-month period, of an aggregate value of $5,000 or more during that period,''.

(c) FRAUD IN CONNECTION WITH ACCESS DEVICES.—Section 1029(e)(1) of title 18, United States Code, is amended by inserting ''Universal Product Code label or similar product code label, gift card, stock keeping unit number, radio-frequency identification tag, electronic article surveillance tag,'' after ''code,''.

(d) REVIEW AND AMENDMENT OF FEDERAL SENTENCING GUIDELINES FOR OFFENSES RELATED TO ORGANIZED RETAIL CRIME.—

(1) REVIEW AND AMENDMENT.—

(A) IN GENERAL.—The United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, shall review and, if appropriate, amend the Federal sentencing guidelines (including its policy statements) applicable to persons convicted of offenses involving organized retail crime, which is the coordinated acquisition of large volumes of retail merchandise by theft, embezzlement, fraud, false pretenses, or other illegal means from commercial entities engaged in interstate commerce for the purpose of selling or distributing the illegally obtained items in the stream of commerce.

(B) OFFENSES.—Offenses referred to in subparagraph (A) may include offenses contained in—

(i) sections 1029, 2314, and 2315 of title 18, United States Code; and

(ii) any other relevant provision of the United States Code.

(2) REQUIREMENTS.—In carrying out the requirements of this subsection, the United States Sentencing Commission shall—

(A) ensure that the Federal sentencing guidelines (including its policy statements) reflect—

(i) the serious nature and magnitude of organized retail crime; and

(ii) the need to deter, prevent, and punish offenses involving organized retail crime;

(B) consider the extent to which the Federal sentencing guidelines (including its policy statements) adequately address offenses involving organized retail crime to sufficiently deter and punish such offenses;

(C) maintain reasonable consistency with other relevant directives and sentencing guidelines;

(D) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges; and

(E) consider whether to provide a sentencing enhancement for those convicted of conduct involving organized retail crime, where the conduct involves—

(i) a threat to public health and safety, including alteration of an expiration date or of product ingredients;

(ii) theft, conversion, alteration, or removal of a product label;

(iii) a second or subsequent offense; or

(iv) the use of advanced technology to acquire retail merchandise by means of theft, embezzlement, fraud, false pretenses, or other illegal means.

SEC. 4. SALES OF ILLEGALLY OBTAINED ITEMS IN PHYSICAL OR ONLINE RETAIL MARKETPLACES.

(a) IN GENERAL.—Chapter 113 of title 18, United States Code, is amended by adding at the end the following:

''§ 2324. Physical and online retail marketplaces

''(a) DEFINITIONS.—As used in this section, the following definitions shall apply:

''(1) HIGH VOLUME SELLER.—The term 'high volume seller' means a user of an online retail marketplace who, in any continuous 12-month period during the previous 24 months, has entered into—

''(A) multiple discrete sales or transactions resulting in the accumulation of an aggregate total of $12,000 or more in gross revenues; or

''(B) 200 or more discrete sales or transactions resulting in the accumulation of an aggregate total of $5,000 or more in gross revenues.

''(2) INTERNET SITE.—The term 'Internet site' means a location on the Internet that is accessible at a specific Internet domain name or address under the Internet Protocol

(or any successor protocol), or that is identified by a uniform resource locator.

''(3) ONLINE RETAIL MARKETPLACE.—The term 'online retail marketplace' means an Internet site where users other than the operator of the Internet site can enter into transactions with each other for the sale or distribution of goods or services, and in which—

''(A) the goods or services are promoted through inclusion in search results displayed within the Internet site;

''(B) the operator of the Internet site—

''(i) has the contractual right to supervise the activities of users with respect to the goods or services; or

''(ii) has a financial interest in the sale of the goods or services; and

''(C) in any continuous 12-month period during the previous 24 months, users other than the operator of the Internet site collectively have entered into not fewer than 1,000 discrete transactions for the sale of goods or services.

''(4) OPERATOR OF AN ONLINE RETAIL MARKETPLACE.—The term 'operator of an online retail marketplace' means a person or entity that—

''(A) operates or controls an online retail marketplace; and

''(B) makes the online retail marketplace available for users to enter into transactions with each other on that marketplace for the sale or distribution of goods or services.

''(5) OPERATOR OF A PHYSICAL RETAIL MARKETPLACE.—The term 'operator of a physical retail marketplace' means a person or entity that rents or otherwise makes available a physical retail marketplace to transient vendors to conduct business for the sale of goods, or services related to the goods.

''(6) PHYSICAL RETAIL MARKETPLACE.—The term 'physical retail marketplace'—

''(A) may include a flea market, indoor or outdoor swap meet, open air market, or other similar environment;

''(B) means a venue or event—

''(i) in which physical space is made available not more than 4 days per week by an operator of a physical retail marketplace as a temporary place of business for transient vendors to conduct business for the sale of goods, or services related to the goods; and

''(ii) in which in any continuous 12-month period during the preceding 24 months, there have been 10 or more days on which 5 or more transient vendors have conducted business at the venue or event; and

''(C) does not mean and shall not apply to an event which is organized and conducted for the exclusive benefit of any community chest, fund, foundation, association, or corporation organized and operated for religious, educational, or charitable purposes, provided that no part of any admission fee or parking fee charged vendors or prospective purchasers, and no part of the gross receipts or net earnings from the sale or exchange of goods or services, whether in the form of a percentage of the receipts or earnings, salary, or otherwise, inures to the benefit of any private shareholder or person participating in the organization or conduct of the event.

''(7) STRUCTURING.—The term 'structuring' means to knowingly conduct, or attempt to conduct, alone, or in conjunction with or on behalf of 1 or more other persons, 1 or more transactions in currency, in any amount, in any manner, with the purpose of evading categorization as a physical retail marketplace, an online retail marketplace, or a high volume seller.

''(8) TEMPORARY PLACE OF BUSINESS.—The term 'temporary place of business' means any physical space made open to the public, including but not limited to a building, part of a building, tent or vacant lot, which is temporarily occupied by 1 or more persons or entities for the purpose of making sales of goods, or services related to those goods, to the public. A place of business is not temporary with respect to a person or entity if that person or entity conducts business at the place and stores unsold goods there when it is not open for business.

''(9) TRANSIENT VENDOR.—The term 'transient vendor' means any person or entity that, in the usual course of business, transports inventory, stocks of goods, or similar tangible personal property to a temporary place of business for the purpose of entering into transactions for the sale of the property.

''(10) USER.—The term 'user' means a person or entity that accesses an online retail marketplace for the purpose of entering into transactions for the sale or distribution of goods or services.

''(11) VALID PHYSICAL POSTAL ADDRESS.—The term 'valid physical postal address' means—

''(A) a current street address, including the city, State, and zip code;

''(B) a Post Office box that has been registered with the United States Postal Service; or

''(C) a private mailbox that has been registered with a commercial mail receiving agency that is established pursuant to United States Postal Service regulations.

''(b) SAFEGUARDS AGAINST SALES OF ILLEGALLY OBTAINED ITEMS.—

''(1) SUSPECTED ILLEGAL SALES ACTIVITY FORMS.—

''(A) REGULATIONS.—The Attorney General shall promulgate regulations—

''(i) establishing a form, called a 'suspected illegal sales activity form', through which an authorized person may present evidence showing that a transient vendor of a physical retail marketplace, a user of an online retail marketplace, or a director, officer, employee, or agent of the transient vendor or user, has used or is using a physical retail marketplace or an online retail marketplace to sell or distribute items that were stolen, embezzled, or obtained by fraud, false pretenses, or other illegal means from the authorized person, or has engaged in or is engaging in structuring;

''(ii) requiring that an authorized person who submits a suspected illegal sales activity form shall, in a manner to be specified by the Attorney General—

''(I) refer in the form to 1 or more specific items, individuals, entities or transactions allegedly involved in theft, embezzlement, fraud, false pretenses, structuring, or other illegal activity;

''(II) refer in the form to 1 or more alleged violations of Federal law;

''(III) provide along with the form documentary evidence supporting the allegations of illegal activity, which may include—

''(aa) video recordings;

''(bb) audio recordings;

''(cc) sworn affidavits;

''(dd) financial, accounting, business, or sales records;

''(ee) records or transcripts of phone conversations;

''(ff) documents that have been filed in a Federal or State court proceeding; and

''(gg) signed reports to or from a law enforcement agency; and

''(IV) sign the form;

''(iii) providing that an authorized person who completes a suspected illegal sales activity form may submit the form and accompanying documentary evidence to the operator of a physical retail marketplace or the operator of an online retail marketplace, and that if the authorized person submits the form to the operator, the authorized person shall submit the form and documentary evidence to the Attorney General; and

''(iv) ensuring that a suspected illegal sales activity form and accompanying documentary evidence are able to be submitted by an authorized person to the operator of a physical retail marketplace or online retail marketplace and to the Attorney General by mail and by electronic means.

''(B) AUTHORIZED PERSONS.—

''(i) IN GENERAL.—For purposes of this section, an authorized person is a person who—

''(I) offers goods or services for sale to the public as part of a business operation;

''(II) has submitted to the Attorney General in writing, on a form that shall be promulgated by the Attorney General and made available on the Internet, a request to serve as an authorized person; and

''(III) has been approved by the Attorney General to serve as an authorized person.

''(ii) APPROVAL.—The Attorney General shall approve a request by a person to serve as an authorized person if the person offers goods or services for sale to the public as part of a business operation. An approval under this clause shall remain in effect unless the authorized person requests that the Attorney General terminate the approval.

''(iii) FEES.—The Attorney General may charge a processing fee to a person solely to cover the cost of processing the approval of the person as an authorized person.

''(iv) AGENTS.—An individual who serves as an officer, employee, or agent for a person who offers goods or services for sale to the public as part of a business operation may serve as an authorized person on behalf of that person.

''(v) LIST.—The Attorney General shall maintain a list of authorized persons, which shall be made available to the public upon request.

''(C) AVAILABILITY OF FORMS.—The Attorney General shall make suspected illegal sales activity forms available on the Internet to authorized persons.

''(2) DUTIES OF OPERATORS OF PHYSICAL RETAIL MARKETPLACES AND ONLINE RETAIL MARKETPLACES TO CONDUCT ACCOUNT REVIEWS AND FILE SUSPICIOUS ACTIVITY REPORTS; CONSUMABLE GOODS.—If an operator of a physical or online retail marketplace is presented with a suspected illegal sales activity form and accompanying documentary evidence from an authorized person showing that a transient vendor of the physical retail marketplace, a user of the online retail marketplace, or a director, officer, employee, or agent of the transient vendor or user, has used or is using the retail marketplace to sell or distribute items that were stolen, embezzled, or obtained by fraud, false pretenses or other illegal means, or has engaged in or is engaging in structuring, the operator shall—

''(A)(i) not later than 30 days after receiving the form—

''(I) conduct a review of the account of the transient vendor or user for evidence of illegal activity; and

''(II) file a suspicious activity report with the Attorney General of the United States; and

''(ii) not later than 24 hours after filing the report described in clause (i)(II), notify the authorized person who submitted the suspected illegal sales activity form that the operator filed the report; and

''(B) with regard to any items referred to in the suspected illegal sales activity form that are consumable or that are medical diagnostic tests, immediately suspend the ability of any transient vendor or user who is referred to in the form as selling or distributing the items to conduct transactions involving the items, and notify the Attorney

General of such action in the suspicious activity report.

''(3) DUTIES OF OPERATORS OF PHYSICAL RETAIL MARKETPLACES AND ONLINE RETAIL MARKETPLACES TO TERMINATE SALES ACTIVITY.—

''(A) IN GENERAL.—If an operator of a physical retail marketplace or an online retail marketplace is presented with a suspected illegal sales activity form and accompanying documentary evidence from an authorized person, the operator shall determine, based on the form, the documentary evidence, and the account review conducted by the operator, whether there is clear and convincing evidence that the transient vendor of the physical retail marketplace, a user of the online retail marketplace, or a director, officer, employee, or agent of the transient vendor or user, has used or is using the retail marketplace to sell or distribute items that were stolen, embezzled, or obtained by fraud, false pretenses, or other illegal means, or has engaged in or is engaging in structuring. The operator shall describe the determination of the operator under this subparagraph in the suspicious activity report.

''(B) ACTIONS.—If the operator of a physical retail marketplace or an online retail marketplace determines that there is clear and convincing evidence of an activity described in subparagraph (A), the operator shall, not later than 5 days after submitting the suspicious activity report to the Attorney General pursuant to paragraph (2), either—

''(i) terminate the ability of the transient vendor to conduct business at the physical retail marketplace or terminate the ability of the user to conduct transactions on the online retail marketplace, and notify the Attorney General of such action; or

''(ii)(I) request that the transient vendor or user present documentary evidence that the operator reasonably determines to be clear and convincing showing that the transient vendor or user has not used the retail marketplace to sell or distribute items that were stolen, embezzled, or obtained by fraud, false pretenses, or other illegal means, or has not engaged in or is not engaging in structuring; and

''(II)(aa) if the transient vendor or user fails to present the information within 30 days of the request, terminate the ability of the transient vendor to conduct business at the physical retail marketplace or terminate the ability of the user to conduct transactions on the online retail marketplace, and notify the Attorney General of such action; or

''(bb) if the transient vendor or user presents the information within 30 days, then the operator shall report the information to the Attorney General and notify the transient vendor or user that the operator will not terminate the activities of the transient vendor or user.

''(C) ATTORNEY GENERAL AUTHORIZATION.—The Attorney General or a designee may, with respect to the timing of the operator's actions pursuant to this paragraph, direct the operator in writing and for good cause to delay such action.

''(4) RETENTION OF RECORDS.—

''(A) RETAIL MARKETPLACES.—Each operator of a physical retail marketplace and each operator of an online retail marketplace shall maintain—

''(i) a record of all suspected illegal sales activity forms and accompanying documentary evidence presented to it pursuant to this subsection for 3 years from the date the operator received the form and evidence;

''(ii) a record of the results of all account reviews conducted pursuant to this subsection, and any supporting documentation, for 3 years from the date of the review; and

''(iii) a copy of any suspicious activity report filed with the Attorney General pursuant to this subsection, and the original supporting documentation concerning any report that it files, for 3 years from the date of the filing.

''(B) ONLINE RETAIL MARKETPLACE.—Each operator of an online retail marketplace shall maintain, for 3 years after the date a user becomes a high volume seller, the name, telephone number, e-mail address, valid physical postal address, and any other identification information that the operator receives about the high volume seller.

''(5) CONFIDENTIALITY OF REPORTS.—No operator of a physical retail marketplace or online retail marketplace, and no director, officer, employee or agent of the operator, may notify any individual or entity that is the subject of a suspicious activity report or of an account review under paragraph (2) of the fact that the operator filed the report or performed the account review, or of any information contained in the report or account review.

''(6) HIGH VOLUME SELLERS.—

''(A) VALID POSTAL ADDRESS.—An operator of an online retail marketplace shall require each high volume seller to provide the operator with a valid physical postal address.

''(B) FAILURE TO PROVIDE.—

''(i) IN GENERAL.—If a high volume seller has failed to provide a valid physical postal address as required in this paragraph, the operator of the online retail marketplace shall, not later than 5 days after the failure to provide the address, notify the user of its duty to provide a valid physical postal address.

''(ii) CONTINUED FAILURE.—If a high volume seller has failed to provide a valid physical postal address 15 days after the date on which the operator of an online retail marketplace provides notice under clause (i), the operator shall—

''(I) terminate the ability of the user to conduct transactions on marketplace; and

''(II) not later than 15 days after that date, file a suspicious activity report with the Attorney General of the United States.

''(C) POSTAL ADDRESS.—If an authorized person submits to the operator of a physical retail marketplace or online retail marketplace a suspected illegal sales activity form that alleges illegal activity on the part of a specific transient vendor or user that is a high volume seller, the operator shall, not later than 15 days after receiving the form, provide the valid physical postal address of the high volume seller to the authorized person.

''(7) CONTENTS OF SUSPICIOUS ACTIVITY REPORTS.—The Attorney General shall promulgate regulations establishing a suspicious activity report form. Such regulations shall require that a suspicious activity report submitted by an operator to the Attorney General pursuant to paragraph (2) or (6) shall contain, in a form to be determined by the Attorney General, the following information:

''(A) The name, address, telephone number, and e-mail address of the individual or entity that is the subject of the report, to the extent known.

''(B) Any other information that is in the possession of the operator filing the report regarding the identification of the individual or entity that is the subject of the report.

''(C) A copy of the suspected illegal sales activity form and documentary evidence that led to the filing of a report pursuant to paragraph (2).

''(D) A detailed description of the results of an account review conducted pursuant to paragraph (2).

''(E) A statement of the determination the operator made pursuant to paragraph (3)(A).

''(F) If the suspicious activity report is filed pursuant to paragraph (6), a summary of the events that led the operator to terminate the ability of the user to conduct transactions on marketplace.

''(G) The signature of the operator.

''(H) Such other information as the Attorney General may by regulation prescribe.

''(c) VOLUNTARY REPORTS.—Nothing in this section prevents an operator of a physical retail marketplace or online retail marketplace from voluntarily reporting to a Federal, State, or local government agency any suspicious activity that the operator believes is relevant to the possible violation of any law or regulation, provided that the operator also complies with the requirements of this section.

''(d) STRUCTURING.—No individual or entity shall engage in structuring as defined in this section.

''(e) ENFORCEMENT BY ATTORNEY GENERAL.—

''(1) IN GENERAL.—Any individual or entity who knowingly commits a violation of, or knowingly fails to comply with, the requirements specified in paragraph (2), (3), (4), (5), or (6) of subsection (b) or subsection (d) shall be liable to the United States Government for a civil penalty of not more than $10,000 per violation.

''(2) FALSE STATEMENTS.—

''(A) SUSPECTED ILLEGAL SALES ACTIVITY FORMS.—Any person who knowingly and willfully makes any material false or fictitious statement or representation on a suspected illegal sales activity form or accompanying documentary evidence may, upon conviction thereof, be subject to liability under section 1001.

''(B) SUSPICIOUS ACTIVITY REPORT.—Any person who knowingly and willfully makes any material false or fictitious statement or representation in any suspicious activity report required under subsection (b) may, upon conviction thereof, be subject to liability under section 1001.

''(f) ENFORCEMENT BY STATES.—

''(1) CIVIL ACTION.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by any person or entity who has committed or is committing a violation of this section, the attorney general, official, or agency of the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction—

''(A) to enjoin further violation of this section by the defendant;

''(B) to obtain damages on behalf of the residents of the State in an amount equal to the actual monetary loss suffered by such residents; or

''(C) to impose civil penalties in the amounts specified in subsection (e).

''(2) WRITTEN NOTICE.—

''(A) IN GENERAL.—The State shall serve prior written notice of any civil action under paragraph (1) upon the Attorney General of the United States, including a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action.

''(B) ATTORNEY GENERAL ACTION.—Upon receiving a notice respecting a civil action under subparagraph (A), the Attorney General of the United States shall have the right—

''(i) to intervene in such action;

''(ii) upon so intervening, to be heard on all matters arising therein; and

''(iii) to file petitions for appeal.

''(3) STATE POWERS PRESERVED.—For purposes of bringing any civil action under this

subsection, nothing in this chapter shall prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of the State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

''(4) PENDING FEDERAL ACTION.—Whenever a civil action has been instituted by the Attorney General of the United States for violation of any rule prescribed under subsection (e), no State may, during the pendency of such action instituted by the Attorney General of the United States, institute a civil action under this subsection against any defendant named in the complaint in such action for any violation alleged in the complaint.

''(5) JURISDICTION.—

''(A) IN GENERAL.—Any civil action brought under this subsection in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28.

''(B) PROCESS.—Process in an action under this subsection may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

''(g) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be interpreted to authorize a private right of action for a violation of any provision of this section, or a private right of action under any other provision of Federal or State law to enforce a violation of this section.''.

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 113 of title 18, United States Code, is amended by inserting after the item relating to section 2323 the following:

''Sec. 2324. Physical and online retail marketplaces.''.

SEC. 5. NO PREEMPTION OF STATE LAW.

No provision of this Act, including any amendment made by this Act, shall be construed as indicating an intent on the part of Congress to occupy the field in which that provision or amendment operates, including criminal penalties, to the exclusion of any State law on the same subject matter that would otherwise be within the authority of the State, unless there is a positive conflict between that provision or amendment and that State law so that the 2 cannot consistently stand together.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act take effect 120 days after the date of enactment of this Act.

By Ms. SNOWE (for herself, Mrs. MURRAY, Mr. KENNEDY, Ms. MIKULSKI, Mr. DURBIN, and Mr. BINGAMAN):

S. 471. A bill to amend the Education Sciences Reform Act of 2002 to require the Statistics Commissioner to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise to introduce the High School Sports Information Collection Act. I am pleased to be joined again this year by my colleague from Washington, Senator MURRAY. Since the 108th Congress, we have introduced this bill to require that high schools, like their collegiate counterparts, disclose data on equity in sports, making it possible for student athletes and their parents to ensure fairness in their school's athletic programs.

Since my first day in Washington in 1979, I have been a stalwart supporter of Title IX. And there should be no mistake what this 37-year-old landmark civil rights law is all about—equal opportunity for both girls and boys to excel in athletics. Obviously, athletic participation supports physical health, but sports also impart benefits beyond the playing field. For girls who engage in sports, half are less likely to suffer depression and breast cancer, 80 percent are less likely to have a drug problem, and 92 percent are less likely to have an unwanted pregnancy. Athletic competition helps cultivate the kind of positive, competitive spirit that develops dedication, self-confidence, a sense of team spirit, and ultimate success later in life. So it's not surprising that, according to several studies, more than eight out of ten successful businesswomen played organized sports while growing up!

Without question, Title IX has been the driving factor in allowing thousands of women and girls the opportunity to benefit from intercollegiate and high school sports. Indeed, prior to Title IX, only 1 in 27 high school girls—fewer than 300,000—played sports. Today, the number is more than 2.9 million, that's an increase of over 900 percent! Moreover, our country is celebrating the achievements of our women athletes now more than ever. Just a few weeks ago, tennis player Serena Williams became the all-time prize-money leader in women's sports by reaching both the doubles and singles finals in the Australian Open—not to mention that she won both titles! I am particularly pleased that Ms. Williams expressed appreciation for Title IX, proving how impactful this policy has been in giving her, and many other women, the opportunity to play sports.

So while we celebrate this remarkable progress, we cannot allow ourselves a ''time-out'' or rest on past success. That is why I am pleased to work with Senator PATTY MURRAY—who has been a tireless advocate for women's sports—to reintroduce the High School Sports Data Collection Act of 2007. Our bill directs the Commissioner of the National Center for Education Statistics to collect information regarding participation in athletics broken down by gender; teams; race and ethnicity; and overall expenditures, including items like travel expenses, equipment and uniforms. These data are already reported, in most cases, to the state Departments of Education and should not pose any additional burden on the high schools. Further, to ensure public access to this vital information, our legislation would require high schools to post the data on the Department of Education's website and make this information available to students and the public upon request.

For nearly 40 years, Title IX has opened doors by giving women and girls an equal opportunity to participate in student athletic programs. This bill will continue that tradition by allowing us to assess current opportunities for sports participation for young women, and correct any deficiencies. With this new information, we can ensure that young women all over the country have the chance not only to improve their athletic ability, but also to develop the qualities of teamwork, discipline, and self-confidence that lead to success off the playing field.

By Mr. DURBIN (for himself, Mr. WICKER, Mr. AKAKA, Mr. BAUCUS, Mr. BINGAMAN, Mr. BOND, Mr. CARDIN, Mr. COCHRAN, Mr. KENNEDY, Mr. LIEBERMAN, Mrs. LINCOLN, Mrs. MURRAY, Mr. REED, Mr. ROBERTS, Mr. SANDERS, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. LEVIN, Mr. REID, and Ms. STABENOW):

S. 473. A bill to establish the Senator Paul Simon Study Abroad Foundation; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I rise today to reintroduce the Senator Paul Simon Study Abroad Foundation Act.

This year marks the 200th anniversary of Abraham Lincoln's birth. We will spend this bicentennial year reflecting on Lincoln's legacy, a legacy that extends far beyond the Civil War. President Lincoln strove to democratize higher education. He enacted the Morrill Act, establishing public land grant universities and opening the doors to a college education to more Americans.

As we recognize Lincoln's legacy this year, we can again transform higher education. Today with Senator WICKER I am introducing the Senator Paul Simon Study Abroad Foundation Act, which has the potential to equip a new generation of Americans with the skills to live in a globalized world.

The bill is named after the late Senator Paul Simon, a man whose passion for the public good remains an inspiration to all who knew him. Shortly before his death in late 2003, Senator Simon came back to Washington to talk to his former colleagues about the need to strengthen American security. He wondered how the United States could lead the world to stability, peace, and harmony when so many Americans are ignorant of the world. He envisioned a United States populated by a generation of Americans with greater international understanding—an understanding arrived at not by just studying the world, but by living in it. He believed this study abroad initiative would be as transformative as Lincoln's work to expand access to college.

Paul's tireless efforts led to Congress' establishment of the Abraham Lincoln Study Abroad Commission. I was honored to serve on this bipartisan Lincoln Commission, and it was a privilege for me to introduce legislation in the past two Congresses to

bring Paul Simon's dream closer to reality. The bill is based on the Commission's recommendations for a study abroad program for undergraduate students that will help build global awareness and international understanding. In the last Congress, this bill was supported by 50 bipartisan cosponsors.

The Senator Paul Simon Study Abroad Foundation Act has big goals. It declares our intention to send one million students abroad per year within the next decade. More of those students will study in the developing world and the students we send will be more diverse in terms of race, socioeconomic background, and field of study. To accomplish these goals, a small public-private entity, the Senator Paul Simon Foundation, will award grants to students and institutions of higher education. The goal of the program is to make study abroad in high-quality programs in diverse locations around the world more common for all college students. Grants to colleges and universities will be used to encourage tearing down institutional barriers to study abroad. By leveraging change at the institution level, the Foundation will create opportunities for countless students—far more than possible through direct student grants alone.

Expanding study abroad should be a national priority. The future of the country depends on globally literate citizens who are at ease in the world. In his troubled time, Lincoln said, ''The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew, and act anew.'' Today, our Nation also faces an occasion piled high with difficulty. By passing the Senator Paul Simon Study Abroad Foundation Act, we will send the next generation of Americans out into the world with open minds and they will come back able to think anew and act anew. I ask my colleagues to join Senator WICKER and me in support of this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 473

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 ''Senator Paul Simon Study Abroad Foundation Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to former President George W. Bush, ''America's leadership and national security rest on our commitment to educate and prepare our youth for active engagement in the international community.''.

(2) According to former President William J. Clinton, ''Today, the defense of United States interests, the effective management of global issues, and even an understanding of our Nation's diversity require ever-greater contact with, and understanding of, people and cultures beyond our borders.''.

(3) Congress authorized the establishment of the Commission on the Abraham Lincoln Study Abroad Fellowship Program pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108–199). Pursuant to its mandate, the Lincoln Commission has submitted to Congress and the President a report of its recommendations for greatly expanding the opportunity for students at institutions of higher education in the United States to study abroad, with special emphasis on studying in developing nations.

(4) According to the Lincoln Commission, ''[s]tudy abroad is one of the major means of producing foreign language speakers and enhancing foreign language learning'' and, for that reason, ''is simply essential to the [N]ation's security''.

(5) Studies consistently show that United States students score below their counterparts in other advanced countries on indicators of international knowledge. This lack of global literacy is a national liability in an age of global trade and business, global interdependence, and global terror.

(6) Americans believe that it is important for their children to learn other languages, study abroad, attend a college where they can interact with international students, learn about other countries and cultures, and generally be prepared for the global age.

(7) In today's world, it is more important than ever for the United States to be a responsible, constructive leader that other countries are willing to follow. Such leadership cannot be sustained without an informed citizenry with significant knowledge and awareness of the world.

(8) Study abroad has proven to be a very effective means of imparting international and foreign-language competency to students.

(9) In any given year, only approximately one percent of all students enrolled in United States institutions of higher education study abroad.

(10) Less than 10 percent of the students who graduate from United States institutions of higher education with bachelors degrees have studied abroad.

(11) Far more study abroad must take place in developing countries. Ninety-five percent of the world's population growth over the next 50 years will occur outside of Europe. Yet in the academic year 2004–2005, 60 percent of United States students studying abroad studied in Europe, and 45 percent studied in four countries—the United Kingdom, Italy, Spain, and France—according to the Institute of International Education.

(12) The Final Report of the National Commission on Terrorist Attacks Upon the United States (The 9/11 Commission Report) recommended that the United States increase support for ''scholarship, exchange, and library programs''. The 9/11 Public Discourse Project, successor to the 9/11 Commission, noted in its November 14, 2005, status report that this recommendation was ''unfulfilled,'' and stated that ''[t]he U.S. should increase support for scholarship and exchange programs, our most powerful tool to shape attitudes over the course of a generation.''. In its December 5, 2005, Final Report on the 9/11 Commission Recommendations, the 9/11 Public Discourse Project gave the government a grade of ''D'' for its implementation of this recommendation.

(13) Investing in a national study abroad program would help turn a grade of ''D'' into an ''A'' by equipping United States students to communicate United States values and way of life through the unique dialogue that takes place among citizens from around the world when individuals study abroad.

(14) An enhanced national study abroad program could help further the goals of other United States Government initiatives to promote educational, social, and political reform and the status of women in developing and reforming societies around the world, such as the Middle East Partnership Initiative.

(15) To complement such worthwhile Federal programs and initiatives as the Benjamin A. Gilman International Scholarship Program, the National Security Education Program, and the National Security Language Initiative, a broad-based undergraduate study abroad program is needed that will make many more study abroad opportunities accessible to all undergraduate students, regardless of their field of study, ethnicity, socio-economic status, or gender.

(16) To restore America's standing in the world, President Barack Obama has said that he will call on our nation's greatest resource, our people, to reach out to and engage with other nations.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to significantly enhance the global competitiveness and international knowledge base of the United States by ensuring that more United States students have the opportunity to acquire foreign language skills and international knowledge through significantly expanded study abroad;

(2) to enhance the foreign policy capacity of the United States by significantly expanding and diversifying the talent pool of individuals with non-traditional foreign language skills and cultural knowledge in the United States who are available for recruitment by United States foreign affairs agencies, legislative branch agencies, and nongovernmental organizations involved in foreign affairs activities;

(3) to ensure that an increasing portion of study abroad by United States students will take place in nontraditional study abroad destinations such as the People's Republic of China, countries of the Middle East region, and developing countries; and

(4) to create greater cultural understanding of the United States by exposing foreign students and their families to United States students in countries that have not traditionally hosted large numbers of United States students.

SEC. 4. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) BOARD.—The term ''Board'' means the Board of Directors of the Foundation established pursuant to section 5(d).

(3) CHIEF EXECUTIVE OFFICER.—The term ''Chief Executive Officer'' means the chief executive officer of the Foundation appointed pursuant to section 5(c).

(4) FOUNDATION.—The term ''Foundation'' means the Senator Paul Simon Study Abroad Foundation established by section 5(a).

(5) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(6) NATIONAL OF THE UNITED STATES.—The term ''national of the United States'' means a national of the United States or an alien lawfully admitted for permanent residence (as those terms are defined in section 101 of

the Immigration and Nationality Act (8 U.S.C. 1101)).

(7) NONTRADITIONAL STUDY ABROAD DESTINATION.—The term ''nontraditional study abroad destination'' means a location that is determined by the Foundation to be a less common destination for United States students who study abroad.

(8) STUDY ABROAD.—The term ''study abroad'' means an educational program of study, work, research, internship, or combination thereof that is conducted outside the United States and that carries academic credit toward fulfilling the participating student's degree requirements.

(9) UNITED STATES.—The term ''United States'' means any of the several States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(10) UNITED STATES STUDENT.—The term ''United States student'' means a national of the United States who is enrolled at an institution of higher education located within the United States.

SEC. 5. ESTABLISHMENT AND MANAGEMENT OF THE SENATOR PAUL SIMON STUDY ABROAD FOUNDATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the executive branch a corporation to be known as the ''Senator Paul Simon Study Abroad Foundation'' that shall be responsible for carrying out this Act. The Foundation shall be a government corporation, as defined in section 103 of title 5, United States Code.

(2) BOARD OF DIRECTORS.—The Foundation shall be governed by a Board of Directors in accordance with subsection (d).

(3) INTENT OF CONGRESS.—It is the intent of Congress in establishing the structure of the Foundation set forth in this subsection to create an entity that will administer a study abroad program that—

(A) serves the long-term foreign policy and national security needs of the United States; but

(B) operates independently of short-term political and foreign policy considerations.

(b) MANDATE OF FOUNDATION.—In administering the program referred to in subsection (a)(3), the Foundation shall—

(1) promote the objectives and purposes of this Act;

(2) through responsive, flexible grant-making, promote access to study abroad opportunities by United States students at diverse institutions of higher education, including two-year institutions, minority-serving institutions, and institutions that serve nontraditional students;

(3) through creative grant-making, promote access to study abroad opportunities by diverse United States students, including minority students, students of limited financial means, and nontraditional students;

(4) solicit funds from the private sector to supplement funds made available under this Act; and

(5) minimize administrative costs and maximize the availability of funds for grants under this Act.

(c) CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—There shall be in the Foundation a Chief Executive Officer who shall be responsible for the management of the Foundation.

(2) APPOINTMENT.—The Chief Executive Officer shall be appointed by the Board and shall be a recognized leader in higher education, business, or foreign policy, chosen on the basis of a rigorous search.

(3) RELATIONSHIP TO BOARD.—The Chief Executive Officer shall report to and be under the direct authority of the Board.

(4) COMPENSATION AND RANK.—

(A) IN GENERAL.—The Chief Executive Officer shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(B) AMENDMENT.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Chief Executive Officer, Senator Paul Simon Study Abroad Foundation.''.

(5) AUTHORITIES AND DUTIES.—The Chief Executive Officer shall be responsible for the management of the Foundation and shall exercise the powers and discharge the duties of the Foundation.

(6) AUTHORITY TO APPOINT OFFICERS.—In consultation and with approval of the Board, the Chief Executive Officer shall appoint all officers of the Foundation.

(d) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—There shall be in the Foundation a Board of Directors.

(2) DUTIES.—The Board shall perform the functions specified to be carried out by the Board in this Act and may prescribe, amend, and repeal bylaws, rules, regulations, and procedures governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised.

(3) MEMBERSHIP.—The Board shall consist of—

(A) the Secretary of State (or the Secretary's designee), the Secretary of Education (or the Secretary's designee), the Secretary of Defense (or the Secretary's designee), and the Administrator of the United States Agency for International Development (or the Administrator's designee); and

(B) five other individuals with relevant experience in matters relating to study abroad (such as individuals who represent institutions of higher education, business organizations, foreign policy organizations, or other relevant organizations) who shall be appointed by the President, by and with the advice and consent of the Senate, of which—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(4) CHIEF EXECUTIVE OFFICER.—The Chief Executive Officer of the Foundation shall serve as a nonvoting, ex officio member of the Board.

(5) TERMS.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—Each member of the Board described in paragraph (3)(A) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(B) OTHER MEMBERS.—Each member of the Board described in paragraph (3)(B) shall be appointed for a term of 3 years and may be reappointed for one additional 3 year term.

(C) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(6) CHAIRPERSON.—There shall be a Chairperson of the Board. The Secretary of State (or the Secretary's designee) shall serve as the Chairperson.

(7) QUORUM.—A majority of the members of the Board described in paragraph (3) shall constitute a quorum, which, except with respect to a meeting of the Board during the 135-day period beginning on the date of the enactment of this Act, shall include at least one member of the Board described in paragraph (3)(B).

(8) MEETINGS.—The Board shall meet at the call of the Chairperson.

(9) COMPENSATION.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—

(i) IN GENERAL.—A member of the Board described in paragraph (3)(A) may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

(ii) TRAVEL EXPENSES.—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) OTHER MEMBERS.—

(i) IN GENERAL.—Except as provided in clause (ii), a member of the Board described in paragraph (3)(B) while away from the member's home or regular place of business on necessary travel in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(ii) LIMITATION.—A member of the Board may not be paid compensation under clause (i) for more than 90 days in any calendar year.

SEC. 6. ESTABLISHMENT AND OPERATION OF PROGRAM.

(a) ESTABLISHMENT OF THE PROGRAM.—There is hereby established a program, which shall—

(1) be administered by the Foundation; and

(2) award grants to—

(A) United States students for study abroad;

(B) nongovernmental institutions that provide and promote study abroad opportunities for United States students, in consortium with institutions described in subparagraph (C); and

(C) institutions of higher education, individually or in consortium,

in order to accomplish the objectives set forth in subsection (b).

(b) OBJECTIVES.—The objectives of the program established under subsection (a) are that, within 10 years of the date of the enactment of this Act—

(1) not less than 1,000,000 undergraduate United States students will study abroad annually for credit;

(2) the demographics of study-abroad participation will reflect the demographics of the United States undergraduate population, including students enrolled in community colleges, minority-serving institutions, and institutions serving large numbers of low-income and first-generation students; and

(3) an increasing portion of study abroad will take place in nontraditional study abroad destinations, with a substantial portion of such increases taking place in developing countries.

(c) MANDATE OF THE PROGRAM.—In order to accomplish the objectives set forth in subsection (b), the Foundation shall, in administering the program established under subsection (a), take fully into account the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program (established pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108–199)).

(d) STRUCTURE OF GRANTS.—

(1) PROMOTING REFORM.—In accordance with the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program, grants awarded under

the program established under subsection (a) shall be structured to the maximum extent practicable to promote appropriate reforms in institutions of higher education in order to remove barriers to participation by students in study abroad.

(2) GRANTS TO INDIVIDUALS AND INSTITUTIONS.—It is the sense of Congress that—

(A) the Foundation should award not more than 25 percent of the funds awarded as grants to individuals described in subparagraph (A) of subsection (a)(2) and not less than 75 percent of such funds to institutions described in subparagraphs (B) and (C) of such subsection; and

(B) the Foundation should ensure that not less than 85 percent of the amount awarded to such institutions is used to award scholarships to students.

(e) BALANCE OF LONG-TERM AND SHORT-TERM STUDY ABROAD PROGRAMS.—In administering the program established under subsection (a), the Foundation shall seek an appropriate balance between—

(1) longer-term study abroad programs, which maximize foreign-language learning and intercultural understanding; and

(2) shorter-term study abroad programs, which maximize the accessibility of study abroad to nontraditional students.

(f) QUALITY AND SAFETY IN STUDY ABROAD.—In administering the program established under subsection (a), the Foundation shall require that institutions receiving grants demonstrate that—

(1) the study abroad programs for which students receive grant funds are for academic credit; and

(2) the programs have established health and safety guidelines and procedures.

SEC. 7. ANNUAL REPORT.

(a) REPORT REQUIRED.—Not later than December 15, 2010, and each December 15 thereafter, the Foundation shall submit to the appropriate congressional committees a report on the implementation of this Act during the prior fiscal year.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) the total financial resources available to the Foundation during the year, including appropriated funds, the value and source of any gifts or donations accepted pursuant to section 8(a)(6), and any other resources;

(2) a description of the Board's policy priorities for the year and the bases upon which grant proposals were solicited and awarded to institutions of higher education, nongovernmental institutions, and consortiums pursuant to section 6(a)(2)(B) and 6(a)(2)(C);

(3) a list of grants made to institutions of higher education, nongovernmental institutions, and consortiums pursuant to section 6(a)(2)(B) and 6(a)(2)(C) that includes the identity of the institutional recipient, the dollar amount, the estimated number of study abroad opportunities provided to United States students by each grant, the amount of the grant used by each institution for administrative expenses, and information on cost-sharing by each institution receiving a grant;

(4) a description of the bases upon which the Foundation made grants directly to United States students pursuant to section 6(a)(2)(A);

(5) the number and total dollar amount of grants made directly to United States students by the Foundation pursuant to section 6(a)(2)(A); and

(6) the total administrative and operating expenses of the Foundation for the year, as well as specific information on—

(A) the number of Foundation employees and the cost of compensation for Board members, Foundation employees, and personal service contractors;

(B) costs associated with securing the use of real property for carrying out the functions of the Foundation;

(C) total travel expenses incurred by Board members and Foundation employees in connection with Foundation activities; and

(D) total representational expenses.

SEC. 8. POWERS OF THE FOUNDATION; RELATED PROVISIONS.

(a) POWERS.—The Foundation—

(1) shall have perpetual succession unless dissolved by a law enacted after the date of the enactment of this Act;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(5) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Foundation;

(6) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this Act;

(7) may use the United States mails in the same manner and on the same conditions as the executive departments;

(8) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(9) may hire or obtain passenger motor vehicles; and

(10) shall have such other powers as may be necessary and incident to carrying out this Act.

(b) PRINCIPAL OFFICE.—The Foundation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(c) APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.—

(1) IN GENERAL.—The Foundation shall be subject to chapter 91 of subtitle VI of title 31, United States Code, except that the Foundation shall not be authorized to issue obligations or offer obligations to the public.

(2) CONFORMING AMENDMENT.—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

''(S) the Senator Paul Simon Study Abroad Foundation.''.

(d) INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of State shall serve as Inspector General of the Foundation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Foundation.

(2) AUTHORITY OF THE BOARD.—In carrying out the responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board.

(3) REIMBURSEMENT AND AUTHORIZATION OF SERVICES.—

(A) REIMBURSEMENT.—The Foundation shall reimburse the Department of State for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) AUTHORIZATION FOR SERVICES.—Of the amount authorized to be appropriated under section 11(a) for a fiscal year, up to $2,000,000 is authorized to be made available to the Inspector General of the Department of State to conduct reviews, investigations, and inspections of operations and activities of the Foundation.

SEC. 9. GENERAL PERSONNEL AUTHORITIES.

(a) DETAIL OF PERSONNEL.—Upon request of the Chief Executive Officer, the head of an agency may detail any employee of such agency to the Foundation on a reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Foundation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Foundation for any reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Foundation.

(2) SPECIFIC RIGHTS.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(c) HIRING AUTHORITY.—Of persons employed by the Foundation, not to exceed 20 persons may be appointed, compensated, or removed without regard to the civil service laws and regulations.

(d) BASIC PAY.—The Chief Executive Officer may fix the rate of basic pay of employees of the Foundation without regard to the provisions of chapter 51 of title 5, United States Code (relating to the classification of positions), subchapter III of chapter 53 of such title (relating to General Schedule pay rates), except that no employee of the Foundation may receive a rate of basic pay that exceeds the rate for level IV of the Executive Schedule under section 5315 of such title.

(e) DEFINITIONS.—In this section—

(1) the term ''agency'' means an executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term ''detail'' means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Foundation.

SEC. 10. GAO REVIEW.

(a) REVIEW REQUIRED.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall commence a review of the operations of the Foundation.

(b) CONTENT.—In conducting the review required under subsection (a), the Comptroller General shall analyze—

(1) whether the Foundation is organized and operating in a manner that will permit it to fulfill the purposes of this section, as set forth in section 3;

(2) the degree to which the Foundation is operating efficiently and in a manner consistent with the requirements of paragraphs (4) and (5) of section 5(b);

(3) whether grantmaking by the Foundation is being undertaken in a manner consistent with subsections (d), (e), and (f) of section 6;

(4) the extent to which the Foundation is using best practices in the implementation of this Act and the administration of the program described in section 6; and

(5) other relevant matters, as determined by the Comptroller General, after consultation with the appropriate congressional committees.

(c) REPORT REQUIRED.—The Comptroller General shall submit a report on the results of the review conducted under subsection (a) to the Secretary of State (in the capacity of the Secretary as Chairperson of the Board of the Foundation) and to the appropriate congressional committees.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act $80,000,000 for fiscal year 2010 and each subsequent fiscal year.

(2) AMOUNTS IN ADDITION TO OTHER AVAILABLE AMOUNTS.—Amounts authorized to be appropriated by paragraph (1) are in addition to amounts authorized to be appropriated or otherwise made available for educational exchange programs, including the J. William Fulbright Educational Exchange Program and the Benjamin A. Gilman International Scholarship Program, administered by the Bureau of Educational and Cultural Affairs of the Department of State.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Foundation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this Act. Such funds shall be available for obligation and expenditure for the purposes for which the funds were authorized, in accordance with authority granted in this Act or under authority governing the activities of the United States Government agency to which such funds are allocated or transferred.

(2) NOTIFICATION.—The Foundation shall notify the appropriate congressional committees not less than 15 days prior to an allocation or transfer of funds pursuant to paragraph (1).

By Mr. GRASSLEY (for himself and Mrs. MCCASKILL):

S. 474. A bill to amend the Congressional Accountability Act of 1995 to apply whistleblower protections available to certain executive branch employees to legislative branch employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. Mr. President, I come to introduce another bill as part of my Accountability in Government Week. Yesterday I introduced the False Claims Act Clarification Act to help restore the original intent of the most successful law the Government utilizes to protect taxpayers' dollars from fraud, waste, and abuse.

One key component I added to the False Claims Act when it was amended in 1986 was allowing whistleblowers to file cases on behalf of the Government when they are aware of fraud or abuse of taxpayers' funds. Whistleblowers are the key to unlocking the secrets of wrongdoing because they have access to information about how the frauds were perpetrated and can help lead authorities in the right direction to uncover the fraud. However, for their brave efforts whistleblowers are often the victims of retaliation and are removed from their jobs by supervisors who do not want the wrongdoing uncovered.

I have often said whistleblowers were as welcome as skunks at a picnic, despite the fact that all they do is bring forward the truth. This is wrong. That is why I have supported strong whistleblower protection laws during my time in the Congress.

The landmark whistleblower law is the Whistleblower Protection Act of 1989—I believe is the year it was passed—providing rights and remedies to executive branch whistleblowers who are the victims of retaliation. I proudly cosponsored that bill. But like many laws that are 20 years old, it needs to be updated. So I have cosponsored legislation introduced by Democratic Senator AKAKA to do just that. However, that law also needs to be extended to employees of the legislative and judicial branches of Government. So I come today to start the discussion and to introduce legislation that will provide the same whistleblower protection rights currently extended to executive branch employees to the legislative branch.

I am pleased to be joined by Senator MCCASKILL in introducing the Congressional Whistleblower Protection Act of 2009. This important legislation simply adds whistleblower protections to the legislative branch by incorporating the Whistleblower Protection Act into the Congressional Accountability Act of 1995, a law that I authored to bring Congress in line with many labor and workplace practices that affected businesses around the country because I have long believed Congress should practice what it preaches. This legislation will do just that.

You might remember the Congressional Accountability Act was passed because, going back to the 1930s, Congress had exempted itself from a lot of employment laws because we individual Senators are employers, the Congress is an employer, but we exempted ourselves from, I think, 18, 19 different laws at that particular time.

So in 1995 I wanted to end the proposition of why we had two sets of laws in this country—one for Capitol Hill and one for the rest of the country. Now, since 1995, we have one set of laws, but we do not have the whistleblower protections that ought to be in it.

A theme that has dominated this new Congress, as well as dominated the campaign of last fall, is accountability and responsibility in Washington. In most instances, the only reason we discovered waste or fraud is because employees were brave enough to stand up to the wrongdoers and to expose the offenses. Without these whistleblowers, the American taxpayer would continue to foot a bill that might be a violation of law, might be fraudulent use of taxpayers' money, might just be a waste of taxpayer money. Either way, taxpayers are hurt.

This bill is long overdue. I have previously introduced similar legislation, but, unfortunately, those bills were never brought out of committee. I hope the Homeland Security and Government Affairs Committee, of which the chairman is on the Senate floor—I did not know the Senator would be so available for me to preach to him. I hope the Homeland Security and Governmental Affairs Committee will examine this legislation and will closely and expeditiously report it to the full Senate so we can ensure employees of the legislative branch that they are protected from any reprisals relating to protected whistleblowing the same way as executive branch employees.

Now, it has been a number of years since the Congressional Accountability Act was signed into law. So I would like to remind my colleagues why we passed that law. It was a time very similar to today. The American people were demanding more from their elected officials in Washington and wanted accountability and transparency in all branches of Government. I believed then, as I do now, that Congress needs to put its money where its mouth is and apply the various labor and employment laws that were enforced on other branches of Government and businesses all across the country.

That is what the Congressional Accountability Act did. It applied a number of important laws to Congress, including the Fair Labor Standards Act, title VII, the Civil Rights Act, the Americans With Disabilities Act, the Age Discrimination in Employment Act, Family Medical Leave Act, the Occupational Safety and Health Act, Employee Polygraph Protection Act, Worker Adjustment and Retraining Notification Act, the Rehabilitation Act, as well as some provisions of title V relating to Federal service labor-management relations. It also created the Office of Compliance of the legislative branch that oversees the application of these important laws to this branch of Government and ensures that employees' rights under these laws are protected.

While the Congressional Accountability Act was a good start, the Office of Compliance has recommended additional laws be applied to the legislative branch, including the purpose of my bill, the Whistleblower Protection Act.

We have already taken the steps to protect whistleblowers in the executive branch, so it does not make sense not to extend those same protections to whistleblowers working right here in our own backyard on Capitol Hill. My bill will, very simply, give congressional employees the same protections that workers of other branches of Government have. It does this by simply adding the Whistleblower Protection Act to the preexisting list of statutes that are applied to the legislative branch by the Congressional Accountability Act.

This is a straightforward and simple solution to ensuring that employees of the legislative branch are not without vital whistleblower protections. So I ask, in closing, that my colleagues join me and Senator MCCASKILL in supporting this bill to ensure that those who help us in the fight to hold Government accountable are not punished for those efforts.

By Ms. SNOWE (for herself and Mr. WHITEHOUSE):

S. 481. A bill to authorize additional Federal Bureau of Investigation field agents to investigate financial crimes; to the Committee on the Judiciary.

Ms. SNOWE. Mr. President, I rise to introduce a bill with Senator WHITEHOUSE to extend the reach of the Federal Bureau of Investigation into financial crimes that may have helped precipitate last year's economic meltdown.

We must investigate and scrutinize this financial crisis as we would a terrorist attack in order to determine its causes and how to preempt another economic collapse in the United States.

Following the September 11 attacks, the FBI redirected approximately 1,000 agents to counterterrorism and counterintelligence activities. Without a doubt, there is no argument that our country has benefitted from the dedicated efforts of the men and women of the FBI who are performing this valuable work.

Over a 10-year period, from fiscal year 1999 to fiscal year 2008, Congress has increased direct appropriations for the FBI from $2.993 billion and 26,693 positions to $6.658 billion—122 percent increase—and 30,211 positions—13 percent increase. Most of these new resources were provided in the wake of the September 11 terrorist attacks, as the FBI redirected its resources toward combating domestic and international terrorism by improving its intelligence gathering and processing capabilities. As a consequence, for fiscal year 2008, about 60 percent of FBI funding and staffing is allocated to national security programs, including counterterrorism and counterintelligence.

In view of the breadth and severity of the economic crisis brought on by events in U.S. financial markets, however, I am very concerned that criminal wrongdoing may have played a significant role in crippling some of America's largest companies. Criminal activity, such as fraud, misrepresentation, self-dealing, and insider trading may have instigated or exacerbated the financial industry upheaval of 2008–2009.

In order to augment FBI investigations of financial crimes, the FBI Priorities Act of 2009 authorizes $150 million for each of the fiscal years 2010 through 2014 to fund approximately 1,000 Federal Bureau of Investigation field agents in addition to the number of field agents serving on the date of enactment. It is my hope that this extra manpower will enable the FBI to develop leads on unlawful actions, dig deeply into those leads, and bring responsible parties to justice. The American public deserves no less.

By Mr. FEINGOLD (for himself, Mr. COCHRAN, Mr. SCHUMER, Mr. BENNETT, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. DURBIN, Mr. ALEXANDER, Mr. REID, Mr. LUGAR, Mr. LIEBERMAN, Mr. ISAKSON, Mr. DODD, Mr. GRASSLEY, Mr. LEAHY, Mr. LEVIN, Mr. KERRY, Mr. AKAKA, Mr. HARKIN, Mr. NELSON of Nebraska, Mr. REED, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. BROWN, and Mr. CARDIN):

S. 482. A bill to require Senate candidates to file designations, statements, and reports in electronic form; read the first time.

Mr. FEINGOLD. Mr. President, today I will once again introduce with the senior Senator from Mississippi, Mr. COCHRAN, the Senate Campaign Disclosure Parity Act, a bill to require that Senate candidates file their campaign finance disclosure reports electronically and that those reports be promptly made available to the public. This step is long overdue; indeed I first introduced this bill in 2003. I hope that the Senate will act quickly on this legislation this year.

A series of reports by the Campaign Finance Institute has highlighted the anomaly in the election laws that makes it nearly impossible for the public to get access to Senate campaign finance reports while most other reports are available on the Internet within 24 hours of their filing with the Federal Election Commission, FEC. The Campaign Finance Institute asks a rhetorical question: ''What makes the Senate so special that it exempts itself from a key requirement of campaign finance disclosure that applies to everyone else, including candidates for the House of Representatives and Political Action Committees?''

The answer, of course, is nothing. The U.S. Senate is special in many ways. I am proud to serve here. But there is no excuse for keeping our campaign finance information inaccessible to the public when the information filed by House candidates or others is readily available.

My bill amends the section of the election laws dealing with electronic filing to require reports filed with the Secretary of the Senate to be filed electronically and forwarded to the FEC within 24 hours. The FEC is required to make available on the Internet within 24 hours any filing it receives electronically. So if this bill is enacted, electronic versions of Senate reports should be available to the public within 48 hours of their filing. That will be a vast improvement over the current situation, which, according to the Campaign Finance Institute, requires journalists and interested members of the public to review computer images of paper-filed copies of reports, and involves a completely wasteful expenditure of hundreds of thousands of dollars to re-enter information into databases that almost every campaign has available in electronic format.

The current filing system also means that the detailed coding that the FEC does, which allows for more sophisticated searches and analysis, is completed over a week later for Senate reports than for House reports. This means that the final disclosure reports covering the first two weeks of October are often not susceptible to detailed scrutiny before the election. According to the Campaign Finance Institute, in the 2006 election, ''[v]oters in six of the hottest Senate races were out of luck the week before the November 7 election if they did Web searches for information on general election contributions since June 30. . . . In all ten of the most closely followed Senate races voters were unable to search through any candidate reports for information on pre-general election (October 1–18) donations.'' And a September 18, 2006, column by Jeffery H. Birnbaum in the Washington Post noted that ''When the polls opened in November 2004, voters were in the dark about $53 million in individual Senate contributions of $200 or more dating all the way back to July. . . .''

Because the Senate failed to pass this bill last Congress, even though we had 48 bipartisan cosponsors and no known opposition, and even though the Senate Rules Committee reported the bill by voice vote, the same problem existed for Senate elections in the 2008 cycle. In addition, because of the expense, when the FEC puts information from the paper filings in its electronic database, it only enters contributions, not expenditures. So anyone interested in how a Senate campaign is spending its money has to consult the paper forms.

As Roll Call said in its recent editorial in favor of the bill, ''[i]t's time for this nonsense to come to an end.'' It is time for the Senate to at long last relinquish its backward attitude toward campaign finance disclosure. I urge the enactment of this simple bill that will make our reports subject to the same prompt, public scrutiny as those filed by PACs, House and Presidential candidates, and even 527 organizations. I close with another question from the Campaign Finance Institute: ''Isn't it time that the Senate join the 21st century and allow itself to vote on a simple legislative fix that could significantly improve our democracy?'' This Congress, let us finally answer that question in the affirmative.

I ask unanimous consent that the text of the bill and the Roll Call editorial be printed in the RECORD.

[From Roll Call, Feb. 11, 2009]

OUTRAGEOUS

In this year when ''transparency'' is all the rage, it would be appropriate for the Senate—at long last—to join the House and every federal political committee in filing campaign finance reports electronically.

Fundraising and spending reports for the end of 2008 were due on Jan. 31. Reports for House Members and candidates and the Republican and Democratic parties and their campaign committees all were instantly available to the media, watchdog groups and the public on the Federal Election Commission's Web site.

But Senate reports take weeks from the filing deadline to make it into the public realm. And when they are made available, it's at the conclusion of a circuitous process

that costs taxpayers an estimated $250,000 a year that could be far better spent elsewhere—almost anywhere else—or simply used to narrow the federal deficit.

Moreover, because of the expense, the FEC does not electronically post Senate campaign expenditures, only contributions—a gap that Steve Weissman of the Campaign Finance Institute correctly calls ''outrageous.''

Senators use FEC-approved software to compile their reports, but then they snail-mail paper copies to the office of the Secretary of the Senate, which then scans some 27,000 pages and sends them electronically to the FEC.

They can be then combed through page by page on the FEC Web site, but not digitally manipulated or matched. The FEC hires a contractor to key the data into digital form. Only then, a month or more after the filing deadline, can the data be searched and connections made, if any, between money collected and votes or positions Senators or their opponents have taken.

But it still takes page-by-page searching to review candidates' spending—to determine, for instance, if candidates' relatives are on the campaign payroll.

All this ridiculous complexity is necessary because in 2000 the Senate exempted itself from an electronic filing requirement written into the FEC's appropriation. Legislation to correct the situation has been regularly introduced by Sen. Russ Feingold (D–Wis.), and it's regularly had dozens of cosponsors.

But it's never passed. Change was resisted at first by Sen. Robert Byrd (D–W.Va.), who wanted to maintain a fusty Senate ''prerogative,'' and then by various Republican Senators who wanted to attach amendments that amounted to ''poison pills.''

Last year, the Senate Rules and Administration Committee approved the bill for floor action, but it was blocked by Sen. John Ensign (R–Nev.) who sought to add a provision requiring disclosure of the donors to any organization filing ethics complaints against a Senator. The bill never was voted on.

It's time for this nonsense to come to an end. Feingold is planning to re-introduce the measure soon. It ought to be processed promptly by the Rules Committee, now chaired by Sen. Charles Schumer (D–N.Y.), and pushed to the floor for passage as early in the year as possible so if it's subject to more shenanigans, they can be exposed and resolved.

By Mr. DODD (for himself, Mr. LIEBERMAN, Mrs. BOXER, Mr. SCHUMER, Mrs. MCCASKILL, and Mr. BOND):

S. 483. A bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, today I am introducing the Mark Twain Commemorative Coin Act. I am pleased to be joined by Senators LIEBERMAN, BOXER, SCHUMER, MCCASKILL, and BOND in cosponsoring this legislation, which authorizes the Secretary of the Treasury to mint 100,000 five-dollar gold coins and 500,000 silver dollar coins in a design emblematic of the life and legacy of Mark Twain.

Samuel L. Clemens, better known by his pen name ''Mark Twain,'' was born in 1835 in Florida, Missouri, and died in 1910 while residing in my home State of Connecticut. As many of us know from having read his works, Twain is an iconic author who has left an indelible mark on our Nation's history. Two of his most renowned works, ''The Adventures of Tom Sawyer'' and ''Adventures of Huckleberry Finn,'' have become a central part of the American literary canon and are still widely read in schools and universities across the country. Another enduring work, entitled ''The Gilded Age: A Tale of Today,'' satirized the excesses of the age during which it was written, and solidified Twain's reputation as a fierce but subtle social critic. His writings evoke discussions of race, politics, and economic inequality, all issues with which our nation continues to struggle as we become a ''more perfect union.''

This bill will allow the Treasury to mint and issue coins in commemoration of Mark Twain's lasting contributions to America's literary tradition and cultural heritage. A portion of proceeds from surcharges of $35 and $10 applied to each gold and silver coin sold to the public will be distributed by the Treasury to support four institutions critical to the mission of promoting Mark Twain's legacy: The Mark Twain House & Museum in Hartford, CT; the Mark Twain Project at the Bancroft Library of the University of California, in Berkeley, CA; the Center for Mark Twain Studies at Elmira College, in New York; and the Mark Twain Boyhood Home & Museum in Hannibal, MO.

The Mark Twain House and Museum in Hartford, CT, is a national historic landmark. Each year, over 60,000 visitors flock there, many of them from outside my home State. This site offers a unique experience to all who visit, and serves as a center for educating young and old alike about Mark Twain's life and legacy. However, as recent news articles have reported, the Mark Twain House and Museum has—not unlike many other nonprofit entities across the country in the midst of the economic downturn—struggled to cover operating costs solely on private donations, and the financial challenges it currently faces are substantial. Passing this legislation will help to support the continued operation and restoration of the Mark Twain House, and promote its goals by honoring Mark Twain with a commemorative coin desirable to coin collectors as well as enthusiasts of American history and literature.

Congressman JOHN LARSON of Connecticut is introducing companion legislation today in the House of Representatives. As a procedural matter, the House Financial Services Committee requires no less than 290 cosponsors for any commemorative coin bill to come under committee consideration, and similar cosponsorship rules are in place for the Senate Committee on Banking, Housing, and Urban Affairs. Moreover, the House adheres to a tradition of interpreting commemorative coin bills as ''revenue-raisers'' subject to the origination clause of the U.S. Constitution. Passing the Mark Twain Commemorative Coin Act through both Houses will require no small amount of effort, but today marks an important first step as we put this legislative proposal forward and begin to generate broad public support for the effort. Once Congressman LARSON'S companion bill meets the necessary requirements and is adopted by the full House, I intend to press it forward here in the Senate.

The legislation I am introducing will require broad bipartisan support to meet the high threshold for commemorative coin legislation established by the rules of the Committee on Banking, Housing, and Urban Affairs, so I urge my colleagues to cosponsor this legislation and join me in supporting the life and legacy of Mark Twain, as well as the important places in our Nation that promote further study and education on his significant contributions to American history.

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. 483

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 ''Mark Twain Commemorative Coin Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) Samuel Clemens—better known to the world as Mark Twain—was a unique American voice whose literary work has had a lasting effect on our Nation's history and culture;

(2) Mark Twain remains one of the best known Americans in the world, with over 6,500 editions of his books translated into 75 languages;

(3) Mark Twain's literary and educational legacy remains strong even today, with nearly every book he wrote still in print, including ''The Adventures of Tom Sawyer'' and ''Adventures of Huckleberry Finn''—both of which have never gone out of print since they were first published over a century ago;

(4) in the past 2 decades alone, there have been more than 100 books published and over 250 doctoral dissertations written on Mark Twain's life and work;

(5) even today, Americans seek to know more about the life and work of Mark Twain, as people from around the world and across all 50 States annually flock to National Historic Landmarks like the Mark Twain House & Museum in Hartford, Connecticut and the Mark Twain Boyhood Home & Museum in Hannibal, Missouri; and

(6) Mark Twain's work is remembered today for addressing the complex social issues facing America at the turn of the century, including the legacy of the Civil War, race relations, and the economic inequalities of the ''Gilded Age''.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 100,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 500,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the life and legacy of Mark Twain.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2013''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Commission of Fine Arts and the Board of the Mark Twain House & Museum; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2013.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of—

(1) $35 per coin for the $5 coin; and

(2) $10 per coin for the $1 coin.

(b) DISTRIBUTION.—Subject to section 5134(f)(1) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary as follows:

(1) ⅖ of the surcharges, to the Mark Twain House & Museum in Hartford, Connecticut, to support the continued restoration of the Mark Twain house and grounds, and to ensure continuing growth and innovation in museum programming to research, promote, and educate on the legacy of Mark Twain.

(2) ⅕ of the surcharges, to the Mark Twain Project at the Bancroft Library of the University of California, Berkeley, California, to support programs to study and promote Mark Twain's legacy.

(3) ⅕ of the surcharges, to the Center for Mark Twain Studies at Elmira College, New York, to support programs to study and promote Mark Twain's legacy.

(4) ⅕ of the surcharges, to the Mark Twain Boyhood Home & Museum in Hannibal, Missouri, to preserve historical sites related to Mark Twain and to help support programs to study and promote Mark Twain's legacy.

(c) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of each of the organizations referred to in paragraphs (1), (2), (3), and (4) of subsection (b) as may be related to the expenditures of amounts paid under such subsection.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. DURBIN, Mr. KERRY, Mr. BROWN, Mr. CARDIN, Mrs. BOXER, Mrs. LINCOLN, Mr. WHITEHOUSE, Mr. NELSON of Florida, and Mr. MENENDEZ):

S. 484. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation that will help protect the retirement benefits earned by our Nation's public service workers.

I am pleased to be joined by my colleague from Maine, Senator COLLINS, as well as Senators DURBIN, KERRY, BROWN, CARDIN, BOXER, LINCOLN, WHITEHOUSE, NELSON of Florida, and MENENDEZ.

This bill will repeal two provisions of the Social Security Act—the Government pension offset and the windfall elimination provision—that unfairly reduce retirement benefits for teachers, police officers, and firefighters.

These two provisions were originally designed—the Government pension offset in 1977 and the windfall elimiantion provision in 1983—to prevent public employees from being unduly enriched.

But, the practical effect is that those providing critical public services are unjustly penalized.

Approximately 1½ million Federal, State, and municipal workers, as well as teachers and other school district employees, are held to a different standard when it comes to retirement benefits.

In California, the problem affects about 200,000 workers.

The Government pension offset reduces a public employee's Social Security spousal or survivor benefits by an amount equal to two-thirds of the individual's public pension.

In most cases, the Government pension offset eliminates the spousal benefit for which an individual qualifies. Three quarters of employees affected by the Government pension offset lose their entire spousal benefit, even though their spouse paid Social Security taxes for many years.

According to the Congressional Research Service, the Government pension offset provision alone reduces the retirement benefits earned by nearly 500,000 Americans each year by an average of $500 per month.

The windfall elimination provision reduces Social Security benefits by up to 50 percent for retirees who have paid into Social Security and also receive a public pension, such as from a State teacher retirement fund.

Private-sector retirees receive monthly Social Security checks equal to 90 percent of their first $744 in average monthly career earnings, plus 32 percent of monthly earnings up to $4,483 and 15 percent of earnings above $4,483.

Under the windfall elimination provision, retired public employees, however, are only allowed to receive 40 percent of the first $744 in career monthly earnings, a penalty of over $350 per month.

Our legislation will allow government pensioners the chance to earn the same 90 percent to which nongovernment pension recipients are entitled.

For those living on fixed incomes, in some cases this represents the difference between a comfortable retirement and poverty.

Americans are hurting as our economy continues to contract.

More than $4 trillion in retirement savings were lost last year as markets destabilized and investments soured.

Retirees on fixed incomes have been especially impacted by this recession. Every dollar matters to a retiree struggling to pay bills and meet mortgage obligations.

In California, more than 837,000 foreclosures were filed last year. The roughly $500 lost by beneficiaries to the Government pension offset each month may mean the difference between foreclosure and keeping one's home.

This is also critical for seniors residing in assisted living facilities or retirement communities concerned about paying the increasingly high cost of care.

Our Nation's unemployment rate stands at 7.6 percent. And, in my State, over 1.7 million people are out of work. For those close to retirement who have lost their jobs, reductions in Social Security benefits compound an already challenging situation.

We must also eliminate the barriers which discourage many Americans from pursuing careers in public service.

This is more difficult now than ever, as states face mounting deficits and painful budget cuts. Communities must be able to retain their most qualified teachers, police officers, and firefighters.

Unfortunately, the Government pension offset and windfall elimination provision only contribute to this problem at a time when we should be doing everything we possibly can to bring the best and brightest to these careers.

It is estimated that schools will need to hire between 1.7 million and 2.7 million new teachers nationwide by the end of this year because of record enrollments in public schools.

The projected retirements of thousands of veteran teachers and critical efforts to reduce class sizes also necessitate hiring additional teachers.

California currently has roughly 310,000 teachers but will need to double this number over the next decade, to 600,000 teachers, in order to keep up with student enrollment levels.

It is counterintuitive that on the one-hand, policymakers seek to encourage people to change careers and enter the teaching profession, while on the other hand, those wishing to do so are told that their retirement benefits will be significantly reduced.

I certainly recognize that our Federal budget deficit and national debt make repealing the Government pension offset and windfall elimination provision difficult.

And, I remain open to considering any alternatives that will allow hard working employees to keep the Social Security benefits to which they are entitled.

But the bottom line is that we should respect, not penalize, our public service employees.

In the 110th Congress, 38 Senators joined me in cosponsoring this legislation. In the House of Representatives, 351 Members of Congress supported Representative HOWARD BERMAN's companion bill. Our bill enjoys the support of more than three quarters of the entire House of Representatives.

The reason for this support is because public servants across the country are calling on Congress to act.

It is long overdue that we resolve this inequity, and it is time that this body protects retirement benefits for public employees and formulates a more cohesive approach to promoting public sector employment.

So I hope that my colleagues will join me in protecting the retirement benefits of our Nation's hard working public servants. We value their contributions and must ensure that all Americans receive the retirement benefits they have earned and deserve.

I ask unanimous consent that a copy of the text of the legislation 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. 484

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 ''Social Security Fairness Act of 2009''.

SEC. 2. REPEAL OF GOVERNMENT PENSION OFFSET PROVISION.

(a) IN GENERAL.—Section 202(k) of the Social Security Act (42 U.S.C. 402(k)) is amended by striking paragraph (5).

(b) CONFORMING AMENDMENTS.—

(1) Section 202(b)(2) of the Social Security Act (42 U.S.C. 402(b)(2)) is amended by striking ''subsections (k)(5) and (q)'' and inserting ''subsection (q)''.

(2) Section 202(c)(2) of such Act (42 U.S.C. 402(c)(2)) is amended by striking ''subsections (k)(5) and (q)'' and inserting ''subsection (q)''.

(3) Section 202(e)(2)(A) of such Act (42 U.S.C. 402(e)(2)(A)) is amended by striking ''subsection (k)(5), subsection (q),'' and inserting ''subsection (q)''.

(4) Section 202(f)(2)(A) of such Act (42 U.S.C. 402(f)(2)(A)) is amended by striking ''subsection (k)(5), subsection (q)'' and inserting ''subsection (q)''.

SEC. 3. REPEAL OF WINDFALL ELIMINATION PROVISIONS.

(a) IN GENERAL.—Section 215 of the Social Security Act (42 U.S.C. 415) is amended—

(1) in subsection (a), by striking paragraph (7);

(2) in subsection (d), by striking paragraph (3); and

(3) in subsection (f), by striking paragraph (9).

(b) CONFORMING AMENDMENTS.—Subsections (e)(2) and (f)(2) of section 202 of such Act (42 U.S.C. 402) are each amended by striking ''section 215(f)(5), 215(f)(6), or 215(f)(9)(B)'' in subparagraphs (C) and (D)(i) and inserting ''paragraph (5) or (6) of section 215(f)''.

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to monthly insurance benefits payable under title II of the Social Security Act for months after December 2009. Notwithstanding section 215(f) of the Social Security Act, the Commissioner of Social Security shall adjust primary insurance amounts to the extent necessary to take into account the amendments made by section 3.

Ms. COLLINS. Mr. President, I am pleased to be joining my colleague from California, Senator FEINSTEIN, in introducing the Social Security Fairness Act, which repeals both the windfall elimination provision, WEP, and the Government pension offset, GPO. We believe that these two provisions in the Social Security Act unfairly penalize individuals for holding jobs in public service when the time comes for them to retire.

These two provisions have enormous financial implications for many of our teachers, police officers, firefighters, postal workers and other public employees. Given their important responsibilities, it is simply unfair to penalize them when it comes to their Social Security benefits. These public servants—or their spouses—have all paid taxes into the Social Security system. So have their employers. They have worked long enough to earn their Social Security benefits. Yet because of the GPO and WEP, they are unable to receive all of the Social Security benefits to which they otherwise would be entitled.

The impact of these two provisions is most acute in 15 States, including Maine, which have State retirement plans that lack a Social Security component. However, it is important to point out that the GPO and WEP affect public employees and retirees in every State, and in particular our emergency responders, our postal workers and our other Federal employees. Nationwide, more than one-third of teachers and education employees, and more than one-fifth of other public employees, are affected by the GPO and/or the WEP.

Almost 1 million retired public employees across the country have already been harmed by these provisions. Many more stand to be harmed in the future. Moreover, at a time when we should be doing all that we can to attract qualified people to public service, this reduction in retirement benefits makes it even more difficult for our Federal, State and local governments to recruit and retain the public servants who are so critical to the safety and well-being of our families.

What is most troubling is that this offset is most harsh for those who can least afford the loss: lower income women. In fact, of those affected by the GPO, over 70 percent are women. According to the Congressional Budget Office, the GPO reduces benefits for more than 200,000 individuals by more than $3,600 a year—an amount that can make the difference between a comfortable retirement and poverty.

Many Maine teachers, in particular, have talked with me about the impact of these provisions on their retirement security. They love their jobs and the children they teach, but they worry about the future and about their financial security.

In September of 2003, I chaired an oversight hearing to examine the effect that the GPO and the WEP have had on public employees and retirees. We heard compelling testimony from Julia Worcester of Columbia, ME, who was then 73. Mrs. Worcester told the committee about her work in both Social Security-covered employment and as a Maine teacher, and about the effect that the GPO and WEP have had on her income in retirement.

Mrs. Worcester had worked for more than 20 years as a waitress and in factory jobs before deciding, at the age of 49, to go back to school to pursue her life-long dream of becoming a teacher. She began teaching at the age of 52 and taught full-time for 15 years before retiring at the age of 68. Since she was only in the Maine State retirement system for 15 years, Mrs. Worcester does not receive a full State pension. Yet she is still subject to the full penalties under the GPO and WEP. As a consequence, even though she worked hard and paid into the Social Security system for more than 20 years, she receives less than $800 a month in total pension income.

After a lifetime of hard work, Mrs. Worcester, who turns 78 next month, is still substitute teaching just to make ends meet. She cannot afford to stop working. This simply is not right.

It is time for us to take action, and I urge all of my colleagues to join us in cosponsoring the Social Security Fairness Act to eliminate these two unfair provisions.

By Ms. MURKOWSKI (for herself and Mr. BYRD):

S.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States relative to a

seat in the House of Representatives for the District of Columbia; to the Committee on the Judiciary.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that S.J. Res. 11, proposing an amendment to the Constitution of the United States relative to a seat in the House of Representatives for the District of Columbia, be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 11

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),

SECTION 1. CONSTITUTIONAL AMENDMENT.

The following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:

''ARTICLE—

''SECTION 1. The people of the District constituting the seat of Government of the United States shall elect one representative to the House of Representatives who is a resident of that District. The representative so elected shall have the same rights, privileges, and obligations as a Representative from a State.

''SECTION 2. Congress shall have the power to enforce this article by appropriate legislation.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 54—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. BAUCUS submitted the following resolution; from the Committee on Finance; which was referred to the Committee on Rules and Administration:

S. RES. 54

Resolved, That, in carrying out in powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2a. The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this resolution shall not exceed $5,210,765, of which amount (1) not to exceed $17,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,833 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2009, through September 30, 2010, expenses of the committee under this resolution shall not exceed $9,161,539, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $3,901,707 of which amount (1) not to exceed $12,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,166 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946.)

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2010.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related !o the compensation of employees of the committee from March 1, 2009, through September 30, 2009; October 1, 2009 through September 30, 2010; and October 1, 2010 through February 28, 2011, to be paid from the Appropriations account for Expenses of Inquiries and Investigations.

SENATE RESOLUTION 55—DESIGNATING EACH OF FEBRUARY 4, 2009, AND FEBRUARY 3, 2010, AS ''NATIONAL WOMEN AND GIRLS IN SPORTS DAY''

Ms. SNOWE (for herself, Mrs. MURRAY, and Ms. MIKULSKI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 55

Whereas women's athletics are one of the most effective avenues available for the women of the United States to develop self-discipline, initiative, confidence, and leadership skills;

Whereas sports and fitness activities contribute to emotional and physical well-being;

Whereas women need strong bodies as well as strong minds;

Whereas the history of women in sports is rich and long, but there has been little national recognition of the significance of the athletic achievements of women;

Whereas the number of women in leadership positions as coaches, officials, and administrators has declined drastically since the passage of title IX of the Education Amendments of 1972 (Public Law 92–318; 86 Stat. 373);

Whereas there is a need to restore women to leadership positions in athletics to ensure a fair representation of the abilities of women and to provide role models for young female athletes;

Whereas the bonds built between women through athletics help to break down the social barriers of racism and prejudice;

Whereas the communication and cooperation skills learned through athletic experience play a key role in the contributions of an athlete to her home, workplace, and society;

Whereas women's athletics has produced such winners as Flo Hyman, whose spirit, talent, and accomplishments distinguished her above others and who exhibited the true meaning of fairness, determination, and team play;

Whereas parents feel that sports are equally important for boys and girls and that sports and fitness activities provide important benefits to girls who participate;

Whereas early motor-skill training and enjoyable experiences of physical activity strongly influence life-long habits of physical fitness;

Whereas the performances of female athletes in the Olympic Games are a source of inspiration and pride to the people of the United States;

Whereas the athletic opportunities for male students at the collegiate and high school levels remain significantly greater than those for female students; and

Whereas the number of funded research projects focusing on the specific needs of women athletes is limited and the information provided by these projects is imperative to the health and performance of future women athletes: Now, therefore, be it

Resolved, That the Senate—

(1) designates each of February 4, 2009, and February 3, 2010, as ''National Women and Girls in Sports Day''; and

(2) encourages State and local jurisdictions, appropriate Federal agencies, and the people of the United States to observe ''National Women and Girls in Sports Day'' with appropriate ceremonies and activities.

SENATE RESOLUTION 56—URGING THE GOVERNMENT OF MOLDOVA TO ENSURE A FAIR AND DEMOCRATIC ELECTION PROCESS FOR THE PARLIAMENTARY ELECTIONS ON APRIL 5, 2009

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 56

Whereas Senate Resolution 60, 110th Congress, agreed to February 17, 2005, expressed the support of the Senate for democratic reform in Moldova and urged the Government of Moldova to ensure a democratic and fair election process for the parliamentary elections on March 6, 2005, by ensuring ''unimpeded access by all parties and candidates to print, radio, television, and Internet media on a nondiscriminatory basis'' and

''the right of opposition candidates and workers to engage in campaigning free of harassment, discrimination, and intimidation'';

Whereas the Election Observation Mission of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE) found that, while the parliamentary elections in 2005 generally complied with most of the OSCE commitments and other international standards, ''they fell short of some that are central to a genuinely competitive election process'', in particular ''campaign conditions and access to media'', confirming the ''negative trends already noted in the 2003 local elections'';

Whereas the Election Observation Mission found that the local elections held in June 2007 in Moldova were generally well administered but ''fell short of a number of OSCE commitments central to a competitive electoral process,'' in particular by not fully respecting ''the right of citizens to seek public office and equitable media access'';

Whereas Freedom House, a non-profit, nonpartisan organization working to advance the expansion of freedom, again in 2008 designated the political environment of Moldova as only ''partly free'';

Whereas political liberties and civil rights are key indicators of eligibility for support from the Millennium Challenge Corporation, an entity of the United States Government, which is now considering a sizeable grant for the economic and political development of Moldova; and

Whereas recent actions by entities of the Government of Moldova raise serious questions about the readiness of the Government of Moldova to break free from the unfortunate patterns established in the elections in 2003, 2005, and 2007 and to create the campaign conditions and access to media required for truly free and fair elections: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the strong, mutually beneficial relationship that exists between the United States Government and the Government of Moldova;

(2) recognizes that the development of a genuinely democratic political system in Moldova is a precondition for the full integration of Moldova into the Western community of nations and the provision of assistance necessary to attain such integration;

(3) urges the Government of Moldova to meet its commitments to the Organization for Security and Co-operation in Europe, especially in respect to the conduct of elections, by guaranteeing—

(A) unimpeded access by all parties and candidates to public print, radio, television, and Internet media on a nondiscriminatory basis;

(B) the ability of independent media to cover campaigns on an unrestricted basis;

(C) the right of opposition candidates and workers to engage in campaigning free of harassment, discrimination, and intimidation; and

(D) adequate means for citizens of Moldova residing abroad to cast their ballots; and

(4) in light of the steps taken by the Government of Moldova, pledges the continued support of the United States Government for the establishment in Moldova of a fully free and democratic system, the creation of a prosperous market economy, and the assumption by Moldova of its rightful place as a full and equal member of the Western community of democracies.

Mr. LUGAR. Mr. President, today I submit a resolution urging the Government of Moldova to ensure a fair and democratic election process for the upcoming parliamentary elections on April 5, 2009.

Since independence in 1991, Moldova has made notable progress in establishing a democratic political system and a free market economy. However, the Organization for Security and Cooperation in Europe, OSCE, has reported that recent rounds of parliamentary elections have fallen short on a number of international election standards.

In 2005, the Senate passed a Resolution expressing our support for democratic reform in Moldova and urging the Government of Moldova to ensure unimpeded access by all parties and candidates to all media outlets in the run-up to the 2005 parliamentary elections. While the OSCE found that the 2005 elections generally complied with international standards, it found that ''campaign conditions and access to media'' fell short of these standards. The OSCE reported similar circumstances following the 2007 parliamentary elections, including a lack of ''equitable media access'' among the candidates.

This Resolution re-affirms the United States Senate's support for political reform and fair democratic processes with our partners in Moldova. It urges the Government of Moldova to recognize the importance of guaranteeing all election candidates equitable access to media outlets in Moldova for the April 2009 elections. This will be an important consideration for receiving a Compact from the Millennium Challenge Corporation and for Moldova's full integration as a member of the Western community of democracies.

I ask my colleagues to support this resolution.

SENATE CONCURRENT RESOLUTION 8—EXPRESSING SUPPORT FOR CHILDREN'S DENTAL HEALTH MONTH AND HONORING THE MEMORY OF DEAMONTE DRIVER

Mr. CARDIN (for himself, Ms. COLLINS, Mr. ROCKEFELLER, Ms. MIKULSKI, and Mr. BINGAMAN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 8

Whereas several national dental organizations have observed February 2009 as Children's Dental Health Month;

Whereas Deamonte Driver, a 12-year-old Marylander, died on February 25, 2007, of complications resulting from untreated tooth decay;

Whereas the passing of Deamonte Driver has led to increased awareness nationwide about the importance of access to high-quality, affordable preventative care and treatment for dental problems;

Whereas the primary purpose of Children's Dental Health Month is to educate parents, children, and the public about the importance and value of oral health;

Whereas Children's Dental Health Month showcases the overwhelmingly preventable nature of tooth decay and highlights the fact that tooth decay is on the rise among the youngest children in the Nation;

Whereas Children's Dental Health Month educates the public about the treatment of childhood dental caries, cleft-palate, oral facial trauma, and oral cancer through public service announcements, seminars, briefings, and the pro bono initiatives of practitioners and academic dental institutions;

Whereas Children's Dental Health Month was created to raise awareness about the importance of oral health; and

Whereas Children's Dental Health Month is an opportunity for the public and health professionals to take action to prevent childhood dental problems and improve access to high-quality dental care: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress expresses support for Children's Dental Health Month and honors the life of Deamonte Driver.

AMENDMENTS SUBMITTED AND PROPOSED

SA 573. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.; which was ordered to lie on the table.

SA 574. Mr. KYL proposed an amendment to the bill S. 160, supra.

SA 575. Mr. ENSIGN (for himself, Mr. VITTER, Mr. COBURN, Mr. DEMINT, Mr. BURR, Mr. WICKER, Mr. THUNE, Mr. GRASSLEY, Mr. RISCH, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, Mr. CHAMBLISS , Mr. ISAKSON, Mr. CRAPO, Mr. CORNYN, Mr. BROWNBACK, Mr. CORKER, Mr. MARTINEZ, Ms. MURKOWSKI, Mr. GRAHAM, and Mr. ROBERTS) proposed an amendment to the bill S. 160, supra.

SA 576. Mr. COBURN (for himself and Mr. INHOFE) proposed an amendment to amendment SA 575 proposed by Mr. ENSIGN (for himself, Mr. VITTER, Mr. COBURN, Mr. DEMINT, Mr. BURR, Mr. WICKER, Mr. THUNE, Mr. GRASSLEY, Mr. RISCH, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, Mr. CHAMBLISS, Mr. ISAKSON, Mr. CRAPO, Mr. CORNYN, Mr. BROWNBACK, Mr. CORKER, Mr. MARTINEZ, Ms. MURKOWSKI, Mr. GRAHAM, and Mr. ROBERTS) to the bill S. 160, supra.

SA 577. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 578. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 579. Mr. THUNE (for himself, Mr. VITTER, Mr. GRASSLEY, Mr. WICKER, Mr. COBURN, Mr. DEMINT, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, Mr. RISCH, Mr. CRAPO, and Mr. WEBB) proposed an amendment to the bill S. 160, supra.

SA 580. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 581. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, supra.

SA 582. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 160, supra; which was ordered to lie on the table.

SA 583. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 160, supra; which was ordered to lie on the table.

SA 584. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 160, supra; which was ordered to lie on the table.

SA 585. Mr. KYL proposed an amendment to the bill S. 160, supra.

SA 586. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 587. Mr. ENSIGN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 588. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 589. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 590. Mr. LAUTENBERG (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 573. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end of the bill add the following:

SEC. 9. FAIRNESS DOCTRINE PROHIBITED.

(a) LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.—Title III of the Communications Act of 1934 is amended by inserting after section 303 (47 U.S.C. 303) the following new section:

"SEC. 303A. LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.

"Notwithstanding section 303 or any other provision of this Act or any other Act authorizing the Commission to prescribe rules, regulations, policies, doctrines, standards, guidelines, or other requirements, the Commission shall not have the authority to prescribe any rule, regulation, policy, doctrine, standard, guideline, or other requirement that has the purpose or effect of reinstating or repromulgating (in whole or in part)—

"(1) the requirement that broadcasters present or ascertain opposing viewpoints on issues of public importance, commonly referred to as the 'Fairness Doctrine', as repealed in In re Complaint of Syracuse Peace Council against Television Station WTVH, Syracuse New York, 2 FCC Rcd. 5043 (1987); or

"(2) any similar requirement that broadcasters meet programming quotas or guidelines for issues of public importance.".

(b) SEVERABILITY.—Notwithstanding section 7(a), if any provision of section 2(a)(1), 2(b)(1), or 3 or any amendment made by those sections is declared or held invalid or unenforceable by a court of competent jurisdiction, the amendment made by subsection (a) and the application of such amendment to any other person or circumstance shall not be affected by such holding.

SA 574. Mr. KYL proposed an amendment to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

On page 27, strike line 21 through the end of the bill and insert the following:

SEC. 8. JUDICIAL REVIEW.

(a) SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.—If any action is brought to challenge the constitutionality of any provision of this Act or any amendment made by this Act, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(b) INTERVENTION BY MEMBERS OF CONGRESS.—

(1) IN GENERAL.—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is challenged (including an action described in subsection (a)), any member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or the Senate shall have the right to intervene or file legal pleadings or briefs either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment.

(2) COURT EFFICIENCY.—To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any action described in paragraph (1) may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

SA 575. Mr. ENSIGN (for himself, Mr. VITTER, Mr. COBURN, Mr. DEMINT, Mr. BURR, Mr. WICKER, Mr. THUNE, Mr. GRASSLEY, Mr. RISCH, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, Mr. CHAMBLISS, Mr. ISAKSON, Mr. CRAPO, Mr. CORNYN, Mr. BROWNBACK, Mr. CORKER, Mr. MARTINEZ, Ms. MURKOWSKI, Mr. GRAHAM, and Mr. ROBERTS) proposed an amendment to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

At the appropriate place, insert the following:

TITLE ____—SECOND AMENDMENT ENFORCEMENT ACT

SEC. __01. SHORT TITLE.

This title may be cited as the "Second Amendment Enforcement Act".

SEC. __02. CONGRESSIONAL FINDINGS.

Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) As the Congress and the Supreme Court of the United States have recognized, the Second Amendment to the United States Constitution protects the rights of individuals, including those who are not members of a militia or engaged in military service or training, to keep and bear arms.

(3) The law-abiding citizens of the District of Columbia are deprived by local laws of handguns, rifles, and shotguns that are commonly kept by law-abiding persons throughout the United States for sporting use and for lawful defense of their persons, homes, businesses, and families.

(4) The District of Columbia has the highest per capita murder rate in the Nation, which may be attributed in part to local laws prohibiting possession of firearms by law-abiding persons who would otherwise be able to defend themselves and their loved ones in their own homes and businesses.

(5) The Federal Gun Control Act of 1968, as amended by the Firearms Owners' Protection Act of 1986, and the Brady Handgun Violence Prevention Act of 1993, provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere. In addition, existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. Consequently, there is no need for local laws which only affect and disarm law-abiding citizens.

(6) Officials of the District of Columbia have indicated their intention to continue to unduly restrict lawful firearm possession and use by citizens of the District.

(7) Legislation is required to correct the District of Columbia's law in order to restore the fundamental rights of its citizens under the Second Amendment to the United States Constitution and thereby enhance public safety.

SEC. __03. REFORM D.C. COUNCIL'S AUTHORITY TO RESTRICT FIREARMS.

Section 4 of the Act entitled "An Act to prohibit the killing of wild birds and wild animals in the District of Columbia", approved June 30, 1906 (34 Stat. 809; sec. 1–303.43, D.C. Official Code) is amended by adding at the end the following: "Nothing in this section or any other provision of law shall authorize, or shall be construed to permit, the Council, the Mayor, or any governmental or regulatory authority of the District of Columbia to prohibit, constructively prohibit, or unduly burden the ability of persons not prohibited from possessing firearms under Federal law from acquiring, possessing in their homes or businesses, or using for sporting, self-protection or other lawful purposes, any firearm neither prohibited by Federal law nor subject to the National Firearms Act. The District of Columbia shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms. Nothing in the previous two sentences shall be construed to prohibit the District of Columbia from regulating or prohibiting the carrying of firearms by a person, either concealed or openly, other than at the person's dwelling place, place of business, or on other land possessed by the person.".

SEC. __04. REPEAL D.C. SEMIAUTOMATIC BAN.

(a) IN GENERAL.—Section 101(10) of the Firearms Control Regulations Act of 1975 (sec. 7–2501.01(10), D.C. Official Code) is amended to read as follows:

"(10) 'Machine gun' means any firearm which shoots, is designed to shoot, or may be readily restored to shoot automatically, more than 1 shot without manual reloading by a single function of the trigger, and includes the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun

can be assembled if such parts are in the possession or under the control of a person.''.

(b) CONFORMING AMENDMENT TO PROVISIONS SETTING FORTH CRIMINAL PENALTIES.—Section 1(c) of the Act of July 8, 1932 (47 Stat. 651; sec. 22—4501(c), D.C. Official Code) is amended to read as follows:

''(c) 'Machine gun', as used in this Act, has the meaning given such term in section 101(10) of the Firearms Control Regulations Act of 1975.''.

SEC. __05. REPEAL REGISTRATION REQUIREMENT.

(a) REPEAL OF REQUIREMENT.—

(1) IN GENERAL.—Section 201(a) of the Firearms Control Regulations Act of 1975 (sec. 7–2502.01(a), D.C. Official Code) is amended by striking ''any firearm, unless'' and all that follows through paragraph (3) and inserting the following: ''any firearm described in subsection (c).''.

(2) DESCRIPTION OF FIREARMS REMAINING ILLEGAL.—Section 201 of such Act (sec. 7–2502.01, D.C. Official Code) is amended by adding at the end the following new subsection:

''(c) A firearm described in this subsection is any of the following:

''(1) A sawed-off shotgun.

''(2) A machine gun.

''(3) A short-barreled rifle.''.

(3) CONFORMING AMENDMENT.—The heading of section 201 of such Act (sec. 7–2502.01, D.C. Official Code) is amended by striking ''Registration requirements'' and inserting ''Firearm Possession''.

(b) CONFORMING AMENDMENTS TO FIREARMS CONTROL REGULATIONS ACT.—The Firearms Control Regulations Act of 1975 is amended as follows:

(1) Sections 202 through 211 (secs. 7–2502.02 through 7–2502.11, D.C. Official Code) are repealed.

(2) Section 101 (sec. 7–2501.01, D.C. Official Code) is amended by striking paragraph (13).

(3) Section 401 (sec. 7–2504.01, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''the District;'' and all that follows and inserting the following: ''the District, except that a person may engage in hand loading, reloading, or custom loading of ammunition for firearms lawfully possessed under this Act.''; and

(B) in subsection (b), by striking ''which are unregisterable under section 202'' and inserting ''which are prohibited under section 201''.

(4) Section 402 (sec. 7–2504.02, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''Any person eligible to register a firearm'' and all that follows through ''such business,'' and inserting the following: ''Any person not otherwise prohibited from possessing or receiving a firearm under Federal or District law, or from being licensed under section 923 of title 18, United States Code,''; and

(B) in subsection (b), by amending paragraph (1) to read as follows:

''(1) The applicant's name;''.

(5) Section 403(b) (sec. 7–2504.03(b), D.C. Official Code) is amended by striking ''registration certificate'' and inserting ''dealer's license''.

(6) Section 404(a)(3) (sec. 7–2504.04(a)(3)), D.C. Official Code) is amended—

(A) in subparagraph (B)(i), by striking ''registration certificate number (if any) of the firearm,'';

(B) in subparagraph (B)(iv), by striking ''holding the registration certificate'' and inserting ''from whom it was received for repair'';

(C) in subparagraph (C)(i), by striking ''and registration certificate number (if any) of the firearm'';

(D) in subparagraph (C)(ii), by striking ''registration certificate number or''; and

(E) by striking subparagraphs (D) and (E).

(7) Section 406(c) (sec. 7–2504.06(c), D.C. Official Code) is amended to read as follows:

''(c) Within 45 days of a decision becoming effective which is unfavorable to a licensee or to an applicant for a dealer's license, the licensee or application shall—

''(1) lawfully remove from the District all destructive devices in his inventory, or peaceably surrender to the Chief all destructive devices in his inventory in the manner provided in section 705; and

''(2) lawfully dispose, to himself or to another, any firearms and ammunition in his inventory.''.

(8) Section 407(b) (sec. 7–2504.07(b), D.C. Official Code) is amended by striking ''would not be eligible'' and all that follows and inserting ''is prohibited from possessing or receiving a firearm under Federal or District law.''.

(9) Section 502 (sec. 7–2505.02, D.C. Official Code) is amended—

(A) by amending subsection (a) to read as follows:

''(a) Any person or organization not prohibited from possessing or receiving a firearm under Federal or District law may sell or otherwise transfer ammunition or any firearm, except those which are prohibited under section 201, to a licensed dealer.'';

(B) by amending subsection (c) to read as follows:

''(c) Any licensed dealer may sell or otherwise transfer a firearm to any person or organization not otherwise prohibited from possessing or receiving such firearm under Federal or District law.'';

(C) in subsection (d), by striking paragraphs (2) and (3); and

(D) by striking subsection (e).

(10) Section 704 (sec. 7–2507.04, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''any registration certificate or'' and inserting ''a''; and

(B) in subsection (b), by striking ''registration certificate,''.

(c) OTHER CONFORMING AMENDMENTS.—Section 2(4) of the Illegal Firearm Sale and Distribution Strict Liability Act of 1992 (sec. 7–2531.01(4), D.C. Official Code) is amended—

(1) in subparagraph (A), by striking ''or ignoring proof of the purchaser's residence in the District of Columbia''; and

(2) in subparagraph (B), by striking ''registration and''.

SEC. __06. REPEAL HANDGUN AMMUNITION BAN.

Section 601(3) of the Firearms Control Regulations Act of 1975 (sec. 7–2506.01(3), D.C. Official Code) is amended by striking ''is the holder of the valid registration certificate for'' and inserting ''owns''.

SEC. __07. RESTORE RIGHT OF SELF DEFENSE IN THE HOME.

Section 702 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.02, D.C. Official Code) is repealed.

SEC. __08. REMOVE CRIMINAL PENALTIES FOR POSSESSION OF UNREGISTERED FIREARMS.

(a) IN GENERAL.—Section 706 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.06, D.C. Official Code) is amended—

(1) by striking ''that:'' and all that follows through ''(1) A'' and inserting ''that a''; and

(2) by striking paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to violations occurring after the 60-day period which begins on the date of the enactment of this Act.

SEC. __09. REMOVE CRIMINAL PENALTIES FOR CARRYING A FIREARM IN ONE'S DWELLING OR OTHER PREMISES.

(a) IN GENERAL.—Section 4(a) of the Act of July 8, 1932 (47 Stat. 651; sec. 22–4504(a), D.C. Official Code) is amended—

(1) in the matter before paragraph (1), by striking ''a pistol,'' and inserting the following: ''except in his dwelling house or place of business or on other land possessed by that person, whether loaded or unloaded, a firearm,''; and

(2) by striking ''except that:'' and all that follows through ''(2) If the violation'' and inserting ''except that if the violation''.

(b) CONFORMING AMENDMENT.—Section 5 of such Act (47 Stat. 651; sec. 22–4505, D.C. Official Code) is amended—

(1) by striking ''pistol'' each place it appears and inserting ''firearm''; and

(2) by striking ''pistols'' each place it appears and inserting ''firearms''.

SEC. __10. AUTHORIZING PURCHASES OF FIREARMS BY DISTRICT RESIDENTS.

Section 922 of title 18, United States Code, is amended in paragraph (b)(3) by inserting after ''other than a State in which the licensee's place of business is located'' the following: '', or to the sale or delivery of a handgun to a resident of the District of Columbia by a licensee whose place of business is located in Maryland or Virginia,''.

SEC. __11. REPEALS OF DISTRICT OF COLUMBIA ACTS.

The Firearms Registration Amendment Act of 2008 and the Firearms Registration Emergency Amendment Act of 2008, as passed by the District of Columbia, are repealed.

SEC. __12. SEVERABILITY.

Notwithstanding any other provision of this Act, if any provision of this Act, or any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this title and amendments made by this title, and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

SA 576. Mr. COBURN (for himself and Mr. INHOFE) proposed an amendment to amendment SA 575 proposed by Mr. ENSIGN (for himself, Mr. VITTER, Mr. COBURN, Mr. DEMINT, Mr. BURR, Mr. WICKER, Mr. THUNE, Mr. GRASSLEY, Mr. RISCH, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, Mr. CHAMBLISS, Mr. ISAKSON, Mr. CRAPO, Mr. CORNYN, Mr. BROWNBACK, Mr. CORKER, Mr. MARTINEZ, Ms. MURKOWSKI, Mr. GRAHAM, and Mr. ROBERTS) to the bill s. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

Strike all after the first word and insert the following:

SECOND AMENDMENT ENFORCEMENT ACT

SEC. __01. SHORT TITLE.

This title may be cited as the ''Second Amendment Enforcement Act''.

SEC. __02. CONGRESSIONAL FINDINGS.

Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) As the Congress and the Supreme Court of the United States have recognized, the Second Amendment to the United States Constitution protects the rights of individuals, including those who are not members of a militia or engaged in military service or training, to keep and bear arms.

(3) The law-abiding citizens of the District of Columbia are deprived by local laws of handguns, rifles, and shotguns that are commonly kept by law-abiding persons throughout the United States for sporting use and

for lawful defense of their persons, homes, businesses, and families.

(4) The District of Columbia has the highest per capita murder rate in the Nation, which may be attributed in part to local laws prohibiting possession of firearms by law-abiding persons who would otherwise be able to defend themselves and their loved ones in their own homes and businesses.

(5) The Federal Gun Control Act of 1968, as amended by the Firearms Owners' Protection Act of 1986, and the Brady Handgun Violence Prevention Act of 1993, provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere. In addition, existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. Consequently, there is no need for local laws which only affect and disarm law-abiding citizens.

(6) Officials of the District of Columbia have indicated their intention to continue to unduly restrict lawful firearm possession and use by citizens of the District.

(7) Legislation is required to correct the District of Columbia's law in order to restore the fundamental rights of its citizens under the Second Amendment to the United States Constitution and thereby enhance public safety.

SEC. __03. REFORM D.C. COUNCIL'S AUTHORITY TO RESTRICT FIREARMS.

Section 4 of the Act entitled ''An Act to prohibit the killing of wild birds and wild animals in the District of Columbia'', approved June 30, 1906 (34 Stat. 809; sec. 1–303.43, D.C. Official Code) is amended by adding at the end the following: ''Nothing in this section or any other provision of law shall authorize, or shall be construed to permit, the Council, the Mayor, or any governmental or regulatory authority of the District of Columbia to prohibit, constructively prohibit, or unduly burden the ability of persons not prohibited from possessing firearms under Federal law from acquiring, possessing in their homes or businesses, or using for sporting, self-protection or other lawful purposes, any firearm neither prohibited by Federal law nor subject to the National Firearms Act. The District of Columbia shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms. Nothing in the previous two sentences shall be construed to prohibit the District of Columbia from regulating or prohibiting the carrying of firearms by a person, either concealed or openly, other than at the person's dwelling place, place of business, or on other land possessed by the person.''.

SEC. __04. REPEAL D.C. SEMIAUTOMATIC BAN.

(a) IN GENERAL.—Section 101(10) of the Firearms Control Regulations Act of 1975 (sec. 7–2501.01(10), D.C. Official Code) is amended to read as follows:

''(10) 'Machine gun' means any firearm which shoots, is designed to shoot, or may be readily restored to shoot automatically, more than 1 shot without manual reloading by a single function of the trigger, and includes the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.''.

(b) CONFORMING AMENDMENT TO PROVISIONS SETTING FORTH CRIMINAL PENALTIES.—Section 1(c) of the Act of July 8, 1932 (47 Stat. 651; sec. 22–4501(c), D.C. Official Code) is amended to read as follows:

''(c) 'Machine gun', as used in this Act, has the meaning given such term in section 101(10) of the Firearms Control Regulations Act of 1975.''.

SEC. __05. REPEAL REGISTRATION REQUIREMENT.

(a) REPEAL OF REQUIREMENT.—

(1) IN GENERAL.—Section 201(a) of the Firearms Control Regulations Act of 1975 (sec. 7–2502.01(a), D.C. Official Code) is amended by striking ''any firearm, unless'' and all that follows through paragraph (3) and inserting the following: ''any firearm described in subsection (c).''.

(2) DESCRIPTION OF FIREARMS REMAINING ILLEGAL.—Section 201 of such Act (sec. 7–2502.01, D.C. Official Code) is amended by adding at the end the following new subsection:

''(c) A firearm described in this subsection is any of the following:

''(1) A sawed-off shotgun.

''(2) A machine gun.

''(3) A short-barreled rifle.''.

(3) CONFORMING AMENDMENT.—The heading of section 201 of such Act (sec. 7—2502.01, D.C. Official Code) is amended by striking ''Registration requirements'' and inserting ''Firearm Possession''.

(b) CONFORMING AMENDMENTS TO FIREARMS CONTROL REGULATIONS ACT.—The Firearms Control Regulations Act of 1975 is amended as follows:

(1) Sections 202 through 211 (secs. 7–2502.02 through 7–2502.11, D.C. Official Code) are repealed.

(2) Section 101 (sec. 7–2501.01, D.C. Official Code) is amended by striking paragraph (13).

(3) Section 401 (sec. 7–2504.01, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''the District;'' and all that follows and inserting the following: ''the District, except that a person may engage in hand loading, reloading, or custom loading of ammunition for firearms lawfully possessed under this Act.''; and

(B) in subsection (b), by striking ''which are unregisterable under section 202'' and inserting ''which are prohibited under section 201''.

(4) Section 402 (sec. 7–2504.02, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''Any person eligible to register a firearm'' and all that follows through ''such business,'' and inserting the following: ''Any person not otherwise prohibited from possessing or receiving a firearm under Federal or District law, or from being licensed under section 923 of title 18, United States Code,''; and

(B) in subsection (b), by amending paragraph (1) to read as follows:

''(1) The applicant's name;''.

(5) Section 403(b) (sec. 7–2504.03(b), D.C. Official Code) is amended by striking ''registration certificate'' and inserting ''dealer's license''.

(6) Section 404(a)(3) (sec. 7–2504.04(a)(3)), D.C. Official Code) is amended—

(A) in subparagraph (B)(i), by striking ''registration certificate number (if any) of the firearm,'';

(B) in subparagraph (B)(iv), by striking ''holding the registration certificate'' and inserting ''from whom it was received for repair'';

(C) in subparagraph (C)(i), by striking ''and registration certificate number (if any) of the firearm'';

(D) in subparagraph (C)(ii), by striking ''registration certificate number or''; and

(E) by striking subparagraphs (D) and (E).

(7) Section 406(c) (sec. 7–2504.06(c), D.C. Official Code) is amended to read as follows:

''(c) Within 45 days of a decision becoming effective which is unfavorable to a licensee or to an applicant for a dealer's license, the licensee or application shall—

''(1) lawfully remove from the District all destructive devices in his inventory, or peaceably surrender to the Chief all destructive devices in his inventory in the manner provided in section 705; and

''(2) lawfully dispose, to himself or to another, any firearms and ammunition in his inventory.''.

(8) Section 407(b) (sec. 7–2504.07(b), D.C. Official Code) is amended by striking ''would not be eligible'' and all that follows and inserting ''is prohibited from possessing or receiving a firearm under Federal or District law.''.

(9) Section 502 (sec. 7–2505.02, D.C. Official Code) is amended—

(A) by amending subsection (a) to read as follows:

''(a) Any person or organization not prohibited from possessing or receiving a firearm under Federal or District law may sell or otherwise transfer ammunition or any firearm, except those which are prohibited under section 201, to a licensed dealer.'';

(B) by amending subsection (c) to read as follows:

''(c) Any licensed dealer may sell or otherwise transfer a firearm to any person or organization not otherwise prohibited from possessing or receiving such firearm under Federal or District law.'';

(C) in subsection (d), by striking paragraphs (2) and (3); and

(D) by striking subsection (e).

(10) Section 704 (sec. 7–2507.04, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''any registration certificate or'' and inserting ''a''; and

(B) in subsection (b), by striking ''registration certificate,''.

(c) OTHER CONFORMING AMENDMENTS.—Section 2(4) of the Illegal Firearm Sale and Distribution Strict Liability Act of 1992 (sec. 7–2531.01(4), D.C. Official Code) is amended—

(1) in subparagraph (A), by striking ''or ignoring proof of the purchaser's residence in the District of Columbia''; and

(2) in subparagraph (B), by striking ''registration and''.

SEC. __06. REPEAL HANDGUN AMMUNITION BAN.

Section 601(3) of the Firearms Control Regulations Act of 1975 (sec. 7–2506.01(3), D.C. Official Code) is amended by striking ''is the holder of the valid registration certificate for'' and inserting ''owns''.

SEC. __07. RESTORE RIGHT OF SELF DEFENSE IN THE HOME.

Section 702 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.02, D.C. Official Code) is repealed.

SEC. __08. REMOVE CRIMINAL PENALTIES FOR POSSESSION OF UNREGISTERED FIREARMS.

(a) IN GENERAL.—Section 706 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.06, D.C. Official Code) is amended—

(1) by striking ''that:'' and all that follows through ''(1) A'' and inserting ''that a''; and

(2) by striking paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to violations occurring after the 60-day period which begins on the date of the enactment of this Act.

SEC. __09. REMOVE CRIMINAL PENALTIES FOR CARRYING A FIREARM IN ONE'S DWELLING OR OTHER PREMISES.

(a) IN GENERAL.—Section 4(a) of the Act of July 8, 1932 (47 Stat. 651; sec. 22–4504(a), D.C. Official Code) is amended—

(1) in the matter before paragraph (1), by striking ''a pistol,'' and inserting the following: ''except in his dwelling house or place of business or on other land possessed by that person, whether loaded or unloaded, a firearm,''; and

(2) by striking ''except that:'' and all that follows through ''(2) If the violation'' and inserting ''except that if the violation''.

(b) CONFORMING AMENDMENT.—Section 5 of such Act (47 Stat. 651; sec. 22–4505, D.C. Official Code) is amended—

(1) by striking ''pistol'' each place it appears and inserting ''firearm''; and

(2) by striking ''pistols'' each place it appears and inserting ''firearms''.

SEC. _10. AUTHORIZING PURCHASES OF FIREARMS BY DISTRICT RESIDENTS.

Section 922 of title 18, United States Code, is amended in paragraph (b)(3) by inserting after ''other than a State in which the licensee's place of business is located'' the following: '', or to the sale or delivery of a handgun to a resident of the District of Columbia by a licensee whose place of business is located in Maryland or Virginia,''.

SEC. _11. REPEALS OF DISTRICT OF COLUMBIA ACTS.

The Firearms Registration Amendment Act of 2008 and the Firearms Registration Emergency Amendment Act of 2008, as passed by the District of Columbia, are repealed.

SEC. _12. SEVERABILITY.

Notwithstanding any other provision of this Act, if any provision of this Act, or any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this title and amendments made by this title, and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

SEC. 13. EFFECTIVE DATE.

This Act shall take effect 1 day after the date of enactment of this Act.

SA 577. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. ELIMINATION OF FEDERAL INCOME TAX FOR RESIDENTS OF THE DISTRICT OF COLUMBIA.

Due to the unique status of the District of Columbia, created by the Constitution of the United States, bona fide residents of the District shall, notwithstanding any other provision of law, be exempt from the individual Federal income tax for taxable years beginning after the date of the enactment of this Act.

SA 578. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. ELIMINATION OF FEDERAL INCOME TAX FOR RESIDENTS OF THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Subpart D of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 938. INCOME FROM SOURCES WITHIN THE DISTRICT OF COLUMBIA.

''(a) GENERAL RULE.—In the case of an individual who is a bona fide resident of the District of Columbia during the entire taxable year, gross income shall not include—

''(1) income derived from sources within the District of Columbia; and

''(2) income effectively connected with the conduct of a trade or business by such individual within the District of Columbia.

''(b) DEDUCTIONS, ETC. ALLOCABLE TO EXCLUDED AMOUNTS NOT ALLOWABLE.—An individual shall not be allowed—

''(1) as a deduction from gross income any deductions (other than the deduction under section 151, relating to personal exemptions); or

''(2) any credit, properly allocable or chargeable against amounts excluded from gross income under this section.

''(c) BONA FIDE RESIDENT AND OTHER APPLICABLE RULES.—For purposes of this section, rules similar to the rules of section 876, 937, 957(c), 3401(a)(8)(D), and 7654 shall apply.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart D of part III of subchapter N of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 938. Income from sources within the District of Columbia.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SA 579. Mr. THUNE (for himself, Mr. VITTER, Mr. GRASSLEY, Mr. WICKER, Mr. COBURN, Mr. DEMINT, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, Mr. RISCH, Mr. CRAPO, and Mr. WEBB) proposed an amendment to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

At the appropriate place, insert the following:

SEC. _____. RESPECTING STATES RIGHTS AND CONCEALED CARRY RECIPROCITY ACT OF 2009.

(a) SHORT TITLE.—This section may be cited as the ''Respecting States Rights and Concealed Carry Reciprocity Act of 2009''.

(b) RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

''§ 926D. Reciprocity for the carrying of certain concealed firearms

''Notwithstanding any provision of the law of any State or the District of Columbia or political subdivision thereof—

''(1) a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and is carrying a valid license or permit which is issued pursuant to the law of any State or the District of Columbia and which permits the person to carry a concealed firearm, may carry in any State or the District of Columbia a concealed firearm in accordance with the terms of the license or permit, subject to the laws of the State or the District of Columbia in which the firearm is carried concerning specific types of locations in which firearms may not be carried; and

''(2) a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and is otherwise than as described in paragraph (1) entitled to carry a concealed firearm in and pursuant to the law of the State or the District of Columbia in which the person resides, may carry in any State or the District of Columbia a concealed firearm in accordance with the laws of the State or the District of Columbia in which the person resides, subject to the laws of the State or the District of Columbia in which the firearm is carried concerning specific types of locations in which firearms may not be carried.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 44 of title 18 is amended by inserting after the item relating to section 926C the following:

''926D. Reciprocity for the carrying of certain concealed firearms.''.

(c) SEVERABILITY.—If any other provision of this Act, another amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section and the application of the provisions of such to any person or circumstance shall not be affected thereby.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of enactment of this Act.

SA 580. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. NO FEDERAL INCOME TAXES FOR RESIDENTS OF THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Subpart D of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 938. INCOME FROM SOURCES WITHIN THE DISTRICT OF COLUMBIA.

''(a) GENERAL RULE.—In the case of an individual who is a bona fide resident of the District of Columbia (other than a Member of Congress) during the entire taxable year, gross income shall not include—

''(1) income derived from sources within the District of Columbia; and

''(2) income effectively connected with the conduct of a trade or business by such individual within the District of Columbia.

''(b) DEDUCTIONS, ETC. ALLOCABLE TO EXCLUDED AMOUNTS NOT ALLOWABLE.—An individual shall not be allowed—

''(1) as a deduction from gross income any deductions (other than the deduction under section 151, relating to personal exemptions); or

''(2) any credit, properly allocable or chargeable against amounts excluded from gross income under this section.

''(c) BONA FIDE RESIDENT AND OTHER APPLICABLE RULES.—For purposes of this section, rules similar to the rules of sections 876, 937, 957(c), 3401(a)(8)(D), and 7654 shall apply.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart D of part III of subchapter N of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 938. Income from sources within the District of Columbia.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SA 581. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. ELIMINATION OF FEDERAL INCOME TAX FOR RESIDENTS OF THE DISTRICT OF COLUMBIA.

Due to the unique status of the District of Columbia, created by the Constitution of the

United States, bona fide residents of the District (other than Members of Congress) shall, notwithstanding any other provision of law, be exempt from the individual Federal income tax for taxable years beginning after the date of the enactment of this Act.

SA 582. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. COVERAGE OF .50 BMG CALIBER SNIPER RIFLES UNDER THE GUN CONTROL ACT OF 1968.

(a) IN GENERAL.—Section 921(a)(4)(B) of title 18, United States Code, is amended—

(1) by striking ''any type of weapon'' and inserting the following: ''any—

''(i) type of weapon''; and

(2) by striking ''and'' at the end and inserting the following: ''or

''(ii) .50 BMG caliber sniper rifle; and''.

(b) DEFINITION OF .50 BMG CALIBER SNIPER RIFLE.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(36) The term '.50 BMG caliber sniper rifle' means—

''(A) a rifle capable of firing a center-fire cartridge in .50 BMG caliber, including a 12.7 mm equivalent of .50 BMG and any other metric equivalent; or

''(B) a copy or duplicate of any rifle described in subparagraph (A), or any other rifle developed and manufactured after the date of enactment of this paragraph, regardless of caliber, if such rifle is capable of firing a projectile that attains a muzzle energy of 12,000 foot-pounds or greater in any combination of bullet, propellant, case, or primer.''.

(c) COVERAGE OF .50 BMG CALIBER SNIPER RIFLES UNDER THE NATIONAL FIREARMS ACT.—

(1) IN GENERAL.—Section 5845(f) of the National Firearms Act (26 U.S.C. 5845(f)) is amended—

(A) by striking ''and (3)'' and inserting ''(3) any .50 BMG caliber sniper rifle (as that term is defined in section 921 of title 18, United States Code); and (4)''; and

(B) by striking ''(1) and (2)'' and inserting ''(1), (2), or (3)''.

(2) MODIFICATION TO DEFINITION OF RIFLE.—Section 5845(c) of the National Firearms Act (26 U.S.C. 5845(c)) is amended by inserting ''or from a bipod or other support'' after ''shoulder''.

(d) IMPLEMENTATION.—Not later than 30 days after the date of enactment of this Act, the Attorney General shall implement regulations providing for notice and registration of .50 BMG caliber sniper rifles as destructive devices (as those terms are defined in section 921 of title 18, United States Code, as amended by this section) under this section and the amendments made by this section, including the use of a notice and registration process similar to that used when the USAS–12, Striker 12, and Streetsweeper shotguns were reclassified as destructive devices and registered between 1994 and 2001 (ATF Ruling 94–1 (ATF Q.B. 1994–1, 22); ATF Ruling 94–2 (ATF Q.B. 1994–1, 24); and ATF Ruling 2001–1 (66 Fed. Reg. 9748)). The Attorney General shall ensure that under the regulations issued under this subsection, the time period for the registration of any previously unregistered .50 BMG caliber sniper rifle shall end not later than 7 years after the date of enactment of this Act.

SA 583. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. FOREIGN CONVICTIONS OF DANGEROUS CRIMES.

(a) COURTS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(36) The term 'any court' includes any Federal, State, or foreign court.''.

(b) EXCLUSION OF CERTAIN FELONIES.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''any Federal or State offenses'' and inserting ''any Federal, State, or foreign offenses'';

(2) in subparagraph (B), by striking ''any State offense classified by the laws of the State'' and inserting ''any State or foreign offense classified by the laws of that jurisdiction''; and

(3) in the matter following subparagraph (B), in the first sentence, by inserting before the period the following: '', except that a foreign conviction shall not constitute a conviction of such a crime if the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States''.

(c) DOMESTIC VIOLENCE CRIMES.—Section 921(a)(33) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''subparagraph (C)'' and inserting ''subparagraph (B)''; and

(2) in subparagraph (B)(ii), by striking ''if the conviction has'' and inserting the following: ''if the conviction—

''(I) occurred in a foreign jurisdiction and the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States; or

''(II) has''.

(d) PENALTIES.—Section 924(e)(2)(A)(ii) of title 18, United States Code, is amended—

(1) by striking ''an offense under State law'' and inserting ''an offense under State or foreign law''; and

(2) by inserting before the semicolon the following: '', except that a foreign conviction shall not constitute a conviction of such a crime if the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States''.

SA 584. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.

(a) IN GENERAL.—Section 1259 of title 28, United States Code, is amended—

(1) in paragraph (3), by inserting ''or denied'' after ''granted''; and

(2) in paragraph (4), by inserting ''or denied'' after ''granted''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 867a(a) of title 10, United States Code, is amended by striking ''The Supreme Court may not review by a writ of certiorari under this section any action of the Court of Appeals for the Armed Forces in refusing to grant a petition for review.''.

SA 585. Mr. KYL proposed an amendment to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. RETROCESSION OF DISTRICT OF COLUMBIA TO MARYLAND.

(a) IN GENERAL.—Upon the issuance of a proclamation by the President under section 6 and except as provided in subsection (b), the territory ceded to Congress by the State of Maryland to serve as the District constituting the permanent seat of the Government of the United States is ceded and relinquished to the State of Maryland.

(b) CONTINUATION OF FEDERAL CONTROL OVER NATIONAL CAPITAL SERVICE AREA.—Notwithstanding subsection (a), Congress shall continue to exercise exclusive legislative authority and control over the District of Columbia, which shall consist of the National Capital Service Area described in section 3.

SEC. 2. EFFECT ON JUDICIAL PROCEEDINGS IN DISTRICT OF COLUMBIA.

(a) CONTINUATION OF SUITS.—No writ, action, indictment, cause, or proceeding pending in any court of the District of Columbia on the effective date of this Act shall abate as a result of the enactment of this Act, but shall be transferred and shall proceed within such appropriate court of the State of Maryland as established under the laws or constitution of the State of Maryland.

(b) APPEALS.—An order or decision of any court of the District of Columbia for which no appeal has been filed as of the effective date of this Act shall be considered an order or decision of a court of the State of Maryland for purposes of appeal from and appellate review of such order or decision in an appropriate court of the State of Maryland.

SEC. 3. NATIONAL CAPITAL SERVICE AREA.

(a) DESCRIPTION.—The National Capital Service Area referred to in section 1(b) is comprised of the principal Federal monuments, the White House, the Capitol Building, the United States Supreme Court Building, and the Federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building (but shall not include the District Building), and is more particularly described as the territory located within the following boundaries:

Beginning at the point on the present Virginia-District of Columbia boundary due west of the northernmost point of Theodore Roosevelt Island and running due east of the eastern shore of the Potomac River;

thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

thence east along the north side of the Kennedy Center to a point where it reaches the E Street Expressway;

thence east on the expressway to E Street Northwest and thence east on E Street Northwest to Nineteenth Street Northwest;

thence north on Nineteenth Street Northwest to F Street Northwest;

thence east on F Street Northwest to Eighteenth Street Northwest;

thence south on Eighteenth Street Northwest to Constitution Avenue Northwest;

thence east on Constitution Avenue to Seventeenth Street Northwest;
thence north on Seventeenth Street Northwest to H Street Northwest;
thence east on H Street Northwest to Madison Place Northwest;
thence south on Madison Place Northwest to Pennsylvania Avenue Northwest;
thence east on Pennsylvania Avenue Northwest to Fifteenth Street Northwest;
thence south on Fifteenth Street Northwest to Pennsylvania Avenue Northwest;
thence southeast on Pennsylvania Avenue Northwest to Tenth Street Northwest;
thence north on Tenth Street Northwest to E Street Northwest;
thence east on E Street Northwest to Ninth Street Northwest;
thence south on Ninth Street Northwest to Pennsylvania Avenue Northwest;
thence southeast on Pennsylvania Avenue Northwest to John Marshall Place Northwest;
thence north on John Marshall Place Northwest to C Street Northwest;
thence east on C Street Northwest to Third Street Northwest;
thence north on Third Street Northwest to D Street Northwest;
thence east on D Street Northwest to Second Street Northwest;
thence south on Second Street Northwest to the intersection of Constitution Avenue Northwest and Louisiana Avenue Northwest;
thence northeast on Louisiana Avenue Northwest to North Capitol Street;
thence north on North Capitol Street to Massachusetts Avenue Northwest;
thence southeast on Massachusetts Avenue Northwest so as to encompass Union Square;
thence following Union Square to F Street Northeast;
thence east on F Street Northeast to Second Street Northeast;
thence south on Second Street Northeast to D Street Northeast;
thence west on D Street Northeast to First Street Northeast;
thence south on First Street Northeast to C Street Northeast;
thence east on C Street Northeast to Third Street Northeast;
thence south on Third Street Northeast to Maryland Avenue Northeast;
thence south and west on Maryland Avenue Northeast to Constitution Avenue Northeast;
thence west on Constitution Avenue Northeast to First Street Northeast;
thence south on First Street Northeast to Maryland Avenue Northeast;
thence generally north and east on Maryland Avenue to Second Street Northeast;
thence south on Second Street Northeast to East Capitol Street;
thence east on East Capitol Street to Third Street Northeast;
thence south on Third Street Northeast to Independence Avenue Southeast;
thence west on Independence Avenue Southeast to Second Street Southeast;
thence south on Second Street Southeast to C Street Southeast;
thence west on C Street Southeast to New Jersey Avenue Southeast;
thence south on New Jersey Avenue Southeast to D Street Southeast;
thence west on D Street Southeast to Washington Avenue Southwest;
thence north and west on Washington Avenue Southwest to the intersection of Independence Avenue Southwest and Second Street Southwest;
thence south on Second Street Southwest to Virginia Avenue Southwest;
thence generally west on Virginia Avenue to Third Street Southwest;
thence north on Third Street Southwest to C Street Southwest;
thence west on C Street Southwest to Sixth Street Southwest;
thence south on Sixth Street Southwest to E Street Southwest;
thence west on E Street Southwest to Seventh Street Southwest;
thence north on Seventh Street Southwest to Maryland Avenue Southwest;
thence west on Maryland Avenue Southwest to Ninth Street Southwest;
thence north on Ninth Street Southwest to Independence Avenue Southwest;
thence west on Independence Avenue Southwest to Twelfth Street Southwest;
thence south on Twelfth Street Southwest to D Street Southwest;
thence west on D Street Southwest to Fourteenth Street Southwest;
thence south on Fourteenth Street Southwest to the middle of the Washington Channel;
thence generally south and east along the midchannel of the Washington Channel to a point due west of the northern boundary line of Fort Lesley McNair;
thence due east to the side of the Washington Channel;
thence following generally south and east along the side of the Washington Channel at the mean high water mark, to the point of confluence with the Anacostia River, and along the northern shore at the mean high water mark to the northernmost point of the Eleventh Street Bridge;
thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;
thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;
thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia;
thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary;
thence generally north and west up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.

(b) STREETS AND SIDEWALKS.—The National Capital Service Area shall include any street (and sidewalk thereof) that bounds such Area.

(c) AFFRONTING OR ABUTTING FEDERAL REAL PROPERTY.—

(1) IN GENERAL.—The National Capital Service Area shall include any Federal real property affronting or abutting such Area as of the effective date of this Act.

(2) PROPERTY INCLUDED.—For purposes of paragraph (1), Federal real property affronting or abutting the National Capital Service Area shall—

(A) include the Department of Housing and Urban Development Building, the Department of Energy Building, Fort Lesley McNair, the Washington Navy Yard, the Anacostia Naval Annex, the United States Naval Station, Bolling Air Force Base, and the Naval Research Laboratory; and

(B) not include any portion of Rock Creek Park, any portion of Anacostia Park east of the northern side of the Eleventh Street Bridge, or any territory not located in the District of Columbia on the day before the date of the enactment of this Act.

SEC. 4. TRANSITION PROVISIONS RELATING TO HOUSE OF REPRESENTATIVES.

(a) TEMPORARY INCREASE IN APPORTIONMENT.—

(1) IN GENERAL.—Until the taking effect of the first reapportionment occurring after the effective date of this Act—

(A) the individual serving as the Delegate to the House of Representatives from the District of Columbia shall serve as a member of the House of Representatives from the State of Maryland;

(B) the State of Maryland shall be entitled to 1 additional Representative until the taking effect of such reapportionment; and

(C) such Representative shall be in addition to the membership of the House of Representatives as now prescribed by law.

(2) INCREASE NOT COUNTED AGAINST TOTAL NUMBER OF MEMBERS.—The temporary increase in the membership of the House of Representatives provided under paragraph (1) shall not operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (37 Stat. 13; 2 U.S.C. 2), nor shall such temporary increase affect the basis of reapportionment established by the Act of November 15, 1941 (55 Stat. 761; 2 U.S.C. 2a), for the 82nd Congress and each Congress thereafter.

(b) REPEAL OF LAWS PROVIDING FOR DELEGATE FROM THE DISTRICT OF COLUMBIA.—Sections 202 and 204 of the District of Columbia Delegate Act (Public Law 91–405; sections 1–401 and 1–402, D.C. Official Code) are repealed, and the provisions of law amended or repealed by such sections are restored or revived as if such sections had not been enacted.

SEC. 5. EFFECT ON OTHER LAWS.

No law or regulation which is in force on the effective date of this Act shall be deemed amended or repealed by this Act except to the extent specifically provided in this Act, or to the extent that such law or regulation is inconsistent with this Act.

SEC. 6. PROCLAMATION REGARDING ACCEPTANCE OF RETROCESSION BY MARYLAND.

Not later than 30 days after the State of Maryland enacts legislation accepting the retrocession described in section 1(a), the President shall issue a proclamation announcing such acceptance and declaring that the territory ceded to Congress by the State of Maryland to serve as the District constituting the permanent seat of the Government of the United States has been ceded back to the State of Maryland.

SEC. 7. EFFECTIVE DATE.

The provisions of this Act and the amendments made by this Act shall take effect on the date the President issues a proclamation under section 6 or the date of the ratification of an amendment to the Constitution of the United States repealing the twenty-third article of amendment to the Constitution, whichever comes later.

SA 586. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____. BAN ON FIREARM FOR PERSON CONVICTED OF A MISDEMEANOR SEX OFFENSE AGAINST A MINOR.

(a) DISPOSITION OF FIREARM.—Section 922(d) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(3) by inserting after paragraph (9) the following:

''(10) has been convicted in any court of a misdemeanor sex offense against a minor.''.

(b) POSSESSION OF FIREARM.—Section 922(g) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the comma at the end and inserting ''; or''; and

(3) by inserting after paragraph (9) the following:

''(10) has been convicted in any court of a misdemeanor sex offense against a minor,''.

(c) MISDEMEANOR SEX OFFENSE AGAINST A MINOR DEFINED.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(36) The term 'misdemeanor sex offense against a minor' means a sex offense against a minor punishable by imprisonment for not more than 1 year.

''(37) The term 'sex offense' means a criminal offense that has, as an element, a sexual act or sexual contact with another, or an attempt or conspiracy to commit such an offense.

''(38) The term 'minor' means an individual who has not attained 18 years of age.''.

SA 587. Mr. ENSIGN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. REAUTHORIZATION OF THE DC SCHOOL CHOICE INCENTIVE ACT OF 2003.

(a) REAUTHORIZATION.—Section 313 of the DC School Choice Incentive Act of 2003 (title III of division C of Public Law 108–199, 118 Stat. 134) is amended by striking ''fiscal year 2004 and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''fiscal year 2010''.

(b) SEVERABILITY.—Notwithstanding section 7, if any provision of this Act (other than this section), any amendment made by this Act (other than by this section), or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section, the amendment made by this section, and the application of such to any person or circumstance shall not be affected thereby.

SA 588. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

On page 28, after line 18, add the following:

TITLE ____—PUERTO RICO

SEC. 201. SHORT TITLE.

This title may be cited as the ''Puerto Rico Democracy Act of 2009''.

SEC. 202. DEFINITIONS.

In this title:

(1) COMMISSION.—The term ''Commission'' means the Puerto Rico State Elections Commission.

(2) COMMONWEALTH.—The term ''Commonwealth'' means the Commonwealth of Puerto Rico.

SEC. 203. PLEBISCITE.

(a) IN GENERAL.—During the 111th Congress, but not later than December 31, 2010, the Commission shall conduct a plebiscite in the Commonwealth, the ballot of which shall provide for voters to choose only 1 of the following options:

(1) ''The Commonwealth of Puerto Rico should continue to have its present status and relationship with the United States. If you agree, mark here_____.''.

(2) ''The Commonwealth of Puerto Rico should seek independence from the United States. If you agree, mark here _____.''.

(3) ''The Commonwealth of Puerto Rico should seek nationhood in free association with the United States. If you agree, mark here _____.''

(4) ''The Commonwealth of Puerto Rico should seek admission as a State of the United States. If you agree, mark here _____.''

(b) RULES AND REGULATIONS.—The Commission shall issue any rules and regulations necessary to conduct the plebiscite under subsection (a).

(c) CERTIFICATION OF RESULTS.—The Commission shall certify the results of the plebiscite conducted under subsection (a) to the President and each member of Congress.

(d) FEDERAL COURT JURISDICTION.—The Federal courts of the United States shall have jurisdiction over any legal claim or controversy arising from the implementation of this title.

SEC. 204. AVAILABILITY OF FUNDS FOR THE SELF-DETERMINATION PROCESS.

(a) AVAILABILITY OF AMOUNTS DERIVED FROM TAX ON FOREIGN RUM.—During the period beginning on October 1, 2008, and ending on the date on which the results of the plebiscite have been certified under section 203(c), the Secretary of the Treasury shall allocate to the Commission, from amounts that would otherwise be covered into the treasury of the Commonwealth under section 7652(e)(1) of the Internal Revenue Code of 1986, not more than $5,000,000 to pay the costs incurred by the Commission in conducting the plebiscite, as determined by the President, in consultation with the Commission.

(b) USE OF FUNDS FOR EDUCATIONAL AND OTHER MATERIALS.—In allocating amounts to the Commission under subsection (a), the Secretary shall ensure that the content of any Commission voter education materials to be prepared by the Commission using those amounts are not incompatible with the Constitution and the laws and policies of the United States.

SA 589. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. GRANTING THE ATTORNEY GENERAL THE AUTHORITY TO DENY THE SALE, DELIVERY, OR TRANSFER OF A FIREARM OR THE ISSUANCE OF A FIREARMS OR EXPLOSIVES LICENSE OR PERMIT TO DANGEROUS TERRORISTS.

(a) STANDARD FOR EXERCISING ATTORNEY GENERAL DISCRETION REGARDING TRANSFERRING FIREARMS OR ISSUING FIREARMS PERMITS TO DANGEROUS TERRORISTS.—Chapter 44 of title 18, United States Code, is amended—

(1) by inserting after section 922 the following:

''§ 922A. Attorney General's discretion to deny transfer of a firearm

''The Attorney General may deny the transfer of a firearm under section 922(t)(1)(B)(ii) of this title if the Attorney General—

''(1) determines that the transferee is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

''(2) has a reasonable belief that the prospective transferee may use a firearm in connection with terrorism.

''§ 922B. Attorney General's discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3)

''The Attorney General may determine that—

''(1) an applicant for a firearm permit which would qualify for an exemption under section 922(t) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

''(2) the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.'';

(2) in section 921(a), by adding at the end the following:

''(36) The term 'terrorism' includes international terrorism and domestic terrorism, as those terms are defined in section 2331 of this title.

''(37) The term 'material support or resources' has the same meaning as in section 2339A of this title.

''(38) The term 'responsible person' means an individual who has the power, directly or indirectly, to direct or cause the direction of the management and policies of the applicant or licensee pertaining to firearms.''; and

(3) in the table of sections, by inserting after the item relating to section 922 the following:

''922A. Attorney General's discretion to deny transfer of a firearm.

''922B. Attorney General's discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3).''.

(b) EFFECT OF ATTORNEY GENERAL DISCRETIONARY DENIAL THROUGH THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) ON FIREARMS PERMITS.—Section 922(t) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(ii), by inserting ''or State law, or that the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title'' before the semicolon;

(2) in paragraph (2), in the matter preceding subparagraph (A), by inserting '', or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title'' after ''or State law'';

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) in subclause (I), by striking ''and'' at the end; and

(II) by adding at the end the following:

''(III) was issued after a check of the system established pursuant to paragraph (1);'';

(ii) in clause (ii), by inserting ''and'' after the semicolon; and

(iii) by adding at the end the following:

''(iii) the State issuing the permit agrees to deny the permit application if such other person is the subject of a determination by the Attorney General pursuant to section 922B of this title;'';

(4) in paragraph (4), by inserting '', or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title'' after ''or State law''; and

(5) in paragraph (5), by inserting ''; or if the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title'' after ''or State law''.

(c) UNLAWFUL SALE OR DISPOSITION OF FIREARM BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 922(d) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(10) has been the subject of a determination by the Attorney General under section 922A, 922B, 923(d)(3), or 923(e) of this title.''.

(d) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 922(g) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the comma at the end and inserting ''; or''; and

(3) by inserting after paragraph (9) the following:

''(10) who has received actual notice of the Attorney General's determination made under section 922A, 922B, 923(d)(3), or 923(e) of this title,''.

(e) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL FIREARMS LICENSES.—Section 923(d) of title 18, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''Any'' and inserting ''Except as provided in paragraph (3), any''; and

(2) by adding at the end the following:

''(3) The Attorney General may deny a license application under paragraph (1) if the Attorney General determines that the applicant (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.''.

(f) DISCRETIONARY REVOCATION OF FEDERAL FIREARMS LICENSES.—Section 923(e) of title 18, United States Code, is amended—

(1) by inserting ''(1)'' after ''(e)'';

(2) by striking ''revoke any license'' and inserting the following: ''revoke—

''(A) any license'';

(3) by striking ''. The Attorney General may, after notice and opportunity for hearing, revoke the license'' and inserting the following: '';

''(B) the license''; and

(4) by striking ''. The Secretary's action'' and inserting the following: ''; or

''(C) any license issued under this section if the Attorney General determines that the holder of such license (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.

''(2) The Attorney General's action''.

(g) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN FIREARMS LICENSE DENIAL AND REVOCATION SUIT.—

(1) IN GENERAL.—Section 923(f)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: ''However, if the denial or revocation is pursuant to subsection (d)(3) or (e)(3), any information upon which the Attorney General relied for this determination may be withheld from the petitioner, if the Attorney General determines that disclosure of the information would likely compromise national security.''.

(2) SUMMARIES.—Section 923(f)(3) of title 18, United States Code, is amended by inserting after the third sentence the following: ''With respect to any information withheld from the aggrieved party under paragraph (1), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(h) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN RELIEF FROM DISABILITIES LAWSUITS.—Section 925(c) of title 18, United States Code, is amended by inserting after the third sentence the following: ''If the person is subject to a disability under section 922(g)(10) of this title, any information which the Attorney General relied on for this determination may be withheld from the applicant if the Attorney General determines that disclosure of the information would likely compromise national security. In responding to the petition, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(i) PENALTIES.—Section 924(k) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the comma at the end and inserting ''; or''; and

(3) by inserting after paragraph (3) the following:

''(4) constitutes an act of terrorism, or providing material support or resources for terrorism,''.

(j) REMEDY FOR ERRONEOUS DENIAL OF FIREARM OR FIREARM PERMIT EXEMPTION.—

(1) IN GENERAL.—Section 925A of title 18, United States Code, is amended—

(A) in the section heading, by striking ''**Remedy for erroneous denial of firearm**'' and inserting ''**Remedies**'';

(B) by striking ''Any person denied a firearm pursuant to subsection (s) or (t) of section 922'' and inserting the following:

''(a) Except as provided in subsection (b), any person denied a firearm pursuant to subsection (t) of section 922 or a firearm permit pursuant to a determination made under section 922B''; and

(C) by adding at the end the following:

''(b) In any case in which the Attorney General has denied the transfer of a firearm to a prospective transferee pursuant to section 922A of this title or has made a determination regarding a firearm permit applicant pursuant to section 922B of this title, an action challenging the determination may be brought against the United States. The petition shall be filed not later than 60 days after the petitioner has received actual notice of the Attorney General's determination under section 922A or 922B of this title. The court shall sustain the Attorney General's determination upon a showing by the United States by a preponderance of evidence that the Attorney General's determination satisfied the requirements of section 922A or 922B, as the case may be. To make this showing, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security. Upon request of the petitioner or the court's own motion, the court may review the full, undisclosed documents ex parte and in camera. The court shall determine whether the summaries or redacted versions, as the case may be, are fair and accurate representations of the underlying documents. The court shall not consider the full, undisclosed documents in deciding whether the Attorney General's determination satisfies the requirements of section 922A or 922B.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by striking the item relating to section 925A and inserting the following:

''925A. Remedies.''.

(k) PROVISION OF GROUNDS UNDERLYING INELIGIBILITY DETERMINATION BY THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) in subsection (f)—

(A) by inserting ''or the Attorney General has made a determination regarding an applicant for a firearm permit pursuant to section 922B of title 18, United States Code,'' after ''is ineligible to receive a firearm''; and

(B) by inserting ''except any information for which the Attorney General has determined that disclosure would likely compromise national security,'' after ''reasons to the individual,''; and

(2) in subsection (g)—

(A) the first sentence—

(i) by inserting ''or if the Attorney General has made a determination pursuant to section 922A or 922B of title 18, United States Code,'' after ''or State law,''; and

(ii) by inserting '', except any information for which the Attorney General has determined that disclosure would likely compromise national security'' before the period at the end ; and

(B) by adding at the end the following: ''Any petition for review of information withheld by the Attorney General under this subsection shall be made in accordance with section 925A of title 18, United States Code.''.

(l) UNLAWFUL DISTRIBUTION OF EXPLOSIVES BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 842(d) of title 18, United States Code, is amended—

(1) in paragraph (9), by striking the period and inserting ''; or''; and

(2) by adding at the end the following:

''(10) has received actual notice of the Attorney General's determination made pursuant to subsection (d) or (j) of section 843 of this title.''.

(m) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 842(i) of title 18, United States Code, is amended—

(1) in paragraph (7), by adding ''; or'' at the end; and

(2) by inserting after paragraph (7) the following:

''(8) who has received actual notice of the Attorney General's determination made pursuant to subsection (d) or (j) of section 843 of this title,''.

(n) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843 of title 18, United States Code, is amended—

(1) in subsection (b), by striking ''Upon'' and inserting ''Except as provided in subsection (j), upon''; and

(2) by adding at the end the following:

''(j) The Attorney General may deny the issuance of a permit or license to an applicant under subsection (b) if the Attorney General determines that the applicant or a responsible person or employee possessor thereof is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief

that the person may use explosives in connection with terrorism.''.

(o) ATTORNEY GENERAL DISCRETIONARY REVOCATION OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843(d) of title 18, United States Code, is amended—

(1) by inserting ''(1)'' after ''(d)'';

(2) by striking ''if in the opinion'' and inserting the following: ''if—

''(A) in the opinion''; and

(3) by striking ''. The Secretary's action'' and inserting the following: ''; or

''(B) the Attorney General determines that the licensee or holder (or any responsible person or employee possessor thereof) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and that the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.

''(2) The Attorney General's action''.

(p) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN EXPLOSIVES LICENSE AND PERMIT DENIAL AND REVOCATION SUITS.—Section 843(e) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting after the first sentence the following: ''However, if the denial or revocation is based upon an Attorney General determination under subsection (d) or (j), any information which the Attorney General relied on for this determination may be withheld from the petitioner if the Attorney General determines that disclosure of the information would likely compromise national security.''; and

(2) in paragraph (2), by adding at the end the following: ''In responding to any petition for review of a denial or revocation based upon an Attorney General determination under subsection (d) or (j), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(q) ABILITY TO WITHHOLD INFORMATION IN COMMUNICATIONS TO EMPLOYERS.—Section 843(h)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting ''or in subsection (b)(1) of this section (on grounds of terrorism)'' after ''section 842(i)''; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting ''or in subsection (j) of this section,'' after ''section 842(i),''; and

(B) in clause (ii), by inserting '', except that any information that the Attorney General relied on for a determination pursuant to subsection (j) may be withheld if the Attorney General concludes that disclosure of the information would likely compromise national security'' after ''determination''.

(r) CONFORMING AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.—Section 101(a)(43)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(E)(ii)) is amended by striking ''or (5)'' and inserting ''(5), or (10)''.

SA 590. Mr. LAUTENBERG (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE II—GUN SHOW LOOPHOLE CLOSING ACT OF 2009

SEC. 201. SHORT TITLE.

This title may be cited as the ''Gun Show Loophole Closing Act of 2009''.

SEC. 202. DEFINITIONS.

Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(36) The term 'special firearms event'—

''(A) means any event at which 75 or more firearms are offered or exhibited for sale, exchange, or transfer, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce;

''(B) does not include an offer or exhibit of firearms for sale, exchange, or transfer by an individual from the personal collection of that individual, at the private residence of that individual, if the individual is not required to be licensed under section 923 or 932; and

''(C) does not include an offer or exhibit of firearms for sale, exchange, or transfer at events conducted and attended by permanent or annual dues paying members, and their immediate family, of private, not-for-profit organizations whose primary purpose is owning and maintaining real property for the purpose of hunting activities.

''(37) The term 'special firearms event licensee' means any person who has obtained and holds a valid license in compliance with section 932(d) and who is authorized to contact the national instant criminal background check system on behalf of another individual, who is not licensed under this chapter, for the purpose of conducting a background check for a potential firearms transfer at a special firearms event in accordance with section 932(c).

''(38) The term 'special firearms event vendor' means any person who is not required to be licensed under section 923 and who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a special firearms event, regardless of whether or not the person arranges with the special firearms event promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms.''.

SEC. 203. REGULATION OF FIREARMS TRANSFERS AT SPECIAL FIREARMS EVENTS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''§ 932. Regulation of firearms transfers at special firearms events

''(a) SPECIAL FIREARMS EVENTS OPERATORS.—It shall be unlawful for a special firearms events operator to organize, plan, promote, or operate a special firearms event unless that operator—

''(1) before the commencement of the special firearms event, or in the case of a vendor who arrives after the commencement of the event, upon the arrival of the vendor, verifies the identity of each special firearms event vendor participating in the special firearms event by examining a valid identification document (as defined in section 1028(d)(2)) of the vendor containing a photograph of the vendor;

''(2) before the commencement of the special firearms event, or in the case of a vendor who arrives after the commencement of the event, upon the arrival of the vendor, requires each special firearms event vendor to sign—

''(A) a ledger with identifying information concerning the vendor; and

''(B) a notice advising the vendor of the obligations of the vendor under this chapter;

''(3) notifies each person who attends the special firearms event of the requirements of this chapter; and

''(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the operator.

''(b) FEES.—The Attorney General shall not impose or collect any fee from special firearms event operators in connection with the requirements under this section.

''(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

''(1) IN GENERAL.—If any part of a firearm transaction takes place at a special firearms event, or on the curtilage of the event, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, licensed dealer, or a special firearms event licensee in accordance with subsection (d).

''(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement under paragraph (1) shall not—

''(A) transfer the firearm to the transferee until the licensed importer, licensed manufacturer, licensed dealer, or a special firearms event licensee through which the transfer is made makes the notification described in subsection (d)(2)(A); or

''(B) transfer the firearm to the transferee if the person has been notified under subsection (d)(2)(B) that the transfer would violate section 922 or State law.

''(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Attorney General to impose recordkeeping requirements on any nonlicensed special firearms event vendor.

''(d) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, licensed dealer, or special firearms event licensee who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) with respect to the transfer of a firearm shall—

''(1) except as provided in paragraph (2), comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor);

''(2) not later than 3 business days (meaning days on which State offices are open) after the date of the agreement to purchase, or if the event is held in a State that has been certified by the Attorney General under section 204 of the Gun Show Loophole Closing Act of 2009, not later than 24 hours after such date (or 3 business days after such date if additional information is required in order to verify disqualifying information from a State that has not been certified by the Attorney General), notify the nonlicensed transferor and the nonlicensed transferee—

''(A) of any response from the national criminal background check system, or if the licensee has had no response from the national criminal background check system within the applicable time period under this paragraph, notify the nonlicensed transferor that no response has been received and that the transfer may proceed; and

''(B) of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or State law;

''(3) in the case of a transfer at 1 time or during any 5 consecutive business days, of 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or

more, to the same nonlicensed person, in addition to the recordkeeping requirements described in paragraph (4), prepare a report of the multiple transfers, which report shall be—

''(A) on a form specified by the Attorney General; and

''(B) not later than the close of business on the date on which the multiple transfer occurs, forwarded to—

''(i) the office specified on the form described in subparagraph (A); and

''(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

''(4) comply with all recordkeeping requirements under this chapter.

''(e) SPECIAL FIREARMS EVENT LICENSE.—

''(1) IN GENERAL.—The Attorney General shall issue a special firearms event license to a person who submits an application for a special firearms event license in accordance with this subsection.

''(2) APPLICATION.—The application required by paragraph (1) shall be approved if—

''(A) the applicant is 21 years of age or older;

''(B) the application includes a photograph and the fingerprints of the applicant;

''(C) the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under subsection (g) or (n) of section 922;

''(D) the applicant has not willfully violated any of the provisions of this chapter or regulations issued thereunder;

''(E) the applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with the application; and

''(F) the applicant certifies that—

''(i) the applicant meets the requirements of subparagraphs (A) through (D) of section 923(d)(1);

''(ii) the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premises is located; and

''(iii) the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met.

''(3) APPLICATION AND APPROVAL.—

''(A) IN GENERAL.—Upon the approval of an application under this subsection and payment by the applicant of a fee of $200 for 3 years, and upon renewal of a valid registration and payment of a fee of $90 for 3 years, the Attorney General shall issue to the applicant an instant check registration, and advise the Attorney General of that registration.

''(B) NICS.—A special firearms event licensee may contact the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) for information about any individual desiring to obtain a firearm at a special firearms event from any special firearms event vendor who has requested the assistance of the registrant in complying with subsection (c) with respect to the transfer of the firearm, during the 3-year period that begins on the date on which the registration is issued.

''(4) REQUIREMENTS.—The requirements for a special firearms event licensee shall not exceed the requirements for a licensed dealer and the recordkeeping requirements shall be the same.

''(5) RESTRICTIONS.—

''(A) BACKGROUND CHECKS.—A special firearms event licensee may have access to the national instant criminal background check system to conduct a background check only at a special firearms event and only on behalf of another person.

''(B) TRANSFER OF FIREARMS.—A special firearms event licensee shall not transfer a firearm at a special firearms event.

''(f) DEFINED TERM.—In this section, the term 'firearm transaction'—

''(1) includes the sale, offer for sale, transfer, or exchange of a firearm; and

''(2) does not include—

''(A) the mere exhibition of a firearm; or

''(B) the sale, transfer, or exchange of firearms between immediate family members, including parents, children, siblings, grandparents, and grandchildren.''.

(b) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(8)(A) Whoever organizes, plans, promotes, or operates a special firearms event, knowing that the requirements under section 932(a)(1) have not been met—

''(i) shall be fined under this title, imprisoned not more than 2 years, or both; and

''(ii) in the case of a second or subsequent conviction, shall be fined under this title, imprisoned not more than 5 years, or both.

''(B) Whoever organizes, plans, promotes, or operates a special firearms event, knowing that the requirements under subsection (a)(2) or (c) of section 932 have not been met, shall be fined under this title, imprisoned not more than 5 years, or both.

''(C) Whoever organizes, plans, promotes, or operates a special firearms event, knowing that the requirements under section 932(a)(3) have not been met, shall be fined under this title, imprisoned not more than 2 years, or both.

''(D) In addition to any other penalties imposed under this paragraph, the Attorney General may, with respect to any person who violates any provision of section 932—

''(i) if the person is registered pursuant to section 932(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 932(a); and

''(ii) impose a civil fine in an amount equal to not more than $10,000.''.

(c) UNLAWFUL ACTS.—Section 922(b) of title 18, United States Code, is amended in the matter preceding paragraph (1), by striking ''or licensed collector'' and inserting ''licensed collector, or special firearms event licensee''.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Chapter 44 of title 18, United States Code, is amended in the chapter analysis, by adding at the end the following:

''932. Regulation of firearms transfers at special firearms events.''.

SEC. 204. STATE OPTION FOR 24-HOUR BACKGROUND CHECKS AT SPECIAL FIREARMS EVENTS FOR STATES WITH COMPUTERIZED DISQUALIFYING RECORDS.

(a) IN GENERAL.—Effective 3 years after the date of enactment of this Act, a State may apply to the Attorney General for certification of the 24-hour verification authority of that State.

(b) CERTIFICATION.—The Attorney General shall certify a State for 24-hour verification authority only upon a clear showing by the State, and certification by the Bureau of Justice Statistics, that—

(1) not less than 95 percent of all records containing information that would disqualify an individual under subsections (g) and (n) of section 922 of title 18, United States Code, or under State law, is available on computer records in the State, and is searchable under the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note);

(2) not less than 95 percent of all records containing information that would disqualify an individual under paragraphs (8) and (9) of subsection 922(g) of title 18, United States Code, or under State law, is available on computer records in the State, and is searchable under the national instant criminal background check system established under section 103 of the Brady Handgun Violence Protection Act (18 U.S.C. 922 note); and

(3) the chief judicial officer of the State requires the courts of the State to use the toll-free telephone number described in subsection (d)(1) to immediately notify the National Instant Criminal Background Check System each time a restraining order (as described in section 922(g)(8) of title 18, United States Code) is issued, lifted, or otherwise removed by order of the court.

(c) CLARIFICATIONS.—

(1) DISQUALIFYING INFORMATION.—Disqualifying information for each State under subsection (b) shall include the disqualifying records for that State generated during the 30 years preceding the date of application to the Attorney General for certification.

(2) TOLL-FREE TELEPHONE NUMBER.—Upon a showing by the State that a court of the State has developed computer systems which permit the court to immediately electronically notify the National Instant Criminal Background Check System with respect to the issuance or lifting of restraining orders, the use of the toll-free telephone number described in subsection (d)(1) shall no longer be required under subsection (b)(3).

(d) NOTIFICATION INFRASTRUCTURE.—Before certifying any State under subsection (b), the Attorney General shall—

(1) create a toll-free telephone number through which State and local courts may immediately notify the National Instant Background Check System whenever a restraining order (as described in section 922(g)(8) of title 18, United States Code) is issued, lifted, or otherwise removed by order of the court; and

(2) encourage States to develop computer systems that permit courts to immediately electronically notify the National Instant Criminal Background Check System whenever a restraining order (as described in section 922(g)(8) of title 18, United States Code) has been issued, lifted, or otherwise removed by order of the court.

(e) 24-HOUR PROVISION.—Upon certification by the Attorney General, the 24-hour provision in section 932(c)(2) of title 18, United States Code, shall apply to the verification process (for transfers between unlicensed persons) in that State unless additional information is required in order to verify disqualifying information from a State that has not been certified by the Attorney General, in which case the 3 business day limit shall apply.

(f) ANNUAL REVIEW.—The Director of the Bureau of Justice Statistics shall annually review the certifications under this section.

(g) REVOCATION.—The Attorney General shall revoke the certification required under this section for any State that is not in compliance with subsection (b).

SEC. 205. INSPECTION AUTHORITY.

Section 923(g)(1)(B), of title 18, United States Code, is amended by striking ''or licensed dealer'' and inserting ''licensed dealer, or special firearms event operator''.

SEC. 206. INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.

Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

''(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer,

licensed manufacturer, licensed collector, or special firearms event licensee who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

''(B) If the violation described in subparagraph (A) is in relation to an offense—

''(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

''(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.''.

SEC. 207. INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.

Section 924(a) of title 18, United States Code, as amended by section 203(b), is further amended—

(1) in paragraph (5), by striking ''subsection (s) or (t) of section 922'' and inserting ''section 922(s)''; and

(2) by adding at the end the following:

''(9) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.''.

SEC. 208. RULE OF INTERPRETATION.

A provision of State law is not inconsistent with this title or an amendment made by this title if the provision imposes a regulation or prohibition of greater scope or a penalty of greater severity than any prohibition or penalty imposed by this title or an amendment made by this title.

SEC. 209. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 180 days after the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, February 25, 2009 at 2:30 p.m. in room 106 of the Dirksen Senate office building.

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

COMMITTEE ON ARMED SERVICES

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, February 25, 2009, at 9:30 a.m.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, February 25, 2009 at 10 a.m. in room 406 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 25, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. 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 ''Ensuring Television Carriage in the Digital Age'' on Wednesday, February 25, 2009, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Executive Nominations'' on Wednesday, February 25, 2009, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building.

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

SPECIAL COMMITTEE ON AGING

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Aging be authorized to meet on Wednesday, February 25, 2009 at 10 a.m.–12:30 p.m. in Dirksen 106 for the purpose of conducting a business meeting and hearing.

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

PRIVILEGES OF THE FLOOR

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Ted Vogt of Senator KYL's staff be given floor privileges during the duration of the debate on S. 160.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces on behalf of the Committee on Finance, pursuant to section 8002 of title 26, U.S. Code, the designation of the following Senators as members of the Joint Committee on Taxation: the Senator from Montana (Mr. BAUCUS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from North Dakota (Mr. CONRAD), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Utah (Mr. HATCH).

COMMEMORATING THE ROLE OF ENSLAVED AFRICAN AMERICANS IN THE CONSTRUCTION OF THE CAPITOL

Mr. REID. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. Res. 53 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res 53) authorizing a plaque commemorating the role of enslaved African Americans in the construction of the Capitol.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table en bloc, and that any statements be printed in the RECORD.

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

The resolution (S. Res. 53) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 53

Whereas enslaved African-Americans provided labor essential to the construction of the Capitol;

Whereas enslaved African-Americans performed the backbreaking work of quarrying the stone which comprised many of the floors, walls, and columns of the Capitol;

Whereas enslaved African-Americans toiled in the Aquia Creek sandstone quarry in Stafford County, Virginia and in a marble quarry in Montgomery County, Maryland to produce the stone that would be used in the Capitol;

Whereas the marble columns in the Old Senate Chamber and the sandstone walls of the East Front corridor remain as the lasting legacies of the enslaved African-Americans who worked the quarries;

Whereas enslaved African-Americans also participated in other facets of construction of the Capitol, including carpentry, masonry, carting, rafting, roofing, plastering, glazing, painting, and sawing;

Whereas enslaved African-Americans labored on the Nation's Capitol while they, themselves, were not free;

Whereas the contributions of enslaved African-Americans in the construction of the Capitol have not been acknowledged nor adequately represented in the Capitol;

Whereas no narrative on the construction of the Capitol that does not include the contributions of enslaved African-Americans can fully and accurately reflect the history of the Capitol; and

Whereas recognition of the contributions of enslaved African-Americans brings to all people of the United States an understanding of the continuing evolution of democracy: Now, therefore, be it

Resolved, That the Senate authorizes and directs—

(1) the Senate Commission on Art to procure an appropriate plaque acknowledging the role of enslaved African-Americans in the construction of the Capitol; and

(2) that, under the direction of the Committee on Rules and Administration of the Senate, the plaque shall be placed near the original exterior wall that was constructed between 1793 and 1800 in the East Front corridor on the third floor of the Senate wing of the Capitol.

SUPPORTING CHILDREN'S DENTAL HEALTH MONTH AND HONORING THE MEMORY OF DEAMONTE DRIVER

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consideration of S. Con. Res. 8.

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

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 8) expressing support for Children's Dental Health Month and honoring the memory of Deamonte Driver.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statement be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 8) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 8

Whereas several national dental organizations have observed February 2009 as Children's Dental Health Month;

Whereas Deamonte Driver, a 12-year-old Marylander, died on February 25, 2007, of complications resulting from untreated tooth decay;

Whereas the passing of Deamonte Driver has led to increased awareness nationwide about the importance of access to high-quality, affordable preventative care and treatment for dental problems;

Whereas the primary purpose of Children's Dental Health Month is to educate parents, children, and the public about the importance and value of oral health;

Whereas Children's Dental Health Month showcases the overwhelmingly preventable nature of tooth decay and highlights the fact that tooth decay is on the rise among the youngest children in the Nation;

Whereas Children's Dental Health Month educates the public about the treatment of childhood dental caries, cleft-palate, oral facial trauma, and oral cancer through public service announcements, seminars, briefings, and the pro bono initiatives of practitioners and academic dental institutions;

Whereas Children's Dental Health Month was created to raise awareness about the importance of oral health; and

Whereas Children's Dental Health Month is an opportunity for the public and health professionals to take action to prevent childhood dental problems and improve access to high-quality dental care: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress expresses support for Children's Dental Health Month and honors the life of Deamonte Driver.

MEASURES READ THE FIRST TIME—S. 478, S. 482, H.R. 1105

Mr. REID. Mr. President, I have been led to believe there are three bills at the desk. If that is the case, I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the titles of the bills for the first time, en bloc.

The legislative clerk read as follows:

A bill (S. 478) to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

A bill (S. 482) to require Senate candidates to file designations, statements, and reports in electronic form.

A bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

Mr. REID. I now ask for a second reading en bloc on these matters, but I also object at the same time to my own request, en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will receive their second reading on the next legislative day.

ORDERS FOR THURSDAY, FEBRUARY 26, 2009

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, February 26; 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 the Senate resume consideration of S. 160, the District of Columbia House Voting Rights Act, as under the previous order that has already been entered.

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

PROGRAM

Mr. REID. As I indicated earlier, Senators should expect rollcall votes throughout the day as we work to complete action on the DC House Voting Rights Act. The first vote of the day is expected to begin at 10:30 in relation to the Kyl amendment regarding retrocession.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:25 p.m., adjourned until Thursday, February 26, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HOMELAND SECURITY

JANE HOLL LUTE, OF NEW YORK, TO BE DEPUTY SECRETARY OF HOMELAND SECURITY, VICE PAUL A. SCHNEIDER, RESIGNED.

DEPARTMENT OF JUSTICE

TONY WEST, OF CALIFORNIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE GREGORY G. KATSAS, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203(A):

To be captain

KENT P. BAUER
MARK S. MACKEY

THE FOLLOWING NAMED OFFICERS OF THE UNITED STATES COAST GUARD TO BE MEMBERS OF THE PERMANENT COMMISSIONED TEACHING STAFF OF THE U.S. COAST GUARD ACADEMY IN THE GRADE INDICATED UNDER SECTION 188, TITLE 14, U.S. CODE:

To be lieutenant commander

CORINNA M. FLEISCHMANN
KELLY C. SEALS

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JONATHON V. LAMMERS

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

GARY A. FOSKEY
JAMES P. ROSE
CONNIE L. WARR

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

BRYSON D. BORG
DOUGLAS W. BYERLY
RONEA N. HARRISSTITH
RYAN P. HAWKS
SVEN M. HOCHHEIMER
DAVID J. HOOPES
DEXTER W. LOVE

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

FRANK RODRIGUEZ, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

EDWARD E. TURSKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOSEPH R. KRUPA

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

KATHLEEN P. NAIMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JUAN G. ESTEVA
THOMAS E. STARR

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT F. DONNELLY
ANGELICA REYES

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

RICHARD H. DAHLMAN
REX E. DUNCAN
DAVID A. STILLS

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

JULIE S. AKIYAMA

To be major

ERIN J. BOGGS
DENNIS J. CURTIS
ANDREW L. HAGENMASTER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

MICHAEL L. NIPPERT

To be major

HUIFENG CHIU
JOHN K. GOERTMILLER

THE FOLLOWING NAMED INDIVIDUALS TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MARTIN L. BADEGIAN
PAUL J. DOUGHERTY
MARK J. HODD

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

DEBRA H. BURTON
GARY D. GILMORE
CHRISTINE GLOVER
HAROLD B. JONES, JR.
LEE D. SCHNELL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PAUL P. BRYANT
TONY A. BRYANT
STEVEN J. BUETHE
JOHN DORNEY
WALTER L. GOODWATER
HARRY F. GRIFFIN
THOMAS P. MICHELLI
WILLIAM R. RAY
WALTER M. SALMON
CHRISTOPHER R. WARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

ROBERT J. ABBOTT
BRIAN P. ADAMS
ELIZABETH F. ALLEN
EDWARD G. BAHDI
MICHAEL P. BAILEYS
THOMAS W. BARROW
CHRISTIAN E. BEESE
EDWARD W. BERG
JOSHUA F. BERRY
CATHERINE M. BOWERY
CAROL A. BREWER
JOHN W. BROOKER
BAILEY W. BROWN III
MATTHEW L. BROWN
SHERILYN A. BUNN
SETH D. COHEN
ALBERT G. COURIE III
CHRISTOPHER T. CURRY
CHRISTIAN L. DEICHERT
DANIEL D. DERNER
JEFFREY S. DIETZ
SCOTT A. DIROCCO
PAUL M. DUBBELING
JAMES S. DUPRE, JR.
RAMSEY L. ELLIS
JUSTIN A. EVISON
CHRISTINE C. FONTENELLE
CHRISTOPHER M. FORD
TODD N. GEORGE
DERRICK W. GRACE
WENDALL H. HALL
NJERI S. HANES
IRENE D. HANKS
TODD J. HANKS
ERIC A. HETTINGA
JAMES T. HILL
ADAM S. KAZIN
LAURA R. KESLER
TONY Y. KIM
TIFFANY M. KOTZURCHAPMAN
KEVIN W. LANDTROOP
MARYANN LEAVITT
ROBERT M. LEONE
EDWARD C. LINNEWEBER
JOHN R. MALONEY
COREY J. MARKS
YOLANDA D. MCCRAY
ROBERT P. MCGOVERN
GRIFFIN P. MEALHOW
JOHN J. MERRIAM
TODD A. MESSINGER
EARL G. MITCHELL
DANISHA L. MORRIS
JENNIFER A. NEUHAUSER
DON D. NOBLE
ERIC D. NOBLE
JONATHAN M. PERSONS
EVAH K. POTTMEYER
JOHN M. RATLIFF
ROBERT A. RODRIGUES
PIA W. ROGERS
FRANKLIN D. ROSENBLATT
ROBERT E. SAMUELSEN II
MATTHEW H. SEEGER
CHRISTOPHER C. SHEPPARD
SARAH K. SOJA
PHYLISHA A. SOUTH
PHILIP M. STATEN
DAN E. STIGALL
TIMOTHY W. THOMAS
ALISON M. TULUD
BUHLER M. VAN
ELIZABETH A. WALKER
HEIDI E. WEAVER
ERIC W. WIDMAR
WINSTON S. WILLIAMS, JR.
PATRICK J. WOOLSEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

VANESSA A. BERRY
KEVIN M. BOYLE
TIMOTHY J. CODY
JOSEPH C. FETTERMAN
BRIAN J. GODARD
PATRICIA A. HAM
JOHN S. IRGENS
MARK L. JOHNSON
PAUL E. KANTWILL
JONATHAN A. KENT
CLAES H. LEWENHAUPT
JAMES M. PATTERSON
JEFFERY D. PEDERSEN
DAVID H. ROBERTSON
MARTIN L. SIMS
MICHAEL L. SMIDT
STEPHANIE L. STEPHENS
MARK TELLITOCCI
WALTER S. WEEDMAN
PAUL S. WILSON
GREGORY G. WOODS
SCOTT F. YOUNG

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

EFREN E. RECTO

To be lieutenant colonel

MITCHELL M. MATUNDAN

To be major

NICHOLAS C. CARO
JANICE E. KATZ
DEBORAH C. MARGULES
JOHN G. RUMBAUGH
RENEE Q. THAI
WILLIAM A. WOLKSTEIN

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

SUZANNE D. ADKINSON
JANIS K. BAUMAN
MONTY L. BRODT
JAMES A. BROWN
JAMES F. CHISHOLM IV
WALLACE A. HALL, JR.
LEE W. HOPKINS
RONALD G. MCLAURIN
MARK A. PILKINGTON
BRIAN F. RAY
MICHAEL L. SCHOLES
MICHAEL C. THOMPSON
JAMES B. WASKOM
BRANDON S. WATKINS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DEREK M. ABBEY
VICTOR M. ABELSON
BENJAMIN T. ACKISON
ERNEST E. ADAMS
MICHAEL AGUILAR
OSCAR ALANIS, JR.
CAMERON W. ALBIN
ISMAEL ALCALA
SKENDER ALICKA
RICHARD J. ALLAIN
RYAN P. ALLEN
JOHN F. ALLSUP, JR.
RICHARD ALVAREZ
CLAIRE M. AMDAHL
EDWARD P. AMDAHL
MARK R. AMSPACHER
MICHAEL E. ANDA
AARON D. ANDERBERG
RICHARD A. ANDERSON
SCOTT J. ANDERSON
ANTHONY J. ANGELONE
ALEXANDER C. ARCINAS
DAVID A. ARENAS
DANIEL ARISPE
CHRISTOPHER J. ARMES
LAWRENCE R. ARNOLD
BARRY S. ARNWINE
JAMES A. ATCHISON, JR.
NICOLE V. AUNAPU
BENJAMIN P. AUSBROOKS
ARON M. AXE
DARRYL G. AYERS
RICHARD P. AYRES
ROBERT E. BACZKOWSKI, JR.
TASE E. BAILEY
MATTHEW D. BAIN
JONATHAN T. BAKER
BRADLEY J. BALL
BRIAN W. BANN
DAVID M. BANN
JEFFREY M. BARBER
ROBERT G. BARBER
ADAM N. BARBORKA
DAVID L. BARIL
BRUCE B. BARKER II
CHRISTOPHER R. BARNARD
SEAN W. BARNES
ROBERT M. BARNHART, JR.
ANDREW E. BARTLE
CARRIE C. BATSON
RYAN J. BAUMAN
JAMES F. BEAL
MARC D. BEAUDREAU
JAMES A. BEAULIEU
ROBERT D. BECHTOLD
BRIAN J. BECK
BRITON C. BECK
DALE R. BEHM
RUSSELL A. BELT II
RICARDO BENAVIDES
CHRISTOPHER S. BENFIELD
JOHN T. BERDUSIS
JASON B. BERG
THOMAS A. BERTRAM, JR.
DEREK C. BIBBY
JONATHAN E. BIDSTRUP
CHAD T. BIGNELL
JAMES W. BIRCHFIELD
PAUL F. BISCHOFF
JOE D. BLACK, JR.
EDWARD J. BLACKSHAW
MARC E. BLANKENBICKER
ROBERT H. BLEDSOE, JR.
JOE D. BLOCKER
BRIAN M. BLOMQUIST
CHADD W. BLOOMSTINE
SAMUEL P. BLUNTZER
HORACE J. BLY
NEIL E. BOOHER
JAMES R. BOOTH
JACKLYNN BORREGO
MICHAEL A. BOURQUIN
STEVEN B. BOWDEN
JONATHAN M. BOYD
KURT A. BOYD
BROOKS D. BRADEN
JOSHUA F. BRADSTREET
JERAMY W. BRADY
ROBERT K. BRADY
JOEL P. BRANIECKI
THOMAS J. BRANNAN
BRIAN J. BRODERICK
JOHN N. BROGDON
AARON J. BROOKS
ROBERT B. BROWN
WARREN J. BRUCE
CHARLES B. BUCKLEY, JR.
JEREMY L. BUCKWALTER
JONAS L. BURING
RICHARD D. BURKETT, JR.
GARTH W. BURNETT
MARK E. BURRELL
PATRICK J. BUTLER
FRANCISCO A. CACERES
DONALD A. CAETANO
NATHAN B. CAHOON
MICHAEL C. CALLAGHAN
TROY D. CALLAHAN
DOUGLAS T. CAMPBELL
KEVIN A. CAMPBELL
JOSEPH O. CAMPOMANES
BETH S. CANEPA
CHRISTOPHER J. CANNON
CHAD J. CARBONE
BRIAN P. CAREY
MICHAEL G. CARLE
TRISHA D. CARPENTER
DOUGLAS A. CARR
MICHAEL J. CARRASQUILLA
MISCA T. CARTWRIGHT
PATRICK CAZE
BENJAMIN A. CHAMBERLIN
JOJO CHAMES
JENNIFER K. CHANCY
CHRIS E. CHARLES
BRIAN P. CHASE
RYAN A. CHERRY
ANTHONY P. CHING
BRIAN R. CHONTOSH
JOHN M. CISCO
CHRISTOPHER L. CLAFLIN
CAMERON F. CLARK
ROSA A. CLARKE
EDMUND G. CLAYTON
BRIAN N. CLIFTON
SCOTT A. CLIPPINGER
NEIL M. CLONTZ
BENJAMIN I. CLOSS
DOUGLAS J. COBB, JR.
GARY L. COBB

TEDDY R. COLEGATE
BRAD W. COLLINS
CLINTON J. COLLINS
JEFFREY H. COLLINS
PATRICK B. COLLINS
JAMES R. COMPTON
FREDERICK A. CONGDON
JON P. CONNOLLY
JEREMY L. CONRAD
PAUL J. CORCORAN
JEFFERY N. COSTA
CRISTON W. COX, JR.
GARY D. COX, JR.
WILLIAM C. COX
STEVEN L. CRAIG
SETH J. CRAWFORD
KEVIN A. CRESPO
HERSCHEL J. CRINER III
SEAN E. CRITTENDEN
MICHAEL A. CRIVELLO
MATTHEW R. CROUCH
ROMEO P. CUBAS
DOUGLAS R. CULLINS
THOMAS J. CUNNINGHAM III
MATTHEW J. DAGOSTINO
DENNIS B. DALTON
SCOTT E. DANIELSON
MATTHEW C. DANNER
BENJAMIN M. DAVENPORT
MICHAEL R. DAVIDGE
ALBERTA DAVIS
ROBERT M. DAVIS
BENJAMIN J. DEBARDELEBEN
BRYON S. DECASTRO
ARTHUR G. DECOTIIS, JR.
LISA A. DEITLE
JOEL A. DELUCA
ANTONIO DEMARCO
DANA S. DEMER
GERARD C. DEMPSTER
SUZANNE M. DENAULT
JONATHAN A. DEROSIER
JAMES C. DERRICK
VARPAS S. DESAPEREIRA
DARYL L. DESIMONE
MATTHEW S. DESMOND
STEVEN R. DESROSIERS
JOHN M. DIAZ
JOSUE M. DIAZ
ROBERT P. DICKINSON
DIRK R. DIENER
FRANK E. DILLBECK
JOHN Q. DINH
DEREK L. DIVINE
WILLIAM P. DOBBINS III
CHAD A. DODD
DAVID J. DONNELL
THOMAS F. DONO
CRAIG T. DOUGLAS
CHARLES E. DOWNING III
MICHAEL A. DUBRULE
AARON S. DUESING
JAMES J. DUNPHY
STEVEN J. EASTIN
JASON W. EDHOLM
JASON M. EHRET
JOHN D. ELMS
PETER B. ELTRINGHAM
MATTHEW S. EMBORSKY
BRYAN A. EOVITO
JASON T. ERBECKER
ABEL ESPINOSA
RICCO A. ESPINOZA
JEAN P. EXANTUS
JOHN A. FABBRI
BRIAN M. FAUSETT
ISTVAN P. FEHER
FOSTER C. FERGUSON
BRADLEY G. FESSLER
ANTHONY J. FIACCO
JASON A. FILOS
CLAY T. FIMIANI
DOUGLAS Y. FINN
NIGEL A. FISCHER
DAVID M. FITZSIMMONS
RYAN P. FLANAGAN
KATE E. FLEEGER
IAN C. FLETCHER
JAMES F. FOLEY
MONTY J. FONTENOT
JAMES C. FORD III
STEVEN M. FORD
MATTHEW W. FOREMAN
MORINA D. FOSTER
MARK C. FOWLER
MARY C. FOWLIE
JAMISEN L. FOX
SHARON U. FRANCO
JASON D. FRANZ
JOSHUA T. FRASER
FRANKLIN H. FREEMAN
CHRISTOPHER J. FROUDE
JOSE L. FUENTES
JAMES V. FULGINITI
BRIAN S. GAHAGAN
MARTIN J. GALLAGHER
NICHOLAS L. GANNON
JOSEPH M. GARAUX
STEVEN J. GASPER, JR.
BRANDON J. GAUDREN
KENNETH C. GAWRONSKI
ANDREW S. GEER
MICHAEL G. GEHRKI
ALFRED J. GEOFFRION III
MARK P. GEORGE
WAYNE H. GESCHWINDT
ALEXANDER E. GILBERT
LAURIE A. GILLESPIE
PAUL L. GILLIKIN
JOHNNIE R. GLADDEN III
STUART W. GLENN
DEBRA R. GOMEZ
ANDREW C. GONZALEZ
KEVIN J. GOODWIN
ROBERT J. GORDON
GEOFFREY Z. GOSIK
SVEN L. GOSNELL
DAVID J. GRABOW
JEREMY J. GRACZYK
CHRISTOPHER J. GRANGER
BRIAN R. GRANT
BENJAMIN J. GRASS
SHANNON C. GREENE
DANIEL H. GROELING
MILES N. GROGAN
KARA J. GRUVER
DAVID J. GUSTAFSON
KWABENA K. GYIMAH
BRYAN P. HALL
MATTHEW E. HALL
MICHAEL L. HALLIGAN II
POLLARD D. HAM
KELLY A. HANCOCK
JAISUN L. HANSON
BYRON R. HARDER
OWEN HARLEMAN
MASON E. HARLOW
JAMES G. HARRIS
JOHN E. HARRIS III
BENJAMIN B. HARRISON
BRIAN T. HASHEIDER
STANTON C. HAWK
MATTHEW C. HAWKINS
CHARLES E. HAWTHORNE, JR.
MICHAEL G. HAYS
RYAN K. HAZLETT
WILLIAM G. HEIKEN
MATHEW E. HEIL
FILIP E. HEIST
KATHRYN E. HENDEL
PATRICK S. HENRY
GLEN C. HENTON
RONNEY HERRERA
WILLIAM J. HERRON
JONATHAN D. HESKETT
BRIAN J. HESLIN
JEREMIE N. HESTER
MICHAEL K. HICKS
EVAN L. HILL
AARON R. HINMAN
ANTONIO HINOJOSA
CEDAR L. HINTON
MICHAEL M. HOFFMAN
MICHAEL W. HOLCOMB
ERIC L. HOLMES
FORREST W. HOOVER III
RICARDO A. HOPE
BILLY S. HORTMAN
RYAN P. HOUGH
SAMUEL E. HOWIE
PAUL C. HUDSON
JEFFREY C. HUGHES
JEFFREY W. HULLINGER
CHRISTOPHER D. HUNT
KEVIN G. HUNTER
MICHAEL R. HYDE
DAVID H. ICKLES
AUGUST R. IMMEL
FRED J. INGO III
DENNIS J. IVAN
RYAN A. JACOBS
MATTHEW T. JAMES
DAVID A. JANSEN
GERMAINE S. JENKINS
CHARLES A. JINDRICH
JAMES W. JOHNSON
LARRY E. JOHNSON, JR.
MICHAEL S. JOHNSON
NICHOLAS D. JOHNSON
STEVEN C. JOHNSON
ANTHONY C. JOHNSTON
CHARLES C. JONES
JASON R. JONES
KENNETH M. JONES
WILLIAM R. JONES
MICHAEL J. KANSTEINER
MICHAEL A. KAPPELMANN
ALLEN J. KASHUBA
JASON P. KAUFMANN
SRIDHAR B. KAZA
MICHAEL S. KEANE
BEVIN J. KEEN
PAUL B. KEENER
ERIC J. KEITH
HERMAN C. KEMP
MICHAEL R. KENDRICK
JOHN J. KENNELEY
JONATHAN Q. KENNEY
RORY D. KENT
ZENON W. KESKE
ADAM K. KESSEL
KYLE R. KILIAN
MARSHALEE E. KING
TRENT C. KINGERY
CHRISTOPHER N. KINSEY
TARA J. KIPFER
PHILLIP E. KIRKMAN
CHRISTOPHER J. KLEMKO
WILLIAM F. KLUMPP III
JOHN G. KOLB
CHRISTOPHER M. KRAHULEC
KORVIN S. KRAICS
ERIC M. KROSS
JOHN D. KRYSA
DAVID W. KUMMER, JR.
JASON M. KUT
JI Y. KWON
DANIEL C. LAMMERS
BRIAN T. LAURENCE
DAVID F. LAWRENCE
JOHN K. LE
WYLAND F. LEADBETTER III
STEPHEN J. LEBO
ANDY R. LEE
CEDRIC N. LEE
JEREMY E. LEE
YONG J. LEE
ERIK LEIN
TYLER D. LEONARD
ARIC C. LIBERMAN
JEFFREY R. LIEBENGUTH
PATRICK F. LIENEWEG
ERNEST C. LINCOLN
ROBERT E. LINGLER
DUANE LIPTAK, JR.
AARON C. LLOYD
JOHN E. LOGAN III
WILLIAM L. LOMBARDO
LINDA D. LONG
MICHAEL G. LONG
DAVID M. LOVEDAY
LAWRENCE M. LOWMAN II
DAVID R. LUBER
JASON S. LUCERO
JOSEPH T. LUDICK
MATTHEW D. LUNDGREN
SEAN J. LYNCH
SETH W. MACCUTCHEON
STEPHEN P. MACKEY
BART E. MACMANUS
JOHN C. MACMURRAY
CLIFFORD S. MAGEE
ROGER T. MAHAR
DAVID M. MANIMTIM
PETER A. MANTUANO
JEFFREY T. MARANTETTE
ELIO F. MARCILLOMUNOZ
ADRIAN T. MARINEZ
MATTHEW A. MARKHAM
MATTHEW J. MARKHAM
ERIC D. MARSHALL
GRIFFITH M. MARSHALL
PAULA D. MARSHALL
JASON T. MARTIN
JOEY S. MARTIN
MATTHEW J. MARTIN
PATRICK C. MARVIL
WILLIAM J. MATORY
TROY P. MATTERN
MITCHELL T. MAURY
MICHAEL L. MAYNE
COREY A. MAZYCK
CHRISTOPHER A. MCALLISTER
CHRISTOPHER B. MCARTHUR
DANIEL C. MCBRIDE
GLENN E. MCCARTAN
ROBERT G. MCCARTHY III
SEAN P. MCCARTHY
MARK A. MCCAULEY
KELLY A. MCCONNELL
MICHAEL J. MCCOY
MATTHEW F. MCDONALD
IAN K. MCDUFFIE
MICHAEL P. MCFERRON
SARA E. MCGRATH
CHRISTOPHER P. MCGUIRE
KENNETH A. MCKEAN, JR.
MICHAEL W. MCKENNEY
MATTHEW J. MCKINNEY
ROBERT M. MCLELLAN
CHARLES C. MCLEOD, JR.
JASON MCMANIGLE
BOYD R. MCMURTREY
ERIC A. MEADOR
RICARDO A. MEDAL
DONALD H. MEEK, JR.
FERNANDO MELENDEZ
MARCOS A. MELENDEZ III
MICHAEL J. MENDIETA
TAUNJA M. MENKE
SEAN M. MERLIN
RONNIE D. MICHAEL
DANIEL W. MICKLIS
MICHAEL P. MILBURN
JONPAUL MILLER
KASEY C. MILLER
MATTHEW S. MILLER
SEAN D. MILLER
ANDREW H. MILLS
BRETT C. MINER
MARK T. MITCHELL
SEAN P. MITZEL
TIMOTHY W. MIX
BRIAN L. MIZE
JEFFREY M. MONAGHAN
THOMAS B. MONDOUX
ERIC D. MONTALVO
VINCENT M. MONTGOMERY
TYLER J. MOORE
SERGE P. MOROSOFF
STEPHEN D. MORRISON
JOSEPH E. MOYE
HOWARD MUI
SEAN P. MULLEN
MICHAEL K. MULLINS
MATTHEW K. MULVEY
MANUEL F. MUNOZ
JOHN P. MUNTZER
CHRISTOPHER J. MURPHY
CORRY P. MURPHY
DANIEL M. MURPHY

JAMIE P. MURPHY
MARK E. MURPHY
ROBERT P. MURPHY, JR.
MATTHEW R. MURRAY
JASON N. MYERS
ROBERT N. MYERS, JR.
DAVID M. NAEHER
EUGENE F. NAGY
JOHN M. NASH VII
EDWARD N. NASTASE
DOMINIQUE B. NEAL
STUART T. NEAS
CHRIS J. NELSON
JONATHAN N. NELSON
JOSHUA H. NELSON
MICHAEL A. NELSON
THAI N. NGUYEN
MATTHEW S. NICHOLS
CHRIS L. NICHOLSON
ROY J. NICKA
MATTHEW A. NIELAND
DEREK C. NIELSEN
DANIEL M. NOLAN
JOHN P. NORMAN
TODD A. OBRIEN
KENNETH J. OCONNOR, JR.
DENNIS ODONNELL
MATTHEW M. ODONNELL
JONATHAN M. OGORMAN
DEREK J. OLIVER
TODD B. OPALSKI
ERIK V. ORIENT
JUAN A. OROZCO
DAVID M. ORTIZ
JEREMY P. OSBORNE
WILLIAM V. OSBORNE III
JAMES P. OSULLIVAN
NEIL E. OSWALD
JENNY A. OUELLETTE
TEGAN K. OWEN
STEVEN A. PACHECO, JR.
JAVIER PALOMO
CHRISTIAN C. PAPPAS
EDELEN A. PARKER
JENNIFER S. PARKER
JOHN B. PARKER
JOSEPH G. PARKER
KRISTOPHER L. PARKER
THOMAS D. PARMITER
SEAN B. PATTON
JAMES C. PAXTON III
ANDREW T. PAYNTER
STEPHEN T. PEARSON
WILLIAM F. PELLETIER III
JEFFREY S. PELT
AMOS J. PERKINS III
MATTHEW R. PETER
ERIK A. PETERSON
JOHN E. PETERSON
ATIIM O. PHILLIPS
TYLER L. PHIPPS
ROBERT A. PIAGENTINI, JR.
DAVID K. PIDGEON
KRISTEN M. PIRTTINEN
CHARLES T. POLLOK II
MATTHEW E. POOLE
RYAN C. POPE
JOSEPH J. PORRAZZO, JR.
MISTY J. POSEY
DAVID L. POULERIS
JOHN A. PRATHER
MICHAEL W. PRETUS
CHARLES A. PRIDDY
HENRY R. PROKOP
JACOB L. PURDON
JAMES N. PUTNAM III
JASON P. QUINTER
ANTHONY J R. QUITUGUA
CHRISTOPHER E. RABASSI
MICHAEL A. RADYNSKI
MICHAEL E. RAIFF
BILLY H. RAMSEY
ALEX J. RAMTHUN
JOSHUA J. RANDALL
ADAM D. RANSON
RICHARD A. RASMUSSEN
JONATHAN D. RAYMOND
CHRISTOPHER J. REHWALDT
CHARLES P. REICHE, JR.
JEREMY E. REINFELD
CAMERON M. RENNER
GLEN J. REUKEMA
CHRISTOPHER M. REYNOLDS
JARET R. RHINEHART
BOBBY R. RHODES
THOMAS E. RICHARDS III
TRAVIS R. RICHIE
ABIGAIL M. RICHMOND
TIMOTHY R. RICHMOND
ANTHONY C. RICKMAN
ANNA M. RILEA
ANDREW F. RILEY
RUBEN S. RILLOS
JASON D. ROACH
CHAD E. ROBERTS
HOWARD L. ROBERTS
JASON K. ROBERTS
CHRISTIAN M. ROBERTSON
JACOB Q. ROBINSON
DARREN M. ROCK
BRIAN L. ROCKEL
MICHAEL J. ROD
EDNA RODRIGUEZ
RODNEY C. RODRIGUEZ
ERIC Q. ROSE
MARCUS V. ROSSI
CHRISTOPHER P. ROY
LOU H. ROYER
MITCHELL F. RUBINSTEIN
NEIL A. RUGGIERO
PETER M. RUMMLER
ANDREW A. RUNDLE
FRANK C. RUNDUS
KEVIN L. RUSCH
KEVIN M. RYAN
WILLIAM J. RYAN III
MICHAEL J. SADDLER
DONOVAN J. SALERNO
TODD M. SANDERS
ERIC SANTHUFF
BRIAN P. SANTUCCI
RYAN B. SATHER
MARK F. SCHAEFER
RICHARD R. SCHELLHAAS
JACKIE L. SCHILLER II
RYAN A. SCHILLER
WILLIAM R. SCHMIDT
ZACHERY M. SCHNEIDER
ANDREW J. SCHOENMAKER
STEVEN M. SCHREIBER
AARON J. SCHWARTZ
JAMES P. SCONFIETTI III
JON C. SEE
WILLIAM G. SEELMANN, JR.
MARCO D. SERNA
RYAN C. SHAFFER
JASON A. SHARP
DALLAS E. SHAW, JR.
KEVIN A. SHEA
RYAN D. SHEA
SEAN M. SHEA
DAVID M. SHEARMAN
GARY A. SHILL
DAVID A. SHIPLEY
JASON R. SHOCKEY
KYLE B. SHOOP
GEOFFREY S. SHOWS
ERIK T. SIEGEL
ANDREW J. SIMMONS
THOMAS M. SIVERTS
KEVIN W. SKENE
WILLIAM G. SLACK
DEVIN A. SMILEY
MARK A. SMITH
RANDALL W. SMITH
WILLIAM R. SMITH
TEMITOPE O. SONGONUGA
JEREMY T. SOULE
JEFFREY T. SPEEDY
AMMIN K. SPENCER
THOMAS D. SPRADLIN
ERIK T. SPRAGUE
JESS K. SPRINGFIELD
KIRK SRIPINYO
SCOTT A. STAHL
GREGORY STARACE
STEPHEN A. STARR
MATTHEW L. STEELE
RICHARD R. STEELE
DAWN M. STEINBERG
SCOTT E. STEPHAN
WILLIAM G. STEUBER
BRENT W. STEVENS
LATRESA A. STEWARD
KEVIN M. STOFFELL
JASON R. STOJKA
ROBERT M. STORCK
JEROME A. STOVALL
JOSHUA D. STRAND
MARK A. STRATTON
BRENT W. STRICKER
JAMES I. STRICKLER
MARK W. STROM
PAUL D. STUBBS
SHAWN C. STUDLEY
BRENDAN P. SULLIVAN
JUAN P. SVENNINGSEN
GREGORY T. SWARTHOUT
JEFFREY M. SYKES
ALLEN E. SZCZEPEK, JR.
KEVIN J. SZEPE
SPENCER A. SZEWCZYK
ANIELA K. SZYMANSKI
PHILIP J. TADENA
KOICHI TAKAGI
BENJAMIN J. TAYLOR
CASEY L. TAYLOR
TIMOTHY S. TAYLOR
JOHN J. TEBBETTS
STEPHEN W. THEBERGE
BRANDON K. THOMAS
CHRISTOPHER J. THOMAS
DANIEL J. THOMAS
GRAHAM E. THOMAS
SEA S. THOMAS
FARRAH M. THOMPSON
HARRY K. THOMPSON, JR.
ARTHUR J. THORNTON
FLETCHER C. TIDWELL
KEITH P. TIGHE
DAVID F. TOLAR
TIMOTHY L. TORMEY
DAMON M. TORRES
GILBERTO TREJO, JR.
MATTHEW A. TREPTOW
NATALIE M. TROGUS
ANDREW M. TURNER
DAVID A. TURNER
RUSSELL A. TUTEN
PHILIP A. TWEED
CHAD L. ULRICH
RODOLFO S. URIOSTEGUI
STEVE URREA
JAMES R. UWINS
DILLON D. VADEN
JAMES R. VALLARIO
PAUL L. VANDERWATER
BRADLEY J. VANSLYKE
DAVID P. VAUGHAN, JR.
WILLIAM L. VAUGHAN, JR.
CHRISTIAN R. VELASCO
MATTHEW L. VOGT
MICHAEL P. VOLMER
JASON T. VRABLE
DENNIS C. WAIT
KAREN M. WALKER
WILLIAM F. WALKER
SEAN R. WALSH
ERIC J. WALTHER
WILLIAM L. WARD
LUKE T. WATSON
HUGH D. WEAVER
DALE H. WEBSTER
MARK B. WEINRICH
KEEGAN J. WELCH
SCOTT F. WELCH
SEAN T. WELCH
RYAN D. WELKEN
MICHAEL A. WELSCH
NICHOLAS J. WESSMAN
MARVIN T. WHITE
BRANDON L. WHITFIELD
BRIAN B. WILCOX
ANA C. WILLIAMS
ANTONIO V. WILLIAMS
MALCOLM A. WILLIAMS
ERIC J. WILLIAMSON
ERIC D. WILSON
NICHOLAS R. WINEMAN
NICOLAS R. WISECARVER
MARK E. WOODARD
JOHN D. WRAY
GREGORY D. WRIGHT
KHARI C. WRIGHT
JACK Z. WU
JOSEPH T. YAMRICK
PETER B. YOUNG
MARK E. ZARNECKI
ANTHONY E. ZINNI
MATTHEW P. ZUMMO
JANHENDRIK C. ZURLIPPE
ROBERT B. ZWAYER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

HARALD AAGAARD
MARC A. ALEXANDER
DAVID C. ANDERSON
RICHARD T. ANDERSON
KARL R. ARBOGAST
VIRGILIO G. ARCEGA, JR.
VICTOR W. ARGOBRIGHT II
ERIK A. ARRINGTON
ANDREW A. AUSTIN
LARRY A. BAILEY, JR.
THOMAS P. BAJUS II
WILLIAM T. BAKER
AISHA M. BAKKAR
WESLEY T. BANE
DAVID G. BARDORF
STEPHEN D. BATES
JASON A. BELL
AARON E. BENNETT
DANIEL G. BENZ
ANDREW J. BERGEN
JOHN J. BERGERON
DAVID R. BERKE
DAMIAN A. BESS
WAYNE R. BEYER, JR.
NED M. BIEHL
CAROLYN D. BIRD
FRED W. BISTA III
THOMAS J. BLACKWELL
KEITH R. BLAKELY
PATRICK R. BLANCHARD
DAVID M. BLANKENSHIP
RICHARD A. BOGIN
JACK G. BOLTON
CHRISTOPHER J. BONIFACE
MICHAEL A. BOORSTEIN
PARRISH M. BOULWARE
GILES R. BOYCE
DARREN S. BOYD
JESSICA M. BRADLEY
KENNETH L. BRIGGS
ROBERT B. BRODIE
PHILLIP V. BROOKING
MICHAEL A. BROOKS, JR.
DEREK J. BROSTEK
DAREN L. BROWN
LARRY G. BROWN
BRIAN T. BRUGGEMAN
MICHAEL D. BRYAN
ALVIN BRYANT, JR.
DUNCAN J. BUCHANAN
KEITH E. BURKEPILE
TIMOTHY G. BURTON
MICHAEL J. BYRNE
CHRISTOPHER T. CABLE
THOMAS H. CAMPBELL III
EDWARD T. CARD, JR.
KEVIN T. CARLISLE
DANIEL P. CARLSON
WILLIAM P. CARROLL
SEAN M. CARY
ROBERT T. CASTRO
HENRY CENTENO, JR.
JEROME J. CHANDLER

SEAN S. CHARNEY
FRANCIS K. CHAWK III
ROBERT R. CHESHIRE
VINCENT J. CIUCCOLI
RONALD J. CLARK
DARIN J. CLARKE
MARK H. CLINGAN
ERIC D. CLOUTIER
ERIK E. COBHAM
MICHAEL R. COLETTA
BRIAN C. COLLINS
SEAN C. COLLINS
JESSE C. CONSTANTE
MARK S. COPPESS
BRYAN C. CORCORAN
LEE A. CRACKNELL
MITCHELL A. CRIGER
JOSEPH E. CROSS
SHAWN P. CUNNINGHAM
WARREN J. CURRY
HUGH C. CURTRIGHT IV
CHRISTOPHER H. DALTON
GEORGE J. DAVID
VAN M. DAVIDSON III
EDWARD J. DEBISH
JOSEPH K. DECAPITE
DWIGHT E. DEJONG
JOSEPH E. DELANEY
STEVEN J. DELAZARO
CHRISTOPHER F. DELONG
DOUGLAS L. DEWITT
GEORGE W. DICKEY, JR.
ROSWELL V. DIXON
CHARLES B. DOCKERY
JONATHAN M. DONIGAN
SIMON M. DORAN
MICHAEL J. DOUGHERTY
LANCE A. DOWD, JR.
CHRISTOPHER G. DOWNS
JASON C. DRAKE
TIMOTHY R. DREMANN
ALFREDO DUBOIS
MICHAEL S. DUCAR
JONATHAN P. DUNNE
BRIAN P. DUPLESSIS
TOBY G. DYER
DOUGLAS S. DYSON
ANDREW C. EANNIELLO
JAY M. EGLOFF
STACY L. EIBEN
EDWARD J. EIBERT, JR.
RANDAL S. ENGBERG
PETER J. EPTON
MICHAEL R. ERCOLANO III
MATTHEW W. ERICKSON
GABRIEL J. FABBRI
DAVID M. FALLON
TYRONE H. FERREL
JOHN M. FIELD
WALKER M. FIELD
SHAUN M. FITZSIMMONS
GREGORY P. FLAHERTY
SETH W. FOLSOM
BRIAN W. FOSTER
LEON J. FRANCIS
TYRONE R. FRANKLIN
ANTHONY N. FRASCO
CHRISTOPHER M. FREY
FRIDRIK FRIDRIKSSON
ADOLFO GARCIA, JR.
DENISE M. GARCIA
ERIC GARCIA
SEAN B. GARICK
WENDY S. GARRITY
JEFFREY W. GARZA
JOSHUA K. GELERTER
DANA A. GEMMINGEN
DAVID S. GIBBS
JOSEPH C. GIGLIOTTI
ALLEN L. GILBERT
BRIAN S. GILDEN
BRIAN L. GILMAN
KEVIN D. GLATHAR
RUFINO H. GOMEZ
BRUCE D. GORDON
KURT I. GORDON
THOMAS D. GORE
RONALD S. GOUKER
RYAN G. GOULETTE
WILLIAM C. GRAY
BARTT G. GREENE
KIRK A. GREINER
KRISTINA K. GRIFFIN
ALLEN D. GRINALDS
BRADLEY G. GROSVENOR
GREGORY L. GRUNWALD
PAUL GULBRANDSEN
RYAN R. GUTZWILLER
JOHN M. HACKEL
CHARLES C. HALE
HOWARD F. HALL
ROBERT J. HALLETT
JAMES G. HAMILL
JEFFREY C. HANIFORD
JARED J. HANSBROUGH
DOUGLAS HARDY
JAMES A. HARRIS IV
BRETT A. HART
DENNIS J. HART
EDWARD B. HASTINGS
BRIAN C. HAWKINS
MARK D. HAWKINS
MAURA M. HENNIGAN
JAMES C. HERRERA
STEVEN J. HIMELSPACH
ERIC HIMLER
BRADEN W. HISEY
GARRETT R. HOFFMAN
RANDALL S. HOFFMAN
JASON T. HOLDEN
JAY M. HOLTERMANN
TRAVIS L. HOMIAK
SAMUEL K. HOWARD
MATTHEW F. HOWES
CHRISTOPHER D. HRUDKA
DAVID W. HUDSPETH
NICOLE K. HUDSPETH
SHAWN J. HUGHES
LAWRENCE K. HUSSEY
CLAUDE O. HUTTON, JR.
ADAM E. HYAMS
LANCE A. JACKOLA
BETHANY D. JENKINS
LARRY M. JENKINS, JR.
DANNY L. JOHNSON
ERIC S. JOHNSON
KARL E. JOHNSON
MICHAEL H. JOHNSON
SCOTT R. JOHNSON
TERRY M. JOHNSON
JOSEPH W. JONES
MICHAEL A. JUENGER
DAVID A. KALINSKE
ROBERT A. KAMINSKI
BRIAN H. KANE
STEPHEN F. KEANE
GERALD W. KEARNEY, JR.
THOMAS D. KEATING
JASON T. KEEFER
HUNTER R. KELLOGG
LYLE R. KENDOLL
MATTHEW J. KENT
SEAN C. KILLEEN
THOMAS T. KING
KARL K. KNAPP
BRENT A. KNIPPENBERG
ERIC J. KNOWLTON
KEITH F. KOPETS
THOMAS G. LACROIX
GEORGE LAMBERT
MICHAEL L. LANDREE
TROY D. LANDRY
DANIEL L. LANG
JONATHAN E. LANGLOIS
CHRISTOPHER J. LAUER
STEPHEN J. LAVELLE
KENNETH G. LEE
CRAIG C. LEFLORE
THOMAS A. LENHARDT
GLEN A. LEWIS
STEPHEN J. LIGHTFOOT
GORDON J. LIMB
MARK A. LIST
THOMAS S. LITTLE II
FERDINAND F. LLANTERO
GARY J. LOBERG
DAVID W. LOCKNER
BART W. LOGUE
CHARLES M. LONG, JR.
ERIK C. LOQUIST
NICHOLAS J. LOURIAN
WILLIAM A. LOVEWELL
DOUGLAS G. LUCCIO
BENJAMIN J. LUCIANO
SCOTT J. LUCKIE
CHRISTOPHER G. MADELINE
WAYNE K. MAGRISI
ROBERT K. MALDONADO
EUGENE A. MAMAJEK, JR.
GREGORY MARCHLINSKI
GEORGE W. MARKERT V
MARIA A. MARTE
MICHAEL J. MARTIN
VINCE R. MARTINEZ
AARON C. MARX
KEVIN J. MASSETT
RICHARD P. MATYSKIELA
PETER MCALEER
PETER L. MCARDLE
BRIAN G. MCAVOY
JAMES P. MCDONOUGH III
JASON S. MCFARLAND
RONALD H. MCLAUGHLIN
CARL L. MCLEOD
DANIEL J. MCMICHAEL
MICHAEL E. MCWILLIAMS
JAMES E. MEEK
PAUL M. MELCHIOR
JASON D. MERKER
PETER M. MEYER
RICARDO MIAGANY
CARL W. MILLER III
GORDON D. MILLER
MICHAEL T. MILLER
PAUL W. MILLER
TIMOTHY P. MILLER
JOHN E. MING
TIMOTHY B. MISSLER
JOSEPH F. MOFFATT III
IVAN I. MONCLOVA
MARTY A. MOORE
JEFFERY M. MORGAN
MATTHEW W. MORGAN
MICHAEL D. MORI
DAVID C. MORRIS
JAMES D. MOSELEY
CHARLES J. MOSES
MATTHEW T. MOWERY
KIRK D. MULLINS
MICHAEL B. MULLINS
BRENDAN S. MULVANEY
MICHAEL J. MURCHISON
NEIL F. MURPHY, JR.
ADAM L. MUSOFF
LEONARD E. NEAL
STEPHEN L. NEWSOME
KEVIN A. NORTON
KIRK D. NOTHELFER
TILEY R. NUNNINK
CHRISTOPHER H. OLIVER
ERIC R. OLSON
KEVIN T OROURKE
THOMAS F. OSTERHOUDT
RUSSELL W. PARKER
KEITH A. PARRY
SEAN W. PASCOLI
SEAN P. PATAK
MARK P. PATTERSON
JEFFREY M. PAVELKO
JOHN G. PAYNE, JR.
TODD R. PEERY
MICHAEL J. PELAK
JEFFREY P. PELLEGRINO
MICHAEL J. PEREZ
JACK D. PERRIN
BRIAN R. PETERSON
ERIC J. PETERSON
ADIN M. PFEUFFER
MATTHEW H. PHARES
DAVID M. PHILLIPPI
ROBERT C. PIDDOCK
GREGORY T. POLAND
KATHERINE I. POLEVITZKY
ANTHONY G. PORTER
JOEL P. POUDRIER
MICHAEL J. POWELL
TRAVIS L. POWERS
JASON M. PRATT
BRIAN C. PROCTOR
MICHAEL B. PROSSER
RANDOLPH G. PUGH
GREGORY T. PUNTNEY
ERIC R. QUEHL
INNES QUIROZ
CHRISTIAN M. RANKIN
KYLE G. RASH
JOSEPH D. REEDY III
GARY R. REIDENBACH
BRENT C. REIFFER
JUSTIN R. REIMAN
MARK S. REVOR
GREGORY F. RHODEN
EDWIN R. RICH II
CHRISTIAN D. RICHARDSON
MICHAEL M. RICHMAN
BRET H. RITTERBY
RALPH J. RIZZO, JR.
CHRISTOPHER C. ROBINSON
SCOTT A. ROBINSON
JOHN H. ROCHFORD II
CHRISTOPHER W. ROE
GARY T. ROESTI
KEVIN C. ROSEN
BRIAN A. ROSS
JEFFREY A. ROTHSTEIN
JOHN D. ROUNTREE
ROBERT V. RUBIO
JOSEPH E. RUPP
NATHAN M. RUSH
PHILLIP D. SANCHEZ
KENNETH M. SANDLER
REX W. SAPPENFIELD
WILLIAM R. SAUERLAND, JR.
DOUGLAS G. SCHAFFER
JOHN L. SCHAURES
PHILLIP J. SCHENDLER
BYRON L. SCHLATHER
KEVIN A. SCHLEGEL
RICHARD J. SCHMIDT
DANIEL A. SCHMITT
TIMOTHY L. SCHNEIDER
GEORGE C. SCHREFFLER III
BRYNN H. SCHREINER
RAYMOND J. SCHREINER
MARK R. SCHROEDER
CRAIG R. SCHWETJE
JEFFREY P. SCOFIELD
JEFFREY B. SCOTT
MATTHEW R. SEAY
ANTHONY T. SERMARINI
JOEL V. SEWELL
PATRICK S. SEYBOLD
CHRISTOPHER B. SHAW
MATTHEW R. SHENBERGER
TIMOTHY A. SHEYDA
MATTHEW C. SHORTAL
BRYAN W. SIMMONS
BRIAN D. SIMON
PATRICK E. SIMON
THOMAS K. SIMPERS
BRIAN C. SMITH, JR.
DOUGLAS W. SMITH
SINCLAIR D. SMITH
BLAIR J. SOKOL
THOMAS M. SONGSTER II
JOHN W. SPAID
WILLIAM R. SPEIGLE II
DANIEL N. SPRENKLE, JR.
WILLIE M. STANSELL III
TIMOTHY STEFANICK
KIMBERLY A. STEPHENS
THOMAS S. STEPHENS, JR.
JEFFREY J. STOWER
ROBERT E. STPETER
ANDREW J. STRALEY
KURT A. STRANGE
MICHAEL S. STYSKAL
EDWARD R. SULLIVAN
JOHN P. SULLIVAN, JR.
CHRISTOPHER S. SUTTON
ROBERT T. SWEGINNIS

JONATHAN S. SWOPE
JEFFREY A. SYMONS
GLENN K. TAKABAYASHI
RODNEY R. TATUM, JR.
MATTHEW J. TAYLOR
STACEY L. TAYLOR
GEOFFREY T. TETTERTON
TYRONE P. THERIOT
CHRISTOPHER J. THIELEMANN
ALISON J. THOMPSON
CHRISTOPHER G. TOLAR
DONALD J. TOMICH
JONATHON A. TONEY
BRADLEY S. TRAGER
SCOTT B. TRAIL
KEVIN C. TRIMBLE
PATRICK M. TUCKER
JOON H. UM
CARLOS A. VALLEJO
DAVID T. VANBENNEKUM
JEFFREY A. VANDAVEER
JOHN T. VAUGHAN
NICHOLAS P. VAVICH
SCOTT W. VOGT
SCOTT W. WADLE
EVAN R. WAHL
DAVID C. WALLIS III
BENNETT W. WALSH
GILBERT A. WARNER
CLARK E. WATSON
AARON D. WEISS
STEPHAN F. WHITEHEAD
JAMES S. WHITEKER
BYRON T. WIEDEMAN
WADE E. WIEGEL
JOHN J. WIENER
CRAIG W. WIGGERS
GEORGE A. WILLIAMS
KEVIN A. WILLIAMS
VERNON J. WILLIAMS
AHMED T. WILLIAMSON
ROBERT A. WINSTON
ROBERT L. WISER
ARTHUR J. WOODS
DONALD R. WRIGHT
GREGORY A. WYNN
VINCENT J. YASAKI
ERIC K. YINGST, JR.
SETH E. YOST
MARK W. ZIPSIE